



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: July 4, 2019
Time: 12:30 pm
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 12:30 PM - 12:35 PM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **REPORTS** 12:35 PM - 1:00 PM
 - 3.1 Trustee Reports
 - 3.2 Chair's Report
 - 3.3 Electoral Area Director's Report
4. **TOWN HALL** 1:00 PM - 1:10 PM
5. **MINUTES** 1:10 PM - 1:15 PM
 - 5.1 Local Trust Committee Minutes dated June 6, 2019 - for adoption 4 - 11
 - 5.2 Section 26 Resolutions-Without-Meeting - none
 - 5.3 Advisory Planning Commission Minutes - none
6. **BUSINESS ARISING FROM MINUTES** 1:15 PM - 1:40 PM
 - 6.1 Follow-up Action List dated June 27, 2019 12 - 17
 - 6.2 Revisions to the Meeting Participation Guidelines - Trustee Busheikin - to be distributed
 - 6.3 Density Register - Motion from Trustee Critchley 18 - 18

7.	DELEGATIONS	1:40 PM - 1:50 PM	
7.1	Ron Wilson for Concerned Residents for Climate Action		
	----- BREAK 1:50 PM to 2:10 PM -----		
8.	APPLICATIONS, REFERRALS and BYLAWS	2:10 PM - 3:15 PM	
8.1	DE-RZ-2018.1 Denman Housing Association (DHA) - Staff Report		19 - 40
8.2	Denman Island Local Trust Committee Bylaw No. 232 (BEN) - for consideration of adoption		41 - 49
	That Denman Island Local Trust Committee Bylaw No. 232 cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be adopted.		
9.	LOCAL TRUST COMMITTEE PROJECTS - none		
10.	CORRESPONDENCE	3:15 PM - 3:20 PM	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)		
10.1	Letter dated June 23, 2019 from Edina Johnston for Denman Island Residents Association regarding Unregulated Shellfish Infrastructure		50 - 52
10.1.1	Unregulated Shellfish Tenures - Draft Recommendation		
	That the Denman Island Local Trust Committee ask Islands Trust Executive Committee to advocate enforcement of regulations, that tenures are clearly marked, and that signage is placed to keep Denman Island beaches and near shore waters safe for all users and wildlife.		
11.	NEW BUSINESS	3:20 PM - 4:00 PM	
11.1	Board of Variance Appointments - Memorandum - for decision		53 - 53
11.2	Model Cell Tower Consultation Process - Briefing		54 - 97
11.3	Screening Officer Policy (Bylaw Enforcement Notification - BEN) - Staff Report		98 - 103
12.	REPORTS	4:00 PM - 4:20 AM	
12.1	Trust Conservancy Report dated May, 2019		104 - 107
12.2	Applications Report dated June 27, 2019		108 - 115
12.3	Trustee and Local Expense Report - none		
12.4	Adopted Policies and Standing Resolutions		116 - 118

12.5 Local Trust Committee Webpage

13. WORK PROGRAM 4:20 PM - 5:00 PM

13.1 Top Priorities Report dated June 27, 2019 119 - 119

13.2 Projects List Report dated June 27, 2019 120 - 122

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, October 3, 2019 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

16. ADJOURNMENT 5:00 PM - 5:00 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: June 6, 2019
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Marnie Eggen, Island Planner
 David Marlor, Director Local Planning Services
 Miles Drew, Bylaw Compliance and Enforcement Manager
 Clare Frater, Director Trust Area Services (via telephone)
 Vicky Bockman, Recorder

Others Present: Approximately twenty-five (25) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 12:40 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 10.4 Request for Additional Resources
- 10.5 Letter of Support for New Horizons Grant Application

DE-2019-049

It was MOVED and SECONDED,
 that the Denman Island Local Trust Committee approve the agenda as amended.

CARRIED

3. TOWN HALL

Members of the public commented with the following noted:

- Bylaw Enforcement Notification (BEN) Bylaw:
 - Further consideration was opposed until a review is conducted of the Official Community Plan (OCP);
 - A public hearing on this matter should be held. Many community members were not able to attend this Local Trust Committee (LTC) meeting today;
 - Concern was expressed that adoption of the BEN bylaw would negatively affect housing opportunities;

- Wesley Ritter requested he be on the record as opposing the BEN Bylaw until bylaws affecting housing have been reviewed.
- Reinstatement of the second Town Hall at the end of agendas to provide the public with opportunity to speak to matters that arise during the meeting;
- Proposed Meeting Procedures Bylaw:
 - Delay consideration until community consultation has occurred;
 - Not supported; Trustees should have the ability to be flexible;
 - Wesley Ritter requested he be on the record as opposing adoption of this proposed bylaw at this meeting.
- Farm Plan Implementation:
 - Staff was requested to research the location of correspondence submitted February 7, 2019 for posting;
 - Why was removing permissions for small lots presented at the workshop event contrary to the understanding that this was not to be included?

4. MINUTES

4.1 Local Trust Committee Special Meeting Minutes dated April 24, 2019 - for adoption

DE-2019-050

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the April 24, 2019 Special Local Trust Committee meeting.

CARRIED

4.2 Section 26 Resolutions-Without-Meeting Report dated May 29, 2019

Received.

4.3 Draft Advisory Planning Commission Minutes dated April 16, 2019 - for receipt

Received.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated May 29, 2019

Planner Eggen provided an update on the proposed BC Farm Industry Review Board meeting that was requested in order to discuss aquaculture issues.

Trustee Critchley reported that his recommendation for a policy/standing resolution to capture the status of the density bank and reserve is complete and may be presented for consideration at the next LTC meeting.

5.2 Bylaw No. 231 - for consideration of adoption

DE-2019-051

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 231 cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be adopted.

CARRIED

6. DELEGATIONS – None

7. APPLICATIONS AND REFERRALS

7.1 DE-RZ-2017.1 (DCLTA) - Memorandum

Planner Eggen presented the Memorandum that outlines preliminary draft amendments to the OCP and Land Use Bylaw (LUB) for the proposed rezoning for eight units of Seniors Affordable Housing.

Discussion included the following points:

- The use of a restrictive covenant option might be more expedient in this particular application than the creation of a new subsection 4.8 Development Permit Area (DPA) No. 8 – Energy and Water Conservation;
- Agricultural Land Commission (ALC) requirements might be omitted from the LTC regulations as they are covered through the ALC; however, staff suggested that inclusion might expedite the process;
- Reducing the parking to one vehicle per dwelling unit in a multiple family dwelling was supported.

Chair Fast invited comments from the public:

- Doug Olstead, speaking on behalf of the applicant, thanked staff for their work to bring this informative draft forward;
- Driveways are currently not affected by setbacks, however, are not mentioned in this document.

8. LOCAL TRUST COMMITTEE PROJECTS

8.1 Bylaw Enforcement Notification Bylaw - Staff Report - for decision

Bylaw Compliance and Enforcement Manager Drew summarized the Staff Report asking the LTC to consider the BEN Bylaw to aid in the undertaking of proactive enforcement of unlawful Short-term Vacation Rentals (STVRs) as tasked by the LTC. He proposed the adoption of a standing resolution to prevent unintended displacement of vulnerable individuals and households as a component to address community concerns.

Trustees discussed the proposed BEN Bylaw with the following noted:

- This system does not remove an individual's access to the judicial process as its final adjudication;
- Housing availability may improve as a result of proactive enforcement of STVRs.

DE-2019-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 232, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a first time.

Discussion followed on the motion.

Trustees noted that input from the community has been received and considered. They provided rationale for advancing this bylaw and noted that features have been included to address housing concerns.

Trustee Busheikin, in further addressing community concerns, suggested that any evidence of a targeted use of the bylaw against any group or in an unfair way may be brought to her for discussion and advocacy.

The question on the motion was then called.

CARRIED

DE-2019-053

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 232, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a second time.

CARRIED

DE-2019-054

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 232, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be read a third time.

CARRIED

DE-2019-055

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 232, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2019-056

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the following standing resolution:

"The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to pursue enforcement against unlawful dwellings upon receipt of a written complaint, if any of the following conditions apply:

- a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;
- b) It appears that there is more than one unlawful dwelling on a lot;
- c) An unlawful dwelling appears to be larger than 90 square meters; or
- d) An unlawful dwelling appears to be located within a Development Permit Area.

and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time."

When asked if there was discussion, a Trustee indicated that having complaints received from at least two sources is intended to further address concerns.

CARRIED

9. CORRESPONDENCE

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

9.1 Email dated April 24, 2019 from S. Bellerose regarding Farmhouse Project

Received.

By general consent, the meeting was recessed at 2:53 pm and reconvened at 3:11 pm.

10. NEW BUSINESS

10.1 Meeting Procedures Regarding Public Input - Memorandum - for decision

Chair Fast summarized the Guidelines for Public Participation document that has been drafted to assist public understanding of opportunities and procedures for public participation during LTC meetings.

Trustees indicated that they would provide feedback for creation of a revised draft of Guidelines that might be considered by the LTC at a future meeting and used to inform preparation of a new Meeting Procedures Bylaw.

10.2 Public Engagement on Denman Island for Visions 2099 - The Future of the Islands in the Salish Sea -Staff Report - for decision

Trust Area Services Director Frater summarized the Staff Report that seeks input from the LTC on local public activities that might be considered for the Trust-wide project to engage feedback on potential changes to Islands Trust Policy Statement.

Trustees discussed the in-person and online engagement activities suggested for Denman Island and proposed the addition of a Vision Booth featuring information set up at a community event, market or other community-driven event.

DE-2019-057

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add “use of Vision Booth” to the proposed public engagement plan, and endorse the amended recommended public engagement activities to take place in the Denman Island Local Trust Area in support of the Trust Council’s Visions 2099: The Future of the Islands in the Salish Sea, as outlined in the June 6 staff report.

CARRIED

10.3 Internet Connectivity on Denman Island - Trustee Critchley - for discussion

Trustee Critchley provided background on the efforts to improve internet connectivity on Denman Island and reported that the organization responsible for granting feasibility funding is requesting the local government’s expression of support.

DE-2019-058

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Chair to issue a letter of support for the feasibility funding application for internet connectivity services to Denman Island.

Discussion followed on the motion.

Trustees recognized the need for improved internet connection on Denman Island for emergency preparedness and other uses. A Trustee noted that the Official Community Plan Economic Activities Objective 1 supports this proposal.

The question on the motion was then called.

CARRIED

10.4 Request for Additional Resources

Trustee Busheikin provided background for the proposed request for additional planning resources on Denman Island, noting that the lack of sufficient professional assistance is becoming increasingly problematic. She suggested options to address the issue including reallocation of staff from one region to another, hiring a contractor, or a tax requisition for the Denman Island area to fund a special project.

DE-2019-059

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring forward a report outlining options to increase planning resources for Denman Island, to address work overloads and community needs due to:

- Increased numbers of applications and complexity of applications;
- The need to respond to changing Provincial and Federal Regulations (for instance cannabis legalization, the *Water Sustainability Act*, and new Agricultural Land Reserve Regulations);
- Responsibilities connected to reconciliation;
- Changes in environmental, social and economic conditions, such as the global climate emergency, the Provincial housing crisis and the rise of on-line Short Term Vacation Rental marketing;
- Trust-wide work on the Islands Trust Policy Statement.

CARRIED

10.5 Letter of Support for New Horizons Grant Application

Trustee Critchley reported that the Denman Seniors and Museum Society is requesting a letter of support from the LTC for a New Horizons grant application. He noted that Guiding Objectives in the D.1 section of the Official Community Plan support this action.

DE-2019-060

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that the Chair write a letter to support the grant application being made by the Denman Seniors and Museum Society under the New Horizons for Seniors Program.

CARRIED

11. REPORTS

11.1 Trustee Reports

Trustee Busheikin reported on the following meetings:

- Denman Island Residents Association;

- Annual Comox Valley Regional District/Islands Trust;
- MP Gord Johns;
- Local Planning Committee;
- Financial Planning Committee;
- Audit Committee;
- Chair Training;
- Gather Workshop;
- Session with Eli Mina;
- Farm Plan Community Event.

Trustee Critchley reported on the following meetings:

- Farm Plan Community Event;
- Annual Comox Valley Regional District/Islands Trust;
- Trustee Office Hours;
- Trust Programs Committee;
- Ferry Advisory Committee.

11.2 Chair's Report

Chair Fast reported on the following:

- Trust Council will be held in two weeks;
- Executive Committee meeting.

11.3 Trust Conservancy Report – none

11.4 Electoral Area Director's Report - none

11.5 Applications Report dated May 29, 2019

Received.

11.6 Trustee and Local Expense Report dated March, 2019

Received.

11.7 Adopted Policies and Standing Resolutions

Received.

11.8 Local Trust Committee Webpage

No changes were requested.

12. WORK PROGRAM

12.1 Top Priorities Report dated May 28, 2019

Received.

12.2 Projects List Report dated May 28, 2019

Received.

13. CLOSED MEETING

13.1 Motion to Close the Meeting

DE-2019-061

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering Adoption of *In-Camera* Meeting Minutes dated March 7, 2019 and April 24, 2019 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 4:04 pm.

13.2 Recall to Order

By general consent the LTC reconvened in open meeting at 4:10 pm.

13.3 Rise and Report

By general consent, the LTC reported that in the closed meeting, the LTC adopted minutes from the March 7, 2019 and April 24, 2019 *In Camera* meetings.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, July 4, 2019 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

LTC members confirmed the next regular meeting date, time and location.

15. ADJOURNMENT

By general consent the meeting was adjourned at 4:13 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

06-Feb-2018

Activity	Responsibility	Dates	Status
1 Staff to invite representatives of the BC Farm Industry Review Board to meet with Denman LTC. April 24, 2018 update: FIRB request to put on hold until closure of a current FIRB complaint. May 1, 2019: FIRB complaint closed; FIRB staff will be in touch to discuss meeting timing and arrangements.	Marnie Eggen		In Progress

09-Oct-2018

Activity	Responsibility	Dates	Status
1 Staff to bring forward options for the use of the K'omoks name for Denman Island on LTC meeting agendas.	Marnie Eggen		In Progress

20-Nov-2018

Activity	Responsibility	Dates	Status
1 Trustees Buskeikin and Critchley to investigate alternative locations for Islands Trust signage at the Buckley Bay Ferry Terminal.			In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
1 Amend Bylaw No. 228 (OCP) by replacing item 1.15 Policy 3 (as per Feb. 7, 2019 staff report).	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
2 Amend Bylaw No. 229 (LUB) for LTC consideration: a. Include TUP and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family; b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms; c. Reduce the lot line setback for feedlots from 50 m to 30 m. - d Remove the term feedlot e. Add a new defined term, confined livestock area. f. remove agriculture as an accessory use in the R1 zone, while retaining horticulture as an accessory use in this zone; - g remove the term intensive agriculture; h. amend the definition of horticulture to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner; i. permit the keeping of animals for personal use as an accessory use in the R1, R2, R3 zones. j. Remove horticulture as a permitted use in the A, F, and RE zones, while retaining agriculture as a principal permitted use in these zones.	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
3 LTC endorsed revised Farm Plan Implementation Project Charter as amended (adding Cannabis Land Use Regulations as an Out of Scope activity).	Marnie Eggen Sonja Zupanec		In Progress
4 Send an introductory/welcome letter to First Nations with interests in the Local Trust Area.	Marnie Eggen		In Progress

07-Mar-2019

Activity	Responsibility	Dates	Status
1 Request the communication specialist to prepare draft wording for Islands Trust signage at the Buckley Bay terminal, which would consist of a sign 3 feet wide and 4 feet tall and include reference to indigenous territorial acknowledgement, and design elements and graphics. Request referred to Andrew Templeton March 11, 2019.	Andrew Templeton		In Progress
2 Request that the applicant submit to the Islands Trust the groundwater license application and the FLNRORD response and/or provide an evidence-based estimate of the amount of water that would be used for the proposed non-farm use and a professional report commenting on how anticipated water use will potentially affect aquifer neighbouring wells and natural environment of the surrounding area for the purpose of satisfying islands trust policy statement 3.3.1 and 4.4.2.	Jaime Dubyna		In Progress

Follow Up Action Report

Denman Island

24-Apr-2019

Activity	Responsibility	Dates	Status
1 Trustee Critchley to bring a recommendation for a policy/standing resolution to capture the status of the density bank and reserve as per Denman Official Community Plan E.1 Policy 11 and Appendix D: Density Banking.			Completed



Follow Up Action Report

Denman Island

06-Jun-2019

Activity	Responsibility	Dates	Status
1 Bylaw No. 231 to establish Planning Advisory Commissions adopted.	Becky McErlean		Completed
2 Bylaw Enforcement Notification Bylaw No. 232 given first, second, and third readings, and forwarded to Executive Committee.	Becky McErlean Miles Drew		Completed
3 Staff to add the LTC adopted standing resolution regarding enforcement (and non-enforcement) policy for unlawful dwellings as per amended resolution #5 from June 6, 2019 staff report re: Enforcement of Unlawful Short-term Vacation Rentals.	Becky McErlean Penny Hawley		Completed
4 LTC endorsed recommended public engagement plan for the Denman Island Local Trust Area in support of the Trust Council's Visions 2099 and added "use of Vision Booth" to proposed public engagement plan. Staff to commence project.	Gillian Nicol		In Progress
5 Staff to draft a letter of support for the feasibility funding application for internet connectivity services to Denman Island to be signed by the Chair on behalf of the LTC.	Marnie Eggen		In Progress
6 Staff to bring forward a report outlining options to increase planning resources for Denman Island as per resolution DE-2019-059.	David Marlor		In Progress
7 Staff to draft a letter of support for the grant application being made by the Denman Seniors and Museum Society under the New Horizons for Seniors Program to be signed by the Chair on behalf of the LTC.	Marnie Eggen		In Progress

Notice of Motion

I propose the following motion:

THAT the Denman Island Local Trust Committee request staff to:

- a) create a permanent Density Register setting out the current available densities resulting from Section E.1, policy 11 and Appendix D, Density Banking of the Denman Island Official Community Plan Bylaw No. 185;
 - b) that the Density Register be added to the Denman Island Local Trust Committee Policies & Standing Resolutions; and
 - c) that the Density Register be updated from time to time to show additions and withdrawals as they occur.
-

Prepared: June, 2019.

David Critchley,

Denman Island Local Trustee

File No.: DE-RZ-2018.1 (Denman Housing Association/Snyder & Terry)

DATE OF MEETING: July 4, 2019

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec MCIP, RPP
Northern Team

SUBJECT: OCP and LUB Amendments for 20 units of Rental Housing – “Denman Green”
Applicant: Simon Palmer on behalf of the Denman Housing Association
Location: PID 009-704-523 and PID 006-657-290 Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, consistent with draft bylaw language presented in Attachment 1, Table 1 of the Staff Report dated July 4, 2019 for DE-RZ-2018.1 (Denman Housing Association).
2. That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008, consistent with draft bylaw language presented in Attachment 1, Table 2 of the Staff Report dated July 4, 2019 for DE-RZ-2018.1 (Denman Housing Association).

REPORT SUMMARY

This report summarizes a number of deliverables which were requested by the Local Trust Committee (LTC) as recommended in the [April 2019 staff report](#). Staff is recommending that draft bylaws be prepared to amend the Denman Island Official Community Plan, 2008 (OCP) and Denman Island Land Use Bylaw, 2008 (LUB) consistent with draft bylaw language presented in Attachment 1 of this report.

