



Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: June 6, 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. TOWN HALL	12:35 PM - 12:45 PM
4. MINUTES	12:45 PM - 12:50 PM
4.1 Local Trust Committee Special Meeting Minutes dated April 24, 2019 - for adoption	4 - 12
4.2 Section 26 Resolutions-Without-Meeting Report dated May 29, 2019	13 - 13
4.3 Advisory Planning Commission Minutes dated April 16, 2019 - for receipt	14 - 18
5. BUSINESS ARISING FROM MINUTES	12:50 PM - 1:15 PM
5.1 Follow-up Action List dated May 29, 2019	19 - 24
5.2 Bylaw No. 231 - for consideration of adoption	25 - 27
<i>That Denman Island Local Trust Committee Bylaw No. 231 cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2019", be adopted</i>	
6. DELEGATIONS - None	
7. APPLICATIONS AND REFERRALS	1:15 PM - 2:00 PM
7.1 DE-RZ-2017.1 (DCLTA) - Memorandum	28 - 39
8. LOCAL TRUST COMMITTEE PROJECTS	2:00 PM - 2:30 PM
8.1 Bylaw Enforcement Notification Bylaw - Staff Report - for decision	40 - 55

9. CORRESPONDENCE 2:30 PM - 2:35 PM

(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 56 - 56

----- **BREAK 2:35 PM TO 2:55 PM** -----

10. NEW BUSINESS 2:55 PM - 3:30 PM

10.1 Meeting Procedures Regarding Public Input - Memorandum - for decision 57 - 60

10.2 Public Engagement on Denman Island for Visions 2099 - The Future of the islands in the Salish Sea -Staff Report - for decision 61 - 102

10.3 Internet Connectivity on Denman Island - Trustee Critchley - for discussion 103 - 104

10.4 *Request for Additional Resources - for discussion*

10.5 *Letter of Support for New Horizons Grant Application - for discussion*

11. REPORTS 3:30 PM - 3:50 PM

11.1 Trustee Reports

11.2 Chair's Report

11.3 Trust Conservancy Report - none

11.4 Electoral Area Director's Report

11.5 Applications Report dated May 29, 2019 105 - 112

11.6 Trustee and Local Expense Report dated March, 2019 113 - 113

11.7 Adopted Policies and Standing Resolutions 114 - 114

11.8 Local Trust Committee Webpage

12. WORK PROGRAM 3:30 PM - 3:50 PM

12.1 Top Priorities Report dated May 28, 2019 115 - 115

12.2 Projects List Report dated May 28, 2019 116 - 118

13. CLOSED MEETING

3:50 PM - 4:05 PM

13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) 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.

13.2 Recall to Order

13.3 Rise and Report

14. UPCOMING MEETINGS

4:05 PM - 4:10 PM

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

15. ADJOURNMENT

4:10 PM - 4:10 PM



Denman Island Local Trust Committee Minutes of Special Meeting

Date: April 24, 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: Sonja Zupanec, Island Planner
 Marnie Eggen, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately thirty (30) members of the public
 Daniel Arbour, Comox Valley Regional District Area A Director

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 12:36 pm. She welcomed the public and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL

Members of the public commented with the following noted:

- Four members of the public spoke regarding the Denman Community Land Trust Association (DCLTA) seniors affordable housing application:
 - The LTC was urged to expedite the application, accept the water license data as adequate, to instruct staff to draft bylaws; and
 - This project is supported by the community and the location is ideal for seniors.
- The establishment of the Bylaw Enforcement Notification system "ticketing bylaw" on Denman Island was opposed.

4. MINUTES

4.1 Local Trust Committee Minutes dated March 7, 2019 - for adoption

DE-2019-035

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the March 7, 2019 Local Trust Committee meeting.

CARRIED

4.2 Section 26 Resolutions-Without-Meeting Report dated April 17, 2019

Received.

4.3 Advisory Planning Commission Minutes dated April 2, 2019

Received.

4.4 Advisory Planning Commission Minutes dated April 16, 2019

Received.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow Up Action List dated April 17, 2019

Planner Eggen provided updates and the following was noted:

- DCLTA rezoning application:
 - Trustees debated proceeding to the drafting of bylaws or preparation of draft bylaw language and which approach might be most efficient.

DE-2019-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to draft a bylaw for application DE-RZ-2017.1 (DCLTA).

Trustees debated drafting bylaws in the absence of some information, while an LTC member observed that progress is being made and acknowledged the value of continuing the recommended process.

The question on the motion was then called.

CARRIED

Chair Fast Opposed

By General Consent item 11.4 was moved to follow item 5.1.

11.4 Electoral Area Director's Report

Comox Valley Regional District Director Arbour commented on issues of mutual interest including the following topics:

- Water management and affordable housing
- Herring fishery advocacy
- Involvement in Shellfish Advisory Management Advisory Committee
- CVRD's current review of Grant-in-aid proposals
- Cross Island Trail status report
- Union Bay Estates: potential light pollution and marina timeframe
- Multiple groups working to improve internet access

5.2 Advisory Planning Commission Bylaw - Staff Report

Planner Eggen summarized the Staff Report that identifies the updates being recommended for Advisory Planning Commission (APC) Bylaw No. 231 and asked the Local Trust Committee (LTC) to consider giving readings to the bylaw and subsequently forwarding the bylaw to the Executive Committee.

DE-2019-037

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 read a first time.

CARRIED

DE-2019-038

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 read a second time.

CARRIED

DE-2019-039

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 read a third time.

CARRIED

DE-2019-040

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 forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

6. DELEGATIONS

6.1 Denman Farmhouse Team

Co-Project Managers Eli Hason and Mary Hicks requested that the LTC conduct a limited review and amendment of sections of the Official Community Plan (OCP) and Temporary Use Permit (TUP) bylaws in advance of the application submission for the rezoning from R1 to Commercial for the proposed Denman Farmhouse Inc. storefront and potential dwellings. They provided a written submission supporting the request for the record.

6.2 Harlene Holm for DCLTA regarding DE-RZ-2017.1 and DE-CL-2018.4

Harlene Holm, speaking on behalf of the DCLTA, provided a historical context for concerns that were expressed; and strongly urged the LTC to consider the recommendations provided to expedite the applications. She presented a written submission for the record.

By general consent the meeting recessed at 2:08 pm and reconvened at 2:24 pm.

7. APPLICATIONS AND REFERRALS

7.1 DE-RZ-2018.1 Denman Housing Association (DHA) - Staff Report

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 2:26 pm.

Trustees considered the Staff Report that summarizes the results of an early referral to the APC, the outcome of a meeting between staff and the Provincial Approving Officer

regarding proof of water requirements, and the results of the density analysis of the OCP Housing Policy 11. The Staff Report identifies additional information recommended to support the application and suggests that the LTC request this information from the applicant.

Chair Fast invited the applicant to respond to the request for information in the Staff Report.

Simon Palmer, speaking on behalf of the DHA, commented with the following noted:

- Concern was expressed with the sequence of events proposed. Updating the site plan prior to resolution of outstanding elements was considered problematic.

Subsequent to discussion with the applicant regarding the proposed information request, Trustees noted the importance of obtaining a level of detail that provides the community with clarity for consideration in a public forum.

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

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

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

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 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

DE-2019-045**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend Denman Island Official Community Plan No. 185, 2008 for Local Trust Committee consideration to enable:

- a. Re-designation of the non Agricultural Land Reserve (ALR) portion of the receiver parcel PID 006-657-290 from 'Sustainable Resource' to a residential designation, which would permit residential development as outlined in application DE-RZ-2018.1 (DHA);
- b. Re-designation of the Agricultural Land Reserve (ALR) portions of both PID 006-657-290 and PID-009-704-523 to a new agricultural designation with new policies consistent with the *Agricultural Land Commission Act* requirements and Farm Plan Implementation Project proposed bylaws.
- c. Designation of new development permit areas and objectives for the purposes of protection of the natural environment, its ecosystems and biological diversity; protection of farming; establishment of objectives for the form and character of intensive residential development; and promotion of energy conservation, water conservation and reduction of greenhouse gas emissions on PID 006-657-290;
- d. An amendment of Housing Policies, Use and Density Policy 11 and Appendix D 'Residential Density Bank' to confirm the remaining density reserves available.

CARRIED

DE-2019-046**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend Denman Island Land Use Bylaw No. 186, 2008 for Local Trust Committee consideration to enable:

- a. Re-zoning of the non Agricultural Land Reserve (ALR) portion of the donor parcel PID-009-704-523 to a site-specific residential zone which would permit a maximum of three single family dwellings, prohibit secondary dwellings and specify appropriate minimum and minimum average lot sizes to enable potential future subdivision of the non ALR portion of the parcel to a maximum of three parcels, with adequate proof of water;
- b. Re-zoning of the Agricultural Land Reserve (ALR) portions of PID 006-657-290 and PID-009-704-523 to a new agricultural zone with regulations that are consistent with recent amendments to the *Agricultural Land Commission Act* and Farm Plan Implementation Project proposed bylaws;
- c. Re-zoning a portion of the non ALR land within PID 006-657-290 to a new residential zone to allow for potential subdivision of up to five additional parcels with adequate proof of water; permitting a maximum of one single family dwelling per parcel; prohibiting dwellings and regulating maximum height, lot coverage, floor area, screening and setback regulations for all buildings and structures including cisterns;
- d. Re-zoning an 8 hectare portion of the receiver parcel PID 006-657-290 to a new rental housing zone to permit a maximum of 20 rental housing units and no secondary dwellings; regulate maximum height, lot coverage, floor area, screening and setbacks for all buildings and structures including cisterns; and require registration of a section 219 *Land Titles Act* restrictive covenant between BC Housing and the non-profit society managing the rental housing development;
- e. Development of new development permit area guidelines consistent with development permit area designations in Denman Island Official Community Plan No. 185, 2008 to address potential development as proposed in application DE-RZ-2018.1 (DHA); and
- f. An update of the guidelines for Development Permit No. 2 – Steep Slopes, to ensure relevant guidelines apply to subdivision of land.

CARRIED

Trustee Busheikin returned to the meeting at 3:24 pm.

8. LOCAL TRUST COMMITTEE PROJECTS - none**9. CORRESPONDENCE - none**

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

10. NEW BUSINESS

10.1 Islands Trust - 2019 Annual Report – Memorandum

DE-2019-047

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

that the Denman Island Local Trust Committee endorse the following text for inclusion in the 2018-2019 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

The Denman Island Local Trust Committee (DE LTC) held seven regular business meetings and one special business meeting in the 2018/19 fiscal year.

Work for this period focused on advancing the DE LTC priority to implement the Denman Island Farm Plan, and advancement of reconciliation and relationship building with local First Nations. The DE LTC also received and considered numerous reports in conjunction with two major rezoning applications for affordable housing on the island.

CARRIED

11. REPORTS

11.1 Trustee Reports

Trustee Critchley reported on the following:

- Officer hours were productive;
- Attended Trust Council on March 12-14;
- The Baynes Sound Lambert Channel Learning Exchange included presentations of interest;
- Met with Ministry of Transportation and Infrastructure (MoTI) on Denman Island to discuss road conditions;
- Attended two APC meetings regarding the DE-RZ-2018.1 (Denman Housing Association) referral.

Trustee Busheikin reported on the following:

- Attended the MoTI meeting on Denman Island along with Trustee Critchley;
- Held Office Hours;
- Attended the Denman Island Residents Association (DIRA) meeting where the Internet Committee is working on improving internet access on Denman Island;
- Had an informative lunch with Chief Rempel of the K'ómoks First Nation to discuss the use of the K'ómoks First Nation name;
- Looking forward to the Farm Plan event being held tonight.

11.2 Chair's Report

Chair Fast reported on her attendance at the following:

- Sea Level Rise Workshop on Bowen Island;
- Hornby Island Local Trust Committee meeting;
- A Hornby Island water sustainability workshop;
- Association of Vancouver Island Coastal Communities (AVICC) convention.

11.3 Trust Conservancy Report dated March, 2019

Received.

11.5 Applications Report dated April 17, 2019

Received.

11.6 Trustee and Local Expense Report dated February, 2019

Received.

11.7 Adopted Policies and Standing Resolutions

By general consent staff was requested to remove the text after "Island" in Policy/Standing Resolution No. DE-2018-056 to read: "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".

Trustees discussed the possible tracking of density transfer information on the Standing Resolutions list to make this information easily accessible for reference.

Action Item: Trustee Critchley offered to bring forward to the next LTC meeting, a recommendation regarding adding Density Bank information to the Policies and Standing Resolutions List.

11.8 Local Trust Committee Webpage

No changes were requested.

12. WORK PROGRAM**12.1 Top Priorities Report dated April 17, 2019**

Received.

12.2 Project List Report dated April 17, 2019

Received.

13. CLOSED MEETING**13.1 Motion to Close the Meeting**

DE-2019-048

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with *the Community Charter*, Part 4, Division 3, s.90(1) (a), (d) and (i) for the purpose of considering Advisory Planning Commission Appointments, Adoption of *In-Camera* Meeting Minutes dated February 7, 2019 and Legal Advice and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 3:41 pm.

13.2 RECALL TO ORDER

By general consent the LTC reconvened in open meeting at 4:02 pm.

13.3 RISE AND REPORT

Chair Fast reported that in the closed meeting, the LTC adopted minutes from the February 7, 2019 *In Camera* meeting; and appointed Howard Stewart, Edina Johnston, Thomas Zawila, Jackie Hipwell, Eli Hason, George McRae, Anne de Cosson and Jack Forsyth to the APC for a two-year term.

14. UPCOMING MEETINGS

14.1 Facilitated Workshop regarding Implementation of Denman Farm Plan - Wednesday, April 24, 2019 at 7:00 pm at the Denman Community Hall, 1196 Northwest Road, Denman Island, BC

LTC members confirmed the date, time and location of the Denman Farm Plan Workshop.

14.2 Next Regular Meeting Scheduled for Thursday, June 6, 2019 at 12:30 pm at the Denman Activity Centre Lounge, 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 4:06 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Print Date: May 29, 2019

Resolutions Without Meeting

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2019-02	In Favour	That the Denman Island Local Trust Committee authorize the expenditure of up to \$150.00 from the Trustee Expenses Budget to support Trustee Busheikin's participation in Gather, a training program on Public Consultation and Communications. 	04-Mar-2019
2019-03	In Favour	THAT the Denman Island Local Trust Committee cancel the regular business meeting scheduled for April 4, 2019.	18-Mar-2019
2019-04	In Favour	THAT the Denman Island Local Trust Committee schedule a special meeting to be held April 24, 2019.	26-Mar-2019



Minutes of the Denman Island Advisory Planning Commission

Date of Meeting: Tuesday, April 16, 2019

Location: Denman Activity Centre Lounge
1111, Denman Island, BC

APC Members Present: Steve Carballeira, Chair
Jack Forsyth, Deputy Chair
Edi Johnston
Jack Forsyth
Tom Zawila
Howard Stewart

Staff Present Sonia Zupanec, Island Planner (by Speakerphone)
Katherine Vogt, Recorder

Others Present: David Critchley, Local Trustee
Simon Palmer, Denman Housing Association

1. CALL TO ORDER

Chair Carballeira called the meeting to order at 3:04 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Denman Island Advisory Planning Commission Draft Minutes dated June 13, 2018.

By general consent the minutes were adopted.

3.2 Denman Island Advisory Planning Commission Draft Minutes dated June 26, 2018.

By general consent the minutes were adopted.

3.3 Denman Island Advisory Planning Commission Draft Minutes dated April 2, 2019.

By general consent the minutes were adopted.

4. Review of Staff Report DE-RZ-2018 (Denman Housing Association/Snyder and Terry)

Chair Carballeira excused himself from the meeting room at 3:10 pm due to conflict of interest concerns. Before leaving, he noted that he would be back after discussions were finished to close the meeting, that Jack Forsyth would be appointed as Deputy Chair for the discussion portion of the meeting, that Advisory Planning Commission (APC) member Alan Stoddart had resigned, and that members Rosa Telagus and David Graham were absent.

Planner Zupanec confirmed that a quorum was 3 members or 50% of members, whichever was less. Four APC members continued their review of the potable water supply and protection of the coastal Douglas-fir ecosystem issues pertaining to the DHA application.