BACKGROUND

The LTC passed the following resolutions at the April 24, 2019 regular business meeting:

DE-2019-041

It was **MOVED** and **SECONDED**

That the Denman Island Local Trust Committee request the applicant for DE-RZ-2018.1 (DHA) provide planning staff with an updated conceptual site and landscape plan for the development of 20 rental housing units including proposed driveway(s), vehicle and bicycle parking areas, trails, accessory buildings, fencing, solar panel arrays, cisterns, reservoirs, utility corridors, sewage system infrastructure, natural areas to be left undeveloped and proposed alterations to landscaping.

CARRIED

A revised conceptual site plan has been submitted for LTC consideration (Attachment 2). Analysis is provided in the ‘Analysis’ section of this staff report.

DE-2019-042**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee request the applicant for DE-RZ-2018.1 (DHA) provide the local trust committee with options being considered by the Denman Housing Association for a backup potable water supply for 20 units of rental housing, that is not dependant on rainwater harvesting and storage.

CARRIED

The applicant has confirmed that trucked water from Vancouver Island is intended to be the back-up potable water supply for the 20 units of rental housing (Attachment 4). Analysis is provided in the 'Analysis' section of this staff report.

DE-2019-043**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee request the applicant for DE-RZ-2018.1 (DHA) provide clarity on the minimum number of dwelling units in the proposed development that are intended to be managed as subsidized (below market housing) rentals pursuant to BC Housing's affordable housing criteria.

CARRIED

Additional clarity has been received from BC Housing on this matter and an analysis is provided in the 'Analysis' section of this staff report.

DE-2019-044**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee request the applicant for DE-RZ-2018.1 (DHA) provide planning staff with a pro forma financial statement prepared by a qualified professional (development consultant) detailing the proposed rental revenue, site servicing costs, construction costs and 35 year maintenance costs for 20 rental housing units as presented in the application.

CARRIED

The applicant has provided a pro forma financial statement (Attachment 3). Analysis is provided in the 'Analysis' section of this staff report.

ANALYSIS**Issues and Opportunities**

Staff have identified the following issues for LTC consideration:

- Revised conceptual site plan
- Proposed back up water system
- Pro forma financial statement
- BC Housing affordable housing criteria
- Draft bylaw language options

Revised Conceptual Site Plan

Attachment 2 is a revised conceptual site plan (May 2019) with a higher level of detail including side setbacks, utility corridors, common areas, parking spaces, location of cisterns and siting of housing units. The LTC and Advisory Planning Commission (APC) recommended the applicant consider clustering the development closer to Denman Road to reduce the length of the gravel access roads, utility lines and allow for a larger contiguous area of the parcel to remain free of development. The applicant has modified the site plan slightly from the previous

layout, to concentrate the units closer to the centre of the parcel, while maintaining generous setbacks between dwelling units and Denman Road.

The pro forma (Attachment 3) allocates \$100,000 for road cutting and gravel, based on the proposed site plan and \$250,000 for utility poles and cables. According to BC Housing, successful funding of a housing project may require significant changes to a proposed site plan in order to reduce site servicing costs and redirect funds to the construction of the actual dwelling units.

Understanding that the proposed site plan may change if bylaw amendments are approved, staff recommends draft zoning regulations and development permit area guidelines which will require, at the time of construction, a high standard of water and energy conservation; that un-fragmented forested areas remain free of development; and retention and protection of mature trees.

Proposed Back Up Water System

Staff reported at the April 2019 LTC meeting that the Provincial Approving Officer cautions any local government from reducing or waiving the volume of a ground, surface or community water system required at the time of subdivision, where an increase in density is being proposed. The LTC requested that the applicant provide details of a supplemental water supply to the proposed rainwater catchment system to support the intended use and density. Attachment 4 outlines the proposed use of tanker trucks to deliver potable water from Vancouver Island to the 20 units of rental housing, if required. It is estimated that each delivery of 4,500 imperial gallons (20,457 litres) would cost approximately \$450.

The Comox Valley Regional District (CVRD) is currently conducting a trial over the summer of 2019 to conduct bulk water sales from the 'Denman Island Water Local Service Area' water license for the Graham Lake Improvement District, to licensed water haulers on Denman Island. The purpose would be to provide potable water from Graham Lake on a temporary basis to the existing residents on Denman Island who currently depend on bulk water delivery due to inadequate water supplies in their location. The legal liability issues of bulk water sales are being explored by the CVRD during this trial period and may result in the establishment of regular bulk water sales from Graham Lake. If successful, this may be proposed as a potential back up water system for the Denman Green Housing development. Staff recommend that the applicant provide confirmation from the Graham Lake Improvement District that Graham Lake would have capacity to support 20 additional dwellings.

Staff do not consider the delivery of water from Vancouver Island to Denman Island to be a supportable back-up water supply system to justify **a transfer of or increase in density**. Bulk water transport from Vancouver Island to several islands in the Trust is contrary to the Commitment of Trust Council **"4.4.1 - It is Trust Council's policy that islands in the Trust Area should be self-sufficient in regard to their supply of freshwater"**. When the Executive Committee of the Islands Trust reviews proposed bylaws, they represent the commitment of Trust Council through their decision making authority and may decide to not approve bylaws which are inconsistent with Trust Policy.

A report to Trust Council in June 2019 on the interpretation of Islands Trust Policy Statement 4.4.2 from David Marlor, Islands Trust Director of Local Planning Services, stated:

"In response to Trust Council's Climate Change Emergency Declaration, when providing advice, Staff will take a precautionary approach and recommend no developments requiring rainwater or intensive groundwater occur in areas where water quality or quantity issues exist. Currently rainwater is not an approved potable water supply by the regulators and therefore a scenario where multi-unit residential or non-domestic development will be able to rely solely on rainwater catchment does not have associated policies and regulations in the absence of an approved potable water supply. For this reason, Staff would consider that a development obtaining potable

water from rainwater catchment would still require potable surface water or groundwater as a backup water supply (unless there is potential to connect to a municipal water system); in the absence of an approved back-up water supply, the development would not be consistent with Policy 4.4.2.”

As a result of this analysis, Staff have not prepared draft bylaw language in Attachment 1 waiving or reducing the proof of water requirements from the LUB subdivision regulations in Attachment 1. Confirmation of an on-island back up water system should be required prior to draft bylaws being presented at a public hearing.

Pro forma Financial Statement

The applicant has submitted a pro forma financial statement (Attachment 3) as requested by the LTC to clarify the site servicing, construction and development costs of the proposed Denman Green development based on the May 2019 revised site plan. The statement suggests \$280/sq.ft construction costs for the dwellings; a net budget of just over \$8.1 million with a total per unit cost of \$406,925. BC Housing has not approved this budget but the applicant intends to utilize this information as the basis of their development grant request. BC Housing may determine that the site plan as presented exceeds site servicing cost thresholds deemed acceptable, therefore new zoning regulations should retain enough flexibility to contemplate significant clustering and possibly up to three storeys multi-family residential construction in lieu of detached single storey duplexes.

BC Housing Affordable Housing Criteria

BC Housing defines affordable rental housing as rents equal to, or lower than average rates in the private market. This is intended for people who have a low to moderate income but may not be eligible for subsidized housing. Rental rates are set using [Canada Mortgage and Housing Corporation](#) data and are often referred to as “below market housing”, “lower end of market housing” or “affordable housing”. If the Denman Green development is approved for funding by BC Housing, all 20 units would be managed as affordable rental housing, with a ratio of units being reserved for deeply subsidized rentals, and the remainder of units with rents equal to or lower than average rental rates in the region.

Draft Bylaw Language Options

Attachment 1 consists of two tables. Table 1 includes a comprehensive list of OCP amendments and Table 2 includes a summary of potential LUB amendments including new site-specific residential rental tenure zoning and development permit areas. Each table lists the direction from the LTC (based on April 2019 resolutions) and sample text and map amendments required to amend the OCP and LUB and enable the Denman Green Project to proceed.

Correspondence from Applicant

The applicant has submitted supplemental information (Attachment 4) addressing issues raised in the Staff Report dated April 2019. The applicant has also submitted a revised sewage system diagram (Attachment 5) detailing the location of proposed tanks, trenches, pipes and dispersal fields to service 20 dwelling units.

Public Correspondence

All public correspondence received to date is being redacted by staff and posted to the [applications website](#).

Rationale for Recommendations

Staff have provided a comprehensive listing of draft bylaw language that could be used to amend the OCP and LUB to enable the Denman Green Project to proceed. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. **Hold the application in abeyance until confirmation of an on-island back up water supply system to the rainwater harvesting and collection system, is received.**

That the Denman Island Local Trust Committee hold application DE-RZ-2018.1 in abeyance until the applicant has provided confirmation of an on-island back up potable water supply to serve the proposed development.

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will prepare draft bylaw amendments for LTC consideration during the October 2019 regular business meeting. The LTC may consider first reading, a further referral to the APC, early referral to the EC or community consultation at that time.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	June 20, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 25, 2019

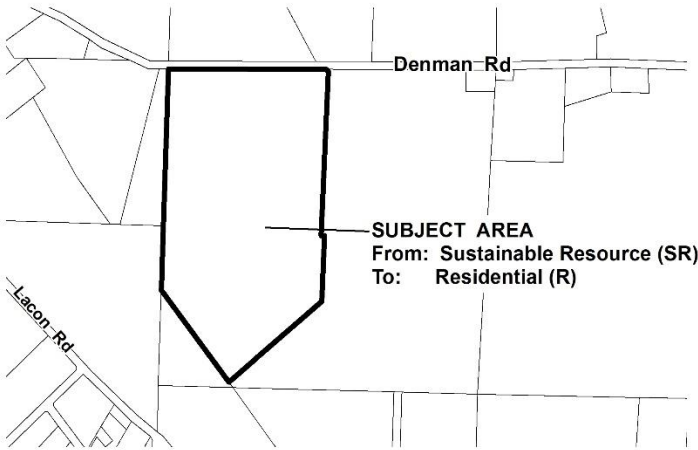
ATTACHMENTS

1. Draft Bylaw Language Tables, July 2019
2. Revised Site Plan, May 2019
3. Pro Forma Financial Statement, May 2019
4. Applicant Correspondence
5. Revised sewage system infrastructure plan, May 2019

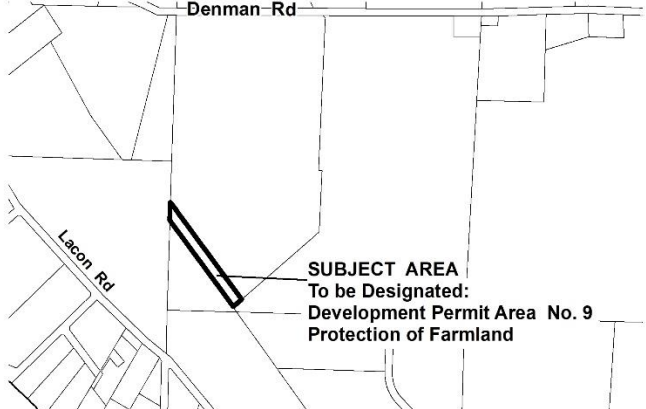
ATTACHMENT 1 – DRAFT BYLAW LANGUAGE DE-RZ-2018.1 (DENMAN HOUSING ASSOCIATION)

JULY 2019

TABLE 1. AMENDMENTS TO DENMAN ISLAND OFFICIAL COMMUNITY PLAN

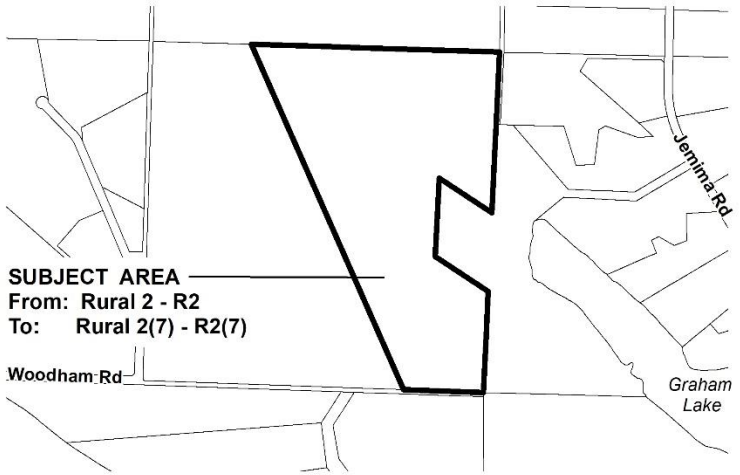
LTC Direction (from April 2019 resolution)	Existing OCP Part/Section to be Amended	Draft Bylaw Language for LTC Consideration
1. Re-designate the non Agricultural Land Reserve (ALR) portion of receiver parcel PID 006-657-290 from 'Sustainable Resource' to 'Residential'	Schedule C – Land Use Designation map	Updated Schedule C map showing non ALR portion of parcel PID 006-657-290 entirely in 'Residential' designation. 
2. Re-designate the ALR portion of the receiver parcel PID 006-657-290 from 'Sustainable Resource' to a new 'Agriculture' designation consistent with the Farm Plan Implementation Project bylaws	N/A	No draft changes recommended as Farm Plan Implementation Project has not advanced and is currently on hold. ALR portion can be re-designated as part of island wide re-designation when project reconvenes. Staff consider it a low consequence to not re-designating during the rezoning process.
3. Designation of new development permit areas and objectives to be applied to PID 006-657-290 for the purposes of protecting the natural	Schedule B Text – Part F Schedule E – Map 2 Development Permit Areas	Part F – Development Permit Areas: New DPA No. 8 – Protection of the Natural Environment and Promotion of Energy, Water Conservation and Greenhouse Gas Emissions Reduction with justification and objectives. Guidelines to be in the LUB. Justification in OCP to include:

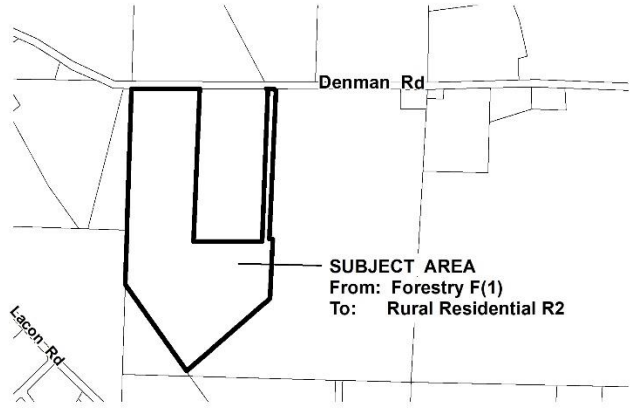
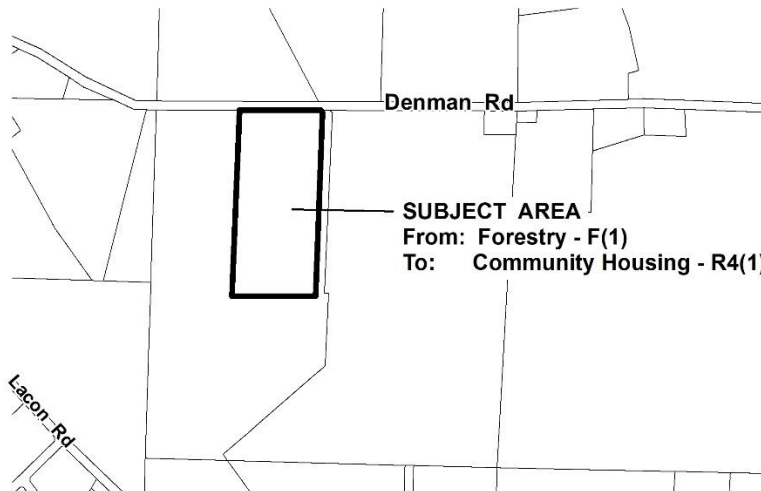
LTC Direction (from April 2019 resolution)	Existing OCP Part/Section to be Amended	Draft Bylaw Language for LTC Consideration
environment, its ecosystems and biological diversity; protection of farming and promotion of energy conservation, water conservation and reduction of greenhouse gases.		• <i>LTC commitment to OCP targets to reduce community greenhouse gas emissions. Development guidelines for multifamily developments for energy efficiency and water conservation will help the community achieve these targets.</i> • <i>Improve impact of development on the natural environment; airshed and watershed;</i> • <i>Optimize building energy performance to reduce costs associated with the operation of dwellings/buildings;</i> • <i>Reduce the long term infrastructure costs associated with sourcing and supplying potable water.</i> • <i>Support innovation in building design and compliance with British Columbia Step Code requirements.</i> New DPA No. 9 – <i>Protection of Farmland with justification and objectives (30 m buffer along ALR boundary applies to non ALR lands). Justification in OCP to include:</i> • <i>Agriculture is a prominent land use on Denman with half the land base in the ALR;</i> • <i>There is potential for land use conflicts adjacent to agricultural areas;</i> • <i>Need to proactively plan for subdivision design, site layout, landscaping and buffering along the ALR boundary.</i> <i>Guidelines to be in the LUB.</i>

LTC Direction (from April 2019 resolution)	Existing OCP Part/Section to be Amended	Draft Bylaw Language for LTC Consideration
		Schedule E – Map 2 ‘Development Permit Areas’ • Apply DPAs to PID 006-657-290 and consider applying DPA No. 9 Protection of Farmland to PID 009-704-523 • can be applied to other multi-family affordable housing project sites or island wide as separate process  Development Approval Information (DAI) Area Designate land within the DPAs as a DAI in accordance with Section 920.01 of the Local Government Act. Applicants for these DPAs may be required to provide, at the applicant's expense, information in order to demonstrate compliance with the relevant guidelines.
4. Amend Housing Policies, Use and Density and Appendix D ‘Residential Density Bank’ to confirm remaining density reserves available	• Part E Policy 11 – text amendment • Appendix D ‘Residential Density Bank’	Staff will be presenting a draft standing resolution at the July 2019 meeting for LTC consideration.
5. PENDING	• Section C.1 – Land and Forest Policy 4 • Section E.3 – Conservation and Recreation Policy 3	Although not identified by the LTC by resolution, staff recommend the following additional OCP amendments to support the proposal as presented: • Amend C.1 Policy 4 text to permit the giving or selling of a parcel for affordable housing projects that include protection of the natural environment through a restrictive covenant or DPA.