As summarized at the last meeting, the property in question (located off of Denman Road) included a 29 Ha (72 acre) donor or “remainder” parcel with split Agricultural Land Reserve (ALR) and Residential zoning; and, an 8 Ha (19 acre) receiving or “subject” parcel zoned Forestry 1. In exchange for subdividing off the 8 Ha subject parcel for affordable housing, the remainder parcel would be permitted an increase to 5 residential lots from the present 1 allowed.

4.1 Potable Water Supply

Trustee Critchley explained that local Trustees were waiting to know if the Executive Committee of the Islands Trust as well as the Ministry of Transportation and Highways (MOTI) would have objections in principal to sole rainwater collection systems, given that it conflicted with historical subdivision standards around proof of groundwater, such standards acting as a natural limit to development. Though the Denman Housing Association (DHA) proposal was a stand-alone project, it engaged this larger precedent-setting water issue at many levels of government.

Simon Palmer noted that DHA was proposing to collect and store water on a per unit basis, while maintaining a 25% common reserve through the solar array, as well as a 5 month backup supply with trucked water obtained through the Comox Valley Regional District’s (CVRD) Graham Lake water license. This additional backup water was an Island Health (IH) requirement. Presently there are two water licences on Graham Lake: one for the Graham Lake Improvement District, the other being managed by the CVRD. There are ongoing liability issues around Graham Lake water.

Simon Palmer gave the following specifications for the DHA project:

- Total roof area for collection was 16,000 square feet or 0.4 of an acre or 2% of the entire DHA acreage.
- Water Tanks would be sized for maximum collection in any one period.
- There would be a caretaker for the project who would be managing the water system among other responsibilities.
- Residents will be given a daily ration water budget through metering.

- The company “Rainwater Connection” advises that excluding laundry and toilet flushing, 64 litres per person per day is a reasonable consumption, while the DHA system proposes 144 litres per person per day, more than twice the amount considered reasonable; while traditional recommendations have been for 1200 litres per household per day, or 1000 litres per household per day where a cistern is present.
- 12 prospective renters surveyed by DHA at a recent meeting all thought that 144 litres of water per person per day was adequate and that composting toilets were acceptable.
- Typical water usage breakdown according to the “Rainwater Connection” report attached to the DHA application on the Islands Trust website is 28% Toilets/25% Laundry/21% Bath and Shower/22% Kitchen Cleaning and Drinking/4% Leaks.
- The DHA proposed water system uses a per person rather than per household standard.

Various APC members noted that:

- greywater was a valuable resource that could not be stored; but should be utilized on gardens or forests with some precautions.
- There is no water storage capacity for gardens in the DHA proposal.
- Denman Island has good ground and above ground water capacity compared to some other Gulf Islands.
- Extensive rainwater collection could possibly interfere with aquifer recharge, depending on the scale of the operation.
- Terry is refusing DHA access to the groundwater in the ALR portion of the property to save it for his own subdivision potential.
- It is unreasonable to not be able to look at the entire property for a source of water.
- Trucking water could be expensive.
- Rainwater collection is forward thinking.
- Water requirements per person per day are difficult to quantify.

Simon Palmer expressed that it would not be constructive to tie Terry’s subdivision potential to the provision of water to the DHA property. DHA could source water below the bluff where numerous other wells had been successfully installed.

Simon Palmer stated that while, for the purposes of the Islands Trust application, the DHA would be proposing a per unit water system which wasn’t considered under the jurisdiction of IH, the DHA was concurrently working on a centralized “small water system” that would be under the IH jurisdiction.

Trustee Critchley noted that the traditional 1000 to 1200 litres per household per day water requirements reflected an urban standard.

DE-APC-2019-01

It was MOVED and SECONDED

That the Advisory Planning Commission approves the sole rainwater collection system as proposed by the Denman Housing Association.

CARRIED

DE-APC-2019-02

It was MOVED and SECONDED

That the Local Trust Committee consider as a recommendation that when the rezoning of the larger remainder parcel is considered, that it includes a condition to supply backup groundwater to the subject Denman Housing Association parcel, if that groundwater is adequate and available.

CARRIED

4.2 Protection of Douglas-fir Ecosystems

The following planning tools for protection were discussed by the APC:

- Use of new development permit areas in the Official Community Plan (OCP) with guidelines for protection.
- Dedications for public parkland.
- Private conservation.
- Limiting or clustering structures.
- Restrictive covenants that include landscaping restrictions with possible exemptions.

DE-APC-2019-03

It was MOVED and SECONDED

That the Local Trust Committee consider that a development permit be required on both the subject and remainder properties to protect the Coastal Douglas-fir Ecosystem, that a small development footprint be promoted, that a no-build covenant on the remaining undeveloped areas to protect them from future development be placed, that a restrictive covenant on tree cutting with exceptions be placed and that veteran trees on the property be protected.

CARRIED

DE-APC-2019-04

It was MOVED and SECONDED

That the Local Trust Committee refer the future relevant drafted bylaws back to the Advisory Planning Commission for comment.

CARRIED

Chair Carballeira returned to the meeting at 4:40 pm.

5. NEXT MEETING

There was no next meeting required.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 4:43 pm.

Steve Carballeira, Chair

Certified Correct:

Katherine Vogt, 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.			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 Provide a written invitation from the Chair to the CVRD Area Director to attend the next meeting of the Local Trust Committee. to get to know one another each and matters or activities of mutual interest. Chair Fast to contact Area Director Daniel Arbour.			Completed
2 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
3 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
4 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
5 Trustee reports published in local publications be charged to LTC communications budget.	Wil Cottingham		Completed
6 Send an introductory/welcome letter to First Nations with interests in the Local Trust Area.	Marnie Eggen		In Progress

Follow Up Action Report

Denman Island

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 Ann Kjerulf		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 Staff to draft bylaws for DE-RZ-2017.1.	Marnie Eggen		Completed
2 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.			In Progress
3 LTC appointed Howard Stewart, Edi Johnston, Tom Zawila, Jack Forsyth, Jackie Hipwell, Eli Hason, George McRae, Anne de Cosson. Staff to send appointment letters.	Penny Hawley		Completed

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 231

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE DENMAN ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

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

1. Establishment

- a) The Denman Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

PROPOSED

- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.

PROPOSED

- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Denman Island Local Trust Committee Bylaw No. 89 cited as "Denman Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. Citation

- a) This Bylaw may be cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS	24 TH	DAY OF	APRIL	, 2019
READ A SECOND TIME THIS	24 TH	DAY OF	APRIL	, 2019
READ A THIRD TIME THIS	24 TH	DAY OF	APRIL	, 2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	8 TH	DAY OF	MAY	, 2019
ADOPTED THIS		DAY OF		, 2019

SECRETARY

CHAIRPERSON



MEMORANDUM

File No.: DE-RZ-2017.1
(Denman Community Land
Trust Association)

DATE OF MEETING: June 6, 2019
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
SUBJECT: Application to Rezone for 8 Units of Seniors Affordable Housing
Applicant: Denman Community Land Trust Association
Location: 3730 Denman Road, Denman Island

PURPOSE

The purpose of the memorandum is to provide preliminary draft bylaws for information only. The draft bylaws require further staff analysis and review, including discussion/clarification with the applicant prior to consideration of advancement by the Denman Island Local Trust Committee (LTC).

BACKGROUND

The LTC passed the following resolution at their last business meeting, held on April 24, 2019:

DE-2019-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to draft a bylaw for application DE-RZ-2017.1 (DCLTA).

CARRIED

Trustees debated drafting bylaws in the absence of some information, while an LTC member observed that progress is being made and acknowledged the value of continuing the recommended process.

NEXT STEPS

Staff will continue to develop the draft bylaws so that they may be considered by the LTC at a future meeting, along with an accompanying staff report that includes identification of information gaps, and supports the LTC in their consideration of advancing the rezoning application.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	June 4, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 4, 2019

ATTACHMENTS

1. Preliminary Draft Bylaw No. 233 (OCP)
2. Preliminary Draft Bylaw No. 234 (LUB)

PROPOSED

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 233**

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, BYLAW NO. 233, 2019

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

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as "Denman Island Official Community Plan, 2008" is amended as shown on Schedules "1","2,"and "3" attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019".

READ A FIRST TIME THIS xx DAY OF , 2019

READ A SECOND TIME THIS xx DAY OF , 2019

READ A THIRD TIME THIS xx DAY OF , 2019

PUBLIC HEARING HELD THIS xx DAY OF , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
xx DAY OF , 2019

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:

1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing – Policies

- Subdivision – Policy 1 In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare.
- Subdivision – Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares, and the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares.
- Use and Density - Policy 8 In the Residential designation and the Rural designation, the principal use should be single family residential with the exception of the existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land use Bylaw.
- Use and Density – Policy 9 In the Residential designation, unless otherwise permitted by Policy 29, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area.
- Placeholder for new policies to enable new authority given to local governments via the *Local Government Statutes (Residential Rental Tenure Zoning) Amendment Act, 2018, S.B.C. 2018, c.26* to enact zoning for residential rental tenure (i.e. rental housing) that can require that new housing in residential areas be developed as rental units and ensure that existing areas of rental housing are preserved as such.

Commented [ME1]: Preliminary draft bylaw No. 233 - pending further staff review and analysis.

Commented [ME2]: Current policy does not allow for lots in the Residential designation to be created by subdivision that are less than 1.0 ha in size. Amendment must address anticipated smaller lot size of approximately 0.8 ha in residential designation in order to allow future subdivision of subject property.

Commented [ME3]: Current policy does not allow for lots in the Sustainable Resource designation for agriculture use to be created by subdivision that are less than 15 ha in size. Amendment must address anticipated smaller lot size of approximately 0.8 ha in the Sustainable Resource designation in order to allow future subdivision of subject property.

Commented [ME4]: Current policy does not allow multiple family dwellings in the Residential designation. Amendment must address anticipated multiple family dwelling use in the Residential designation in order to allow proposed affordable housing development on subject property.

Commented [ME5]: Current policy does not allow more than one dwelling unit per 1.0 hectare, nor does it allow any more than a maximum of 5 dwelling units. Amendment must address anticipated maximum of 8 dwelling units in order to allow proposed affordable housing development on subject property.

Commented [ME6]: Add new policies to enable zoning for residential rental tenure.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule "2"

1. Schedule "B" – Permits and Plan Administration of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:
 - 1.1. Placeholder for policies that create a Development Permit Area No. 8 – Energy and Water Conservation and Climate Change

Commented [ME7]: Add new policies that create a new Development Permit Area to inform a higher level of energy and water conservation in new construction. The DP designation and guidelines are being drafted for LTC consideration as a part of DE-RZ-2018.1 and could be applied to this R4 parcel as well. It will incorporate BC Step Code standards, which the applicant has indicated interest in pursuing.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule "3"

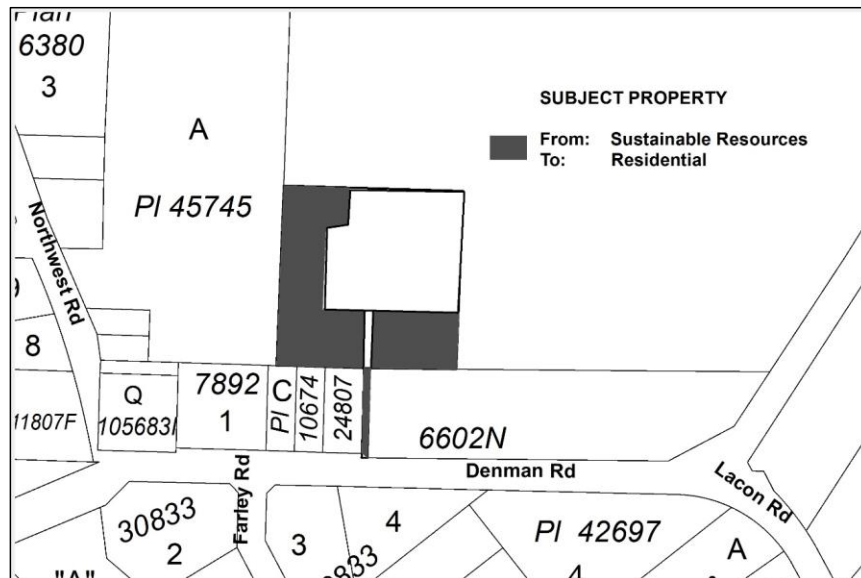
1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Commented [ME8]: Plan subject to change upon registration of newly created lot that incorporates highway access to Denman Road as a result of lot line adjustment application DE-SUB-2017.4.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 86031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision

Commented [ME9]: Plan is based on ALC approval conditions and preliminary plans provided by applicant. Preliminary Layout Approval for the future 2-3 lot subdivision must match Plan No. 1. Any deviation after adoption of this bylaw would require an additional Public Hearing. LTC and applicant must be confident that subdivision is able to be approved and deposited at Land Titles.



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234**

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:

- 1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."

- 1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

"dwelling, multiple family means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

dwelling unit, single family means a building containing one dwelling unit;

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit."

- 1.3 PART 2 ADMINISTRATION, Section 2.1, 10 Accessory Buildings and Structures is amended by adding the words "and the use is not permitted on a parcel in the 'Community Housing (R4) Zone'." after the word "Bylaw".

- 1.4 PART 2 GENERAL REGULATIONS, Section 2.1, 11 Travel Trailers is amended by adding the words "except on a parcel zoned 'Community Housing (R4)'" after the word "accommodation".

- 1.5 PART 2 GENERAL REGULATIONS, Section 2.4, 2 Home Occupation Regulations, Permitted Home Occupation Uses is amended by adding the words "except on a parcel in the 'Community Housing (R4) Zone'" at the end of the following bullets:

- "home-based guest accommodation
- welding shops, including sale of products produced on site
- automobile repair and maintenance on lots larger than 2.0 hectares"

- 1.6 PART 2 GENERAL REGULATIONS, Section 2.5, 16 Parking Regulations, Number of Parking Spaces Required, residential is amended by removing:

- "one per one single family residential use"

And replacing it with:

- "one per one single family residential dwelling unit"

Commented [ME1]: Preliminary draft bylaw No. 234, pending further staff review and analysis.

Commented [ME2]: Definition revised to exclude cisterns for rainwater harvesting and collection from the lot coverage calculation. Provides flexibility for use of cisterns. Staff also suggest a smaller lot coverage in consideration of proposed change to this definition.

Commented [ME3]: New definitions added to support new Community Housing R4 zoning for multi-family dwellings, differentiating from single family. Allows for a duplex, triplex or other multi-family type housing. New definition introduced – residential rental tenure – allowing for creation of rental housing zone as per new authority to zone for residential tenure (i.e. rental housing) as per the recent amendment to the Local Government Act.

Commented [ME4]: Use removed from the new R4 zone: accessory buildings and structures and travel trailers for overnight non-commercial accommodation on an occasional basis (45 days in a year). Current provision is intended for single family residential lots. Not an appropriate use for a lot used for multi-family residential rental tenure.

Commented [ME5]: For LTC discussion - Remove certain home occupations that are not appropriate for new R4 zone. Rental managers could further restrict.

Commented [ME6]: Revised provision to be consistent with other amendments respecting single family residential dwelling unit.

- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5, 16 Parking Regulations, Number of Parking Spaces Required, residential is amended by adding another bullet:
- “two per dwelling unit in a multiple family dwelling”
- 1.8 PART 2 GENERAL REGULATIONS, Section 2.5, 17 Parking Regulations, Number of Parking Spaces Required, Minimum number of bicycle parking spaces is amended by adding another bullet:
- “one per dwelling unit in a multiple family dwelling”
- 1.9 PART 2 GENERAL REGULATIONS, Section 2.6 Sign Regulations, Permitted signs, is amended by adding “Community Housing (R4)” after “(R3)”.
- 1.10 PART 2 GENERAL REGULATIONS, Section 2.7, 8 Screening Regulations, Landscape Screens is amended by removing “R3 zone” and replacing with “R3 and R4 zones”.
- 1.11 Part 2 GENERAL REGULATIONS, Section 2.8, 9 Subdivision Regulations, Proof of Potable Water – Amounts – FOR DISCUSSION
- 1.12 PART 3 ZONE REGULATIONS, Section 3.1 1 - Creation of Zones is amended by adding the “Community Housing” Zone Classification and R4 Zoning Code in **Residential Zones**.
- 1.13 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 1 – Permitted Uses is deleted in its entirety and replaced with:

Table 1 - Permitted Uses		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	✓
2	Parks	✓	✓	✓	✓
3	Utilities	✓	✓	✓	✓
Accessory Uses					
4	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	✓
5	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
6	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
7	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	✓
8	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
9	Secondary suites and secondary dwelling units		✓		✓

*Secondary dwelling units must be approved through a Temporary Use Permit

Commented [ME7]: Adding a vehicle parking space requirement of two per dwelling unit in a multiple family dwelling.

Commented [ME8]: Adding a bicycle parking space requirement of one per dwelling unit in a multiple family dwelling.

Commented [ME9]: Adding the new R4 zone to signage regulations.

Commented [ME10]: Adding the new R4 zone, requiring all uses in R4 zone to be screened from adjacent properties with a landscape screen.

Commented [ME11]: For LTC discussion – Options:

- Applicant be required to grant a covenant as per Section 2.8, 15;

OR

- Applicant be required to apply for a variance at time of anticipated 2-3 lot subdivision, at discretion of LTC of the time;

OR

- LTC request staff to provide alternative wording and analysis of new provisions that would allow the supply of potable water from a well for a proposed subdivision with proof of a water licence for non-domestic purposes as per the Water Sustainability Act.

Commented [ME12]: New residential zone added: Community Housing R4 zone. This accommodates multiple family residential rental tenure use zoning to accommodate the DCLTA's seniors affordable housing project. Could be used as a base zoning for future multiple family residential rental tenure type projects.

Commented [ME13]: Applicant indicates that parks and utility uses should not be permitted. Precluding the use of parks and utilities is not recommended.

Commented [ME14]: Added home occupation as an accessory use to R4 zone. Types of home occupations to be allowed can be limited in PART 2, Section 2.4, 2 Home Occupation Regulations, Permitted Home Occupation Uses of LUB. See above comments.

Commented [ME15]: Added forest fungi production as accessory use to R4 zone. Staff note that this use would not be permitted on the lot proposed for seniors affordable housing as it is anticipated to be smaller than 2.0 ha. Allows use on lots 2.0 ha or larger.

Commented [ME16]: Added horticulture and agriculture as accessory uses to R4 zone.

Commented [ME17]: Applicant indicates desire for this accessory use. Staff recommend removing occasional wood working and wood processing using wood obtained from the lot as an accessory use. Not compatible with proposed 0.8 ha sized lot.

Commented [ME18]: Added generation of electricity from non-polluting renewable sources as accessory use.

Commented [ME19]: Secondary suites and secondary dwelling units removed as an accessory use. Not intended for use with multiple family dwellings.

1.14 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 2 – Permitted Buildings and Structures is deleted in its entirety and replaced with:

Table 2 - Permitted Buildings and Structures		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	✓
2	Residential rental tenure multiple family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	✓
4	Buildings and structures accessory to a constructed multiple family dwelling unit				✓
5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	✓
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	✓
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	✓

Commented [ME20]: SFD removed as permitted buildings in the R4 zone as zone is not intended to accommodate single family dwelling units.

Commented [ME21]: Added new line to allow buildings and structures for intended use.

Commented [ME22]: SFD accessory buildings removed as permitted buildings in the R4 zone.

Commented [ME23]: Added new line to allow accessory buildings and structures for intended use.

Commented [ME24]: Accommodates accessory buildings and structures for horticulture agriculture.

Commented [ME25]: Accommodates buildings and structures for utilities and parks.

Commented [ME26]: Pit privy removed.

Commented [ME27]: Accommodates fences and signs.

Commented [ME28]: Removed to be consistent with prohibited use.

Commented [ME29]: Accommodates buildings and structures for permitted use.

Commented [ME30]: Common house removed as it is not compatible with intended use.

1.15 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures is deleted in its entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3	R4
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	8
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	20%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

Commented [ME31]: Accommodates the maximum number of dwelling units proposed by the applicant.

Commented [ME32]: For LTC discussion – Staff recommend a smaller lot coverage considering the proposed lot size of 0.8 ha and to encourage a smaller footprint and more compact built form for multiple family housing. Cisterns for rainwater harvesting and collection are proposed to be excluded from the calculation.

Commented [ME33]: Suggested by applicant.

1.16 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 4 – Height is deleted in its entirety and replaced with:

Table 4 – Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m

Commented [ME34]: Provision is not applicable to subject property, but staff recommend status quo height. Future rezoning applications could contemplate a change to provision.

DE-BL-234

	located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	n/a

Commented [ME35]: For LTC discussion– applicant suggested 9.0 m; however, staff suggest a taller height maximum to allow greater flexibility for units to be clustered/multi-story should the applicants plans change in consideration of costs. May reduce the need for a variance in future. Staff to consult with Fire Department about related emergency services to multi-story buildings.

Commented [ME36]: For LTC discussion – larger cisterns may exceed this height. Applicant to provide confirmation of cistern specifications.

Commented [ME37]: Suggested by applicant.

Commented [ME38]: 2 m suggested by applicant and consistent with ALC fencing height guideline of 1.5 m.

Commented [ME39]: Suggested by applicant.

Commented [ME40]: No requirement necessary, not applicable.

1.17 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 5 – Setbacks is deleted in its entirety and replaced with:

Table 5 - Setbacks		R1	R2	R3	R4
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

Commented [ME41]: For LTC discussion – Staff recommend a larger setback from all lot lines for multi-family developments. Applicant suggests R1/R2 setback distances and vegetation buffer and fencing plan proposed between multi-family development and ALR land indicates a 3 metre vegetation buffer. ALC to confirm.

1.18 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 6 – Floor Area is deleted in its entirety and replaced with:

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²	10 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²	n/a
4	Maximum gross floor area of a dwelling unit in a multiple family dwelling	n/a	n/a	n/a	60 m ²
5	Maximum gross floor area of a common house	n/a	n/a	279 m ²	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²	100 m ²

Commented [ME42]: Suggested by Applicant.

Commented [ME43]: No requirement necessary, not applicable.

Commented [ME44]: No requirement necessary, no single family dwelling units permitted.

Commented [ME45]: Suggested by applicant.

Commented [ME46]: No requirement necessary, common house not permitted.

Commented [ME47]: Suggested by applicant. To be confirmed.

1.19 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, Table 7 – Subdivision is deleted in its entirety and replaced with:

DE-BL-234

Table 7 - Subdivision

		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	0.8 ha
2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha	0.8 ha

Commented [ME48]: To be confirmed at Preliminary Layout Approval.

- 1.20 PART 3 – ZONE REGULATIONS, Section 3.4 – “Resource Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new A(15) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
A(15)	1 Despite Table 7 of this section, the minimum lot area is 0.8 hectares.

Commented [ME49]: New site specific zoning added to allow anticipated subdivision of the A zoned subject property. To be confirmed at Preliminary Layout Approval.

- 1.21 PART 4 – DEVELOPMENT PERMIT AREA GUIDELINES be amended by adding a new subsection 4.8 Development Permit Area No. 8 – Energy and Water Conservation

Commented [ME50]: Added as placeholder for LTC to consider applying such a DP to the new R4 zone to inform a higher level of energy and water conservation in new construction. These guidelines and DP designation are being drafted for LTC consideration as a part of DE-RZ-2018.1 and could be applied to this R4 parcel as well. It will incorporate BC Step Code standards, which the applicant has indicated interest in pursuing.

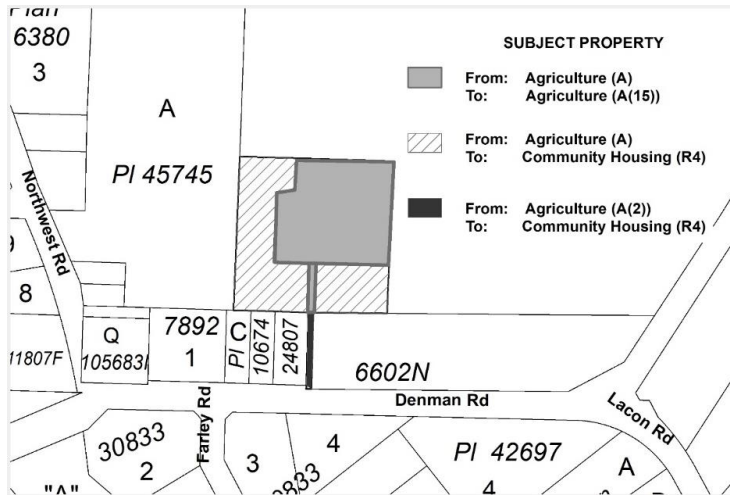
- 2.1 Schedule “B” – North Map, is amended by changing the zoning classification of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

Commented [ME51]: Plan subject to change upon registration of newly created lot that incorporates highway access to Denman Road as a result of lot line adjustment application DE-SUB-2017.4.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 86031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision

Commented [ME52]: Plan is based on ALC approval conditions and preliminary plans provided by applicant. Preliminary Layout Approval for the future 2-3 lot subdivision must match Plan No. 1. Any deviation after adoption of this bylaw would require an additional Public Hearing. LTC and applicant must be confident that subdivision is able to be approved and deposited at Land Titles.



DATE OF MEETING: June 6, 2019
TO: Denman Island Local Trust Committee
FROM: Miles Drew, Bylaw Compliance and Enforcement Manager
Local Planning Services
SUBJECT: Enforcement of Unlawful Short-term Vacation Rentals

RECOMMENDATIONS

Adopt a Bylaw Enforcement Notification (BEN) Bylaw:

1. That 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.
2. That 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.
3. That 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.
4. 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.

Adopt an Enforcement (and non-enforcement) Policy for Unlawful Dwellings:

5. 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 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.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) has initiated discussion about a Bylaw Enforcement Notification (BEN) system for Denman Island, primarily in response to concerns about unlawful short-term vacation rentals. Following previous reports to the LTC on February 7th and March 7th, and consultation with Denman Island community members on March 4th, staff are recommending the following:

- Adoption of a Bylaw Enforcement Notification (BEN) Bylaw, commencing with three readings of Bylaw No. 232 (attached) and forwarding the bylaw to the Executive Committee for approval; and
- Adoption of an enforcement policy for unlawful dwellings in order to prevent unintended displacement of vulnerable individuals and households.

BACKGROUND

The Denman Island LTC, previously adopted two standing resolutions regarding short-term vacation rentals:

DE-2018-056

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”.

CARRIED

DE-2018-100

It was MOVED and SECONDED,

That the Denman Island Local Trust Committee adopt the following standing 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;
- Unlawful STVRs operated by persons who reside on the same property as the STVR.”

CARRIED

At the February 7, 2019 LTC meeting, the LTC requested Bylaw Compliance and Enforcement staff to explain the Bylaw Enforcement Notification (BEN) system and subsequently passed the following resolution:

DE-2019-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Bylaw Enforcement Manager to prepare a report with recommendations on the topic of a Bylaw Enforcement Notification Bylaw.

CARRIED

At the March 7, 2019 LTC meeting, Bylaw Compliance and Enforcement Manager Drew presented a Staff Report recommending that the LTC consider adopting a BEN bylaw along with an enforcement policy to not enforce on some types of unlawful housing. Trustees discussed the importance of publicizing and conducting public engagement to promote understanding of this system, and passed the following resolution:

DE-2019-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request Bylaw Enforcement staff to conduct a “Coffee and Questions” public information event with reference to a possible Bylaw Enforcement Notification Bylaw.

CARRIED

Trustees requested that information on the results of the event be presented to the LTC to inform next steps.

Bylaw Compliance and Enforcement Manager Drew and Trustee Busheikin attended the Denman Island Farmers Market on Saturday, May 4, 2019, and invited input from members of the public on issues related by bylaw enforcement and ticketing.

ANALYSIS

Policy/Legislative

Bylaw Enforcement Notification

BEN bylaws have been in place in the Islands Trust Area since 2011 and have been adopted and used by eight local trust committees. Since the adoption of the first BEN bylaw in the Islands Trust Area, no serious concerns have emerged.

In 2011, Denman Island LTC considered adopting a BEN Bylaw but eventually decided against adoption due to public concerns about the impact a ticketing bylaw might have on the community.

As noted in the linked document "[Local Government Toolkit: Bylaw Dispute Adjudication System](#)", the local government bylaw dispute adjudication system's goal is to create a simple, fair, and cost-effective process for dealing with uncomplicated bylaw contraventions. The model:

- promotes the timely resolution of bylaw enforcement disputes;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- permits negotiation of compliance agreements resulting in reduction of fine amounts to zero;
- eliminates the requirement for tickets to be handed directly to the accused (personal service);
- avoids the unnecessary attendance of witnesses; and
- avoids the need to hire legal counsel.

The Bylaw Dispute Adjudication System (explained in detail in the Toolkit) is a very effective and low cost way of helping to ensure respect for LTC bylaws and the community goals they represent. Gaining compliance with bylaws can be very difficult and expensive in the absence of a ticketing enforcement bylaw as enforcement may need to occur through costly Court processes.

The very high cost to taxpayers and individuals of Court action sometimes means that bylaws are not enforced and therefore do not meet the goals they were designed to achieve. Non-enforcement can be frustrating for community members who expect bylaw compliance. It also contributes to a lowering of the legitimacy of bylaws and general non-compliance.

Bylaw No. 232

Draft Bylaw No. 232 cited as, "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019" is attached to this report for consideration of the LTC. If adopted by the LTC, this Bylaw would enable Bylaw Compliance and Enforcement Staff to: issue fines; conduct hearings by impartial adjudicators of disputes to tickets; and negotiate compliance agreements in return for reducing fine amounts to zero.

The BEN Bylaw does not create any new rules or regulations for Denman Islanders. It only lists the regulations that already exist in the Land Use Bylaw and the Siting and Use Bylaw. The fine amounts are similar to those found in the eight BEN Bylaws already existing in the Islands Trust Area.

Enforcement/Non-Enforcement Policy on Unlawful Housing

The recommended unlawful housing enforcement policy is very similar to those adopted by the Salt Spring Island and Mayne Island LTCs as well as others. Enforcement policies are often used by local governments including local trust committees to give specific direction to staff about how or in what circumstances enforcement must be undertaken. Enforcement policies can be changed as circumstances change.

Concern exists that the BEN Bylaw will result in increased and unreasonable enforcement against unlawful housing. People claim that unlawful housing is necessary because lawful housing is scarce and otherwise unaffordable. Adopting an enforcement policy can reduce the fear of arbitrary enforcement. Each of the five recommended triggers for enforcement is designed to manage a specific concern.

- **There is a complaint by an immediate neighbour.**
This aspect of the enforcement policy will ensure that, unless one of the other four criteria for enforcement exists, only unlawful dwellings that directly affect a complainant will be subject to enforcement.
- **There is more than one unlawful dwelling on a lot.**
Denman LTC bylaws set density levels carefully to manage issues such as water scarcity, rural character, environmental impacts such as sewage. Permitting enforcement where there is more than one unlawful dwelling on a lot will help avoid adverse impacts of higher density development.
- **The unlawful dwelling is larger than 90 square meters.**
The maximum permitted size of a lawful secondary suite within a dwelling is currently 90 m². This enforcement policy will prevent overdevelopment of a lot and keep enforcement efforts consistent with the standard for suite size set in the LUB. The LUB already permits people to make applications for temporary use permits for larger accessory dwellings.
- **The unlawful dwelling contravenes Development Permit Area regulations.**
Development permit areas (DPAs) are designated to protect areas of particular concern to Denman Islanders, such as environmentally-sensitive areas. Enforcement of unlawful dwellings sited in DPAs will help protect those areas from damage.

Consultation

As noted, Bylaw Compliance and Enforcement Manager Drew and Trustee Busheikin attend the Saturday, May 4th Farmers Market to solicit input from members of the public about bylaw enforcement and the possibility of a BEN bylaw. The event was advertised on the Denman Island Bulletin Board on Facebook.

At the event, a handful of people expressed specific concerns about implementing a BEN bylaw on Denman Island. There were three main areas of concern: costs, impact on availability of housing, and incompatibility with Denman culture.