LTC Direction (from April 2019 resolution)	Existing OCP Part/Section to be Amended	Draft Bylaw Language for LTC Consideration
	Appendix C – Density Transfer	<i>Amend E.3 Policy 3 text to permit giving or selling of a parcel for affordable housing projects that include conservation of the natural environment by way of a restrictive covenant or DPA.</i> <i>Amend Appendix C text to permit transfer of density for affordable housing projects that include conservation of the natural environment by way of a restrictive covenant or DPA.</i>

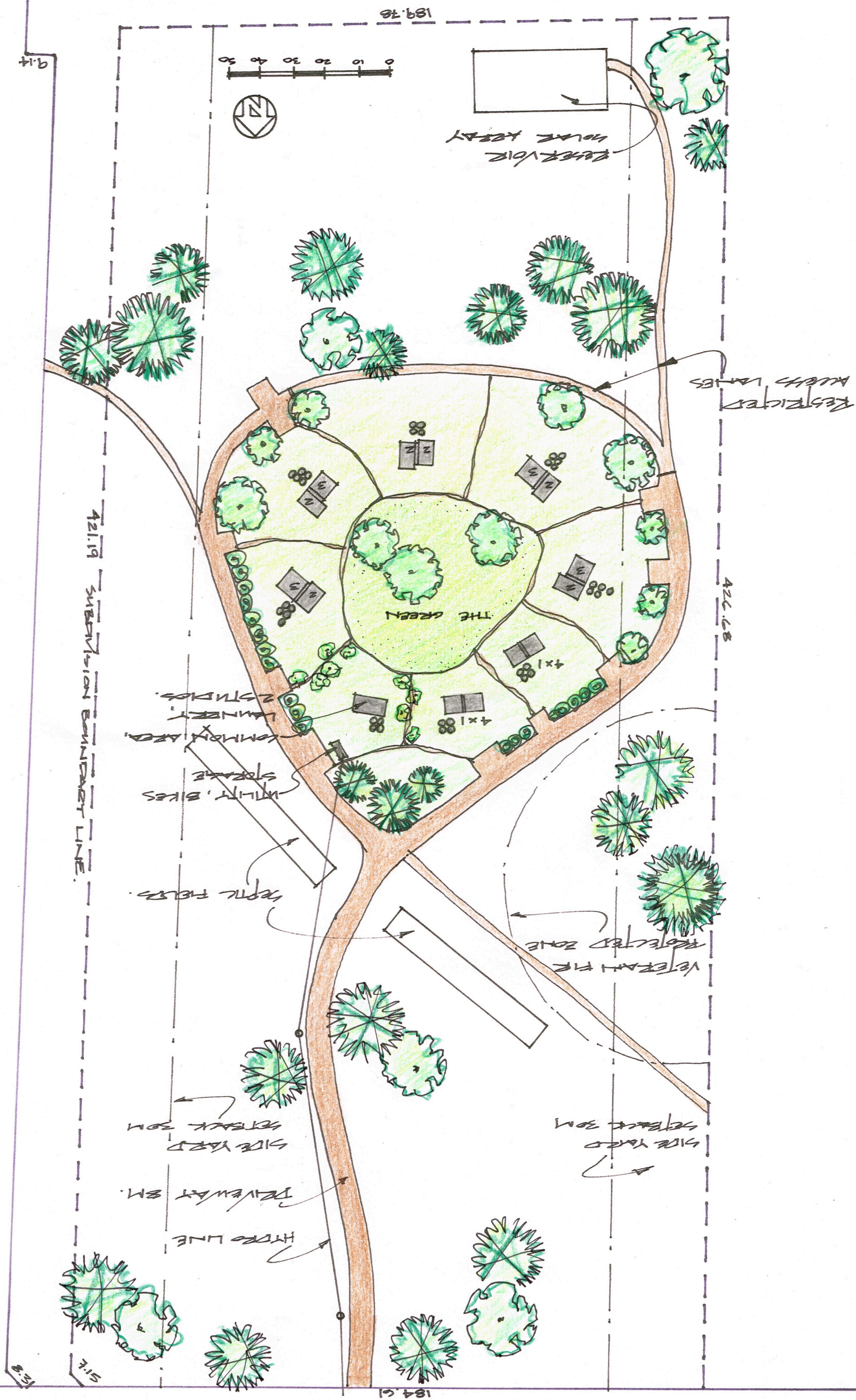
TABLE 2. AMENDMENTS TO DENMAN ISLAND LAND USE BYLAW

LTC Direction (from April 2019 resolution)	Existing LUB Section to be Amended	Draft Bylaw Language for LTC Consideration
1. Re-zoning the non –ALR portion of the donor parcel PID 009-704-523 to a site specific residential zone to reduce the maximum permitted density, prohibit secondary dwellings and specify appropriate minimum and minimum average lot sizes to enable subdivision with adequate proof of water.	• Schedule B Zoning South Sheet • Part 3 Zone Regulations, Section 3.1 and 3.3	• <i>New site specific residential zone shown on Schedule B</i>  • <i>New site specific zone regulations in Part 3 reducing density to a maximum of 3 single family residential dwellings. All other regulations to be retained.</i>
2. Re-zoning of the ALR portion of the donor parcel PID 009-704-523 to a new agricultural zone with regulations that are consistent with Farm Plan Implementation project bylaws.	TBD	<i>ON HOLD pending Farm Plan Implementation project re-commencing. Low consequence to not have agriculture designation in place as part of rezoning.</i>
3. Re-zoning the non –ALR portion of the receiver parcel PID 006-657-290 to a new residential zone to allow for potential subdivision for affordable rental tenure	• Schedule B Zoning South Sheet • Part 3 Zone Regulations, Section 3.1 and 3.3	• <i>New site specific residential zones shown on Schedule B</i> • <i>New site specific zone regulations in Part 3 increasing density of non-affordable housing portion to a maximum of 5 single family dwellings; no secondary dwellings.</i>

LTC Direction (from April 2019 resolution)	Existing LUB Section to be Amended	Draft Bylaw Language for LTC Consideration
housing project and five parcels.		 SUBJECT AREA From: Forestry F(1) To: Rural Residential R2 • Subject to new DPAs
4. Re-zoning an 8 hectare portion of receiver parcel PID 006-657-290 to a new rental tenure housing zone to permit a maximum of 20 rental units.	• Schedule B Zoning South Sheet • Part 2 General Regulations, Section 2.5 Parking Regulations • Part 3 Zone Regulations, Section 3.1 and 3.3	 SUBJECT AREA From: Forestry - F(1) To: Community Housing - R4(1) • New site specific residential zone shown on Schedule B • New site specific zone regulations in Part 3 regulating the affordable housing parcel to a maximum of 20 residential rental tenure dwellings; no secondary dwellings; 30 m side setbacks; 10 m front and rear setbacks; 12 m height for all buildings and structures; maximum lot coverage for all buildings and structures 10% including cisterns (equivalent to .8 ha or 2 acres of buildings and structures). • Subject to new DPAs

LTC Direction (from April 2019 resolution)	Existing LUB Section to be Amended	Draft Bylaw Language for LTC Consideration
		- Updated vehicle and bicycle parking regulations for multi-family dwelling - Updated signage regulation for multi-family dwellings - Updated home occupation regulations for multi-family dwellings
5. Draft development permit area guidelines for protection of the natural environment, farming, promotion of energy, water conservation and reduction of greenhouse gas emissions	Part 4 Development Permit Area Guidelines	NEW DPA No. 8 - protection of the natural environment and promotion of energy, water conservation and reduction of greenhouse gas emissions. Guidelines to address: - identification of no-build/no vegetation removal portions of parcels to be protected; - new residential units or buildings be compliant with minimum Step 2 or 3 BC Energy Code requirements; - clustering of residential units. To be applied to all of PID 006-657-290 NEW DPA No. 9 – protection of farming. Guidelines to be consistent with “A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges” (published by Ministry of Agriculture) and address: - adequate vegetative buffers, setbacks to ALR boundary, - fencing/signage; - subdivision layout/road and trail development on non-ALR portion of land directly adjacent to ALR boundary. To be applied to PID 006-657-290 and considered for 009-704-523 within 30 m buffer of ALR boundary. Farm Plan Implementation Project can then consider including this DPA island wide adjacent to ALR land.
6. Update guidelines for DPA No. 2 – Steep Slopes to ensure relevant guidelines apply to subdivision of land.	Part 4 Development Permit Area Guidelines	NEW guidelines for DPA No. 2 – Steep Slopes to include policies relevant to subdivision layout and design considerations. To be applicable wherever DPA No. 2 is currently in effect.

LTC Direction (from April 2019 resolution)	Existing LUB Section to be Amended	Draft Bylaw Language for LTC Consideration





Denman Housing Association
Denman Green - Denman Road
Denman Green - Pre-development Version 1.5 Dated May 27, 2019

Expanded Capital Budget

BCH File:	0			
Version:	1.5			
Date:	May 27, 2019			
BCH Code	Budget Item Description		Current Working Budget	Notes
12100	APPRAISALS/STUDIES			
12105	Appraisal		4,000.00	Land value appraisal for mortgaging
12110	Market Rent Appraisal		4,000.00	May be required to establish rent structure.
12125	Need and Demand Assessment		-	
12130	Traffic Study		-	
	Total Appraisals/Studies		8,000.00	
12150	ACQUISITION AND SERVICING			
12155	Land Value		600,000.00	Based on per acre assessed value of lands on Denman Road + 15% to approximate market value.
12160	Offsite Service Costs			No off site services required
12165	Environmental Remediation		-	
12175	Demolition		-	
12180	Mortgage Buy-out		-	
	Total Acquisition and Servicing		600,000.00	
12200	MUNICIPAL FEES			
12201	Municipal Fees		1,100.00	MOTI subdivision fees
12205	Siting and Use Permit		220.00	As per Islands Trust fee schedule for Denman
12210	Development Cost Charges		-	No DCCs on Denman Island.
12215	Regional Development Cost		-	No regional DCC.
12220	OCP/Rezoning Appl.		5,000.00	\$1,000 to rezone a property for affordable housing, \$4,000 for OCP amendment to transfer density
12225	Subdivision Appl.		1,320.00	First parcel \$1100, each additional one \$110.
12230	Mun. Connection Fee - WATER		-	N/A
12235	Building Grade		-	N/A
12240	Development Permit		440.00	Environmental DP
	Total Municipal Fees		8,080.00	A portion of fees may be waived/contributed in-kind by Island Trust
12250	UTILITY FEES			
12252	Gas Connection Fees		-	No gas
12255	Hydro Connection Fees			Included in on-site civil works estimate
12260	Cable Connection Fees		13,000.00	Based on estimate for other island projects
12265	Telephone Connection Fees		13,000.00	Based on estimate for other island projects
	Total Utility Fees		26,000.00	
12350	DESIGN CONSULTANTS			
12355	Architect Contract		10,000.00	Designer fee. Architect fee included in modular construction contract below.'
12356	Arch. Cont. Sub-Consultants		-	
12357	Arch. Cont. Fees		-	
12358	Arch. Cont. Disb.			
12360	Structural		-	Included in modular construction contract.
12365	Electrical		-	Included in modular construction contract.
12370	Mechanical		-	Included in modular construction contract.
12375	Landscape		12,000.00	
12380	Building Envelope		12,000.00	

12385	Code Consultant		8,000.00	
12390	Civil Consultant		50,000.00	Professionals to design wastewater systems and rainwater harvesting and treatment system
12395	Certified Professional		-	
12400	Security Consultant		-	
12405	Acoustic		-	
12410	Kitchen Consultant		-	
12415	Interior Designer		-	
12420	LEED Consultants/Energy Modeling		12,000.00	Energy consultant offering in-kind services. No charge.
	Total Design Consultants		104,000.00	
12450	CONSULTANTS			
12455	Development Consultant		180,000.00	Estimate based on contracts for similar projects.
12456	Dev. Consult. Fees		-	
12457	Development Consult. Disbursements		2,700.00	1.5% of consulting fees
12458	Dev. Consult. Extraordinary Travel		-	
12460	Geotechnical		12,000.00	
	Septic and Water testing		26,000.00	
12465	Surveyor		20,000.00	Survey required for subdivision plan and registration.
12470	Topographical Surveyor		-	
12475	Cost Consultant		16,000.00	BCH requires cost consultant to review project at several stages to provide cost comparison
12480	Environmental Consultant		3,200.00	Work completed
12485	Hazardous Materials Consultant		-	
12490	Arborist		-	
12500	Service Delivery Consultant		-	
12505	Fire Safety Plan		-	
12510	Maintenance & Renewal Plan		-	
12515	BC Housing Inspector		20,000.00	Required amount for project to carry for BC Housing
12516	BCH Inspector Fees			
12517	BCH Inspector Disbursements			
	Total Consultants		279,900.00	
12550	MISCELLANEOUS SOFT COST			
12555	Property Taxes pre IAD (interest adjustment date)		30,000.00	Estimate based on Rural Property Tax Calculator for residential, tax jurisdiction 771 Courtenay Rural. May be able to seek exemption from rural property tax under section 15(q) of the Taxation (Rural Area) Act.
12560	Utilities pre IAD		-	
12565	Course of Const. Insurance		83,100.00	1.5% of construction value
12570	Professional E&O Insurance		-	
12575	Society Org. Costs		50,000.00	Includes community meeting expenses, bookkeeper, other capacity building expenses
12580	Society Legal Fees		20,000.00	Legal fees to register charges on title (mortgage, housing agreement, ...)
12585	BC Housing Legal Fees		5,000.00	
12590	BCH Program Sign		-	
12595	BCH Recoverable Costs		-	
12600	Maintenance Costs		-	
12605	Title Fees		-	
12610	Security pre-construction		-	
12616	GST - No Rebate		-	
12617	GST - Self Supply		-	
	Total Miscellaneous Soft Cost		188,100.00	
12650	BORROWING COSTS			
12655	Interest pre IAD (interest adjustment date)		167,471.88	2.5% total construction over 12 months
12660	Loan Admin Fee		5,582.40	1% of financing required
12665	Mortgage Insurance Fee		1,600.00	\$80 per unit

12670	Loan Fee		-	
	Total Borrowing Costs		174,654.27	
12700	CONSTRUCTION			
12705	Construction Contract 1		5,540,000.00	BC Housing Cost Target Framework for modular up to 3 storeys suggests \$262/sq ft. Estimate obtained from Muchalat \$280/sq ft. Used \$280/sq ft.
12706	Construction Manager		20,000.00	Initial fee for CM to advise on constructability and costs. CM or general contractor for civil works and anything not within modular contract. 4.5% of value of civil works (clearing, road construction, water, wastewater and septic systems)
12707	Project Manager/General Contractor		43,875.00	
12709	CM Fee		-	
12720	General Conditions		-	
12730	On-Site Civil Works		975,000.00	\$200,000 for foundations (digging, backfill, concrete, forms, etc); \$100,000 for road cutting and graveling, \$15,000 for trenching (water, hydro, septic lines, cables); \$200,000 for septic fields, tanks, piping, controls, etc. (greywater only); \$250,000 for BC Hydro poles, cables, meters, transformers (2x 600A service). \$210,000 for rainwater harvesting/treatment system.
12740	Construction Contract 4		-	
12750	Landscaping/Site Clearing		50,000.00	\$33,000 in site clearing - quote, \$17,000 in minimal landscaping.
12755	Unit appliances		50,000.00	For 20 units
12760	Common Laundry/kitchen		20,000.00	3 washers, 3 dryers, kitchenette in common bldg
12765	Commercial Kitchen Appliances		-	
12770	On-Site Security		-	
12775	Building Warranty		-	
	Total Construction		6,698,875.00	
12800	BUILDING START-UP/COMMISSIONING			
12805	Project Commissioning		50,000.00	
12810	Vacancy Loss		5,000.00	Due to time between completion and full rental.
12820	Common Dining/Furnishings		-	
12825	Office Equipment		-	
12830	Maintenance Equipment		5,000.00	
12835	Support Serv Equip/Sup		5,000.00	
	Total Building Start-up/Commissioning		65,000.00	
12850	CONTINGENCIES			
12855	Project Contingency		267,955.00	4% of construction costs - design development stage
12856	Construction Contingency		200,966.25	3% of construction costs
	Escalation Contingency		133,977.50	2% of construction costs
	Total Contingencies		602,898.75	
	GROSS BUDGET		8,755,508.02	
12900	DEDUCTIONS			
	Lien Holdback		-	
	Deficiency Holdback		-	
	Total Deductions		-	
	NET TOTAL PROJECT BUDGET		8,755,508.02	
	GST Recoverable		218,887.70	
	NET TOTAL PROJECT CAPITAL BUDGET		8,755,508.02	
	EQUITY, CONTRIBUTIONS and GRANTS			

12911	Land		(600,000.00)	
12922	Society cash		-	
12927	Municipal Reduction of Levies		(5,000.00)	
	In-kind services (energy modelling)		(12,000.00)	
	BC Housing Grant - TBC			
	CMHC Grant - TBC			
	Other Grants - TBC			
	Total Equity, Contributions and Grants		(617,000.00)	
	NET BUDGET		8,138,508.02	
	Per Unit		406,925.40	

Denman Housing Association
3720 East Road, Denman Island, B.C. V0R 1T0
DenmanAffordableHousing@gmail.com 250 335 2559
Registered Charity #84680 0936 RR0001

Att: Sonja Zupanec, Island Planner

June 2 2019

Re: DILTC Resolutions of April 24 2019 re DE-RZ-2018.1

Resolution 1. Updated Conceptual Site Plan dated May 30 2019

- Plan enclosed showing approximate locations of roads, trails, rental housing, cisterns, solar array & reservoir, septic fields, setbacks from boundary & veteran fir, vehicle parking, utility building, storage & bicycle storage, laundry/common building
- Per the Plan 'no-build- conservation areas could be North of the Old Logging Road except of course where the septic fields and the Access Road are sited. Also in the SE corner of the property. Estimated conservation area, subject to confirmation after survey and site marking, could be up to 10 acres or 50% of the property.
- Hydro will be brought overhead to the Utility Building, then by underground cable to individual units.
- Wastewater System Design will be as attached in respect of septic tank sizes & locations. The precise routing of connecting piping will depend on ground conditions & the routing of other utilities
- Maximum square footage of buildings may follow those prescribed for R3 in LUB 186 with some differences, additional structures as noted below
 - Max Gross Floor Area of Single Family Dwelling Unit 139.4 m²
 - Max Gross Floor Area of a Common House 279 m²
 - Max combined Gross Floor Area of all other buildings 1,275 m²
 - Max Area of Water Storage Cisterns 700 m²
 - Max Area of Solar Array 1,000 m²
 - Max Area of Reservoir 900 m²

Resolution 2. Backup Potable Water Supply

- Several companies deliver potable water by tanker to Gulf Islands and throughout Vancouver Island. Tankers are VIHA certified & many have been operating for years.
- Courtenay Water is currently the most economic quoting \$450 for a 4,500 IG load

- In addition to off-island bulk water tanker delivery, the attached memo from CVRD states that Denman-sourced potable water will be available to approved carriers in the near term. As the requirement for such deliveries is more likely to increase than not, it is reasonable to assume such water would be available to Denman Green as a backup water source in the foreseeable future.

Resolution 3. Number of 'Below Market' Rental Units

- BC Housing is in the business of developing affordable housing
- By definition 'affordable' means 'Below Market' rental rates
- By way of example, though not necessarily applicable to Denman Green, the Hornby Island Beulah Creek project unit mix as stipulated by BC Housing is:
 - 31% 'Near Market'
 - 19% 'Shelter'
 - 50% 'Rent Geared to Income'

Resolution 4. Estimated Costs for Developing Denman Green

- See attached
- These costs are estimates prepared by M'akola Development Services, based on their considerable experience of working with BC Housing & managing affordable housing projects. Civil Works numbers are estimates from local contractors.
- Figures should not be taken as other than indicative. With Capital Funding application not scheduled prior Spring 2020 and much research work to be done in the meantime, it is quite likely that numbers may change significantly in the interim.



NOTES:

1. Size and orientation of buildings are approximate.
2. In case of discrepancies between plans and specifications, specifications will govern.
3. Exact locations of tanks determined at installation.
4. All measurements in metres.

5,000 L CONCRETE
CLARIFICATION TANKS

5,455 L CONCRETE
SEPTIC TANK

4 x 1 BR

4,546 L CONCRETE
SEPTIC TANK

4 x 1 BR

1 x 2 BR
1 x 3 BR

2 x 1 BR
LAUNDRY

REMAINING 5 TANKS ARE 11,365 L CONCRETE
EQUALIZATION/TREATMENT/DOSE TANKS

4 x 4,546 L CONCRETE
SEPTIC TANKS

1 x 2 BR
1 x 3 BR

1 x 2 BR
1 x 3 BR

2 x 2 BR

1 x 2 BR
1 x 3 BR

10 5 0 10 20 metres

TITLE:

SITE PLAN DETAIL 1

PROJECT:

WASTEWATER SYSTEM DESIGN
DENMAN GREEN

CLIENT:

DHA

DATE:

MAY 27, 2019

DRAWN BY:

SMC

CHECKED BY:

SMC

SCALE:

AS SHOWN

PROJECT NO.