Costs

Some people expressed that reduced costs of enforcement would be a benefit.

Some people expressed that because bylaws are currently expensive to enforce, this engenders a feeling of bylaw immunity which increases the feeling of freedom found living on Denman Island. This reliance on impunity raises concerns about the legitimacy of bylaws and the community process that created them.

Some people expressed a concern that they would not be able to afford the cost of tickets. Hearing that BEN fines were reduced to zero if the violator complied with the bylaw brought no relief as they said they could not afford to comply with bylaws.

Housing Impacts

The major objection to the BEN bylaw was that it would facilitate enforcement against unlawful housing. Some people said that many people on Denman live in dwellings that do not conform to the Land Use Bylaw. How the dwellings do not conform was not explained but it may be that these dwellings may include accessory buildings, trailers or purpose-built dwellings that exceed the number of permitted dwellings per lot.

Some people expressed fear that ticketing, in conjunction with complaint-driven enforcement, would lead to mass eviction of people from their homes and that this would be unacceptable. People were not reassured to hear that, of the 22 current open enforcement files, only two concerned unlawful dwellings. They were also not placated by the explanation that accessory dwelling units could be legalized through temporary use permits -- claiming that this process was too expensive.

Hearing that ten of the 22 files involved unlawful short-term vacation rentals (STVRs), and that the BEN Bylaw could help make more dwellings available for lawful long-term rental, resulted in some agreement that this would be a positive benefit of a BEN Bylaw. Some people expressed interest in the concept of an enforcement policy to prevent enforcement against certain unlawful dwellings.

Socio-cultural Impacts

Some people expressed the idea that enforcement of any kind was anathema to the culture of Denman Island and that “people should work it out themselves or just live with it”. This attitude is held by some people in all communities. However, the fact that complaints about bylaw violations are made by Denman Island residents from time to time belies the claim that this is a universally-held belief.

Rationale for Recommendation

Adoption of a BEN bylaw would allow the Denman LTC to more effectively deal with complaints received from Denman Islanders about potential an offensive bylaw infractions. The BEN bylaw provides the ability to negotiate compliance agreements – to outline the approach to be taken to achieve bylaw compliance and opportunity to reduce fines to zero when compliance is achieved. Furthermore, adoption of an enforcement policy on unlawful dwellings would help ameliorate concerns in the Denman Island community that the BEN bylaw would unreasonably affect an important source of affordable housing or result in the displacement of individuals or households at risk of homelessness.

Staff note that comments received at the Denman Island Farmers Market may or may not be representative of broader community values, given the relatively small number of people who provided input. As such, staff would caution the LTC against making decisions which rely solely on the information provided through this venue.

The staff recommendations are noted on page 1 of the report.

Alternatives

1. Receive for information
2. Adopt the BEN Bylaw without an enforcement policy on unlawful dwellings
3. Request further information

Submitted By:	Miles Drew Bylaw Compliance & Enforcement Manager	May 7, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 25, 2019

Attachment

- Draft Bylaw No. 232
- correspondence

**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 DAY OF , 2019

READ A SECOND TIME THIS DAY OF , 2019

READ A THIRD TIME THIS DAY OF , 2019

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 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: [REDACTED]
Sent: Saturday, May 25, 2019 2:13 PM
To: deltcwebmail <deltcwebmail@islandstrust.bc.ca>
Subject: Contact Form Submission

Contact: Denman Island Local Trust Committee
Name: Geoffrey Donaldson
Email: [REDACTED]

If you would like to be contacted using a different method than E-mail, please enter the details: OR PHONE [REDACTED]

Write your message: Trustees: I was unable to speak to the Bylaw Enforcement Officer at the public market in early May. The info table was set up to explain to Islanders the Bylaw Enforcement Notification system proposed to the LTC in April. What happened during this info-table session? What is the outcome—what will the LTC decide, and how will it decide? As I've already expressed, there are grave misgivings among many Islanders about the BEN system because of the longstanding prohibition of secondary dwellings on most of the Island—that is, fear about reducing the number of rental housing opportunities if the BEO decides to initiate investigations and issue compliance orders (coercive ticketing) against property owners who provide non-conforming housing to about a fifth of Island residents. I wish to dissuade the LTC from adopting the BEN for the following reasons: - extracting money for citizens without the approval of an elected assembly responsible to citizen voters is against the law (Re: English Bill of Rights 1688 [1689], &c.) - the Islands Trust is not responsible to the Trustees' electorates, therefore may not levy tax or fines (it is beyond the Trust's jurisdiction) - the BEN system is an administrative process that is not compulsory for the LTC to adopt (The LTC is perfectly able to exercise its autonomy and not adopt it) - the BEN system will not ameliorate long-standing shortages of rental housing (which necessitates ignoring unaccommodating prohibition of secondary dwellings on most of the Island)—and has potential to make it much worse - the LTC has so far neglected to take measures within its authority to adequately ameliorate the rental housing shortage (despite having been apprised of it for many years, by now) - previous attempts to implement a ticketing bylaw have always been met with widespread opposition because of the housing shortage (that is, because people are afraid of losing their homes and not being able to find replacements) and were quashed as a result - the ostensible rationale for the BEN is to save the Trust litigation (to force property owners to comply with bylaws) costs but is just as likely to increase them (BEN will most certainly be challenged in court, as it rightly should be). In summary, Islanders have repeatedly expressed they don't want the BEN system or any other bylaw enforcement system until the housing problem is solved and, to the extent the LTC repeatedly challenges Islanders wishes, it cannot be trusted with regard the proposed BEN system which would be open to abuse of authority and likely overstep its real authority, anyway. I urge the LTC to reject implementation of BEN: it shouldn't adopt it because of the housing problem here on Denman Island; and it is not compelled to adopt it, anyway. As long as the housing problem exists and the Trust refuses to deal with it adequately, the BEN will remain highly contentious and, ironically or perversely, likely result in further erosion of Islanders' trust in the Islands Trust. Ben will do nothing salutary in any of these respects. If BEN is adopted, Islanders will be encouraged to seek a court challenge to have it and its supporting regulations stuck down. Actual BEN proceedings against any rental housing provider will incite challenges the LTC might find akin to an never ending trip to the dentist. In other words, BEN will end up inviting court challenges its rationale ostensibly seeks to avoid. Do the right thing: reject the BEN system and focus instead on ending secondary dwelling prohibition that front and centre the issue that argues against the BEN system. (I recognize that this would be a fairly major overhaul of existing policy, but BEN should not be adopted merely to avoid this work—it won't work, anyway). Perhaps the BEN might be acceptable after secondary dwellings are broadly permissible. I can't speak to this conditionality—maybe BEN will never be acceptable even if secondary dwellings are legalized—that's an issue for another day. Today it's all about housing and, in our current, longstanding situation (where secondary dwellings are prohibited on most of the Island), BEN will never be trusted or accepted by most Islanders. The solution should be plain; just do it. What's stopping you? Geoffrey Scott Donaldson, Denman Island (single-occupancy property owner)

From: Satya Bellerose [REDACTED]
Sent: Wednesday, April 24, 2019 2:32 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: RE: Denman Farmhouse Project

(From residents who live on East Road, past Gravelly Bay - comments on the Denman Farmhouse project)

We were disappointed that the DI Farmers Market Committee letter of April 19, 2019 to the Island Trust did not address the already very serious safety issues that would be significantly worse if this property is zoned commercial.

Even without a store at Gravelly Bay, there have been several extremely serious near-misses (a child was almost hit, a motorcyclist coming off the Hornby ferry had to tip his bike over to prevent a head-on collision, the cars coming off the Hornby ferry race to the West side, etc). As well, trucks towing boats to and from Bill Mee Park will meet another vehicle coming the other way on the one moving traffic lane with no shoulder, residents attempting to get past the ferry line-up are met with curses and people hitting their car (they probably think we are cutting in line), not to mention trying to negotiate the endless number of people, dogs, and children running across the road. This is before there is a store that will encourage even more people to traverse the road.

Now that Hornby Island is providing a bus service in summer, people are leaving their cars parked past the Gravelly terminal and reducing East Road to one lane even past the terminal. At its worst last summer, there were ten vehicles parked along this East road area (typically 4-5). This is part of the systemic issue that needs to be looked at holistically: BC Ferries, Hornby Island and Denman Island.

The Denman West ferry terminal is at the end of the road and has a protected parking lot; thus there are few safety issues related to a food cart. If we had a similar off-road protected parking area at Gravelly Bay, the south-end residents would be happy to support a store. At present, a store at Gravelly Bay would bring little benefit to south-end residents, since who is going to try to wade their way through the traffic jam? The elderly population here may not have an option of biking or walking to the store.

We believe that any change to zoning MUST be tied to the BC Ferries Gravelly Bay terminal development such that an adequate area is provided to ensure that on-street parking is never required. If protected parking was provided, the road would not be reduced to a single lane; people would no longer be crossing that lane with moving vehicles trying to go in both directions. As it is now, the situation puts south-end residents at significant risk, and even more so if emergency vehicles are needed.

Both the Farmhouse Project and BC Ferries may be subject to serious liability should a death or serious injury occur; since these issues have clearly been outlined prior to any zoning changes.

Sincerely,

Satya Bellerose

[REDACTED]

[REDACTED]

[REDACTED]



DATE OF MEETING: June 6, 2019
TO: Denman Island Local Trust Committee
FROM: Sue Ellen Fast, Chair
SUBJECT: Meeting Procedures Regarding Public Input

RECOMMENDATIONS:

1. That the Denman Island Local Trust Committee endorse the Guidelines for Public Participation during Local Trust Committee Meetings as attached to the memorandum received June 6, 2019.
2. That the Denman Island Local Trust Committee request that staff include the Guidelines for Public Participation during Local Trust Committee Meetings on the local trust committee webpage.
3. That the Denman Island Local Trust Committee request staff to prepare a draft Meeting Procedures Bylaw, which incorporates the Guidelines for Public Participation during Local Trust Committee Meetings for consideration at a subsequent meeting.

PURPOSE

The Denman Island Local Trust Committee (LTC) is asked to consider the attached Guidelines for Public Participation during Local Trust Committee Meetings, endorse the guidelines as presented or amended, and request staff to post the guidelines on the LTC website and prepare a draft meeting procedures bylaw.

The purpose of the guidelines is to:

- Invite public participation in LTC meetings in a constructive and respectful manner;
- Effectively manage public input received through correspondence, delegations, applicant speaking opportunities and Town Hall sessions;
- Ensure LTC meetings are run efficiently, preserving time for delegations who wish to present new ideas or information that is not otherwise being considered by the LTC (in a project or application) and adhering to the prescribed time allotment for agenda items; and
- To provide guidance to an updated LTC Meeting Procedures Bylaw.

BACKGROUND

As a new LTC chair, I have been approving agendas and running meetings while asking questions and searching the website for information about who can appear as a delegation, when an applicant can speak, and also trying to invite meaningful participation and answer questions from citizens. While guidelines for managing public participation do exist for Islands Trust Council (see <http://www.islandstrust.bc.ca/trust-council/council-meetings/talk-to-council/>), clear and consistent guidelines for public participation in LTC meetings do not exist.

Islands Trust Council Guidelines

The meeting procedures for Trust Council, Committees and Executive Committee (EC) are found in Trust Council Bylaw No. 101: <http://www.islandstrust.bc.ca/media/341860/bylaw101meetingprocedures.pdf>. Bylaw No. 101 includes the following:

Notice to Secretary of Petitions and Delegations

- 5.8 *A person who wishes to present a petition to, or a delegation who wants to appear before Council at a regular meeting of Council shall, at least three weeks prior to the meeting, deliver the request in writing to the Secretary. The request shall include the name of each petitioner with his or her residential address and the subject of the petition or delegation.*
- 5.9 *At the discretion of the Executive Committee, the petitioner or delegation may be given a space on the agenda.*
- 5.10 *No petition may be presented to, nor delegation appear before Trust Council unless Section 5.8 and 5.9 has been complied with unless otherwise agreed to by resolution of the Executive Committee before the meeting or of Trust Council at the meeting.*

Correspondence

- 5.11 *Anyone who wishes correspondence to be considered at a meeting of Council shall, at least three weeks prior to the meeting, deliver the correspondence to the Secretary. At the discretion of the Executive Committee, the correspondence shall be attached to the agenda or where it deems it appropriate, the correspondence shall be identified on the agenda and copies made available to Trustees who request it at the meeting.*

Time Allowed for Petitions and Delegations

- 5.12 *The maximum time for presentation of a petition or appearance of a delegation before Council is ten (10) minutes unless otherwise approved by resolution of the Executive Committee before the meeting or by resolution of Trust Council at the meeting.*

PROPOSED GUIDELINES FOR PUBLIC PARTICIPATION DURING LOCAL TRUST COMMITTEE MEETINGS

The proposed guidelines for public participation during LTC meetings are attached. They suggest that delegations request to appear and provide any supporting presentation materials at least two weeks before an LTC meeting (Trust Council requires delegations to make their requests 3 weeks in advance but many LTC meetings are only 4 weeks apart). The Applicants section is new and not adapted from text found in Bylaw No. 101 or in any other Islands Trust policies or bylaws or webpages I have looked at so far. I understand that applicants have a common law right to be heard when their applications are being considered for decision on an LTC agenda.

Financial Implications

Staff time may be reduced by clarifying expectations regarding when materials for delegations are to be submitted in advance, so that the need to retroactively add materials to already published agendas is reduced.

Climate Implications

By providing the invitation for applicants to participate remotely through electronic means, GHG emissions may be reduced.

ALTERNATIVES

1. Endorse amended or different guidelines for public participation, for inclusion on the LTC website and to guide preparation of a new Meeting Procedures Bylaw.
2. Receive for information

To extend the invitation to participate in LTC meetings, in the interest of administrative fairness, to clarify expectations, to preserve delegation time for new ideas, suggestions, issues and citizens that may be new to the LTC or for other updates and perspectives to enrich the LTC's discussions, and to generally facilitate productive meetings that democracy would be proud of, I submit this proposed text.

Respectfully,

A handwritten signature in black ink, appearing to read "Sue Ellen Fast", with a stylized flourish at the end.

Sue Ellen Fast, Chair
Local Trust Committee

ATTACHMENTS

1. Guidelines for Public Participation during Local Trust Committee Meetings
2. Meeting Procedures Bylaw

GUIDELINES FOR PUBLIC PARTICIPATION DURING LOCAL TRUST COMMITTEE MEETINGS (DRAFT)

How to Share Your Ideas with the Denman Island Local Trust Committee

Town Hall

This is an opportunity for public comments typically offered during each LTC meeting. The Town Hall is a chance for members of the public to inform trustees about topics relevant to the local trust area. While no advance notice is required to speak at a Town Hall session, the time available will vary, depending on the number of citizens who wish to speak. The LTC will make every effort to hear all members of the public during the Town Hall but reserves the right to limit Town Hall submissions.

Organizations and individuals who have submitted an application to the Islands Trust should not speak during Town Hall. They are welcome to speak when their applications are presented to the LTC for a decision; see below.

Delegations

At least two (2) weeks prior to the local trust committee (LTC) meeting, send a request to northinfo@islandstrust.bc.ca including the name and address of the presenter(s), the subject of the delegation and any materials or documents to be presented. It is important to note that the purpose of a delegation is to present new ideas or information that is not otherwise being considered by the LTC (in a project or application). The LTC does not typically make decisions on delegation requests at the same meeting, although they may choose to request staff to report back with further information.

Delegations have up to 10 minutes to speak to the LTC unless additional time is permitted by the LTC. To ensure necessary business is completed, the LTC reserves the right to limit the number of delegations it receives at any one meeting.

Organizations and individuals who have submitted an application to the Islands Trust do not appear as a delegation. They are welcome to speak when their applications are presented to the LTC for a decision; see below.

Correspondence

Correspondence may be submitted to the LTC at any time by email to northinfo@islandstrust.bc.ca.

If a member of the public or an organization wishes to have their correspondence included in an LTC agenda package, this request must be received at least two (2) weeks prior to the LTC meeting (either in person, by mail or by email to northinfo@islandstrust.bc.ca).

Correspondence included in an LTC agenda package should pertain to issues which are not otherwise being considered in LTC projects or applications. Organizations and individuals who have submitted an application to the Islands Trust should direct correspondence to the staff assigned to their application.

Correspondence regarding LTC projects or complex applications is typically posted to the LTC website.

Anonymous correspondence will not be accepted.

Applicants

Applicants should communicate with Islands Trust staff regarding application requirements and the application process. Contact staff via northinfo@islandstrust.bc.ca or visit <http://www.islandstrust.bc.ca/islands/land-use-planning/application-guides-forms/> for further information.

When an application comes before the LTC for a decision, staff will present a report and recommendations to the LTC. The applicant may then speak in order to indicate their concurrence with the report and recommendations or to advise the LTC of any errors or omissions. After the LTC makes a decision, the applicant may ask questions for clarification of the LTC's decision or direction to staff.

Applicants are permitted to participate electronically in meetings.

Applicants should communicate with Islands Trust staff in advance of the LTC meeting if they are concerned with staff recommendations or if they are aware of any errors or omissions in the staff report.

Please note, the LTC is under no obligation to accept delegations, town hall comments, correspondence, or other submissions that are deemed defamatory or offensive in nature.



File No.: 4800-25

DATE OF MEETING: June 6, 2019

TO: Denman Island Local Trust Committee

FROM: Gillian Nicol,
Project Lead, Visions 2099: The Future of the islands in the Salish Sea
Program Coordinator, Trust Area Services

Andrew Templeton,
Communication Lead, Visions 2099– The Future of the islands in the Salish Sea
Communication Specialist, Trust Area Services
Southern Team

COPY: Russ Hotsenpiller
Project Sponsor, Visions 2099–The Future of the islands in the Salish Sea
Chief Administrator Officer, Islands Trust

SUBJECT: Public Engagement in the Denman Island Local Trust Area for Visions 2099: The Future of the islands in the Salish Sea (Working Title)

RECOMMENDATION

That the Denman Island Local Trust Committee endorse the 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 6th, 2019 staff report.

REPORT SUMMARY

The purpose of this report is to give the Denman Island Local Trust Committee (DE LTC):

- background information on Trust Council's Visions 2099: The Future of the islands in the Salish Sea (working title);
- an outline and description of the in-person and online engagement activities that are proposed for the Denman Island Local Trust Area, which will take place at some point between July and November 2019.

BACKGROUND

On June 21, 2017, the Islands Trust Council voted to assign the Executive Committee (EC) co-ordination of a review of the following sections of the Islands Trust Policy Statement: Introduction, Part I, Part II and Schedule 1 - Definitions.

The Executive Committee established the objectives for this review as follows:

1. To receive final adoption by Trust Council of a bylaw amending Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement that includes up-to-date information, improved history section

and appropriate acknowledgment of First Nations, and a recognition of the increasing impacts of climate change

2. To improve understanding of the content and function of the Policy Statement
3. To increase awareness and knowledge about Islands Trust and its mandate
4. To promote understanding of Reconciliation and history
5. To develop stronger relationships with First Nations
6. To seek input on long term visions for the Trust Area
7. To gain experience with the Policy Statement amendment process to inform future processes and budget processes
8. To increase awareness about the potential impacts of climate change on the Trust Area, as well as opportunities for mitigation, resilience, and adaptation policies to prepare for this threat

At its March 2019 meeting, EC approved an engagement plan to support this review process. With the working title *Visions 2099: The Future of the islands in the Salish Sea*, the plan features a twin-track approach with strategies designed to engage First Nations alongside residents of the island communities and the general public. It is with the latter engagement work that this current report is concerned.

An individual engagement plan will be developed for each local trust area, making use of different engagement options, which are outlined in the appendix.

Both online and in-person, the approach will be one of openhearted engagement, a genuine opportunity to take the temperature and better understand the visions that different communities/people have for themselves, the islands individually, and for the region as a whole, in order to better understand present hopes and fears and to effectively prepare for the future.

This discussion will be framed through the Object of the Islands Trust with acknowledgement that the world has changed in the intervening years, and the Islands Trust needs to remain effective in preserving and protecting for the long-term and be prepared to meet new and unexpected challenges.

Recommended Engagement Activities

The recommended course of action for the Denman Island Local Trust Area in support of *Visions 2099* is as follows:

1. We would hold a community drop-in and world café event (Appendix 1, Page 14 for more information) during the engagement period of September and October 2019.

During the community drop-in portion of the event, information boards with the following content will be posted:

- The history of First Nations in the Salish Sea region, with specific reference to the Denman Island LTA;
- Reconciliation and rights and title;
- A very brief history and purpose of the Islands Trust and our areas of responsibility;
- An overview of how the Policy Statement impacts decision-making in the Islands Trust Area;

- A snapshot of environmental health and demographics of the Denman Island LTA, how things might change in the future if trends continue as they are;
- A snapshot of the environmental and social health of the Salish Sea region as a whole;
- Identify some of the issues that unite island communities, how things might change in the future if trends continue as they are.

The world café is a technique that brings people together in simultaneous rounds of conversation about questions that matter. We will provide members of the public an opportunity to foster meaningful discussion on questions pertaining to the topics from the information boards and others identified. This method provides the opportunity for members of the public to collaborate with others and empower one another.

2. We will offer an online engagement (Appendix 1, Page 15 for more information) would offer a robust online campaign using a range of social media tools and our website to disseminate information about the engagement process. It will contain the same information about the Denman Island LTA provided during the in-person engagement and encourage online participation on the issues.

Promotion of the project will happen at both the regional and local level. This will include advertising in local papers and promotion through social media. A few weeks in advance of the proposed in-person engagement, individuals with an interest in the Denman Island LTA will be invited to submit their suggestions and ideas for topics that could fit within the broad themes of the project for the in person engagement.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

2. Suggest alternative engagement methods

The LTC suggest an alternative option for how engagement could take place in the Denman Island LTA, supported by the materials contained in the attached Visions 2099 document. The LTC should be aware that the engagement processes—involving as it does, 13 different local trust areas and Bowen Island Municipality—is complex and requires a certain level of consistency across the entire Islands Trust Area to support appropriate data-collection.

RECOMMENDATION

That the **Denman Island Local Trust Committee** endorse the recommended public engagement to take place in the Denman Island Local Trust Area in support of the Trust Council’s Policy Statement amendment project.

Submitted By:	Gillian Nicol, Project Lead, Visions 2099: The Future of the islands in the Salish Sea Program Coordinator, Trust Area Services	May 21, 2019
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	Andrew Templeton Project Communication, Visions 2099: The Future of the islands in the Salish Sea Communications Specialist, Trust Area Services Southern Team	
Concurrence:	Russ Hotsenpiller Project Sponsor, Visions 2099: The Future of the islands in the Salish Sea Chief Administrator Officer, Islands Trust	May 21, 2019

ATTACHMENTS

Appendix 1: Engagement plan for the Visions 2099: The Future of the islands in the Salish Sea, working title.



**Visions 2099:
The future of the islands in the Salish Sea
(Working Title)
Engagement Plan**

**(to inform amendments to Introduction, Part I, Part II and
Schedule 1 - Definitions sections
of the Islands Trust Policy Statement and the Islands Trust Act)**

May 16th, 2019

Introduction

On June 21, 2017, the Islands Trust Council voted to assign the Executive Committee, with involvement from Trust Programs Committee as appropriate, co-ordination of a review of the Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement; herein called Phase 1. By limiting the review/ amendment process to the preamble and definitions sections, Trust Council provides an opportunity to update sections of the document while promoting better understanding of the Islands Trust and an opportunity for all parties in the amendment process (Islands Trust staff, provincial staff, First Nations, referral agencies and the public) to familiarize themselves with the Policy Statement and amendment processes.

Thereafter, information and insight gained from Phase 1 will be applied to the more complex engagement required to amend the commitment, recommendation and directive policies of Trust Council in Part Three, Four and Five of the Policy Statement; herein called Phase 2. Trust Council's Policy Statement Amendment Policy outlines the required steps for Trust Council to review and amend the Policy Statement Bylaw. Key considerations for the amendment process are that the Policy Statement Bylaw may be amended by Trust Council only with the approval of the Minister responsible for local government, and such Ministerial approval will be based on ensuring no conflicts with Provincial interests and adequate engagement with First Nations.

The Policy Statement Amendment Policy defines the required sections and audiences for a plan for engaging First Nations and stakeholders on the Policy Statement. These are addressed below.

In November 2017, the Islands Trust Chair sent letters to First Nations inviting them to be involved in this project. This plan will support re-initiation of that invitation.

In December 2018, Trust Council requested that the Minister consider 10 changes to the Islands Trust Act that address the themes of enforcement and administration, modernization and advancing the mission.

In March 2019, Trust Council adopted a Reconciliation Declaration that will underpin this project. The First Nations Engagement Principles Policy sets out that Trust Council is committed to proving sincere desire for reconciliation with First Nations. Phase 1 engagement will endeavor to ensure First Nations define how they want to comment and which areas of the Policy Statement they would like to review. Phase 1 should ensure that we do not define the process and limit it to how we would like to engage. We want to ensure that engagement is allowing for collaborative decision-making and relationship building. This may include First Nations providing extensive comments on the document as a whole, while others may only focus on certain areas.

In March 2019, Trust Council added climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.

Reconciliation with First Nations and the impact of climate change are changing how we think of our communities and how we plan for the future. With these major forces in play, impacting our lives on both the individual and collective levels, we need to ensure that the policy foundations set in place today preserve and protect the islands in ways that will ensure their health into the long-term future. What are our Island Visions for 2099? Do our current policy frameworks guide us to that desired future?

Objectives

1. To receive final adoption by Trust Council of a bylaw amending Introduction, Part I, Part II and Schedule 1 - Definitions sections of the Policy Statement that includes up-to-date information, improved history section and appropriate acknowledgment of First Nations, and a recognition of the increasing impacts of climate change.
2. To improve understanding of the content and function of the Policy Statement
3. To increase awareness and knowledge about Islands Trust and its mandate
4. To promote understanding of Reconciliation and history
5. To develop stronger relationships with First Nations
6. To seek input on long term visions for the Trust Area.
7. To gain experience with the Policy Statement amendment process to inform future processes and budget processes.
8. To increase awareness about the potential impacts of climate change on the Trust Area, as well as opportunities for mitigation, resilience, and adaptation policies to prepare for this threat

Context

The Policy Statement was developed over a period of two years from 1991 to 1993, through a comprehensive public consultation process that generated a high level of public participation and interest. However, at that time the consultation process did not focus or include engagement with First Nations who had historical and present day treaty, rights and title, and reserves within the Trust Area. Trust Council considered input from individuals, groups and other government agencies through presentations and more than 400 written submissions that outlined values, hopes and concerns. The Islands Trust Council adopted the Policy Statement bylaw in June 1994, following approval by the Minister of Municipal Affairs. Trust Council made updates to the Policy Statement in 1996, 1998, and 2002, following further consultation and ministerial approval.

In March 2010, Trust Council established a Policy Statement Assessment Task Force to conduct a preliminary assessment of the Trust Policy Statement and make recommendations regarding further actions. The task force produced a final report in May 2011. In March 2012, Trust Council decided not to undertake a three year comprehensive Policy Statement review process with funding from Canada's Gas Tax Fund.

Since that time there has been many changes in case law such as the Tsilhqot'in decision, signing of the United Nations Declaration on the Rights of Indigenous Peoples, the Trust and Reconciliation

Commission Calls to Action, as well as the Islands Trust First Nations Engagement Policy, and Islands Trust Reconciliation Declaration. There have also been changes in the region that include population growth, property value increases, demographics changes, climate change concerns, and increased concern with marine shipping and other marine uses. In preparation for this engagement initiative, staff have prepared an interim State of the Islands report that will inform conversations. There is an opportunity to engage on these societal and environmental changes through an inclusive process that creates positive opportunities to educate about the present state and the role of Islands Trust, and to envision a desired future.

Approach

Island Vision 2099

The project will be overseen by the Executive Committee with involvement from Trust Programs Committee as appropriate. In addition, the Ministry of Municipal Affairs and Housing has requested that the project have an inter-municipal advisory group comprised of, at minimum, representatives of the Ministry of Municipal Affairs and Housing, the Ministry of Indigenous Relations and Reconciliation, and Forests, Lands and Natural Resource Operations and Rural Development. There is also a need to keep the Minister of Municipal Affairs and Housing informed about the project on a regular basis. The first update to the Minister is proposed for mid-May 2019.

The project will feature a twin-track approach with strategies designed to engage with First Nations alongside engagement work designed for general island communities. It will also include regular updates to Trust Council and some engagement with Trust Council itself. As an agency that works on behalf of all British Columbians, the project will accept feedback from individuals who have an interest in the Trust Area but may not currently be a resident or landowner.

Both online and in-person, the approach will be one of openhearted engagement, a genuine opportunity to take the temperature and better understand the visions that different communities/people have for themselves, the islands individually and for the region as a whole, in order to better understand present hopes and fears and to effectively prepare for the future.

This discussion will be framed through the Object of the Islands Trust with acknowledgement that the world has changed and the Islands Trust needs to remain effective in preserving and protecting for the long-term and be prepared to meet new and unexpected challenges.

To support the conversation, we will provide background information in the following topic areas:

- The history of First Nations in the region and the LTA in question;
- Reconciliation and rights and title;
- A very brief history and purpose of the Islands Trust and our areas of responsibility;
- A snapshot of environmental health and demographics of the LTA in question, how things might change in the future if trends continue as they are;
- A snapshot of the environmental and social health of the region as a whole;

- Identify some of the issues that unite island communities; how things might change in the future if trends continue as they are.

The first three bullet points—dealing with First Nations, Reconciliation, and the Islands Trust—are communication exercises that will help establish context and baseline knowledge among those who are participating in the process. If people want to discuss these issues, we will note their points of view but will try to gently keep the conversation focused on the primary topics.

It will be under the following bullet points—local and regional environmental health—that the engagement activities will be organized (at least for the general communities). Feedback and ideas generated under these two headings will help us reshape how the Policy Statement could / should be reframed.

Both online and in-person, the process for engagement will be similar: layout the background information, as described above, and then invite feedback on the core issues that communities are facing on the local and larger regional levels and what could/should be doing to preserve and protect.

Key messages

In keeping with Islands Trust Public Engagement Principles (Appendix C) and the [December 2016 First Nations and Public Engagement project charter](#) this engagement strategy aims to be inclusive, respectful of Reconciliation principles, accessible, transparent, and adaptable. Initial key messages will be those below, recognising that these messages will evolve as staff develop the engagement materials, hear from the Ministry about how to proceed with engaging on the Islands Trust Act changes, and receive feedback:

- The Islands Trust Policy Statement is fundamental to the operations of the Islands Trust, guiding decisions about land use planning and advocacy.
- The 20-year-old Policy Statement continues to offer a positive vision for the Trust Area but is overdue for some updates.
- The Policy Statement Amendment Project will offer diverse opportunities for community members and First Nations to raise issues they are passionate about;
 - Trust Council's current Policy Statement Amendment Project is focused on the introduction and definition sections.
- The Policy Statement will play a role in reconciliation creating policies and principles that uphold the Islands Trust Reconciliation Declaration, and other guiding principles at this time.

Staff will work with the Executive Committee on any major deviations from this messaging.