18-13

H₂O
ENVIRONMENTAL
LTD.

FIGURE 3

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 232

A BYLAW IN RESPECT TO THE ENFORCEMENT OF BYLAW NOTICES WITHIN THE DENMAN LOCAL TRUST AREA

WHEREAS the Denman Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Denman Island Local Trust Area, pursuant to the *Islands Trust Act*; and

WHEREAS the Denman Island Local Trust Committee wishes to regulate the Enforcement of Bylaw Notices in the Denman Local Trust Area;

NOW THEREFORE the Denman Island Local Trust Committee enacts, in open meeting assembled, as follows:

Citation

1. This Bylaw may be cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019”.

1.0 INTERPRETATION

In this Bylaw:

- 1.1 “Act” means the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c 60.
- 1.2 “Registry” means the Islands Trust established pursuant to section 6 of this bylaw.
- 1.3 “LTC” means the Denman Island Local Trust Committee.

2.0 DEFINITIONS

The terms in this bylaw have the same meaning as the terms defined in the *Act*.

3.0 BYLAW CONTRAVENTIONS

The bylaws and bylaw contraventions designated in Schedules “A” and “B” attached to this bylaw may be dealt with by Bylaw Violation Notice.

4.0 PENALTY

The penalty for a contravention referred to in Section 3 is as follows:

- (1) subject to paragraphs (2) to (4), is the Penalty amount set out in column A1 of Schedules “A” and “B” as attached to this bylaw;
- (2) if received by the Islands Trust within 14 days of the person receiving or being presumed to have received the bylaw violation notice, is the Early Payment Penalty Amount set out in column A2 of Schedules “A” and “B” as attached to this bylaw applies;
- (3) if more than 28 days after the person has received or is presumed to have received the bylaw violation notice, is subject to a late payment surcharge in addition to the penalty under

- paragraph (1) , and is the Late Payment Penalty Amount set out in column A3 of Schedules “A” and “B” as attached to this bylaw or
- (4) if paid under a compliance agreement, may be reduced as provided under column A5 of Schedules “A” and “B” as attached to this bylaw.

5.0 PERIOD FOR PAYING OR DISPUTING NOTICE

- 5.1 A person who receives a bylaw violation notice must, within 14 days of the date on which the person received or is presumed to have received the bylaw violation notice,

- (1) pay the penalty, or
- (2) request dispute adjudication

by filling in the appropriate portion of the bylaw violation notice indicating either a payment or a dispute and delivering it, either in person during regular office hours, or by mail, to the Islands Trust as directed on the bylaw violation notice.

- 5.2 A person may pay the indicated penalty after 14 days of receiving the notice subject to the applicable surcharge for late payment in accordance with Section 4(3) of this bylaw, but no person may dispute the bylaw violation notice after 14 days of receiving it.
- 5.3 Where a person was not served personally with a bylaw violation notice and advises the Islands Trust that they did not receive a copy of the original notice, the time limits for responding to a bylaw violation notice under Sections 5, 6 and 7 of this bylaw do not begin to run until a copy of the bylaw violation notice is re-delivered to them in accordance with the *Act*.

6.0 BYLAW NOTICE DISPUTE ADJUDICATION SYSTEM

- 6.1 The Registry is established as a bylaw violation notice dispute adjudication system in accordance with the *Act* to resolve disputes in relation to bylaw violation notices.
- 6.2 The civic address of the Registry is Suite 200 – 1627 Fort Street, Victoria, BC V8R 1H8.
- 6.3 Every person who is unsuccessful in dispute adjudication in relation to a bylaw violation notice or a compliance agreement under the dispute adjudication system established under this Section, must pay the Islands Trust an additional fee of \$25.00 for the purpose of the Islands Trust recovering the costs of the adjudication system.

7.0 SCREENING OFFICERS

- 7.1 The position of screening officer is established.
- 7.2 The following are designated classes of person that may be appointed as screening officers:
- (1) Regional Planning Manager;
 - (2) Bylaw Compliance and Enforcement Manager;
 - (3) Bylaw Compliance and Enforcement Officer;
 - (4) Bylaw Compliance and Enforcement Assistant;

and the LTC may appoint screening officers from these classes of persons by name of office or otherwise.

7.3 The powers, duties and functions of screening officers are as set out in the *Act*, and include the following powers:

- (1) Where requested by the person against whom a contravention is alleged, to communicate information respecting the nature of the contravention, the provision of the bylaw contravened, the facts on which the contravention allegation is based, the penalty for a contravention, the opportunity to enter into a compliance agreement, the opportunity to proceed to the bylaw violation notice dispute adjudication system and the fee or fees payable in relation to the bylaw violation notice enforcement process;
- (2) To communicate with any or all of the following for the purposes of performing their functions under this bylaw or the *Act*:
 - (a) the person against whom a contravention is alleged or their representative;
 - (b) the officer issuing the bylaw violation notice;
 - (c) the complainant or their representative;
 - (d) the Islands Trust staff and record regarding the disputant's history of bylaw compliance.
- (3) To prepare and enter into compliance agreements under the *Act* with persons who dispute bylaw violation notices, including to establish terms and conditions for compliance that the screening officer considers necessary or advisable, including time periods for payment of penalties and compliance with the bylaw;
- (4) To provide for payment of a reduced penalty if a compliance agreement is entered into as provided in column A5 of Schedules "A" and "B" as attached to this bylaw; and
- (5) To cancel bylaw violation notices in accordance with the *Act* or LTC policies and guidelines.

7.4 The bylaw contraventions in relation to which a screening officer may enter into a compliance agreement are indicated in column A4 of Schedules "A" and "B" as attached to this bylaw.

7.5 The maximum duration of a compliance agreement is one year.

8.0 BYLAW ENFORCEMENT OFFICERS

Persons acting as any of the following are designated as bylaw enforcement officers for the purposes of this bylaw and the *Act*:

- (a) Bylaw Compliance and Enforcement Manager;
- (b) Bylaw Compliance and Enforcement Officer.

9.0 FORM OF BYLAW VIOLATION NOTICE

The LTC may, from time to time, stipulate the form or forms of the bylaw violation notice provided the bylaw violation notice complies with Section 4 of the *Act*.

10.0 SCHEDULES

The following schedules are attached to and form part of this bylaw:

- (a) Schedule A – Denman Island Local Trust Committee's Land Use Bylaw No. 186, 2008 Contraventions and Penalties.
- (b) Schedule B – Denman Island Local Trust Committee's Siting and Use Bylaw No. 52, 1990.

READ A FIRST TIME THIS 6TH DAY OF JUNE , 2019

READ A SECOND TIME THIS 6TH DAY OF JUNE , 2019

READ A THIRD TIME THIS 6TH DAY OF JUNE , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
18TH DAY OF JUNE , 2019

ADOPTED THIS DAY OF , 2019

SECRETARY

CHAIR

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.1.2	Non Permitted Use Of Dwelling For Vacation Rental/Paying Guests	\$500.00	\$275.00	\$750.00	Yes	100%
2.1.5.a	Secondary Suite No Resident Owner or Manager	\$200.00	\$200.00	\$300.00	Yes	100%
2.1.5.b	More Than One Secondary Suite On A Lot	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.c	Suite Not Within Walls of Dwelling Unit	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.5.d	Suite Without Separate Entrance	\$200.00	\$200.00	\$300.00	Yes	100%
2.1.5.e	Oversized Suite	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.5.f	Suite Without Off-street Parking	\$200.00	\$200.00	\$300.00	Yes	100%
2.1.10	Non Permitted Use Of Structure For Overnight Accommodation	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.12	Non Permitted Use Of Travel Trailer/Bus As Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.13	Non Permitted Use Of Building/Structure For Overnight Accommodation In Water Zone	\$350.00	\$262.50	\$525.00	Yes	100%
2.1.14	Use Of Vessel As Permanent Residence In Any Water Zone	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.1	Building Within Setback Of Cliff	\$350.00	\$262.50	\$525.00	Yes	100%
2.3.2	Encroachment Into Setback From Natural Boundary Of Stream/Lake/Wetland	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment Into Setback From Natural Boundary Of Sea	\$300.00	\$262.50	\$200.00	Yes	100%
2.3.4	Exceed Minimum Difference In Elevation Of Building/Structure And Natural Boundary Of Sea	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.2	Non Permitted Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.3	Home Occupation Not Accessory To Active Residential Use	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.4	Fail To Retain Residential Appearance On Home Occupation Premises	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.5	Home Occupation Exceeds Maximum Combined Floor Area	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.6	Daycare With More Than Seven Children At A Time	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.7	Home Occupation, With Non Permitted Hazardous Materials	\$500.00	\$350.00	\$750.00	Yes	100%
2.4.8	Non Permitted Goods, Sold From Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.9	Use Of Sawmill As Part Of Home Occupation	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.4.10	Home Occupation Not Entirely Conducted In Dwelling Unit	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.11	Home Occupation Not in a Building	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.14	Home Occupation Exceeds Non-Resident Employees	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.15	Home-Based Guest Accommodation Outside Principal Dwelling	\$350.00	\$262.50	\$525.00	Yes	100%
2.4.16	Home-Based Guest Accommodation Exceeds Three Bedrooms/Two Beds In Bedrooms	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.5	Fail To Provide Off-road Parking On Lot	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.7	Parking Areas In Front Yard Exceed Maximum Area	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.8	No/Improper Disabled Persons Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.9	Improper Parking Provided	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.10	Parking Space Does Not Meet Size Requirements	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.11	Parking Spaces For Disabled Persons Too Small	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.12	Parking Areas Improperly Surfaced/Landscaped/Screened	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.13	Exceed Maximum Slope of Parking Space	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.14	Parking Area Lighting Fixtures Too Low/Too Dim/Not Directed Exclusively At Parking Area	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.16	Fail To Provide Minimum Parking Spaces	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.17	Fail To Provide Minimum Bicycle Parking	\$350.00	\$262.50	\$525.00	Yes	100%
2.5.18	Fail To Provide Minimum Parking Spaces For Disabled Persons	\$350.00	\$262.50	\$525.00	Yes	100%
2.6.1	Exceed Maximum Number/Area Of Signs In Residential, Rural Residential And Co-housing Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.2	Exceed Maximum Number/Area Of Signs In Agriculture, Forestry and Resource Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.3	Exceed Maximum Number/Area Of Signs In Commercial/Light Industrial Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.4	Exceed Maximum Number/Area Of Signs In Institutional Zone	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.5	Exceed Maximum Number/Area Of Signs In Conservation/Parks Zones	\$200.00	\$150.00	\$300.00	Yes	100%

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.6.6	Exceed Maximum Number/Area Of Signs In Marine Aquaculture Zone	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.7	Real Estate Signs Exceed Maximum Number/Area/Permitted Time Period To Be Displayed	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.8	Non Permitted Additional Open Sign In Commercial/Light Industrial Zones	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.11	Exceed Maximum Height Of Free Standing Signs	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.12	Exceed Maximum Height Of Sign Attached To Structure	\$200.00	\$150.00	\$300.00	Yes	100%
2.6.14	Non Permitted Sign	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.2	Landscape Screen Too Low	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.3	Landscape Screen Too Narrow	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.4	Incomplete Landscape Screen	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.5	Inadequate Landscape Screen For Commercial/Industrial/Institutional Uses	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.6	Inadequate Landscape Screen For Outdoor Storage For Home Occupation	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.7	Inadequate Landscape Screen for Work Yards/Commercial Or Industrial Outdoor Storage/Derelict Vehicles	\$200.00	\$150.00	\$300.00	Yes	100%
2.7.8	Inadequate Landscape Screen In Setback Area In Co-housing Zones	\$200.00	\$150.00	\$300.00	Yes	100%
3.3 Table 1	Non Permitted Use In A Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 2	Non Permitted Building/Structure In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 3	Non Permitted Density In Residential Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.3 Table 4	Exceed Maximum Height Restrictions In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 5	Encroachment Into Setbacks In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 6	Exceed Maximum Floor Area Restrictions In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.3 Table 8	Fail To Meet Site Specific Regulations In Residential Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 1	Non Permitted Use In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 2	Non Permitted Building/Structure In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 3	Non Permitted Density In Resource Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.4 Table 4	Exceed Maximum Height Restrictions In Resource Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 5	Encroachment Into Setbacks In Resource Zone	\$350.00	\$262.50	\$525.00	Yes	100%

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
3.4 Table 6	Exceed Maximum Gross Floor Area In Resource Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.4 Table 8	Fail To Meet Site Specific Regulations In Resource Zone	\$300.00	\$262.50	\$200.00	Yes	100%
3.5 Table 1	Non Permitted Use In Commercial/Light Industrial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 2	Non Permitted Building/Structure In Commercial/Light Industrial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 3	Non Permitted Density In Commercial/Light Industrial Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.5 Table 4	Exceed Maximum Height Restrictions In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 5	Encroachment Into Setbacks In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 6	Exceed Maximum Gross Floor Area In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.5 Table 8	Fail To Meet Site Specific Regulations In Commercial/Light Industrial Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 1	Non Permitted Use In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 2	Non Permitted Building/Structure In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 3	Non Permitted Density In Community Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.6 Table 4	Exceed Maximum Height Restrictions In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 5	Encroachment Into Setbacks In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 6	Exceed Maximum Gross Floor Area In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.6 Table 8	Fail To Meet Site Specific Regulations In Community Zone	\$350.00	\$262.50	\$525.00	Yes	100%
3.7 Table 1	Non Permitted Use In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure In Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 3	Exceed Maximum Height Restrictions In Water Zone	\$300.00	\$262.50	\$200.00	Yes	100%
3.7 Table 4	Fail To Meet Site Specific Regulations In Water Zone	\$300.00	\$262.50	\$200.00	Yes	100%
3.7 Table 5	Using Prohibited Vehicle/Ground Based Machinery on Foreshore	\$500.00	\$375.00	\$750.00	Yes	100%

SCHEDULE B
DENMAN ISLAND SITING AND USE BYLAW NO. 52
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.	Fail To Obtain Siting and Use Permit	\$500.00	\$275.00	\$750.00	Yes	100%

From: Edina Johnston [REDACTED]
Sent: Sunday, June 23, 2019 1:31 PM
To: Sue Ellen Fast; Laura Busheikin; David Critchley
Cc: EC; info@gulfislandsalliance.ca
Subject: Denman Island Residents concerns about dangerous Denman beaches and waters and what the LTC can do

Denman Island Residents Association

June 23, 2019
Denman Island Local Trust Committee
Chair Sue Ellen Fast
sfast@islandstrust.bc.ca

Trustee Busheikin
lbusheikin@islandstrust.bc.ca

Trustee Critchley
dcritchley@islandstrust.bc.ca

Dear Denman Island Trustees: It has come to the attention of the Denman Island Residents Association (DIRA) that our beaches and off shore waters are becoming increasingly dangerous for recreational use due to unregulated shellfish infrastructure.

There are three government agencies involved in shellfish tenures with the Ministry of Forests, Lands and Infrastructure (FLNRO) assigning the Crown land for the tenure (aka the landlord), DFO approves the license to operate and Transport Canada (TC) assures that there are no navigational hazards caused by the tenures.

Shellfish tenure inspections are no longer done by DFO who have gone on record stating that unless the problem is directly related to fish, they are not responsible for the modifications being done. They are however, responsible for ensuring equipment is secured and maintained.

The government agency who has accepted responsibility for tenure safety is FLNRO. Even though they are aware that there have been injuries and acknowledge the problem, as to date, the only action they have taken is to inspect a handful of tenures, and send out warning letters to tenure owners to comply. After a year and continued complaints from concerned residents, nothing has changed and the use of materials such as rebar spikes (see photo below) continues to escalate.

As well, DFO is responsible for ensuring, through enforcement of Shellfish Conditions of License that all tenure equipment is secured to the tenure and maintained. If enforced, this would stop improperly secured netting from floating (see photo below) posing a risks to swimmers, boaters and animals. Unsecured nets or ropes is where Transport Canada should become involved.

As there appears to be no direct action from DFO, FLNRO or TC to mitigate these dangers and rectify the situation, concerned residents have also asked for warning signs to be placed near clearly marked tenures to warn recreational users of possible dangers which may not be obvious and are lurking just below the surface.

Therefore, to keep our Denman Island beaches and off shore waters safe for all users, the Denman Island Residents Association asks the Denman Island Local Trust Committee:

1. to lobby FLNRO, DFO and TC and strongly encourage them to enforce their existing regulations and ensure that tenures will be clearly marked and
2. that the Denman Island LTC have warning signs created and posted in key areas which would alert both residents and tourist to the possible dangers of shellfish tenures on our beaches and in our offshore waters.

Thank you for your time and consideration and DIRA looks forward to your response.

Respectfully, **Edina Johnston**

Denman Island Residents Association

c/o Edina Johnston

Chair DIRA Marine Guardians Committee

diraguardians@gmail.com







File No.: 3025-02 (BOV)

DATE OF MEETING: July 4, 2019
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Board of Variance Appointments

RECOMMENDATION:

1. That the Denman Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Denman Island Board of Variance for a three-year term effective July 27, 2019.

BACKGROUND

The Board of Variance is established pursuant to Section 536 of the *Local Government Act* and enables persons suffering personal hardship through zoning bylaw provisions to seek a minor variance. Members are appointed to a three-year term. The term of the current Board members, Jack Woodward, Laurie Jackson and Sheila Ray, will expire on July 5, 2019. During the current term, no applications have been received for consideration by the Board.

Staff has contacted the current Board members and they are willing to be reappointed to the Denman Island Board of Variance for a three year term, effective July 27, 2019.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 5, 2019
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BRIEFING

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, Director, Local Planning Services	Date Prepared:	June 17, 2019
SUBJECT:	Model Radio Antenna Strategy		

PURPOSE: To provide the model radio antenna strategy to local trust committees for consideration of adoption.

BACKGROUND:

The federal Ministry of Innovation, Science and Economic Development Canada (ISED)(formerly Industry Canada),has jurisdiction over telecommunications uses such as radio broadcast towers and cellular telephone towers, which are licensed under the federal *Telecommunications Act*. ISED looks for the land use authority to issue a letter of concurrence or non-concurrence with the proposal put forward by telecommunications proponents and the consultation process they conduct. ISED recommends land use authorities establish a documented public consultation process to guide cell/radio tower proponents.

Within the Islands Trust, the consultation process on these types of applications was previously guided by the Letter of Understanding (LOU, signed October 30, 1996) that existed between ISED and the Islands Trust Council, on behalf of Local Trust Committees, for proposed towers of over 25m in height. Since ISED updated its Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03) in 2014 to include a Default Public Consultation Process, the Trust Council/ISED LOU was rescinded by ISED under the terms of the agreement.

When a land use authority does not have an established or documented public consultation process, proponents of radio towers must use the ISED default process outlined in the Radio communication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03).

In March 2016, Trust Council passed the following resolution:

THAT the Islands Trust Council request the Local Planning Committee to make recommendations on policy that includes public consultation procedures and development guidelines for the siting and design of antenna systems, which may then be adapted and implemented by local trust committees.

The report, “Model Program for Antenna Systems,” dated May 3, 2018, (Attachment 1) was prepared by a consultant (James Van Hemert) under contract with Islands Trust. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report’s creation.

The report was received by Trust Council the June 2018 Trust Council meeting and was requested to be forwarded to local trust committees. This is being forwarded to you now to allow the new local trust committees elected in November 2018 to consider adoption of the public process contained in the

“Model Program for Antenna Systems”, as well as the policy and regulatory recommendations contained in this document.