Interested parties

- Trust Council
- Executive Committee
- Trust Programs Committee
- Interagency advisory group
- Trust Area community members
- Islands Trust trustees
- Islands Trust staff
- Honourable Selina Robinson, Minister of Municipal Affairs and Housing
- Ministry of Municipal Affairs and Housing staff
- Media
- First Nation Chiefs and Councils
- Referral agencies: (listed below)

Islands Trust bodies

1. Ballenas-Winchelsea Islands LTC
2. Bowen Island Municipality
3. Denman Island LTC
4. Gabriola Island LTC
5. Galiano Island LTC
6. Gambier Island LTC
7. Hornby Island LTC
8. Lasqueti Island LTC
9. Mayne Island LTC
10. North Pender Island LTC
11. Salt Spring Island LTC
12. Saturna Island LTC
13. South Pender Island LTC
14. Thetis Island LTC
15. Trust Fund Board

First Nations

16. Cowichan Tribes
17. SXIMEŁEŁ (Esquimalt) Nation
18. Halalt First Nation
19. Homalco First Nation
20. K'ómoks (Comox) First Nation
21. Klahoose First Nation
22. Lake Cowichan First Nation
23. Lyackson First Nation

24. MÁLEXEL (Malahat) Nation
25. xʷməθkʷəy̓əm Musqueam Indian Band
26. BOKÉCEN (Pauquachin) First Nation
27. Penelakut Tribe
28. Qualicum First Nation
29. Scia'new (Beecher Bay) First Nation
30. SEMYOME (Semiahmoo) First Nation
31. Shíshálh (Sechelt) Nation
32. Snaw-naw-as (Nanoose) First Nation
33. Snuneymuxw (Nanaimo) First Nation
34. Lekwungen (Songhees) Nation
35. Sk̓wx̓wú7mesh (Squamish) Nation
36. Stz'uminus (Chemainus) First Nation
37. Tla'amin (Sliammon) First Nation
38. T'Sou-ke (Sooke) Nation
39. W̱JOŁŁP (Tsartlip) First Nation
40. S̱ÁUTW̱ (Tsawout) First Nation
41. Tsawwassen First Nation
42. Tsleil-Waututh/
Səl̓íl̓wətaʔ/Selilwitulh (Burrard Inlet)
Nation
43. W̱SIKEM (Tseycum) First Nation
44. We Wai Kai (Cape Mudge) First
Nation
45. Wei Wai Kum (Campbell River) First
Nation

46. Treaties and Treaty Groups

47. Douglas Treaty
48. Nanwakolas Council
49. Hul'qumi'num Treaty Group
50. Laich-kwil-tach Treaty Society
51. Naut'sa mawt Tribal
52. Te'mexw Treaty Association

Regional Districts

53. Capital Regional District
54. Comox Valley Regional District
55. Cowichan Valley Regional District
56. Metro Vancouver Regional District

- 57. Nanaimo Regional District
- 58. qathet Regional District
- 59. Sunshine Coast Regional District

School District Boards

- 60. School District No. 45 (West Vancouver) (Gambier)
- 61. School District No. 46 (Gambier)
- 62. School District No. 79 (Thetis)
- 63. School District No. 68 (Gabriola/Ballenas-Winchelsea)
- 64. School District No. 69 (Lasqueti/Ballenas-Winchelsea)
- 65. School District No. 71 (Denman/Hornby)
- 66. School District No. 64 (Gulf Islands – Galiano/Mayne/North Pender/Salt Spring/Saturna/South Pender)

Improvement District Boards

- 67. Gabriola (Fire Protection District)
- 68. Graham Lake (Improvement District)
- 69. Schmidt (Improvement District)
- 70. Galiano Estates (Improvement District)
- 71. Gossip Island (Improvement District)
- 72. Montague (Improvement District)
- 73. Spanish Hills (Improvement District)
- 74. Wise Island (Improvement District)
- 75. Bennett Bay (Waterworks District)
- 76. Campbell-Bennett Bay (Improvement District)
- 77. Lighthouse Point (Waterworks District)
- 78. Mayne Island (Improvement District)
- 79. Village Point (Improvement District)
- 80. Georgina (Improvement District)
- 81. Razor Point (Improvement District)
- 82. Trincomali (Improvement District)
- 83. Harbour View (Improvement District)
- 84. Mount Belcher (Improvement District)
- 85. North Salt Spring (Waterworks District)
- 86. Piers Island (Improvement District)
- 87. Salt Spring Island (Fire Protection District)
- 88. Scott Point (Waterworks District)
- 89. Secret Island (Waterworks District)
- 90. Saturna Shores (Improvement District)
- 91. Thetis Island (Improvement District)
- 92. Vaucroft (Improvement District)

Provincial Government

- 93. Ministry of Agriculture

94. Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
95. Ministry of Municipal Affairs and Housing (Housing Policy Branch)
96. Ministry of Energy, Mines and Petroleum Resources
97. Ministry of Environment and Climate Change Strategy
98. Ministry of Environment and Climate Change (BC Parks and Conservation Officer Service Division)
99. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
100. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – West Coast Office– South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
101. Ministry of Transportation and Infrastructure on Vancouver Island and South Coast
102. Ministry of Indigenous Relations and Reconciliation (West Coast Office)
103. Ministry of Indigenous Relations and Reconciliation (South Coast Office)
104. Ministry of Health
105. BC Ferries
106. Agricultural Land Commission

Federal government

107. Environment Canada
108. Transport Canada
109. Fisheries and Oceans Canada – Fish Protection and Aquaculture
110. Parks Canada

Resources

The project will be supported by the following elected officials:

Position	Role
Chair	Spokesperson and participant in First Nations meetings
Vice Chairs	Participant in First Nations meetings, as required, as spokespeople as required.
Trustees	Participants in public engagement processes on their islands.

This project will be supported by the following staff positions:

Position	Role
Chief Administrative Officer	General project oversight and participant at meetings with First Nations, project sponsor
Director, Trust Area Services	Project manager, note taker at First Nations meetings as required, project reporting
Senior Intergovernmental Policy Advisor	Delivery of First Nations engagement, support to public engagement, note taker at First Nations meetings as required, project reporting
Senior Policy Advisor	Support for public engagement and support to First Nations engagement, note taker at First Nations meetings as required, project reporting
Communications Specialist	Communications planning and implementation
Program Coordinator	Project coordination, delivery of public engagement, delivery of first nations engagement, correspondence mgm't, meeting logistics, referral mgm't, tracking of project milestones/ costs/reporting, comms support
Finance Officer	Processing of service contracts
Finance Clerk	Processing of invoices
Director, Local Planning Services	Advisor on public engagement processes

Regional Planning Officers	Support and advisor on public engagement processes and events
Island Planners and Planners 1 and 2	Provide support when leading up to engagements and during engagements
Legislative Clerks	Support report writing and event/engagement planning
Administration Assistant	Support event/engagement planning

Promotion

To support the engagement processes in-person and online, staff will be creating a variety of print and digital materials that will explore the key themes of the review process from both a regional and local perspective for each local trust area.

Launch: On Monday June 24th, 2019, after presenting to Trust Council, staff will launch the Island Visions 2100 engagement. This will include sending out a media release and follow up with key media, an all island subscriber notice, a dedicated page on our website with a pop-up from the home page, and through our social media platforms for both the Islands Trust and the Islands Trust Conservancy (Twitter, YouTube, and a planned new Facebook page). This campaign will be supported by advertising in local print media and strategic boosts to social media posts.

Throughout the engagement process, these social media platforms will lead individuals to information about the upcoming in-person engagements, as well as the online survey-based engagement process.

Video: During the launch period, the Trust will release two videos: **What is the Islands Trust?** and **What is your Vision for the islands in the Salish Sea** (which will act as an introduction to goals of the Policy Statement process). In addition to supporting dialogue, the videos will help build awareness about the Islands Trust and the work that we do.

Print: Brochures on both subjects – What is the Islands Trust and the Policy Statement review—will be made available to trustees and staff, along with posters of detailing upcoming island engagements and links to the Islands Trust website where they can connect to the online survey.

Social media: Staff will provide trustees with the appropriate information and tools to help spread the word on our social media platforms, which will help boost our new Facebook page.

Partnerships: Staff will reach out and collaborate with regional governments, local governments, community organizations, and educational intuitions to help spread the word.

Prizes: The Islands Trust will offer a range of prizes during the engagement process. We will provide some prizes during our online survey, in-person engagement events, and/or for youth who participate in

our art engagement at the markets/fairs. We will also offer door prizes at every in-person engagement to help spread the word. The prizes would range from \$5.00 to \$250.00. Some examples are ferry passes, local artwork and other local products from islands, and short trips depending on the engagement method.

Engagement Method

This plan includes multiple channels for engagement with the public, First Nations, referral agencies, and Trust Council. It includes a suite of tools that will be selected and applied as appropriate for each community/Nation.

First Nations and Organizations Engagement

First Nations engagement begins with Trust Council's Declaration on Reconciliation and making that visible and distributed out to community. The Declaration affirms the organization's commitment to Reconciliation and how the Trust will be moving forward. From that platform we will then begin re-engaging with First Nations within the consultation boundary of the Islands Trust Area. The engagement will consider the commitments within existing and planned protocol agreements with First Nations. Results from this re-engagement will determine which Nations we will develop more meaningful engagement with in the process of a dialogue about and reviewing the Policy Statement. Meaningful engagement will include the following suite of engagement option to be applied as appropriate and as desired by the individual Nations:

- Leadership government to government meetings to discuss core concerns;
- Community meetings with membership and leadership to talk about the Policy Statement and the vision for the future;
- Online interaction including surveys, newsletter notices, Facebook, letters to Chiefs and Councils;
- Meetings with alliances and First Nation associations such as First Nations Summit, BC Treaty Commission and Tribal Councils;
- Collaborate with schools and youth organizations.

There will be follow-up and building of relations. Staff will ensure that meetings held for purposes of relationship building are not classified as consultation on the Policy Statement. Staff will keep a record of each meeting and compile into an engagement record to provide to Ministry with the final bylaw after third reading.

Staff will collaboratively develop storyboard as an education component of Reconciliation for use at engagement events. Acknowledgement of place will be included as a central theme.

General Public and Island Resident Engagement

The engagement strategies for the general public and island residents will include educational materials and will be supported by prepared questions and a strongly facilitated process. All in-person events will be supported by companion online engagement opportunities (survey and e-mail).

Creating opportunities for meaningful engagement means building new communities and sparking people's imagination. Our goal is to create content that resonates enough that people personalize it and push it onto the other audiences. We want social media users to own the message we are trying to confirm with them. We will do this by encouraging them to personally consider: What are their Island Vision 2099?

There will be a suite of five different engagement options developed to be applied locally as appropriate, with decisions to be made in consultation with local trustees and in consideration of different island populations.

- Large-scale community drop-in and open space / world café events, featuring educational information boards;
- Vision Booth, featuring information boards set up at community events, markets, or other community driven event; this could also include making online content available through laptops or tablets;
- Online survey/e-mail feedback;
- Collaborating with schools/ youth organizations.

Each engagement channel will feature a data collection method, all of which will feed into a final report on the findings from the engagement process. During in person, large-scale community engagements, we will provide educational information boards and brochures that address the key themes and help explain the work of the Islands Trust. Each of these themes will also be supported by a short explainer video that provides the context and background, which will also be a part of our online education campaign. The online component will feature a survey and potential live-streaming of key meeting(s).

Our goal is to have in-person engagements within each of the thirteen island communities. Because each island community is different, our expectation is that the Island Vision 2099 process will have a different look in each local trust area, drawing on the different engagement options available. Working with trustees, we will identify which combination of engagements will work best in a particular local context. It is also expected that local trust areas with larger populations will receive a higher number of in-person engagements.

This process is also an opportunity for Islands Trust to pilot the use of different forms of engagement tools and methods and measure their effectiveness.

Below are identified 'options' streams which will run parallel to one another. First Nation and Alliances engagement will commence at the same time as the process designed to reach out to the general public and island residents

Engagement methods: the suite of options

The IAP2's Spectrum of Public Participation (see Appendix D) was designed to assist with the selection of the level of participation that defines the public's role in any public participation process as much as possible, within resources, we will strive to follow these guidelines for public engagement

In defining the different First Nations engagement options, it is acknowledged that some Nations might rather have Islands Trust build relationships with designated individuals and/or committees instead of with the wider community. This form of engagement, which is outlined below as option C, could be something that happens in its own right or as a precursor to a large-scale event that involves the rest of the community. In these instances, individuals and/or committees could support the implementation of a large-scale event hosted by both governments

General Public and Island Residents	Options	Description	Objectives	Timeframe	Who is involved?	Estimated Budget
	Option A: Community drop-in and open space, featuring information boards that explore each of the major Visions 2099 themes.	Following IAP2 guidance on how to conduct healthy engagement processes, we host an open house first to featuring information boards that explore each of the major Visions 2099 themes, and then we would use world café forms of engagement. The goal through open house engagement is to help improve public understanding about a complex project to receive public input and provide information through information boards covering major themes. World Café engagement style would help foster meaningful discussion on questions pertaining to	To provide opportunities for members of the public and island residents a chance to participate in an interactive and dynamic way where we inform, consult, involve, collaborate and empower with them.	July – December 2019, Jan – March 2020	Trust Area Services staff, local trustees, Information Systems Coordinator, and Computer Applications Support Technician,	Upfront Cost - \$5,000.00, Individual Event - \$500.00 – \$2000.00

		these topic(s) among participants who otherwise would not listen, talk or share with one another.				
	Option B: Vision Booth	We will set up information booths, featuring local and regional information boards and access to the online survey during existing community events, markets, and/or other community driven events.	To target the general public as well as residents of the islands at existing events	July – December 2019	Trust Area Services staff, local trustees	\$300.00 - \$500.00 per event
	Option C: On-line survey & dedicated email address	The main form of the online engagement will be survey-based. We would offer a robust online campaign using a range of social media tools and our website to disseminate information about the engagement process. The online information campaign will replicate the information that will be produced for the in-person engagements, so individuals can learn about the situation in their local context as well as the regional context. Because some individuals are more comfortable with emails than surveys, we will also provide a dedicated	To provide an inclusive opportunity for the general public and island residents to participate in the process, if they cannot attend in person participation. It is also an opportunity to gain input from wider communities outside of the Islands Trust Area.	July – December 2019, January – March 2020	Trust Area Services Staff, Information Systems Coordinator, and Computer Applications Support Technician	\$4000.00

		"Visions2099@" email address where people can send in their idea. They can also send them through traditional mail as well				
	Option D: Collaborate with Schools/ Youth Organizations	We will provide opportunities to connect with students and youth with school classrooms and youth organizations. We would use a creative writing and/or art opportunities for youth to describe their vision of the islands. We would offer a prize.	To connect with youth, to be able to provide them with opportunities to engage in the issues that Visions 2099 is concerned with	July – December 2019	Trust Area Services Staff,	\$500 - \$1000.00

First Nations and Alliances	Options	Description	Objectives	Timeframe	Who is involved?	Estimated Budget
	Option E: Leadership government-to-government meetings	Leadership from Trust Council and leadership from a First Nation(s) meet to discuss core concerns. Each meeting takes place at a location convenient for First Nation leaders to attend.	To build relationship and discuss core concerns. If appropriate, support the provision of other 'options' for engagement to their membership	July 2019 — June 2021 and ongoing (Squamish mtg April 8)	CAO, Chair, Executive Committee, Trust Area Services Director and some Staff, possibly Trust Council	\$300.00 - \$500.00
	Option F: Community meetings with membership and leadership	A small-large scale lunch/dinner event where Islands Trust, in partnership with the Nation, provides opportunities for community members to share their core concerns of their territory, and their vision for the future.	For Islands Trust to build relationships with staff, leadership, and members of the community, Visions 2099 process and create opportunity to discuss their vision for the future and, if	July – December 2019	Trust Area Services Staff and local trustees	\$500.00 - \$2000.00

			appropriate, contribute to the Visions 2099 process.			
	Option G: Face-to-face with staff	Meetings with staff, and/or committees to work on various topics: educational materials, visioning work as part of the Visions 2099 process as well as other core concerns and/or items of interest to the First Nation.	To communicate and engage with Nations in an accessible manner that is appropriate to the situation.	July – December 2019	CAO, Trust Area Services Director and staff, Local Planning Services Director	\$200 - \$1000
	Option H: Survey engagement	A social media campaign targeted at a variety of community members from different Nations across the Salish Sea. Using a variety of tools, including targeted advertising and prizes, the campaign would encourage participants to view our background materials and fill in a special survey. May also include printed material distributed through newsletters and on reserve.	To engage a range of First Nations members through online survey.	July – December 2019	Trust Area Services Staff	\$750.00 - \$1000.00
	Option I: Meetings with alliances and First Nation associations	Islands Trust co-host an event with First Nation associations/alliances such as First Nations Summit, BC Treaty Commission, and Tribal Councils.	To connect with a range of First Nations all at once and build relationships with them. If appropriate, engage them with the issues of Visions 2099 and how they imagine the future.	July – December 2019	CAO, Trust Area Services Director and staff, Local Planning Services Director	\$250.00 - \$5000.00

	Option J: Collaborate with Schools/ Youth Organizations	We connect with schools in community along with organizations that support youth to offer some opportunities for them to be heard and to be able to take action through various means (e.g. art work, writing, etc).	To connect with youth, to be able to provide them with opportunities to engage in the issues that Visions 2099 is concerned with	July – December 2019, January to March 2020	Trust Area Services staff	\$500.00 - \$1000.00
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Referral agencies	N/A	As required by provincial statutes: LTCs; First Nations; local, regional, provincial and federal government agencies will be sent referral letters inviting input on the draft amendments to the Policy Statement	To solicit feedback on the proposed amendments.	June – September 2021	Trust Area Services staff, Chair	\$1,000
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Risks and mitigation

There are risks with any project. Due to the nature of this project and the number of First Nations and stakeholders involved, there is substantial risk that the project plan will need to be amended to respond to emerging issues, communication/engagement requests or other developments. Staff will try to be nimble and responsive and will maintain a focus on the big-picture (e.g. Reconciliation as an overarching priority) and will bring forward recommendations to Executive Committee for project amendments as needed.