ATTACHMENT(S):

1. Model Program for Antenna Systems,” dated May 3, 2018

FOLLOW-UP:

A brochure is being developed to explain the process and will be posted on the Islands Trust website as soon as it is complete.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

MODEL STRATEGY FOR ANTENNA SYSTEMS

LOCAL PLANNING COMMITTEE



Islands Trust



Photo Credit: Beacon Wireless – <http://www.beaconwireless.ca/#high-speed-internet>

May 3, 2018

V A N H E M E R T & C O .

Planning Healthy Communities

Table of Contents

1	Introduction	3
2	Interviews and Review of Literature.....	4
2.1	Introduction	4
2.2	Local Trust Committee Jurisdiction and ISED’s Requirements and Recommendations.....	4
2.3	Islands Trust Experience	5
3	Model Consultation Program.....	7
3.1	Information Science & Economic Development Canada (ISED) Application & Default Public Consultation Process	7
3.2	Model Public Consultation Protocol for Local Trust Areas	14
4	Land Use Siting Criteria	30
4.1	Introduction	30
4.2	Criteria	30
5	Model Official Community Plan Policies	34
5.1	Advocacy Policies	34
5.2	Land Use Policy	34
6	On-line Brochure on the Default ISED Public Consultation & Approval Process and the Role of Islands Trust	37
7	Definitions.....	38
8	Appendix: Antenna Design Matrix.....	40

1 INTRODUCTION

Local Trust Committees (LTC) have recently been grappling with how best to consult with the public and to address local concerns around proposed cellular and radio communication towers. At the same time Innovation Science and Economic Development Canada (ISED) notes that there is a growing demand for denser wireless connectivity by citizens generally, as well as students, public service providers including 911 services, and small business. While people enjoy the relatively remote Gulf Island life, it also means they need to have adequate wireless access, including emergency services. This is especially true for the aging population on the islands who require access to health care more often and may avail of e-health services in communities with limited specialized medical staff.

The model *protocol* within this document has been prepared to help Local Trust Areas (LTA) effectively and efficiently assess antenna system proposals within their own unique contexts. The document provides a description of ISED's default public consultation process, a model public consultation *protocol*, model siting criteria, model Official Community Plan policies, and definitions. The model *protocol* may be adopted in its current form as a stand-alone document; or it may be customized for local considerations. The model siting criteria and the Official Community Plan policies may be incorporated into the *protocol* or included within an Official Community Plan. Existing processes and by-laws for each separate Local Trust Area should be reviewed in light of adopting the model *protocol* and be revised or rescinded.

The *protocol* has been developed with input and insight from Islands Trust planning staff, Local Trust Area Trustees, ISED, other land use authorities and representatives from the telecommunications industry. It should be noted, however, that input from the industry does not necessarily constitute support.

Note that words in *italics*, and not otherwise a document, legislative act or agency, are words defined in Section 7 Definitions.

2 INTERVIEWS AND REVIEW OF LITERATURE

2.1 Introduction

The model consultation *protocol* is informed by the department of Innovation Science and Economic Development (ISED) Canada's foundational guides, the Federation of Canadian Municipalities *protocol* template¹, and Health Canada's Safety Code 6 (2009) regarding limits to human exposure to radiofrequency electromagnetic fields. A discussion on the respective roles of federal government and local land use authorities sets the foundation for a defensible and effective *protocol*. Documents and telephone interviews with staff and a trustee served as an overview of the Islands Trust experience in reviewing antenna system proposals. This information provides a practical and experiential foundation of the local context. Rounding out the review, interviews were conducted with IEDC, other local government jurisdictions, and representatives of the telecommunications industry.

2.2 Local Trust Committee Jurisdiction and ISED's Requirements and Recommendations

The ISED's *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03* (CPC) (hereinafter referred to as the CPC) is the foundation for understanding public consultation requirements and the appropriate role of the land use authority. It identifies the **mandate**, established in Section 5 of the *Radiocommunications Act* states that the Minister (of ISED) may, taking into account all matters considered relevant for ensuring the **orderly development** and **efficient** operation of radiocommunication in Canada, issue radio authorization, and approve each site on which radio apparatus, including *antenna systems*, may be located. A certain measure of flexibility is required in siting *antenna systems* in order to achieve adequate coverage for service areas.

The CPC emphasizes the importance of considering **local surroundings** in deploying *antenna systems*. Accordingly, the default public consultation process requires *proponents* of certain *antenna systems* to engage land-use authorities with regard to **site options, local public engagement and review processes, addressing reasonable and relevant concerns**, and ultimately obtain **land-use authority concurrence** in writing. Land-use authorities are encouraged to establish **reasonable, relevant, and predictable** consultation processes specific to *antenna systems* and consider matters such as designation of suitable contacts or responsible officials, proposal submission requirements, public consultation, documentation of concurrence process, and the establishment of milestones to ensure consultation process completion within 120 days. To that end, the ISED publishes the *Guide to Assist Land-use*

¹ *Antenna System Siting Protocol* template published by the Federation of Canadian Municipalities in consultation with the telecommunications industry. Available online at: https://fcm.ca/Documents/reports/FCM/Antenna_System_Siting_Protocol_Template_EN.pdf Accessed on October 2017.

Authorities in Developing Antenna System Siting Protocols which was referred to in developing this model strategy.

Certain types of proposals (listed below) are excluded from land-use authority and public consultation requirements; however, all *proponents* must consider whether or not it is prudent to undertake consultation for an excluded proposal on the basis of:

- the proposal's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location and proximity to neighbouring residents;
- the likelihood of an area being a community sensitive location; and
- Transport Canada's marking and lighting requirements for the proposed structure.

Exclusions include the following:

- new *antenna systems* where height is less than 15 metres, but does not apply to *antenna systems* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- existing *antenna systems* where modifications are made, antenna added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation;
- non-tower structure antenna on buildings, water towers, lamp posts, etc. may be excluded provided the height of the ground of the site of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%; and
- temporary *antenna systems* used for special events or emergency operations.

The CPC provides examples of relevant concerns that may be raised during public consultation, including, for example, why use of existing *antenna systems* may not be used, alternative sites, and what is being done to integrate antenna into local surroundings. Concerns that are **not** relevant include disputes with members of the public relating to *proponent's* service, potential effects that proposed *antenna system* will have on property values or municipal taxes, and questions whether or not *Safety Code 6*, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner.

2.3 Islands Trust Experience

Information about Islands Trust experience was gleaned from special studies, staff reports and *protocol* documents from the following Local Trust Areas: Galiano Island, Gabriola Island, Hornby Island, and Salt Spring Island. Documents reviewed included:

- Local Planning Committee briefing of January 28, 2015
- Galiano Island LTA:
 - Rogers Cell Tower referral, April 24, 2015
 - Telecommunications Strategy staff report to LTC, March 30, 2016
 - Telecommunication Strategy Project staff report, March 27, 2017

- Antenna System and Siting Consultation Protocol, March 2017
- Hornby Island LTA--TELUS tower, public consultation package, staff reports of November 22, 2016 and May 5, 2017
- Gabriola Island LTA--Resolution GB-025-2010 regarding Communication Towers and Antennae
- Salt Spring Island:
 - Cellular Antennae Proposal Form
 - Procedural Guideline, April 26, 2001

Interviews for gaining insights and information were conducted with current and former Islands Trust planning staff with experience managing *antenna system* proposals. These included Marnie Eggen, Justine Starke, Aleksandra Brzozowski, and Robert Kojima. Tony Law, a trustee for Hornby Island LTA was also interviewed for his perspective on dealing with a particularly controversial application.

Additionally, to round out the perspective from other stakeholders, representatives from the telecommunication industry (Doug Anastos, TELUS) and their process consultant, Brian Gregg (SitePath), were interviewed. Industry input, however, does not necessarily mean support for the draft *protocol* as presented.

ISED representative, Jeff Stanhope, was interviewed and he also provided comments on a draft of the public consultation *protocol*. No red flags were raised regarding consistency with the CPC, the foundational guiding document of ISED.

Following an initial review of this protocol by the Local Planning Committee further input from the telecommunication Industry was received via a roundtable discussion in January of 2018. Representatives included Doug Anastos (TELUS), Kiersten Enemark (Shaw), and Samuel Sugita (Rogers Communications).

Experience in Other Jurisdictions included the following:

- Regional District of Nanaimo
- District of North Saanich
- District of Saanich
- District of Maple Ridge
- City of North Vancouver
- Village of Pemberton

3 MODEL CONSULTATION PROGRAM

3.1 Information Science & Economic Development Canada (ISED) Application & Default Public Consultation Process

A. *Description of ISED's Application and Default Public Consultation Process*

ISED provides on its website a user-friendly text summary and infographic about how decisions are made regarding cell towers. The five-step process applies to all *telecommunication antenna systems* that are not expressly excluded from public consultation.

1. **Share**

Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones.

2. **Propose**

Companies must submit a plan to the local municipality.

3. **Notify**

Once a company has a plan, it must notify local residents of the upcoming consultation. Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area three times the height of the tower must be notified.

4. **Consult**

The company must consider the community's views.

Impasses are rare. <0.1% of cases require Industry Canada's decision.

5. **Build**

Following the consultation, and once the company and local municipality agree, the tower must be built within three years.

CELL TOWERS IN YOUR COMMUNITY: HOW THE DECISION IS MADE

The Government of Canada regulates tower siting decisions, settles disputes, and sets health and safety standards.

New towers give wireless customers better, more reliable mobile service.



1 SHARE

Is a new tower necessary? Rules require companies to share towers, whenever possible, instead of building new ones

2 PROPOSE

Companies must submit a plan to the local municipality.

3 NOTIFY

Once a company has a plan, it must notify local residents of the upcoming consultation.

* Rules require notifications be clearly marked – no confusion with junk mail. All residents within an area 3x the height of the tower must be notified.

4 CONSULT

The company must consider the community's views

* Impasses are rare. <0.1% of cases require Industry Canada's decision.

BUILD 5

Following the consultation, and once the company and local municipality agree, the tower must be built within three years.



Canada 

Proponents of siting and constructing an *antenna system* are required to present their plans and consult with the local land use authority; they are not required to make a formal application to ISED for siting an antenna facility. They are required, however, to provide information and notify ISED at the following points in the process in order to proceed:

- **public notification**: provide notification package;
- **responding to the public**: copy of all public reply comments; and
- **concluding consultation**: if applicable--for example, in cases where a land use authority does not provide a clear form of land-use concurrence, --the *proponent* may request ISED to confirm its concurrence that the public consultation process requirements have been met.

The ISED Default Public Consultation Process applies to *proponents* if the land-use authority does not have its own established and documented consultation process for antenna siting. ISED's default process has three steps for consultation with the public and land-use authority whereby the *proponent*:

- provides **written public notification** of the proposed *antenna system* installation or modification;
- engages and **responds to the public** to address relevant questions, comments and concerns; and
- provides an opportunity for **public reply** in writing to the *proponent* regarding measures taken to address reasonable and relevant concerns.

Details on timing, content, communication channels, and style of communication for each step are summarized below.

1. *Public Notification*

- a) *Proponent* must provide a **notification package** to the following within a **radius of three times the tower height**:
 - the local public (including residences, community gathering areas, public institutions, schools, etc.);
 - neighbouring land-use authorities, and
 - businesses, and property owners.
- b) The notice of an upcoming consultation must be clearly marked, making reference to the proposed *antenna system*.
- c) Must provide at least **30 days** for written public comment.
- d) In areas of **seasonal residence**, the *proponent* must work with the land-use authority to determine the best manner to notify such residents to ensure their engagement.

- e) In addition, for *antenna system* of 30 metres or greater in height, notice must be placed in a local community newspaper circulating in the proposed area. Timing must be synchronized with the distribution of the public notification package, must be legible and placed in the public notice section of the newspaper. Further, it must include:
 - description of proposed installation;
 - location and street address;
 - *proponent* contact information and mailing address; and
 - invitation to provide public comments to *proponent* within 30 days of the notice.
- f) In areas without a local newspaper, other effective means of public notification must be implemented.

2. *Responding to the Public*

Proponents must address all reasonable and relevant concerns, make all reasonable efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. When a question comment or concern is raised the *proponent* is required to:

- respond to the party in writing within **14 days** acknowledging receipt;
- address in writing all reasonable and relevant concerns within **60 days** of receipt or explain why concerns are not reasonable or relevant; and
- in written communication referred to above clearly note that the party has **21 days** from date of correspondence to reply to *proponent's* response.

The *proponent* may respond to a party via telephone, engaging in a community meeting or having an informal personal discussion.

3. *Public Reply Comments*

Examples of relevant concerns to address may include:

- Why is the use of an existing *antenna system* or structure not possible?
- How is the *proponent* trying to integrate the antenna into the local surroundings?
- What is the *proponent* doing to ensure that the *antenna system* is not accessible to the general public?
- What options are available to satisfy aeronautical obstruction making requirements at this site?
- What are the steps the *proponent* is taking to ensure compliance with the general requirements of the *Innovation Science Economic Development Canada's Client Procedures*

CPC 2-0-03, the *Canadian environmental Assessment Act* (CEAA), and *Safety Code 6* of the *Health Act*?

Concerns that are **not relevant** include:

- Disputes with members of the public relating to the *proponent's* service, but unrelated to antenna installations;
- Potential effects that a proposed *antenna system* will have on property values or municipal taxes;
- Questions whether the *Radiocommunication Act*, this document, *Safety Code 6*, locally established bylaws, other legislation, procedures or processes are valid or should be reformed in some manner.

4. *Concluding Consultation*

Installation or modification of an *antenna system* may only be commenced after the consultation process has been completed by the land-use authority, or ISED confirms concurrence of the consultation portion of the default process, and after all other process requirements have been met by the *proponent*.

B. Analysis and Observations of ISED's Default Public Consultation Process

1. *ISED Limits of Public Consultation*

The limits of ISED's CPC include the following matters on which it is either silent or does not have a requirement:

- application requirements to the land use authority;
- cost recovery;
- pre-consultation; and
- a means for community based dialogue beyond providing public information.

Further, the time restrictions on notice, responses, as well as the overall consultation time frame could be restrictive in addressing controversial proposals and the efforts needed to mitigate and search for alternatives. In practice, however, some consultation takes longer than the timeframes set out in the Default process. Carriers appreciate a predictable process, but understand that certain sites may require more time.

2. *Analysis*

The CPC clearly notes that its default consultation process is a **minimum** process and anticipates through direct reference that local land-use authorities may **augment** the process by developing its own *protocol* which can address, for example, notification of additional entities, expanded

minimum prescribed notification distances, pre-consultation meetings, and community information sessions.

The CPC also contains an important clause suggesting that even though a proposal may otherwise be exempt from public consultation, there are cases where “it may be prudent for the *proponent* to consult even though the proposal meets an exclusion.” Considerations for this decision include:

- the *antenna system’s* physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;
- the location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- the likelihood of an area being a community-sensitive location; and
- NAV Canada and Transport Canada’s marking and lighting requirements for the proposed structure.

The companion *Guide to Assist Land-Use Authorities in Developing Antenna Siting Protocols* complements the CPC and addresses the role *land use authorities* (LUA)s can play in effectively participating and influencing decisions with respect to the proposed *antenna system* within the ISED’s siting procedures and sets out elements that LUAs might wish to include in establishing their own local *protocol*. These elements are incorporated in the model *protocol* described in this document.

Local knowledge is valued, particularly with regard to amenities, cultural or environmental sensitivities, Local Trust Area planning priorities such as those related to telecommunication connectivity, and other relevant characteristics of the area.

Although recognizing that the LUA or public’s preferred locations for siting may not always be feasible for strategic and technical reasons, the guide notes:

LUAs are encouraged to develop protocols that are clear and within their area of responsibility. Protocols can include promoting the placement of antennas in optimal locations from a land-use point of view, or excluding certain types of installations from protocol requirements. Through protocols, an LUA can highlight its local knowledge and expertise related to area sensitivities, including environmental or cultural concerns, and land-use compatibility.²

It is appropriate, therefore, for a local government to establish by way of policy in its Official Community Plan or Land Use Bylaw, and a *protocol* document, land use preferences, land use

² Guide to Assist Land-use Authorities in Developing antenna system Siting Protocols, Industry Canada (now Innovation, Science, Economic Development Canada), Issue 2, August 2014, Section 2.1, page 3.

sensitivities, and *design guidelines*. for siting of an *antenna system*. This conclusion has been confirmed in a conversation with an ISED representative.³

The guide suggests LUAs may consider preliminary consultation which will serve to inform, advise, guide, and indicate preferences to *proponents*. Communities such as the Regional District of Nanaimo have established a preliminary consultation step in the form of a site investigation meeting.

Further, the guide acknowledges that a LUA can set the format for public consultation in its *protocol*. These formats may take the form of a community open house, town hall style meeting, or another format preferred by the LUA. Ideally, the LUA and *proponent* will arrive at a mutually agreeable format.

In its outline template, the guide provides a set of considerations and suggested principles for a community in developing its own local *protocol*. The Regional District of Nanaimo, for example, has used this template effectively for establishing a *protocol* for all its Electoral Areas.

C. Addressing the Limitations of the ISED's Default Process

A model *protocol* for the Local Trust Areas can effectively compliment and address the inherent limitations of ISED's default process in the following manner:

- specify application requirements in detail;
- require pre-consultation;
- require information to the Local Trust Area, even if public consultation is not required;
- address cost recovery separately through an application fee;
- establish the desired format for public consultation beyond information packages;
- increase written notification area;
- identify specific groups to notify;
- establish siting criteria via OCP policy or via incorporation within a separate *protocol* document; and
- establish its own time frames, provided they do not exceed limitations of the CPC; however, the CPC provides for an opportunity to extend time frames under certain circumstances, particularly if there is an opportunity to mitigate and review options.

³ Conversation with Jeff Stanhope, Spectrums Operations Manager, Spectrum Management Operations Branch, ISED, September 29, 2017.

3.2 Model Public Consultation Protocol for Local Trust Areas

A. Introduction

Telecommunications systems that provide full coverage and service are essential to for a healthy and well-connected community. This protocol serves as a foundation to ensure that communities benefit from high quality, dependable telecommunication services that effectively support daily life activities, emergency services, citizen engagement, tourism, and local business all of which are important to the Islands Trust.

B. Objectives

The objectives of this *protocol* are:

1. to acknowledge that ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada;
2. to establish a siting and consultation process for use by all Local Trust Areas (LTA)s that is harmonized with ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-o-03)* and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* for reviewing land use issues associated with *antenna system* siting proposals;
3. to set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of *antenna system* siting proposals that:
 - minimize the number of new antenna sites by encouraging co-location;
 - encourage designs that integrate with the surrounding land use and public realm;
 - establish when local public consultation is required; and
 - allow ISED and *proponents* to identify and resolve any potential land use, siting or design concerns with the LTA at an early stage in the process.
4. to provide an expeditious review process for *antenna system* siting proposals;
5. to establish a local land use consultation framework that ensures the LTA and members of the public contribute local knowledge that facilitates and influences the siting--location, development and design (including aesthetics) —of *Antenna system* within LTA boundaries;
6. to contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network within all LTAs;
7. to provide LTAs with the information required to satisfy the requirements of ISED regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the LTA at the end of the process; and

8. to establish administrative fees to be paid by telecommunication *proponents* with consideration given to the costs to Islands Trust to evaluate and process proposals.

C. Jurisdiction

1. Role of Innovation, Science and Economic Development Canada

Under the *Radiocommunication Act*, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of *telecommunication antenna system* is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, the *CPC*, which prescribes the process and review of proposed telecommunication structures. As part of the process, *proponents* are required to notify the local land-use authority and nearby residents. Moreover, the *proponent* is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

2. Other Federal Legislation

Public Health

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication *proponents* are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009)*.⁴ This code is accompanied by the *Technical Guide for Interpretation and Compliance Assessment of Health Canada's Radiofrequency Exposure Guidelines*, to assist users in understanding and assessing the safety of electromagnetic exposures in working and living environments. This code is also accompanied by a fact sheet, *What is Safety Code 6?* (available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/reports-publications/radiation/fact-sheet-what-safety-code-6.html>). The document is self described as 'busting myths' with a summary of facts. The introduction to this document, cited in the following paragraphs, provides a clear summary.

The Government of Canada is committed to protecting the health and safety of Canadians from environmental risks, including those posed by exposure to radiofrequency (RF)

⁴ LTAs do not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the *proponent's* representative. The document is available online at <https://www.canada.ca/en/health-canada/services/environmental-workplace-health/consultations/limits-human-exposure-radiofrequency-electromagnetic-energy-frequency-range-3-300.html> (accessed October 27, 2017).

electromagnetic energy - the kind of energy given off by various electronic devices such as cell phones and Wi-Fi, as well as broadcasting and cell phone towers.

Health Canada has a guideline, known as Safety Code 6, which recommends limits for safe human exposure to RF electromagnetic energy. The limits established in Safety Code 6 incorporate large safety margins to provide a significant level of protection for all Canadians, including those working near RF sources.

Health Canada scientists monitor the scientific literature on this issue on an ongoing basis. Safety Code 6 is reviewed on a regular basis to verify that the guideline provides protection against all known potentially harmful health effects.

While Health Canada recommends limits for safe human exposure, Health Canada does not regulate the general public's exposure to electromagnetic RF energy. However, many provinces and territories apply the exposure limits in Safety Code 6 for general public exposure. Wireless devices and their associated infrastructure (such as cell towers) are regulated by Industry Canada, and are required to comply with Safety Code 6.

Canada's limits are consistent with the science-based standards used in other parts of the world (e.g., the United States, the European Union, Japan, Australia and New Zealand) and provide protection against all known adverse health effects from RF energy.

Environmental and Aeronautical Legislation

In addition to Health Canada's requirements, *proponents* must comply with the Canadian Environmental Assessment Act and any painting and lighting requirements for aeronautical safety prescribed by NAV Canada and Transport Canada.

3. Role of Local Government

Local governments are referred applications for proposed towers and are given the opportunity to comment on the proposal. Ultimately, the role of the Local Trust Committee (LTC) is to issue a statement of concurrence or non-concurrence to the *proponent* and ISED.⁵ The statement considers the land-use compatibility of the antenna structure, the responses of the impacted residents and the *proponent's* adherence to this *protocol*. In addition, local government can communicate and provide guidance to the *proponent* on the particular sensitivities, planning priorities, and characteristics of an area, and establish siting guidelines. Local government may adopt the default public consultation process as defined in ISED's CPC or augment the process with its own consultation process, subject to the time limitations established in the CPC.

D. Antenna Structures for which Public Consultation is Required

⁵ Regardless of whether the LTA issues a statement of concurrence or non-concurrence, ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.

- **New antenna systems:** where the height is greater than 15 metres
- **New antenna systems:** where the height is less than 15 metres proposed by telecommunication carriers, broadcasting undertakings or third-party owners
- **Existing antenna systems:** where modifications exceed a cumulative height increase of greater than 25%
- **Non-Tower Structures:** where the height above ground of the non-tower structure, exclusive of appurtenances, is increased by more than 25%

E. Excluded Antenna Structures & Information Requirements

This section outlines the criteria for identifying *Antenna system* excluded from the consultation process by ISED, the need to consider local circumstances for all exempt structures, and the process for *proponents* to notify and discuss proposed exempt structures with the LTA.

1. Exemptions from Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, *proponents* are generally excluded by ISED from the requirement to consult with the LTA and the public, **but must still fulfill the General Requirements outlined in Section 7 of the CPC.**

- **New antenna system:** where the height is **less than 15 metres** above ground level proposed by business, government, Crown agencies, general public; this exclusion does not apply to *antenna system* proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Existing antenna system:** where modifications are made, antennas added or the tower replaced⁶, including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial *antenna system* installation⁷. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to *antenna system* using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third-party tower owners;
- **Non-tower structure:** antennas on buildings, water towers, lamp posts, and similar structures, **are excluded** from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25% and have been reviewed by Islands Trust staff who will provide comment in accordance with LTA *design guidelines*; and
- **Temporary antenna systems:** used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

No consultation is required prior to performing maintenance on an existing *antenna system*

⁶ The exclusion for the replacement of existing antenna systems applies to replacements that are similar to the original design and location.

⁷ Initial antenna system installation refers to the system as it was first consulted on, or installed.

2. *Design Guidelines for Antenna Systems*

The appendix in Chapter 8 of this protocol document is a matrix of telecommunication design illustrating typical tower designs, rooftop antennas, utility poles and light standards. An LTA may choose to further exempt from public consultation any of the specific antenna systems illustrated in the matrix. Note that antennas affixed to buildings, utility poles and light standard are already exempt from public consultation, unless they exceed a 25% increase in height.

3. *Voluntary Public Consultation*

The CPC states that:

Individual circumstances vary with each antenna system installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the proponents to consult the LTA and the public even though the proposal meets an exclusion noted above.

Therefore, when applying the criteria for exclusion, *proponents* are encouraged to consult the LTA when it is **prudent** to do so in consideration of any of the following:

- The *antenna system's* physical dimensions, including the antenna, mast, and tower, is significant compared to the local surroundings,
- The relative location of the proposed *antenna system* on the property and its proximity to neighbouring residents;
- The likelihood of an area being in a community-sensitive location; and
- The nature of Transport Canada's marking and lighting requirements for the proposed structure.

F. Notification and LTA Review of Exempt Antenna system

Notwithstanding ISED's exemption criteria for certain *Antenna system*, LTAs should be informed of all new *antenna system* installations within their boundaries so they can:

- be prepared to respond to public inquiries once construction/installation has begun;
- be aware of site *co-location* within the LTA;
- maintain records to refer to in the event of future modifications and additions; and
- engage in meaningful dialogue with the *proponent* with respect to the appearance of the *antenna system* and structure prior to the *proponent* confirming a final design.

Therefore, *proponents* are required to undertake the following steps for **all exempt antenna system installations before commencing construction**.

1. *Building/Structure-Mounted Antenna System:*

The *proponent* will in all cases provide the following **information** for all new *antenna system* or modifications⁸ to existing *antenna system* that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in sub-section 3.2 D. 1.:

- a) the location of the *antenna system* (address, name of building, rooftop or wall mounted);
- b) description of proposed **design** with respect to the measures used by existing systems on that site;
- c) the height of the *antenna system*;
- d) the height of any modifications to existing systems.

The Islands Trust staff may notify the *proponent* of any inconsistency with the preferences and sensitivities expressed in the siting criteria and /or design preferences and the parties (proponent and Islands Trust staff) will work towards a solution that minimizes visibility.

2. *Additions that Increase the Height of Freestanding Antenna system:*

The *proponent* will confirm to the LTA that an addition that extends the height of an existing *freestanding antenna system* meets the exclusion criteria in subsections 3.2 D. 1 by providing the following:

- a) the location, including its address and location on the lot or structure;
- b) a short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed system; and
- c) a description of how the proposal meets one or more of the Article 3.2 D. 1 exclusion criteria.

The Islands Trust staff will review the documentation and will contact the *proponent* where there is a site-specific basis for modifying the exemption criteria based on the siting criteria preferences and discouragements expressed of the *protocol*. In such cases, the Islands Trust staff and the *proponent* will work toward a mutually agreeable solution, which may include the Islands Trust staff requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Subsections F. 2. a) b) and F. 2. of this *protocol*, as applicable, concluding with a letter of concurrence or non-concurrence.

3. *Additional Exemptions*

Local Trust Areas may exclude from all or part of the consultation process any *antenna system* installation in addition to ISED's basic exemptions listed in articles 3.2 B. 1. & 3.

⁸ Providing information is required for modifications that materially or noticeably change the appearance of the system. Maintenance works that do not result in such changes are excluded from the information requirement.

- a) A new *antenna system* proposed to be located outside the LTA's preferred distance from the nearest lot line;
- b) Notwithstanding Subsection E. 1. Building/ Structure Mounted Antenna System, the Islands Trust staff may additionally, on a case-by-case basis, exempt a *proponent* from all or part of the consultation requirements under Section F of this *protocol*.⁹ For example, exemptions may be granted where the proposed location is separated from a *residential area* or heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.
- c) Antenna system greater than 15 metres in height proposed by government agencies such as police, fire protection, ambulance, other emergency services, BC ferries, and BC Hydro who maintain their own two-way telecommunication networks, except, however, such systems are not exempt if they are proposed in partnership with a commercial telecommunication service provider.

G. Consultation Process

1. Consultation Objectives

The *protocol* for public consultation is designed to:

- inform;
- incorporate local knowledge;
- harmonize with ISED regulations and guidelines;
- be transparent;
- be consistent;
- be predictable; and
- be expeditious.

2. Process Steps, Requirements and Time lines

a) Pre-Consultation with the LTA

Commentary

For free-standing towers, pre-consultation is one of the most important elements in the antenna siting process as it generally occurs at a point before the proponent is committed to a site or design.

⁹ For example, a LTA may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the *Prescribed Notification Distance*.

As a result, it represents the best opportunity to influence the siting decision since the proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate, the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the antenna siting process for exempt and non-exempt structures. The process of building a good working relationship with telecommunication providers may begin even before a proposal is considered: Local Trust Areas are encouraged to invite potential proponents for a conversation about telecommunication at any time, the earlier the better.

Prior to submitting an *antenna system* proposal that does not meet any of the exemptions listed in Subsection D. 1. 3. the *proponent* will undertake the following preliminary consultations with the LTA:

Step 1: Pre-Consultation

i. Pre-Consultation

The purpose of the pre-consultation phase is for the proponent to share with the LTA representative the network objectives, provide possible site options and receive preliminary feedback. The pre-consultation steps include:

- the *proponent* notifies the LTA representative that locations in the community are being assessed for potential *antenna system* siting;
- the proponent provides the LTA representative potential locations and invites feedback on preferred locations and/or designs; and
- the proponent may offer to host a community workshop to provide options and invite feedback on possible solutions, although not necessary.

ii. Site Investigation Meeting

Based on comments from the pre-consultation step, the proponent will provide a summary of a site-specific location, including:

- **Site Location:** location, type and height of the proposed *telecommunication antenna system*;
- **Alternative Locations:** summary of what other alternative locations were considered, including options to co-locate on existing structures;
- **Site Design:** preliminary drawings and/or visual renderings of the proposed *telecommunication antenna system*;
- **Co-location:** summary of efforts proponent has made to allow other companies to co-locate on the tower, as well as indication from other companies regarding interest in co-locating on new telecommunications structure.

The purpose of the site investigation meeting is to:

- identify preliminary issues of concern;
- give opportunity for the *proponent* to outline the proposal to the LTA;
- give opportunity for the LTA to provide initial feedback to the *proponent*;
- identify any potential *sensitive community locations* as defined by this policy;
- identify any potential *neighbouring land-use jurisdictions, school districts, emergency service providers and community associations* that may be required to provide comment on the proposal as outlined in this policy;
- guide the proponent on creating *localized content* for public notification and distribution; and
- Inform the *proponent* of the LTA's preference of taller towers over shorter towers and supporting future *Co-location* opportunities.

iii. *LTA Preferences and Requirements*

Following the Site Investigation Meeting, planning staff will provide the proponent with an information package within a timeframe determined by the Islands Trust that includes:

- **Public consultation:** confirmation if, (a) public consultation is required, and if so, the process the proponent needs to follow, including a list of any other agencies, jurisdictions, and First Nations to be consulted, and if a Public Information Meeting is required or, (b) public consultation is not required;
- **Site design:** comments on proposed location and design; and
- **Studies and permits:** a list of plans, studies and/or permits that may be required (i.e. environmental impact statements) as well as any fees that need to be paid to the LTA for processing application.

Step 2: Application

b) *Application Submission to the LTA: Initial Application Proposal*

Except for specific waivers granted for amateur operators (see Subsection 3) the *proponent* must include the following information when submitting a *telecommunication antenna system* siting proposal to the LTA that does not meet the exemption criteria for the proposal review and public consultation requirement:

- i. **Site Rationale:** a letter or report from the *proponent* indicating the need for the proposed site, the rationale for site selection, and a summary of opportunities for *co-location* potentials on existing or proposed *antenna system* within the LTA;

- ii. **Co-location:** (a) a summary of effort proponent has made to encourage others to co-locate on the proposed new infrastructure, as well as a list of parties who have expressed an interest in co-locating, and (b) a written and signed attestation that there are no *co-location* opportunities within the LTA;
- iii. **Site Design:** Preliminary engineering plans of the proposed structure which includes information outlining the number of antennas proposed on the structure, and the structure's ability to accommodate future antennas (including *co-location*). Proponents are encouraged to provide site design options;
- iv. **Visual Renderings:** visual rendering(s) of the proposed *antenna system* with best effort to superimpose to scale;
- v. **Site Plan:** a site plan showing the proposed development situated on the site;
- vi. **Site Distance to Surrounding Areas:** a map showing the horizontal distance between the proposed antenna system and the nearest residential, commercial and institutional uses;
- vii. **Letter of Authorization:** confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;
- viii. **Title Search:** a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the *telecommunication antenna system* is proposed on;
- ix. **Safety Code 6:** a written and signed attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple *telecommunication antenna system* at the location and in the immediate area;
- x. **Supplemental Documentation:** any other documentation as reasonably identified by the LTC following the site investigation meeting; and
- xi. **Fee:** the application fee as required by Local Trust Area Bylaw No. ____.
- xii. **Draft Notification:** Based on required consultation process as directed by LTA, the proponent is to provide, (a) a draft of all public notices to be delivered by mail to the public, *School Districts*, *community associations* and *neighbouring land-use jurisdictions*, which is to be approved by LTA staff prior to mail out; (b) an address list and map indicating all properties **and residents** which are to be notified by mail of the proposal, (c) a draft of newspaper advertisements indicating the time and date of any public information meeting, which is to be reviewed by LTA staff prior to publication (if a public information meeting is required); and
- xiii. **Comments from Emergency Services:** a copy of written correspondence indicating that the *proponent* has referred the proposal to local fire, police and ambulance

services, and if given, any comments received emergency services should be submitted to LTA staff prior to mail out.

3. *Waivers to Application Submissions*

- ⌘ The LTA may waive any of the Initial Application or Public Notification requirements for amateur radio operators on a case by case basis.

Step 3: Public Consultation

In addition to ISED's public consultation requirements as prescribed in *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-o-03)*, the LTA has incorporated into the requirements a number of **augmentations** to the public consultation process. Itemization of the augmented elements may be found in Table A: "Consultation and Information –Process Steps and Requirements: ISECD & Augmentation."

a) *Notification Requirements for Non-exempt Antenna Systems*

- i. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all property owners and residents with a *notification distance* of 10 metres for every one metre in height from the base of the structure for a *freestanding antenna system*
- ii. The *proponent* will provide written notice, sent by regular mail or hand delivered, to all *neighbouring land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 1000 metres from the base of the structure.
- iii. The *proponent* will provide notice to ISED's regional office.
- iv. The *proponent* will provide written notification to Community Associations identified at the site investigation meeting.
- v. The *proponent* will place notice of the *telecommunication antenna system* proposal in at least two editions of a local newspaper.
- vi. Where a public information meeting is to be held for a proposed *telecommunication antenna system*, a notice of the meeting shall be placed in at least two editions of a local newspaper and the *proponent* will provide written notice of the meeting sent by regular mail or hand delivered, to all property owners, *land-use jurisdictions, emergency service providers and school districts* with a *notification distance* of 10 metres for every one metre in height for a *freestanding antenna system* and for a *building/structure-mounted antenna system*.

b) *Notice Content Requirements*¹⁰

¹⁰ These requirements are those of Appendix 1 of the CPC as well as additional requirements suitable for the Islands Trust.

The *proponent* shall include at a minimum the following information in any mailed or otherwise delivered public notice:

- i. The proposed antenna system's purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- ii. Information on the location within the community, the geographic coordinates and the specific property or rooftop, height, type, design and colour of the proposed telecommunication antenna system, including a copy of the site plan submitted with the application;
- iii. Description of the antenna that may be mounted on the supporting structure and simulated images of the proposal;
- iv. Identification of areas accessible to the general public and the access/demarcation measures to control public access;
- v. An attestation that the general public will be protected in compliance with Health Canada's Safety Code 6 including combined effects within the local radio environment at all times;
- vi. An attestation that the installation will respect good engineering practices including structural adequacy;
- vii. Transport Canada's aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent's expectation of Transport Canada's requirements together with an undertaking to provide Transport Canada's requirements once they become available;
- viii. Information on the environmental status of the project, including any requirements under the Canadian Environmental Assessment Act, 2012;
- ix. Clear information on the role of ISED as the sole approving authority for the siting of telecommunication Antenna system and that the LTA only provides a statement of siting concurrence/non-concurrence at the request of the proponent;
- x. Notice that general information relating to antenna systems is available on ISED Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- xi. Reference to any applicable local land-use requirements such as local processes, protocols, etc.;
- xii. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to the LTA for their records;
- xiii. Information that citizens may request their name and contact information be kept confidential within the published records;

- xiv. The name and contact information of a contact person for the *proponent*;
- xv. The name and contact information of ISED;
- xvi. The name and contact information of the LTAs planner;
- xvii. An attestation that the *telecommunication antenna system* will respect Health Canada's *Safety Code 6* which sets safe radiofrequency emission levels for these devices; and
- xviii. The date, time and location of the public information meeting where required.
- xix. closing date for submission of written public comments (not less than 30 days from receipt of notification).
- xx. The notification shall be sent in an envelope addressed to the "Occupant" and/or "Tenants" and shall clearly show in bold type on the face of the envelope the statement: "NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED."

5. *Public Information Session*

The LTA requests the *proponent* chair a public information meeting for all proposed *telecommunication Antenna system* exceeding 15 metres in height **or where there is significant public interest in the new free standing proposed telecommunication antenna system**. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- an appropriate date, time and location for the public information meeting will be determined in consultation with the LTA's Island Planner;
- the *proponent* will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site;
- all information and materials presented should consist of *localized content*;
- the *proponent* shall not schedule a public information meeting less than seven day prior to the close of the public consultation period; and
- the *proponent* may request LTA staff attendance and participation in the meeting.