At this time the Islands Trust has established a level of engagement and relationship with First Nations within the Trust Area. However, when looking at the relationship over time, many Nations may view processes and engagement with the Trust with hesitation. Not only is there a level of jurisdictional scepticism but there is also a level of distrust that the mandate of the Trust applies to First Nations concerns. First Nations view government bodies such as municipal, district, regional, and city as not having their interests at the forefront of their policies and processes. They may feel the jurisdictional authority lies with the Province and that providing education on Reconciliation, rights and title, and treaty is not a valuable process to engage in.

It is staff's understanding that many Nations within the Island Trust Area continue to see a lack of consideration by the Islands Trust and other levels of government in relation to their cultural heritage, archaeological sites, land use and marine use planning, and use of cultural and spiritual areas for recreational use without engagement on impacts or accommodation. This raises questions for Nations about the willingness of the Island Trust to truly engage and create meaningful policy processes that are inclusive of their core concerns. At this time, it could be seen that the Islands Trust preserves and protects only the values of post-colonial interests.

Given this situation, it maybe difficult to create an effective engagement process that allows for meaningful understanding of core concerns and impacts. It may be difficult to receive responses that recognize the cumulative effects and policy infinitives that will impact Nations rights and title. Therefore, it will require that the Islands Trust continues to engage and sets out the processes in which it will regain the trust of First Nations and First Nations community without defined timelines. Interagency meetings may allow for more valuable interactions that provide informed recommendations for engagement, but processes will be highly dependent on walking the talk: to build trust all Islands Trust bodies need to make decisions and undertake reconciliation actions that result in tangible sustained changes that demonstrate sustained commitment over time.

There is also risk that referral agencies will not understand the Policy Statement or purpose of referral. It has been many years since Islands Trust referral agencies have had to consider changes to the Policy Statement. In addition, they may question why their input is being sought on the introduction and definition sections only, rather than the policies that they may be more familiar with. They may wish to request significant amendments that are outside the scope of the project. To mitigate these risks, staff will undertake an assessment and, as necessary, contact referral staff before the referral is sent to explain the project. Should there be requests for significant changes that are outside the scope of this

project, staff will explain that these requests will be considered in future phases and will work with Ministry of Municipal Affairs staff and the interagency working group to coordinate responses.. Staff will also draft a clear, easy-to understand, referral letter.

Appendices

Appendix A – Draft timeline (subject to change based on feedback and First Nation engagement processes)

Appendix B – Budget

Appendix C – Islands Trust Public Engagement Principles and Communication Objectives

Appendix D - IAP2 Spectrum

Appendix E –Reconciliation Declaration

Appendix F – December 2018 Chair letter to Honourable Selina Robinson re Legislative change to the *Islands Trust Act*.

Appendix G – Visions 2099 Project charter



Appendix A: Visions 2099 Engagement Strategy – Work Plan

Deliverables Detail

Phase 1 of the Islands Trust Policy Statement involves amending Part 1, Part II and definitions.

Deliverable / Milestone	Target Completion Date	Responsible
Approval of revised Project Charter	March 27, 2019	Executive Committee
Endorsement of Policy Statement Engagement Plan	March 27, 2019	Executive Committee
Review of Policy Statement Engagement Plan	May ?, 2019	Trust Programs Committee
Approval of Policy Statement Engagement Plan	June 5, 2019	Executive Committee
Launch Policy Statement Engagement Process	June 24, 2019	Trust Council/Chair
Launch on-line engagement	June 24, 2019	TAS Staff
Undertake in-community meetings in each local trust area	July to December 2019	TAS Staff
Bowen Island Municipality	July to October 2019 - TBA	TAS Staff
Denman LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Gabriola LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Galiano LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Gambier LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Hornby LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Lasqueti LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Mayne LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
North Pender/South Pender LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Salt Spring LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Saturna LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Thetis LTA public engagement meeting	July to October 2019 - TBA	TAS Staff
Undertake First Nations engagement	July to December 2019 and ongoing throughout	SIPA, CAO, Chair, Executive Committee, TAS Staff
Interim Report to Trust Council	December 2019	TAS Staff
Compilation of community and First Nations input report	December 2019	TAS Staff
Draft RFD with engagement analysis based on community and First Nations input, and recommendations to request staff draft bylaw	December to March 2020	TAS Staff
RFD to Trust Council with recommended ITPS amendments and request staff to draft bylaw	March 2020	
Trust Council – 1 st Reading of ITPS Amendment Bylaw	June 2020	
Referral of proposed bylaw to agencies and First Nations	June to September 2020	

Deliverable / Milestone	Target Completion Date	Responsible
Public Meeting (or on-line public review of the draft bylaw amendments)	June to September 2020	
RFD to Trust Council with summary of referrals and recommended amendments – if any	September 2020	
Trust Council consideration of 2 nd and Third Reading Reading	December 2020	
Submission to Minister for Approval	December 2020	
Final adoption by Trust Council (can be by RWM if not back in time for council meeting)	June 2021	

Appendix B: Budget

Preliminary estimates per activity are included above in the engagement methods section. A detailed budget will be developed prior to the launch of Visions 2099.

Item	Cost
Communication Materials	\$11,000
Legal review	\$4,000
FN engagement	\$20,000
Public engagement	\$25,000
Total activity costs:	\$60,000

Appendix C: Islands Trust Public Engagement Principles and Communications Objectives

(adopted by the Executive Committee, August 17, 2016)

“Good public participation results in better decisions” – [International Association for Public Participation](#).

Local trust committees and Trust Council make decisions about the islands in the Salish Sea that affect First Nations, the public and other stakeholders.

Effectively and consistently engaging with people affected by those decisions leads to good governance, better policies, durable decisions, reduced conflict and enhanced civic participation.

Successful public engagement is guided by well-defined and formalized principles that represent a promise to the public and stakeholder groups, help establish shared expectations and a shared vocabulary and improve the working relationship between elected officials, senior managers and staff.

The principles that follow are adapted from the Islands Trust Policy Statement, the Communications Policy 6.10.ii, in the Executive Committee Terms of Reference, observations from Trust Council roundtable discussions, staff survey and conversations, as well as the International Association of Public participation and best practices research in local government public engagement.

The principles will guide the communications and engagement initiatives and activities sponsored by Trust Council, local trust committees and within the organization.

Guiding Principles for public engagement at Islands Trust

Inclusive:

Those who are affected by an issue or decision should have an opportunity to influence outcomes and choices. Trust Council will seek information from a broad range of sources in its decision-making processes, recognizing the importance of local knowledge in this regard (Policy Statement)

Open and authentic:

Input of the public should play a role in the decision-making process. Trust Council believes that open, consultative public participation is vital to effective decision making for the Trust Area (Policy Statement)

Respectful of First Nations:

To strengthen relationships with over 30 tribes and nations in the Trust Area, Trust Council will root all its engagement practices in the spirit of reconciliation. (In a separate RFD, staff are seeking direction from EC to develop a Project Charter and set of principles to inform a new organizational approach to First Nations' relationship-building. Once approved by EC and possibly TC, these principles would be incorporated into all correspondence and communication.)

Diverse:

Decisions are more durable when all participants are aware of the range of interests and needs of everyone involved, including decision makers, surrounding an issue or decision.

Accessible:

Everyone potentially affected by the process has an opportunity to become involved.

Appropriate:

The public engagement process uses one or more discussion formats to reach the identified participants and, where feasible, invites input into the design of the process.

Informed:

Those involved in engagement exercises have the information required to meaningfully participate in the process.

Transparent:

Participants are informed about how their contributions were considered, used and/or not used.

Adaptable:

Each public engagement process, along with the collected feedback, is evaluated so that lessons can be shared broadly and applied to future engagement efforts.

Communications Objectives

The following communications objectives will be realized using different strategies and will be updated regularly as appropriate.

1. Improve community and agency understanding and support of the Islands Trust (2014-2018 Strategic Plan – priority #9)
2. Improve community engagement and participation in Islands Trust work (2014-2018 Strategic Plan – priority #10)
3. Increase profile (visibility) of the Islands Trust within the Trust Area (e.g. increased presence at community events and going where the public is)
4. Create and maintain a positive (modern, consistent, uniform) image of the Islands Trust (e.g. graphic design standards, issues management and processes, revisit tag line – on EC agenda)
5. Prepare trustees and staff (planning and bylaw enforcement) – the face of the organization – to deliver consistent and co-ordinated messages to the public and stakeholders in a way that reflects the unique character and needs of each island and project.
6. Create ongoing opportunities to listen to public and stakeholder opinions and concerns and report back when appropriate (e.g. web comments handling, feedback line/channel, comment cards at offices, rotating weekly/monthly FAQs on web, at LTC meetings, etc.)

Appendix D: IAP2 Spectrum

IAP2 Spectrum of Public Participation



IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

INCREASING IMPACT ON THE DECISION 					
	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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Appendix E: Reconciliation Declaration

The Islands Trust Council acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home.

The Islands Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long-term relationship-building and healing process.

The Islands Trust Council will strive to create opportunities for knowledge sharing and understanding as people come together to preserve and protect the special nature of the islands within the Salish Sea.

Adopted: March 14, 2019 Trust Council on Gabriola Island

Appendix F: December 2018 Chair letter to Honourable Selina Robinson re Legislative change to the Islands Trust Act



200 - 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 604.660.2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

December 18, 2018

File No.: 0110-20

via email: MAH.minister@gov.bc.ca

The Honourable Selina Robinson
Minister of Municipal Affairs and Housing
Parliament Buildings
Victoria BC V8V 1X4

Dear Minister Robinson:

Re: Request for legislative change

This request follows our January 23, 2018 meeting to discuss matters of importance to the Islands Trust Executive Committee, including potential legislative changes to the *Islands Trust Act* and other relevant legislation. At that time you requested a prioritized list of *Act* amendments that could form the basis for a review by Ministry and Islands Trust staff. I also understood from that discussion that it would be important that the Islands Trust ensure that it was fully utilizing its current authorities to achieve its preserve and protect mandate and that any proposed amendments to the *Act* would need to be demonstrably necessary.

We have taken that advice to heart and believe that we have identified realistic and achievable amendments to our primary legislation that will support the efforts of the Trust on behalf of all British Columbians. At their September 18, 2018 meeting Trust Council requested that I write to you asking for legislative change along three broad themes, as follows:

ENFORCEMENT AND ADMINISTRATION: Improvements to the Islands Trust's ability to enforce its current regulatory and legislative powers in support of the preserve and protect mandate of the Trust and its land use planning function. The Islands Trust does not have the same enforcements tools as other land use jurisdictions in British Columbia but is expected to provide a similar service. The recommended amendments are:

1. Allowance for entry warrants;
2. Development permit area enforcement via municipal ticketing;
3. Adoption of development approval information bylaws by local trust committees;
4. To enable the ability to charge fees for telecommunication applications.

MODERNIZATION: The *Islands Trust Act* has not been substantially amended in a number of years and there are areas that require updating in order for the organization to remain relevant. Recommended amendments are:

5. Amending the *Act* to add "First Nations" to the list of those with whom we work "in co-operation;"
6. The ability to delegate development permit and temporary use permits to staff;
7. Clarification of foreshore zoning authority and jurisdiction throughout the Trust Area;
8. In keeping with broader powers afforded regional districts, relative to S. 294 of the *Local Government Act*, to allow the Islands Trust entities, "incidental or conducive powers;"
9. To include reference to the ecosystem in section 8.2 of the *Islands Trust Act*.

ADVANCING THE MISSION OF THE ISLANDS TRUST: Diverse communities are a key element of Trust Council's vision for the Trust Area and relates to its current land use authority. Recommended amendments are:

10. Affordable Housing: to be able to enter into agreements with third parties to administer affordable housing, to be able to operate a housing service, and for local trust committees to be able to acquire and dispose of land.

(Appendix A attached provides a brief rationale and implementation requirement for each of the above amendments)

These amendments vary in terms of the difficulty or complexity of implementation with, in our minds, the foreshore jurisdiction and affordable housing service amendments being the most complicated and in need of a cooperative approach.

We would sincerely appreciate your Ministry's feedback on this proposal and how it could be achieved. We are hopeful that you will be able to dedicate some Ministry staff time in order to work with us on developing a defensible and modern update to the *Islands Trust Act*. Of course, we also wish to understand your priorities and if they can be realized through this work. Trust Council considers that this is an important opportunity for the Islands Trust, and the region, and we wish to work with you to implement reasonable change.

A topic as important as legislative change to the *Islands Trust Act* will require public engagement and I would appreciate collaboration with the Ministry on how it would foresee an appropriate process. Undoubtedly full and authentic public engagement will generate additional suggestions for legislative changes from the community itself. We are mindful that Island communities are participatory, feel their future is vested in the Trust and want to contribute to that future.

In closing, I note that Bill 52, : *Agricultural Land Commission Act* 2018 has passed into legislation and I am struck by the symmetry of how the Islands Trust and the Agricultural Land Reserve, born of a certain era in BC politics, have stood the test of time. We believe it is time that the *Islands Trust Act* is given appropriate and similar attention.

Of course, if it would be convenient to you or beneficial to this request, we are happy to meet with you at your convenience.

With appreciation,



Peter Luckham, Chair
Islands Trust Council

cc: Islands Trust Area MPs
Islands Trust MLAs
Islands Trust Electoral Area Directors
Assistant Deputy Minister Faganello
BOKEĆEN (Pauquachin) First Nation
Cowichan Tribes
Halalt First Nation
Homalco First Nation
Klahoose First Nation
K'ómoks First Nation
Lake Cowichan First Nation
Lekwungen (Songhees) Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
SEMYOME (Semiahmoo) First Nation
shíshálh First Nation

Snuneymuxw First Nation
Skwxwú7mesh (Squamish) Nation
Snaw-naw-as (Nanoose) First Nation
SṪÁUTW (Tsawout) First Nation
Stz'uminus First Nation
SXIMEŁEŁ (Esquimalt) Nation
Tla'amin (Sliammon) Nation
Tsawwassen First Nation
Tsleil-Waututh Nation
T'Sou-ke Nation
Wei Wai Kum (Campbell River) First Nation
We Wai Kai (Cape Mudge) First Nation
WJOŁEŁP (Tsartlip) First Nation
WŚIKEM (Tseycum) First Nation
xʷməθkʷəŋəm Musqueam
Bowen Island Municipal Council
Islands Trust Council
Islands Trust website

Appendix A

Summary of potential amendments to the

Islands Trust Act, 2018

ENFORCEMENT AND ADMINISTRATION AMENDMENTS

1. Allowance for Entry Warrants	S. 28(1.1) of the <i>Local Government Act</i> is applicable to Regional Districts but not the Islands Trust. This authority should not be excluded from Islands Trust/local trust committees and the lack of authority impacts delivery of enforcement of land use planning decisions.
Implementation i. Amend Section 28 (1.1) of the <i>Local Government Act</i> to add “Islands Trust”. ii. Staff training and administrative training would be required. Actual bylaw enforcement procedures would require some change management process to ensure appropriate use. iii. There does not seem to be any cogent policy reason for excluding s. 424 of the <i>Local Government Act</i> (entry warrants) from the bundle of enforcement powers conferred on local trust committees. With this amendment of s. 28(1.1) of the <i>Islands Trust Act</i>, Division 1 of Part 12 of the <i>Local Government Act</i> including s. 424 would apply to the local trust committees and s. 424 in turn applies s. 275 of the Community Charter. Section 275 enables a justice to issue an entry warrant if satisfied that access to property is necessary for the purposes of the <i>Local Government Act</i>, which is the source of the enforcement powers that are conferred on local trust committees by s. 28(1.1) of the <i>Islands Trust Act</i>, in connection with which an entry warrant would be sought.	
2. Development Permit Area Enforcement Using Tickets	The use of ticketing to support the administration and delivery of a robust development permit authority would be the preferred outcome. The Trust has made this request of the Ministry in the past, most recently in 2016.
Implementation i. Pilot project in the Islands Trust Area – by conferring additional enforcement powers by regulation under Section 54(2) of the <i>Islands Trust Act</i>. ii. Add to s. 28 a section to the effect that under s. 264 of the Community Charter, applicable to local trust committees under s. 414 of the <i>Local Government Act</i> and s. 28(1.1) of the <i>Islands Trust Act</i>, a local trust committee may also designate ss. 489 and 501(2) of the <i>Local Government Act</i> for the purposes of s. 264. Section 489 is the section of the <i>Local Government Act</i> that prohibits subdivision, etc. in a development permit area if a development permit hasn’t been obtained. Section 501(2) is the section that requires land to be developed strictly in accordance with the permit. There are currently no jurisdictions that have the authority to issue tickets for development permit	

violations, so the Islands Trust would be joining municipalities and Regional Districts in requesting this change. While this authority would be useful to all local governments, it is particularly relevant for an entity with a statutory mandate to “preserve and protect” an area of the province that is environmentally sensitive, since the key land use management tools in relation to environmental protection are development permit area designations and development permit conditions. However, allowing local governments to ticket for an offence against a provincial statute is a novel idea.

The Ministry may want to consider proposing this amendment as a “pilot project” for the Islands Trust only, following the evaluation of which the Province might consider extending the authority to municipalities and regional districts, and offering to partner with the Province in monitoring and evaluating the enforcement approach. This additional authority could be conferred on the local trust committees by Cabinet order under s. 54(2) of the *Islands Trust Act* on a pilot project basis.

3. Adoption of Development Approval Information Bylaws by local trust committees (LTC)	Mainly an administrative improvement, this amendment would increase the efficiency and independent ability of LTCs to administer their areas. This should reduce wait times for applicants.
Implementation i. Amend <i>Islands Trust Act</i> by repealing s.29(3.1) Amendment of s. 29(3.1) of the <i>Local Government Act</i> is required. Implementation by the Islands Trust would be relatively easy, would simplify the process and would reduce staff/administrative time.	

4. For the Islands Trust to obtain the authority to charge a fee for telecommunications applications	A fee structure and process is needed to allow thorough review of antenna and telecom infrastructure applications.
Implementation (to be determined) The Ministry of Innovation, Science and Economic Development Canada (ISED) has jurisdiction over telecommunications. ISED looks for the relevant land use authority to issue a letter of concurrence, the production of which requires a public process. Section 462 of the <i>Local Government Act</i> restricts the ability for local trust committees to charge fees. The <i>Islands Trust Act</i> limits the Islands Trust to only proscribe fees associated with its land use authority. We would request assistance from the Ministry to find a means for the Islands Trust to charge a fee for such an occurrence as is described.	

MODERNIZATION

5. Support in principle for amending the <i>Islands Trust Act</i> to add "First Nations" to the list of those with whom we work "in co-operation"	This amendment is both timely and appropriate with the focus of Trust Council on principles of reconciliation and the adoption of a First Nations Engagement Plan.
--	--

Implementation

- i. amendment to the *Islands Trust Act*, Part 2, Section 9 to add First Nations.
- ii. amendment to *Islands Trust Act*, Part 3 to add “First Nations”

This request was made to the Ministry in 2015. It would not be a significant challenge for the Islands Trust to implement. An amendment to Part 2 section 9 ‘Coordination agreements with other government bodies’ would enable the Trust Council and its delegates to enter into coordination agreements with First Nations and this seems uncontroversial.

6. Development Permit and Temporary Use Permit delegation to Staff

Unlike other jurisdictions in BC with land use authority, the Islands Trust does not have the ability to delegate via bylaw the authority to staff to issue development permits.

Implementation

- i. Amend Section 29 of the *Islands Trust Act* to enable local trust committees to delegate, by bylaw, the issuance of development permits and development variance permits, subject to the right of the applicant to have the local trust committee reconsider the matter without charge and to the local trust committee, in its procedures bylaw enacted under s. 460 of the LGA, establishing reconsideration procedures.

Each LTC would decide on whether or not to delegate issuance of development permits. This would reduce wait times, simplify the application process and reduce administrative costs. As development permits are issued based upon guidelines in the OCP or LUB, which are approved by LTCs, there is relatively little discretion afforded staff in issuing a permit. Implementation from an operating perspective would be straight forward once the delegation bylaws were adopted.

7. Clarification of foreshore zoning authority

There are jurisdictional inconsistencies with how foreshore zoning is administered with regard Regional Districts throughout the Trust Area. This matter is long standing and is a function of language and mapping in the *Islands Trust Act* and the Islands Trust Regulation.

Implementation (to be determined)

Clarification on this matter would support consistency in interpretation and aid in working with other jurisdictions that have foreshore zoning powers. Implications of implementation of any potential changes are undetermined. Engaging in discussions with the Ministry on this issue would require dedicated staff time and legal analysis.

The matter is sensitive since it potentially affects the enforcement of Islands Trust and regional district bylaws throughout the water areas within the trust area, where some of the most controversial land use issues tend to arise. Jurisdiction should not be controversial in relation to either the foreshore areas immediately adjacent to the various Gulf Islands or the estuary areas immediately adjacent to the upland areas of the regional districts, because effective land use management in either case has to include jurisdiction over immediately adjacent water area. However, a dividing line between jurisdictions has to be established somewhere, and there may be legitimate differences of opinion on where it should be.

8. Add language to *Islands Trust Act* similar to *Local Government Act*, s. 294, allowing for “incidental or conducive powers.”

A minor broadening of corporate power, similar to what Regional Districts have, would allow the Trust to undertake some supportive actions in support of the mandate of Trust.

Implementation

- i. Amend Section 4 of the *Islands Trust Act* by adding “The Trust Council, the executive committee, and the local trust committees have all the necessary power to do anything incidental or conducive to the exercise or performance of any power, duty or function conferred by this or any other enactment.”

This power is not a full ‘corporate person power;’ rather it would provide a backstop to a given jurisdictional issue or challenge. Some recommended language would be something like:

“the Local Trust Committee and, the Executive Committee, have all necessary power to do anything incidental or conducive to the exercise or performance of any power, duty, or function conferred on them by this or any other enactment.”

There is no logical reason that Islands Trust entities exercising exactly the same type of regulatory authority as other land use regulators should not have access to the same complementary authority to do things that are “incidental and conducive” to the exercise of their land use management authority. The wording of s. 294 makes the scope of these complementary powers exactly coterminous with the scope of the basic powers that have otherwise been conferred, so there is no substantive expansion of jurisdiction or authority and this should not be controversial.

9. Include reference to the ecosystem in section 8.2 of the *Islands Trust Act*

8.2 (f) and (h) of the ITA allows for ‘support and give financial assistance to activities referenced to in paragraphs (f) and (g) that are undertaken by others. This section seems to all LTCs to fund heritage and history related activities but does not include “environment or ecosystem.”

Implementation

- i. Amend s. 8(2)(f) of the *Islands Trust Act* to “amenities, environment, history and heritage”

Clarity is sought as to whether LTCs can allocate funds for environmental activities undertaken by others, in a similar fashion to history and heritage conservation. We recommend amending “history and heritage” in

two places in 8(2)(f) to “amenities, environment, history and heritage”. Amenities and environment are the terms used in the object statement in s. 3 of the Act.

ADVANCING THE MISSION OF THE ISLANDS TRUST

10. Affordable Housing and Housing service amendments	The Islands Trust has limited ability to provide affordable housing initiatives to communities and is reliant on Regional Districts to establish and deliver affordable housing services, in cooperation with the Trust. Increased authority in this area would be in keeping with both a key vision element of Trust Council and its strategic plan.
Implementation i. Amendments to confer the powers of a regional district board that would be required to establish and operate a non-profit housing service, including the authority to acquire and dispose of land and interests in land The Islands Trust would seek to be able to hold land for the purposes of affordable housing. We would seek to cooperate with relevant Regional Districts but also provide this service if a given Regional District does not provide a satisfactory service. Desired changes: a) To be able to enter into agreements with third parties to administer affordable housing. b) To be able to operate a housing service. c) Local Trust Committees be able to acquire and dispose of land.	

Internet Connectivity for Denman Island

BACKGROUND:

High speed internet access is a significant factor for the availability, viability and success of many businesses and telecommuting jobs in the Trust Area. This key service is absent, deficient, unreliable or too expensive in many cases.

There are currently two major government initiatives underway to address these needs. One is the **Connected Coast** project that aims to deploy fibre optic cable around the coast of Vancouver Island and elsewhere. There are numerous “landing spots” for this cable and some of them will enable service to parts of certain Trust Islands. The fortunate Trust island locations include: Lasqueti, Snug Cove on Bowen, Gambier Harbour, Fulford Harbour and Ganges on Salt Spring, Penelakut (next to Thetis), Port Washington on North Pender Island, and Saturna. [The site listings sometimes note certain locations on islands and sometimes just the islands without further specifics.]

There is a total of 154 communities listed as being served by the cable. Many of these are on Vancouver Island and the coast of the mainland but there are also a number of other islands to be served which are outside the Trust Area. These include: Quathiaski Cove and Heriot Bay on Quadra, Read Island (located to the east of Quadra), Manson’s Landing on Cortes, and Vananda on Texada.

Omitted from the areas to be serviced are Denman, Hornby, Gabriola, Thetis, Galiano, Mayne, South Pender, and Keats.

The Connected Coast project will bring the fibre optic cable to the various landing spots but will not bring it to the end-users. As such it is called “backbone infrastructure”, and leaves to others to arrange and install the “last mile” servicing. This latter part can be facilitated through another initiative conducted under a BC Government agency, **Connected Communities BC**, which is administered under the Ministry of Citizens’ Services.

Much more information can be obtained from the websites for the respective agencies at <https://connectedcoast.ca/about/> and <https://www2.gov.bc.ca/gov/content/employment-business/economic-development/funding-and-grants/connecting-british-columbia> .

The Connected Coast FAQ section includes the following:

“My community is not listed as an eligible community or landing site. Is it still possible to get a cable landing site located here?”

Proposals (or requests) for additional community landing sites will be considered on a case-by-case basis, subject to technical suitability, required approvals, project timelines, and funding availability.”

The Denman Island Internet Committee, a sub-committee of the Denman Island Residents Association has conducted a survey of internet service availability and issues. Extracts from the summary of the resulting 21 page report are:

“This reports on the survey conducted on Denman Island during August of 2018 by the Internet Committee (DIIC) of the Denman Island Residents’ Association. It collected information from residents about their use of, needs for and satisfaction with current internet services. The “Denman Island Internet Survey” is available on the internet in a public folder at <https://tinyurl.com/yaxqxpvt...>

Only 5% of Island households do not use the internet. Users access the internet via ADSL (copper cable) from Telus (126 of 185 responses), satellite from Xplornet (34 of 185), or tethered cellphones offered by various providers (12 of 185)...

Only one in three respondents indicated they are satisfied with their internet services. According to the CRTC, the regulator of Canada's telecoms, 82 percent of Canadians enjoyed a download speed of 50 Mbps and 10 Mbps for uploads as of 2015. That is far faster than the level of service obtained by any Denman user. The CRTC target is for all Canadians to experience this level of service by 2021.

- 95 percent of the 462 speed tests reported in the Denman survey were below 25 Mbps (half of the CRTC standard).
- 54 percent of users’ download speeds were below 6 Mbps.
- As is characteristic of copper cable internet service, download speeds fall when the number of internet users is high.
- Four geographic areas have low internet speeds, and they generally correspond with the gaps in Telus service...”

As a result, this committee with the support of DIRA, and in conjunction with a group from Hornby Island, is exploring funding and options for improvement, including possible inclusion into the Connected Coast project. They have gained the sponsorship of the Comox Valley Regional District in an application for funding for a feasibility study to look at potential methods of serving all of Denman Island with high speed internet. The funding application is to the Island Coastal Economic Trust, with matching funding from the BC government’s Connecting British Columbia program as managed by the Northern Development Initiative Trust.

In pursuit of this, the group has requested a letter of support for the feasibility funding application from the Denman Island Local Trust Committee.

Prepared by: David Critchley, May 28, 2019



Islands Trust

Print Date: May 29, 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			



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-2019.3	De Cosson, Anne	22-Feb-2019	PID: 004-309-642 Addition to big barn. Civic address: 2831 East Road, Denman Island, BC

Planner: Ian Cox

Planning Status

Status Date: 28-May-2019

Approved. PTA to issue permit and close file.

Status Date: 16-Apr-2019

File under review by planner with companion application DE-ALR-2019.1 . SUP approval for siting of proposed barn addition pending ALR decision on non-farm use.

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

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-2019.7	Etienne Design	16-Apr-2019	PID: 0003-137-155 CIVIC ADDRESS: 2855 Piercy Road, Denman Island, BC One single story structure for garden storage, garage and visitor accommodation (1296 sqft) with wrap around deck. Secondary to principal residence.

Planner: Jaime Dubyna

Planning Status

Status Date: 14-May-2019
Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.8	Tara Parkinson / Paul Weyer	26-Apr-2019	PID: 028-639-928 CIVIC ADDRESS: 4100 PINECREST RD, DENMAN, BC New SFD and associated septic tank and field.

Planner: Ian Cox

Planning Status

Status Date: 28-May-2019
Approved. PTA to issue permit and close file.

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

Applications

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 Planner: Ian Cox	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
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.

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 Planner: Marnie Eggen	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.
Planning Status			

Status Date: 20-Feb-2019

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

Applications

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
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.



Applications

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

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.

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending March 2019

615 Denman	Invoices posted to Month ending March 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	584.82	165.18
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	2,673.97	1,826.03
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	541.68	58.32
65220-615	LTC - Local Exp - Communications	250.00	202.64	47.36
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,850.00</u>	<u>3,418.29</u>	<u>2,431.71</u>
Projects				
73001-615-4011	Denman Farm Plan	5,500.00	3,243.85	2,256.15
73001-615-4062	Denman First Nations Relations	2,500.00	3,570.94	-1,070.94
TOTAL Project Expenses		<u>8,000.00</u>	<u>6,814.79</u>	<u>1,185.21</u>

Denman Island Local Trust Committee Policies & Standing Resolutions – STVRs

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.	November 20, 2018	DE-2018-100	Bylaw enforcement on unlawful STVRs	That the Denman Island Local Trust Committee adopt the following standing 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.

Top Priorities Report

Denman Island

1. Denman Island Farm Plan Implementation

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

Responsible

Marnie Eggen
Sonja Zupanec

Dates

2. Temporary Use Permits

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

Responsible

Ann Kjerulf
Miles Drew

Dates

Rec'd: 09-Oct-2018

3. Cannabis Land Use Regulation

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

Responsible

Ann Kjerulf
Jaime Dubyna

Dates

Rec'd: 20-Nov-2018



Projects Report

Denman Island

1. Protected Area Network	Responsible	Date Received
Undertake planning for a Protected Area Network on Denman Island		15-Mar-2011

2. Alternative Energy	Responsible	Date Received
Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.		15-Aug-2011

3. Dwelling Floor Area Regulation	Responsible	Date Received
Consider regulations to limit the gross floor area of a dwelling		25-Oct-2011

4. Climate Change	Responsible	Date Received
Consider climate change adaptation and mitigation measures		25-Oct-2011

5. Development Procedures Review	Responsible	Date Received
Review and update Development Procedure Bylaw No. 71		11-Dec-2012

6. Alternative Dispute Resolution	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. Denman Village Plan	Responsible	Date Received
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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