6. *Online Community Engagement*

- A proponent may augment the public information session with an online forum to allow information sharing and feedback from people who may not be able to attend a public forum

Table A: Consultation and Information –Process Steps and Requirements: ISED & Augmentation		
Step	Default ISED Requirement	LTA Augmentation
Pre-consultation		
Informal meetings	None	Yes
Information about exempt antenna systems	None	Yes
Notification	None	Yes
Site investigation meeting	None	In some cases
Confirmation of LTA preferences and requirements	None	Yes
Application		
Initial application proposal	None	Yes
Submission Prior to Notification –for staff review and approval	None	○ Draft of all public notices ○ Address list and map of all property owners and residents to be notified ○ Draft of newspaper ads ○ Copy of written notice referencing emergency services providers referral comments
Public Consultation		
Written notice	Property owners within 3 X tower height prescribed distance	○ Include property owners and all residents, including seasonal residents
	Neighbouring land use jurisdictions, emergency service providers, and school districts within 3 X tower or building/ structure height	○ Community associations
Newspaper notice	Notice regarding proposal in one edition of a local newspaper	○ Proposal and information meeting ○ Optional community workshop ○ Two editions of local newspaper ○ Website and/or social media notification ○ Optional online forum
Notice content	12 points of the CPC Appendix 1 ‘Public Notification Package’	○ Site plan ○ Statement on respective roles of ISED and LTA
Public information session	None	○ For all proposals exceeding 15 m in height or where there is significant public interest

7. **Step 4: Request for Concurrence**

a) *Submission to the LTA: Request for Concurrence*

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the LTA:

- i. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03);
- ii. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed *telecommunication antenna system*;
- iii. A copy of all plans and studies (i.e. Environmental Review) required for the construction of the proposed *telecommunication antenna system*;
- iv. A package summarizing the results of the public information meeting containing at a minimum, the following:
 - The time, date, location and number of people in attendance of any public information meeting held;
 - A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
 - Copies of all letters and other written communications received; and
 - A letter outlining how all the concerns and issues raised by the public were addressed.

b) *Statement of Concurrence or Non-concurrence*

Commentary

The purpose of this protocol is to provide the LTC with consistent procedures and information with which to evaluate the siting of a telecommunication antenna system. Following the commencement of the consultation period, the proponent may request a statement of concurrence from the LTC. Once a request is received, Islands Trust staff will prepare a report with a recommendation to the LTC. The staff report will include information on the proposed telecommunication antenna system, a site plan, the location of the proposal, an overview of the application and all public consultation materials submitted by the proponent for the Committee's review. It is the discretion of the LTC to provide a statement of siting concurrence or non-concurrence or- The proponent can ask for a decision from the LTC. If nothing is forthcoming, after a certain amount of time, they can ask ISED what to do next. Should a proposal ever go to impasse (rare), ISED will look at the default process as a minimum and also consider the LTC's protocol. In reaching a decision

the ISED will consider such questions as 'Did the proponent address all requirements?', 'Did the proponent adequately address all reasonable and relevant concerns?' and 'Can the proponent argue that the LTC's process was overly onerous and unrealistic?'

The statement of concurrence or non-concurrence shall occur within 120 days of acceptance of a complete application, unless otherwise agreed to by the proponent and ISED.

c) Duration of Concurrence

- i. Concurrence remains in effect for a maximum period of 3 years from the date it was issued by the LTC. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction activity.
- ii. Request notification of intent to construct 60 days prior commencement of construction activity (OR, building permit).
- iii. Once concurrence has been issued, it may be transferred from the original proponent to another proponent without the need for further consultation provided that:
 - All information gathered by the original *proponent* is transferred to the new *proponent*;
 - The structure and *antenna system* for which the concurrence was issued to the original *proponent* is what the new *proponent* builds, and
 - Construction of the structure is begun within the duration of the concurrence period.

d) Letter of Undertaking

The Proponent may be required by the LTC to provide a Letter of Undertaking which may include the following requirements:

- i. posting of a security for the construction of any proposed fencing, screening or landscaping or
- ii. building permit requirements determined by the regulations of the _____Regional District.

H. Terms of Use of This Policy

The LTA is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

4 LAND USE SITING CRITERIA

4.1 Introduction

Antenna systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including making efforts to being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.

Commentary

An outright ban on any type of antenna system is not defensible and may ultimately not be in the LTA's best interest as the ISED has the ultimate approval authority; better to have a progressive policy that recognizes telecommunication antenna systems need to go "somewhere" and use siting criteria to help proponents find the "least worst" spot. Siting criteria puts the LTA in a position of having some control, rather than being ultimately powerless.

These criteria address co-location, re-use, use of existing infrastructure, and new *antenna systems*.

Consideration is requested in the following order of priority:

1. **Co-location** on an existing Antenna System
2. **Re-use** of an existing telecommunication facility
3. Use of **existing infrastructure** such as a building rooftop or utility pole
4. **Stealth design** of a new antenna system
5. **New antenna system** structure

The proponent should review the guidelines identified below as early as possible and should attempt to resolve any outstanding issues prior to submitting its *antenna system* siting proposal and undertaking the public consultation, where required by the LTC. Because expressed preferences may be location or site specific, the proponent is encouraged to discuss the guidelines fully with Islands Trust planning staff during a preliminary meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings. `

4.2 Criteria

Before submitting a proposal for an *antenna system* on a new site, the *proponent* must explore the following options:

- consider *co-location* by sharing an existing *antenna system*;
- explore modifying or replacing a structure if necessary; and

- locate, analyze and attempt to use any feasible **existing infrastructure**, including (but not limited to) rooftops, water towers, utility poles or light standards; and
- explore the feasibility of designing a new antenna system where the visibility of the equipment is minimized from street level, including shrouding or stealth design.

Where *co-location*, re-use, modification, use of existing infrastructure, or a *stealth design* of a new structure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.

The LTA recognizes that the objective of promoting *co-location* and the objective of making *antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The *proponent* should, in all cases, verify the LTA's site-specific criteria preferences during the pre-submission consultation process before investing in a final design or site.

A. Preferred locations

When new *Antenna systems* must be constructed, **where technically feasible**, the following locations are preferred:

1. Buildings & Infrastructure

- Existing buildings and/or structure mounted *antenna systems*
- Areas that can access fiber optic networks to allow for backhauling into the fiber optic network

2. Land Use Preferences

- Industrial use land
- Agricultural use land
- Highway or service commercial use land (excluding mixed residential use)
- Land owned by the Islands Trust or another government entity
- Utility institutional use land were appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges
- BC Hydro utility corridor rights of way
- Low density *residential areas* as defined by the Local Trust Area

B. Distance Considerations

Model Strategy for Antenna Systems—Local Planning Committee

- Distance of new free-standing towers from existing Safety shall be at least one (1) times the height of the proposed tower.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be increased by the Local Trust Committee to a maximum of (3) times the height of the proposed tower. The LTC should consider a guideline of increasing the setback by up to 25% if it is reasonably anticipated that the tower may be **increased** in height by up to 25% in the future and otherwise be exempt from any public consultation process.
- Notwithstanding the distance of one (1) times the height of a proposed tower from property lines, the distance may be **decreased** if the location is consistent with the land use preferences of Article 4.2 A. 2 Preferred Locations and avoids discouraged locations of Article 4.2 C Discouraged Locations.
- Setbacks from property lines adjacent non-residential uses may invite special consideration in the Land Use Bylaw. The setbacks should serve to separate *Antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

C. ***Discouraged Locations***

All Antenna Systems

- Locations directly in front of doors, windows, balconies or residential frontages
- Land zoned for nature protection
- Environmentally sensitive ecosystems as defined in the Official Community Plan

Free-standing Antenna Systems

- Medium and high density *residential areas* as defined by the Local Trust Area
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Sites of topographical and geographic prominence
- Sites that detrimentally affect the scenic quality of a corridor.
- Sites that detrimentally affect the foreground views of residents;

D. ***Incentives***

Model Strategy for Antenna Systems—Local Planning Committee

All or part of the public consultation requirements may be waived for *antenna systems* proposed on sites that are consistent with OCP policy, preferred siting locations, that exceed setback considerations, feature innovative design to a high standard and embrace infrastructure as art, included shrouded or internal antennae, and avoid discouraged locations.

In all cases, however, the *proponent* is required to provide **information** regarding the proposed antenna system in accordance with Section 3.2 E. Notification and Municipal Review of Exempt Antenna system.

E. Criteria not to address

As described in the CPC, *proponents* have specific obligations subject to federal requirements. Additional obligations may not be imposed; however, it is appropriate to ask questions and seek clarification concerning their steps and alternatives available to satisfy these requirements.

Proponents must comply with the following:

- Health Canada’s public radio frequency exposure guidelines – Safety Code 6 (Limits of Human Exposure to Radio Frequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz – Safety Code (2009);
- Radio Frequency Interference and Immunity – EMCAB-2—Criteria for Resolution of Immunity Complaints Involving Fundamental Emissions of Radiocommunications Transmitters;
- Canadian Environmental Assessment Act, 2012 –CEAA 2012; and
- Aeronautical Safety—Transport Canada and NAV CANADA requirements for aeronautical safety.

5 MODEL OFFICIAL COMMUNITY PLAN POLICIES

5.1 Advocacy Policies

1. Health Canada should continue to evaluate health impacts of electromagnetic radiofrequencies from telecommunication facilities, including towers, to ensure that detrimental effects on human health do not occur.
2. Support efforts to expand electronic communications and infrastructure within the community provided it can be demonstrated that such is in compliance *with the Canadian Environmental Assessment Act (CEAA), and the Safety Code 6 of the Health Act*.
3. Support multi-Island public organizations such the Southern Gulf Islands Economic Sustainability Commission in its objective of improving the telecommunications services in the Gulf Islands.
4. Endorse the Canadian Radio and Television Commission policy statement on high speed broadband, especially by cable, as a basic service.
5. Encourage telecommunication providers to retain and increase the number of pay telephones in areas with poor cell coverage as an emergency back-up.
6. Encourage telecommunication providers to re-assess its fibre optic cable within the Local Trust Area (LTA) for public and institutional access and to allow third party access.
7. Promote the role of public and private wireless “hot spot” providers in improving connectivity.
9. Establish a fee schedule to recover reasonable staff and process expenditures to recover costs from telecommunication *proponents* with consideration given to the costs to Islands Trust to evaluate and process proposals.

5.2 Land Use Policy

A. Siting Objectives

1. Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the LTA, including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features and reduce the need for future facilities in the same area, where appropriate.
2. Where *antenna systems* are proposed consideration is requested in the following order of priority:
 - a) **co-location** on an existing antenna system;
 - b) **re-use** of an existing telecommunication facility;

Model Strategy for Antenna Systems—Local Planning Committee

- c) use of **existing infrastructure** such as a building rooftop or utility pole;
 - d) *stealth design* of a new antenna system; and
 - e) **new** antenna system structure.
3. Where *co-location*, re-use, modification, or use of existing infrastructure is not feasible, a new *antenna system* should be designed with *co-location* capacity, including in *residential areas* when identified as the LTA's preference.
 4. The LTA recognizes that the objective of promoting *co-location* and the objective of making *Antenna systems* less noticeable may sometimes come into conflict. Nevertheless, the LTA intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them.

B. Land Use Preferences

1. When new *antenna systems* must be constructed; **where technically feasible**, and such systems are not of *stealth design* or otherwise exempt from public consultation, they should be sited in the following land use categories:
 - industrial use land;
 - highway or service commercial use land (excluding mixed residential use);
 - utility institutional use land is appropriate, but not limited to those institutions that require telecommunications technology, emergency services, hospitals, colleges;
 - BC Hydro utility corridor rights of way;
 - low density *residential areas*; and
 - agricultural use land.
2. In all land use designations, the following building and infrastructure considerations are preferred:
 - use of existing buildings and/or structure mounted *antenna systems*; and
 - siting in areas that can access fiber optic networks to allow for backhauling into the fiber optic network.

C. Setback Considerations

1. Preferred *setbacks* between antenna systems and lot lines should be at least 1 (one) times the height of the free-standing tower; the Local Trust Area may choose to adjust this preferred setback to reflect local conditions and preferences.
2. Notwithstanding a preferred *setback* distance of a proposed tower from residential uses, the setback distance may be **decreased** if the location is consistent with the land use

preferences of Article 5.2 B. 2 Land Use Preferences and avoids *discouraged locations of Article 5.2 D Discouraged Locations*.

3. Setbacks from non-residential uses may be determined on a case by case basis and should serve to separate *antenna systems* from adjacent development without unduly affecting the development potential of the lot over the lease period.

D. Discouraged Locations

1. Land use

- Medium and high density *residential areas*
- Schools, daycare facilities, playgrounds and similar facilities
- Areas that adversely impact view corridors
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Nature protection areas
- Environmentally sensitive ecosystems

2. Other considerations, irrespective of land use designation

- Locations directly in front of doors, windows, balconies or residential frontages
- Community gathering places such as community halls, churches, commercial eating & drinking establishments
- Sites of topographical and geographic prominence

6 ON-LINE BROCHURE ON THE DEFAULT ISED PUBLIC CONSULTATION & APPROVAL PROCESS AND THE ROLE OF ISLANDS TRUST

Pending – in design phase

7 DEFINITIONS

Antenna system (also telecommunication antenna system) means an exterior transmitting device – or group of devices – used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. *antenna system* includes the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This *protocol* refers to the following three types of *telecommunication antenna system*, defined below;

Building/structure-mounted antenna system means a *telecommunication antenna system* mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.

Freestanding antenna system means a structure built from the ground for the expressed purpose of hosting transmitting devices; and

Tree-mounted antenna system: means an antenna system mounted on a tree.

Co-location means the placement of antennas and equipment operated by one or more *proponents* on a *telecommunication antenna system* owned by a different party, thereby creating a shared facility;

Community association means an active area or neighbourhood specific group or association within a LTA;

Distance the horizontal distance measured from the lot line to the base of a proposed freestanding antenna system or the base of any building or structure to which an antenna system is mounted to a structure, building, or facility.

Emergency service providers means any police, fire, ambulance or search and rescue organization with a typical response area within the *notification distance* of a proposed *telecommunication antenna system*;

Localized content means any public consultation materials, supporting documentation and/or other relevant promotional material provided by a *proponent* for a proposed *telecommunication antenna system* which has been tailored specifically to the context of the LTA;

Neighbouring land-use jurisdiction means any land-use authority or First Nations within a *Prescribed Notification Distance* of any proposed *telecommunication antenna system*;

Prescribed notification distance: measured horizontally from the outside perimeter of the supporting structure of the proposed *freestanding* or *building/structure-mounted antenna system*. The outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower;

Proponent: means a company or organization, including contractors or agents undertaking work for telecommunication carriers, for the purpose of providing commercial telecommunication services;

Protocol: means any written local guideline, policy or process that addresses the issue of antenna placement;

Residential area: means lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted with residential use on the same lot).

School District: means an area created or constituted as a school district under the *School Act*;

Sensitive community locations: means institutions and services, such as schools, daycares, recreation facilities, public parks, or other sensitive locations;

Stealth design: means a design of an antenna system that camouflages the antenna and supporting structure as something else such as a tree, water tower, flag pole, component of a building, or similar means.

Telecommunications antenna system: see antenna system definition.

8 APPENDIX: ANTENNA DESIGN MATRIX

Telecommunication Design

Typical Towers Designs

Guyed



Self-Supporting



Monopole



Height	30-120 m	45-60 m	14.9-45 m
Application	Rural	Rural/Suburbs/City	Rural/Suburbs/City
Compound Footprint	100m x 100m (H x 0.8 x 2)	Min. 20m x 20m	10m x 10m
Tower Diameter	Base of Pole min. 1m	Base min 10% height (H x .1 = face width)	Base footprint dependent on loading, geotechnical, environmental

Monopole Tower Designs

Monopole 1
(pin wheel)



Monopole 2
(flush mount)



Monopole 3
(shrouded)



Pin wheel allows tower to accommodate a larger number of antennas for futures &/or other carriers.	Flush mounted antennas minimize overall massing of the tower, but limit opportunity for future antennas, or space for other carriers	Antennas fully hidden, but diameter of the pole is wider to accommodate microwave. Can be slimmer if there is fibre to site. *Note: shrouded design does not currently support AIR antenna w. integrated RRU's
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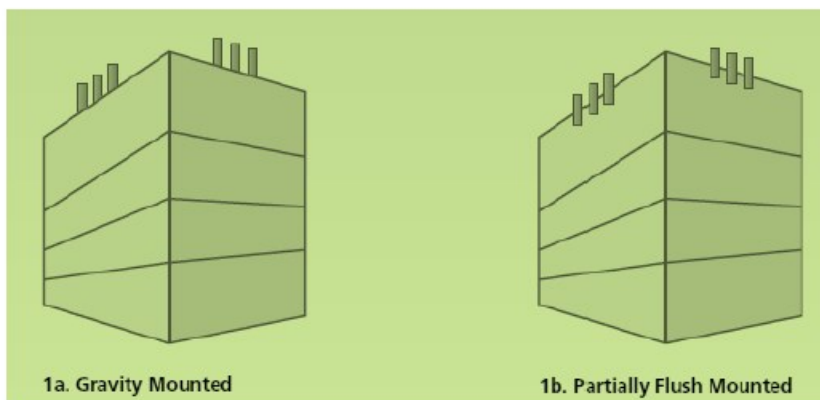
Telecommunication Design

Tripole Tower Designs



Height	14.9m-60m
Application	Rural/Suburbs/City
Compound Footprint	Medium footprint 20m x 20m
Tower Diameter	* Note: Base footprint dependent on loading, geotechnical, environmental

Rooftop antennas



Telecommunication Design

Utility Poles



Light Standards



DATE OF MEETING: July 4, 2019
TO: Denman Island Local Trust Committee
FROM: Miles Drew, Bylaw Compliance and Enforcement Manager,
Local Planning Services
SUBJECT: Bylaw Enforcement Notification Bylaw Administrative Procedures

RECOMMENDATIONS

1. That Denman Island Local Trust Committee appoint the Bylaw Compliance & Enforcement Assistant, the Bylaw Compliance and Enforcement Manager and the Regional Planning Manager as Screening Officers pursuant to Denman Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 232, 2019.
2. That Denman Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw No. 232 Screening Officers' Powers and Duties Policy attached to the staff report dated July 4, 2019.
3. That Denman Island Local Trust Committee stipulate that the attached Bylaw Violation Notice is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 232, 2019.

REPORT SUMMARY

This report will explain the requirements for the following:

1. Appointment of screening officers;
2. Designation of the powers and duties of specific screening officers;
3. Authorizing the reasons for cancellation of a bylaw violation notice; and
4. Approval of the form of violation notice to be used.

BACKGROUND

Section 7 of the Bylaw Enforcement Notification Bylaw (the Bylaw) requires that the LTC appoint screening officers. These powers and duties of the screening officer include release of information about bylaw violation notices (BVN) to various persons, negotiation of compliance agreements in return for reduced fine amounts, and cancellation of tickets. The LTC will give guidance to this process through the attached policy and thus ensure consistency.

The Bylaw permits the bylaw enforcement assistant, bylaw enforcement officers, the bylaw compliance and enforcement manager and regional planning managers to be appointed as screening officers.

The policy designates the bylaw enforcement assistant as a screening officer but limits the powers and duties to dissemination of information only. Permitting the bylaw enforcement assistant to relay information about BVNs and the process will ensure that the public has immediate access to information. The bylaw compliance and enforcement manager is designated as a screening officer with full powers and duties. To avoid any perceived

conflict of interest when BVNs are issued by the bylaw compliance and enforcement manager, the duties of screening officer will fall to the regional planning manager.

Negotiation of compliance agreements and cancellation of notices are reserved to managers to ensure that whatever agreement is made fully complies with the requirements of bylaws.

Section 9 of the Bylaw requires that the LTC stipulate the form of the Bylaw Violation Notice. Attached is the version of the notice that staff recommends be used. The form has been developed so that it may be used in all the Local Trust Areas which have adopted a Bylaw Enforcement Notification Bylaw.

Rationale for Recommendation

The recommendations are consistent with the requirements of the *Local Government Bylaw Notice Enforcement Act* and the intent of the adoption of the Bylaw which is to promote compliance and reduce the cost for enforcement.

ALTERNATIVES

1. Request further information

That the Denman Island Local Trust Committee request that Staff provide further information about the screening officer policy.

ATTACHMENTS

1. Screening Officer Policy
2. Bylaw Violation Notice



Denman Island Local Trust Committee

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy July 4, 2019

Appointment of Screening Officers

Pursuant to section 7.2 of the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 232, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Compliance and Enforcement Manager; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Denman Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) **Bylaw Compliance and Enforcement Manager.** In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) **Bylaw Compliance and Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

- 1) the Bylaw Violation Notice was issued to the wrong person;

- 2) an exception specified in the bylaw or related enactment exists;
- 3) a permit exists which authorises the alleged violation;
- 4) there is poor likelihood of success at adjudication for the Local Trust Committee. For example:
 - a) The evidence is inadequate to show a contravention;
 - b) Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c) The Bylaw Violation Notice was not completed properly.
- 5) it is not in the public interest to proceed to adjudication for one of the following reasons:
 - a) The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b) The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.
- 6) the disputant intends to challenge the bylaw or the intended defence is ill suited to the adjudication process.



BYLAW VIOLATION NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF A LOCAL TRUST AREA BYLAW AS FOLLOWS:

ISSUED TO:

NAME OF PERSON OR COMPANY		
ADDRESS		
LEGAL DESCRIPTION		
DATE YYYY MM DD	TIME HH:MM AM/PM	LOCATION ISSUED
BYLAW NAME		
BYLAW NUMBER		SECTION
DESCRIPTION OF CONTRAVENTION		
ISSUING OFFICER NAME:		SIGNATURE

THE PENALTY FOR A CONTRAVENTION REFERRED TO ABOVE IS:

Discounted rate If paid within 14 days \$ _____
If paid within 15-28 days \$ _____
If paid after 28 days* \$ _____
*See reverse for additional information on late payments.

METHOD OF DELIVERY:	
☐	In Person
☐	By Mail



Islands Trust

ADJUDICATION REQUEST

To dispute this Bylaw Violation Notice please complete the form below and deliver, mail, or fax to any Islands Trust office within 14 days of receipt of this notice. The request can also be made online at www.islandstrust.bc.ca. See the reverse side of this ticket for addresses and additional information.

Bylaw Notice #:	Date of Issue:
Name:	
Postal Address:	
City/Island:	Province: Postal Code:
Daytime Phone #	Email Address:
Signature:	

White – Alleged Offender's Copy

Yellow – File Copy

Pink – Office Copy

ALLEGED OFFENDER'S COPY

COMPLIANCE

- ▶ Failure to comply with the bylaw may result in additional penalties.
- ▶ To arrange a compliance agreement and to receive a discount on the penalty indicated on this notice, contact us.

PAYMENT INFORMATION

PAY BY MAIL OR IN PERSON BY CASH OR CHEQUE
PRESENT THIS NOTICE AT THE TIME OF PAYMENT

- ▶ Please make your cheque or money order payable to Islands Trust.
- ▶ Do not send cash in the mail.
- ▶ Payment must be received within the noted time limits to receive the discounted amounts.
- ▶ A dishonoured cheque will not be considered payment of the penalty within the prescribed time. NSF fees will be applied.
- ▶ Failure to pay promptly will result in additional penalties being added.
- ▶ Overdue fines may be subject to collection process.

DISPUTE ADJUDICATION

- ▶ Adjudication requests must be filed within 14 days of violation notice receipt to be eligible for an adjudication hearing.
- ▶ Deliver, mail, or fax the request form on reverse to any Islands Trust office or complete a request form online at www.islandstrust.bc.ca.
- ▶ Unsuccessful adjudicated disputes will be charged an additional \$25 administration fee.

CONTACT US

Phone: 250-405-5175
Fax: 250-405-5155

Email: bylawenforcement@islandstrust.bc.ca
Web: www.islandstrust.bc.ca

ISLANDS TRUST OFFICES

Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8

Islands Trust
700 North Road
Gabriola Island, BC V0R 1X3



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality May 2019

Regional Conservation Plan

All of the work the Islands Trust Conservancy undertakes and reports on is guided by the science-based and community-informed 2018-2027 Regional Conservation Plan. The ITC continues to work towards four long-term goals (science-based conservation planning, collaboration with First Nations, protection of core conservation areas and a strong voice for nature conservation) and 25 objectives that further conservation in the entire Trust Area. The following is an update on the ITC activities from the May 2019 ITC Board meeting to meet these goals.

Islands Trust Conservancy Board Policy and Bylaw Revisions

Goal 4 – A strong voice for nature conservation, core ITC business and operations.

- The ITC Board gave first, second and third readings to Bylaw No. 2, the “Islands Trust Conservancy Meeting Procedures Bylaw, 2019.” The new bylaw replaces Bylaw No.1 and reflects the ITC name change, allows for the election of a Vice Chair and adds reference to committee meetings. The Board also amended Policy 1.2 Islands Trust Conservancy Board and Committee Elections.

Fund Development Advisory Committee (FDAC)

Goal 4 – A strong voice for nature conservation, Objective 4.1 – Develop and expand fundraising strategies to support Islands Trust Conservancy programs.

- The ITC Board received and approved the ITC Fund Development Advisory Committee Terms of Reference and Operating Guidelines.

2017-2018 Annual Report

Goal 4 – A strong voice for nature conservation, Objective 4.3 Continue to develop the Islands Trust Conservancy brand and promote organizational recognition through telling of the Islands Trust Conservancy story.

- The ITC Board received and approved the discussed options for endorsement or participation in the Islands Trust Reconciliation Declaration.

Canada Nature Fund

Goal 4 – A strong voice for nature conservation, Objective 4.1 – Develop and expand fundraising strategies to support Islands Trust Conservancy programs.

- The ITC Board discussed potential options for participating in the federal funding announced in 2018.

Draft Reconciliation Action Plan and Reconciliation Declaration

Goal 2 – Collaboration with First Nations, Objective 2.1 Amend or redraft policies, procedures, plans, document templates and reports to include acknowledgement and consideration of First Nations.

- The ITC Board direct staff to develop a specific draft reconciliation declaration and action plan for the Islands Trust Conservancy.

Executive Committee Liaison Meeting Draft Agenda

Goal Three- Objective 3.6 - Participate in significant ecosystem conservation opportunities related to land use planning in collaboration with local trust committees and island municipalities.

- The ITC Board discussed and approved the agenda items for the upcoming, annual Executive Committee Liaison Meeting.

Fire Smart from a Conservation Perspective

Goal One – Science-based Conservation Planning, Objective 1.3 - Investigate opportunities for protection of important conservation areas with partners.

- The ITC Board discussed the issues around fire safety and ecosystem management on ITC owned or protected properties.

Current Islands Trust Area Activities

Goal Three – Protection of Core Conservation Areas – Objective 3.1 – Manage islands Trust Conservancy conservation areas responsibly and strategically for ecological integrity, species and ecosystems at risk, known threats, public safety and protection of identified features using the Property Management strategy.

- The ITC has completed the management plan for Fairyslipper Forest Nature Reserve on Thetis Island, is nearing completion of three nature reserve management plans on Gambier Island, and is working on management plans for three nature reserves on Denman Island and one nature reserve on Lasqueti Island. Property monitoring was completed on Bowen, Denman, Hornby, Gabriola, Gambier, Lasqueti, Link, Little D’Arcy, Saturna, Sidney and Thetis Islands. Property monitoring is underway on North Pender and Salt Spring Islands and is being planned for Galiano, South Pender, and South Winchelsea Islands.

Current Island-by-Island Activities

Goal Three – Protection of Core Conservation Areas – Objective 3.1 – Manage islands Trust Conservancy conservation areas responsibly and strategically for ecological integrity, species and ecosystems at risk, known threats, public safety and protection of identified features using the Property Management strategy.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

Denman

Management planning for three nature reserves, including the Valens Brook Nature Reserve addition, is under way. New ten-year management plans for Inner Island and Lindsay Dickson nature reserves will be completed in 2019. Property monitoring on Denman has been completed for 2019. Invasive species management activities continue at Inner Island, Lindsay Dickson, and Morrison Marsh nature reserves.

Gabriola

Expansion of the boardwalk over wet areas and exposed roots on the west side of the loop trail in Elder Cedar Nature Reserve has been completed and construction of a 93-ft boardwalk across a seasonally flooded section of trail in the northeast corner is planned for 2019. Property monitoring on Gabriola has been completed for 2019.

Galiano

Trail maintenance is being planned for Vanilla Leaf Land Nature Reserve in partnership with the Galiano Conservancy Association. Invasive species removal and annual cormorant nest monitoring are being planned for Trincomali Nature Sanctuary in partnership with the Habitat Acquisition Trust.

Gambier

Management planning for three Gambier Island nature reserves (Brigade Bluffs, Long Bay Wetland, and Mount Artaban) is nearing completion. Property monitoring on Gambier has been completed for 2019.

Lasqueti

The ITC and the Lasqueti Island Nature Conservancy (LINC) have met the fundraising goal for the Salish View acquisition campaign. Staff are continuing working to finalize the land transfer. Once the land transfer is complete, the ITC will begin public consultation on the draft management plan. Forest restoration activities at Mount Trematon Nature Reserve, led by LINC, have been completed for 2019 with assistance from Katimavik volunteers. Property monitoring on Lasqueti has been completed for 2019.

Link Island

ITC staff attended a celebration event at Link Island with the landowners and co-covenant holder (Nanaimo and Area Land Trust) and installed conservation covenant signage. Property monitoring on Link Island has been completed for 2019.

North Pender

The ITC Board discussed a referral from the North Pender Island Local Trust Committee for Bylaw No. 220. The subject property for the bylaw is adjacent to the Medicine Beach Nature Sanctuary. The ITC Board noted concerns about the effects of light pollution on many animal species, including bats, and concerns about storage of toxic materials on the site. Staff provided the ITC Board response to the local trust committee and followed up with planning staff

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

regarding best management practices for external lighting and wildlife. Property monitoring on North Pender is under way.

Salt Spring

The ITC Board considered a referral from Salt Spring Island planning staff regarding a Development Variance Permit for lands adjacent to the Lower Mount Erskine Nature Reserve. The ITC Board indicated that its interests are not significantly impacted and directed staff to work with the Salt Spring Island Planner to follow up with the landowner to provide information regarding conservation options to provide a natural buffer for the nature reserve. Property monitoring on Salt Spring is under way.

Thetis

The ITC Board approved a management plan for the Fairyslipper Forest Nature Reserve, which includes a commitment to developing a parallel *Management Plan for Areas of Cultural Heritage and Sacred Significance* with a flexible timeline. ITC is collaborating with Thetis Island Nature Conservancy and Cowichan Community Land Trust on the design and building of a publicly accessible trail loop in the nature reserve, with a trail opening celebration tentatively scheduled for Earth Day 2020. ITC staff plan to install signage informing the public of Thetis Island nature reserve boundaries later this year.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Islands Trust

Print Date: June 27, 2019

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2018.1	Kirk, JARRAH	05-Nov-2018	PID: 027-381-447 Cider production from other sources. Civic address: 1100 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 16-Apr-2019

No change. Planner awaiting submission of requested information.

Status Date: 07-Mar-2019

Application to LTC for consideration.

Status Date: 07-Mar-2019

LTC resolution 2019-025.\nthat the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust the Groundwater Licence application and the Forests, Lands, Natural Resource Operations and Rural Development response and/or an evidence-based estimate of the amount of water that would be used for the proposed non-farm use and a professional report commenting on how anticipated water use will potentially affect the aquifer, neighbouring wells and natural environment of the surrounding area for the purposes of satisfying Trust Policy Statement 3.3.1 and Directive Policy 4.4.2.\n

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2019.1	de Cosson, Anne	13-Mar-2019	PID: 004-309-642 To obtain non-farm use for an existing building on the farm. Civic address: 2831 East Road, Denman Island, BC

Planner: Ian Cox

Planning Status

Status Date: 27-May-2019

Non-Farm Use application no longer needed due to ALC changes. Interpreted by IT planning staff and confirmed by ALC to applicant. All forms of cannabis production now considered a 'farm use'. Health Canada licensing and compliance with LG bylaws still applicable. PTA to issue refund.

Status Date: 02-May-2019

Staff report/application to be considered on June 6th agenda.

Applications

Status Date: 16-Apr-2019

File under planner review. Companion application DE-SUP-2019.1 for barn addition to accommodate non-farm use as described in this ALR application.

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella Planner: Marnie Eggen	21-Mar-2011	For barn sited within DP #1: Komas Bluff
Planning Status			
Status Date: 25-Sep-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 File passed on to Bylaw enforcement			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella Planner: Marnie Eggen	13-May-2011	Barn on property line
Planning Status			
Status Date: 25-Sep-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 no change; file passed on to bylaw enforcement			



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association Planner: Marnie Eggen	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC
Planning Status			
Status Date: 06-Nov-2018 Staff continuing to consult with FLNRORD and DCLTA water licencing			
Status Date: 19-Jun-2018 Staff consulting with Ministry on TOR and DCLTA licensing.			
Status Date: 05-Mar-2018 Awaiting information to rectify ALC conditions of approval for exclusion and rezoning application. Requested applicant apply for a water license to harmonize Ministry requirements and DE LTC TOR.			
File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association (Snyder & Terry) Planner: Sonja Zupanec	01-Oct-2018	PIDs: 009-704-523 (Snyder) and 006-657-290 (Terry) Rezoning to change number of allowed dwellings
Planning Status			
Status Date: 24-Oct-2018 Executive Committee approved sponsorship application			
Status Date: 22-Oct-2018 Planner reviewing			
Status Date: 10-Oct-2018 EC sponsorship application received.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
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Applications

DE-SUP-2009.14 Day, Jean Ella 02-Nov-2009 2900 SWAN RD

One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: 25-Sep-2018

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

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

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

Planner:

Planning Status

Status Date: 03-Nov-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-2019.6	Lessard, Darlene	20-Mar-2019	PID: 002-938-847 Building mud room on to 5th wheel and shed. Civic address: 1420 Baike Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 12-Apr-2019

Additional information requested

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.9	Marcus Lippok (Applicant)	24-May-2019	PID: 000-876-232 Addition to cabin. Civic address: 8750 Owl Crescent, Denman Island, BC

Planner: Ian Cox

Applications

Planning Status

Status Date: 25-Jun-2019

Under review. Permit pending

Status Date: 25-Jun-2019

Approved for addition to existing SFD (cabin) - File to PTA for issuance and closure.

Subdivision

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

Planner: Teresa Rittemann

Planning Status

Status Date: 25-Sep-2018

Returned original copy of covenant and proof of registration on title received. Planner working with Finance to close Cost Recovery file and SUB file.

Status Date: 05-Jun-2018

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

Status Date: 16-Apr-2018

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

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

Planner: Ian Cox

Planning Status

Status Date: 16-Apr-2019

Applicant working to meet PLA conditions including DP and required QEP report for portion of Valens Brook.

Status Date: 12-Apr-2019

File to planner IC.

Applications

Status Date: 24-Oct-2018

Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

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

Planning Status

Status Date: 20-Feb-2019

Final confirmation letter sent via email to MOTI and copied to Denman LTC , owners and the applicant.

Status Date: 10-Oct-2018

No change.

Status Date: 17-Aug-2017

Revised Preliminary Layout Approval received from MOTI

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

Planner: Marnie Eggen

Planning Status

Status Date: 23-Jan-2019

Final Letter of Approval issued.

Status Date: 19-Sep-2018

Preliminary Layout Approval received from MOTI

Status Date: 16-Aug-2018

Awaiting Preliminary Layout Approval from MOTI.

File Number	Applicant Name	Date Received	Purpose
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**Applications**

DE-SUB-2018.1 PANDESIGN INC 18-Sep-2018 PID: 028-605-691 Civic address: 2100 Crescent Road, Denman Island
Divide property into 2 residential lots.

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Apr-2019

MOTI PLA received.

Status Date: 26-Feb-2019

Planner to submit LSR regarding drafting, reviewing and registration of covenant, at the request of the applicant.

Status Date: 13-Feb-2019

Applicant submitted Summary for Wastewater and Water Supply Conditions report by H2O Environmental Ltd., dated February 11, 2019, to satisfy conditions 4 and 5 of the subdivision referral.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.2	Sea Berry Farm Ltd.	19-Oct-2018	PID: 000-974-081 5 lot subdivision Civic address: 1300 Farley Road, Denman Island, BC

Planner: Ian Cox

Planning Status

Status Date: 04-Feb-2019

Referral response sent to MOTI. Awaiting PLA and fulfillment of conditions.

Status Date: 28-Jan-2019

Planner to provide referral response by end of January.

Status Date: 04-Jan-2019

MOTI tech confirm will still accept response. Applicant provided additional info regarding updated plan, covenant, etc.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.1	Grant Land Surveying Inc.	25-Feb-2019	PID: 006-657-290 2 lot subdivision. Civic address: 2.2km east of Denman West ferry terminal; Denman Road between top of the hill and firehall.

Planner: Jaime Dubyna

Planning Status

Status Date: 28-Mar-2019

Applications

Planner completed review and sent referral report to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.

Status Date: 20-Mar-2019

Planner reviewing application.

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	That the Denman Island Local Trust Committee adopt the following standing

			unlawful STVRs	resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	That the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural

				heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019	DE-2019-056	Bylaw enforcement against unlawful dwellings	that the Denman Island Local Trust Committee adopt the following standing resolution: "The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to pursue enforcement against unlawful dwellings upon receipt of a written complaint, if any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area. and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time."

Top Priorities Report

Denman Island

1. *Denman Island Farm Plan Implementation*

Responsible

Dates

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)

Marnie Eggen
Sonja Zupanec

2. *Temporary Use Permits*

Responsible

Dates

To support the development of Temporary Use Permits for short-term vacation rentals and other uses

Rec'd: 09-Oct-2018

3. *Cannabis Land Use Regulation*

Responsible

Dates

Review of land use regulations with respect to cannabis production and retail sales.

Jaime Dubyna

Rec'd: 20-Nov-2018



Projects Report

Denman Island

1. <i>Protected Area Network</i>	Responsible	Date Received
Undertake planning for a Protected Area Network on Denman Island		15-Mar-2011
2. <i>Alternative Energy</i>	Responsible	Date Received
Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.		15-Aug-2011
3. <i>Dwelling Floor Area Regulation</i>	Responsible	Date Received
Consider regulations to limit the gross floor area of a dwelling		25-Oct-2011
4. <i>Climate Change</i>	Responsible	Date Received
Consider climate change adaptation and mitigation measures		25-Oct-2011
5. <i>Development Procedures Review</i>	Responsible	Date Received
Review and update Development Procedure Bylaw No. 71		11-Dec-2012
6. <i>Alternative Dispute Resolution</i>	Responsible	Date Received
To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee		26-May-2015
7. <i>Denman Village Plan</i>	Responsible	Date Received

Projects Report

Denman Island

Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.

26-May-2015

8. <i>Travel trailers</i>	Responsible	Date Received
LUB amendments and enforcement policies regarding the use of travel trailers		07-Mar-2017
9. <i>Occasional use of accessory buildings</i>	Responsible	Date Received
Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there		07-Mar-2017
10. <i>Greenshores Workshop</i>	Responsible	Date Received
		01-May-2018
11. <i>Incorporate the Regional Conservation Plan into land use planning.</i>	Responsible	Date Received
To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)		07-Aug-2018
12. <i>Facilitating affordable, attainable and seniors housing.</i>	Responsible	Date Received

Projects Report

Denman Island

Secondary suites review and consideration of further opportunities to support housing options. Consideration of DCLTA and Northern Housing Needs Assessment report recommendations.

20-Nov-2018

13. *Coastal Douglas-fir protection*

Responsible

Date Received

Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Island Trust Tool Kit (2018).

07-Feb-2019
