



A NOTICE OF A BUSINESS MEETING OF **THE DENMAN ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 AM on Tuesday, July 17, 2012 at the Denman Seniors Hall,
1111 Northwest Road, Denman Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		10:30 am
2.	APPROVAL OF AGENDA		
3.	CHAIR'S REPORT		
4.	TRUSTEES' REPORT		
5.	MINUTES		10:45 am
5.1	Local Trust Committee Meeting Minutes of June 5, 2012 – <i>attached</i>	1-13	
5.2	Section 26 Resolutions Without Meeting - <i>none</i>		
5.3	Denman Island Advisory Planning Commission Minutes - <i>none</i>		
5.4	Denman Agriculture Plan Steering Committee Minutes - <i>none</i>		
5.5	Denman Island Marine Advisory Planning Commission Draft Minutes - <i>none</i>		
6.	BUSINESS ARISING FROM MINUTES		
6.1	Follow-up Action List dated July 5, 2012 - <i>attached</i>	14-16	
6.2	Advisory Planning Commission Referral of Islands Trust Affordable Housing Strategy – <i>for discussion</i>		
6.3	Boyle Point Park Addition and Gravel Reserve Memorandum dated July 5, 2012 - <i>attached</i>	17-25	
7.	APPLICATIONS AND PERMITS		11:10 am
7.1	DE-RZ-2011.1 (Denman Community Land Trust Association) Memorandum dated July, 2012 regarding Cost Recovery Agreement for Legal Review of Housing Agreement – <i>to be distributed</i>		
8.	DELEGATIONS		11:20 am
8.1	Graham Brazier for Denman Opposes Coal		
9.	TOWN HALL DISCUSSION		11:30 am

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| 10. | CORRESPONDENCE
<i>Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i> | | |
| | LUNCH BREAK AND PRESENTATION OF COMMUNITY STEWARDSHIP AWARD TO PETER KARSTEN | | 11:40 am |
| 11. | REPORTS | | 12:10 pm |
| 11.1 | Work Program
Top Priorities Report and Projects Report dated July 5, 2012 - <i>attached</i> | 26-27 | |
| 11.2 | Applications Log
Report dated July 5, 2012 - <i>attached</i> | 28-33 | |
| 11.3 | Trustee and Local Expenses
11.3.1 Expenses posted to May 31, 2012 - <i>attached</i>
11.3.2 Expenses posted to June 30, 2012 - <i>attached</i> | 34
35 | |
| 12. | LOCAL TRUST COMMITTEE PROJECTS | | 12:20 pm |
| 12.1 | Riparian Areas Regulation Compliance
Staff Report dated July 4, 2012 - <i>attached</i> | 36-54 | |
| 13. | NEW BUSINESS | | 12:50 pm |
| 13.1 | Dog Breeding on Denman – <i>for discussion</i> | | |
| 13.2 | Intensive Agriculture Definition – <i>for discussion</i> | | |
| 14. | BYLAWS | | |
| 15. | ISLANDS TRUST WEBSITE | | |
| 15.1 | Denman Page - <i>attached</i> | 55-56 | |
| 16. | NEXT MEETING DATE
Tuesday, October 2, 2012 at 10:30 am at The Denman Seniors Centre,
1111 Northwest Road, Denman Island, BC | | |
| 17. | TOWN HALL DISCUSSION – <i>time permitting</i> | | 1:15 pm |
| 18. | ADJOURNMENT | | 1:25 pm |

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

DRAFT

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON JUNE 5, 2012
AT THE DENMAN SENIORS HALL
1111 NORTHWEST ROAD, DENMAN ISLAND, BC**

PRESENT:

Laura Busheikin	Local Trustee
David Graham	Chair
Marnie Eggen	Planner
Linda Prowse	Planner
Vicky Bockman	Recorder

There were forty-four (44) members of the public in attendance.

1. CALL TO ORDER

Chair Graham called the meeting to order at 10:30 am. He welcomed the public and introduced himself, Trustee Busheikin, Planners and Recorder. He explained that in Chair Luckham's absence that he would be acting as Chair at this meeting.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 5.6 – Denman Island Farm Plan Steering Committee Minutes of May 28, 2012
- Add item 6.1.2e – Email dated June 3, 2012 from George McFaul
- Add item 6.1.2f – Email dated May 30, 2012 from Ralph McCuaig
- Move item 10 to after item 5.5

3. CHAIR'S REPORT

There was no Chair's Report provided.

4. TRUSTEES' REPORT

Trustee Busheikin reported that she attended a Trust Programs Committee meeting by telephone. She announced that nominations for the Islands Trust Community Stewardship Awards have been received and that Peter Karsten has been nominated in the individual category and the Denman Island Residents Associations' Parks Committee has been nominated in the group category.

Trustee Busheikin stated that she has been busy reviewing affordable housing documents and noted that while some steps have been undertaken to move the issue forward such as the density bank creation and the creation of affordable co-housing, much more can be done. She noted that she attended the release of the Age-Friendly report sponsored by the Hornby Denman Community Health Care Society. She

reported that since the last Local Trust Committee meeting she held a Trustee Office Day at the Old School and that it was an opportunity for discussions with individuals on particular topics of interest to them.

Chair Graham reported that the Trustees are holding regular Trustee Office Hours at the Old School, alternating attendance between Local Trustees and encouraged the public to take advantage of this opportunity to meet with Local Trustees. Additionally, he noted that today is an On-Island Planner Day, an occasion to talk with an Island Planner. He reported that he attended a Trust Council Local Planning Committee meeting where work is ongoing on the draft Strategic Plan. He advised that this draft will be presented for public feedback sometime this summer.

5. MINUTES

5.1 *Local Trust Committee Meeting Minutes of May 1, 2012*

The minutes were adopted by consensus with the following amendments:

- Page 3, item 6.2, last paragraph, first line: Change "Graham" to "Luckham"
- Page 12, item 12, last line: correct formatting to change the italics and remove the indentation

5.2 *Section 26 Resolutions Without Meeting Log dated May 24, 2012*

Chair Graham summarized the Resolutions Without Meeting Log dated May 24, 2012.

5.3 *Denman Island Advisory Planning Commission Draft Minutes dated May 16, 2012*

Received

5.4 *Denman Agriculture Plan Steering Committee Minutes dated April 30, 2012*

Received.

5.5 *Denman Island Marine Advisory Planning Commission Draft Minutes dated May 16, 2012*

Received.

Planner Prowse advised that Planner Simpson had noted that the minutes include a reference to the next meeting, and she wished to clarify that Advisory Planning Commissions meet only in response to a referral presented for their review.

Chair Graham requested that Planner Simpson clarify this procedure with the commission.

5.6 *Denman Island Farm Plan Steering Committee Minutes dated May 28, 2012*

Received.

Chair Graham thanked the volunteer members of the Advisory Planning Commission, Agriculture Plan Steering Committee and Marine Advisory Planning Commission for their time and work.

10. **TOWN HALL DISCUSSION**

Chair Graham explained that the Town Hall Discussion is the opportunity provided in the agenda for the public to speak about any topic relating to Islands Trust matters.

Mica Gries – expressed concern about the lack of affordable housing on Denman Island, stating that those with lower incomes are the pillars of the community and the issue is tantamount to class warfare. He stressed the importance of understanding how this is faced in the local community.

Jon LeBaron – expressed his opposition to proposed Bylaw 201, stating that there should be more community discussion about the problems that this bylaw seeks to address and that he prefers a less punitive approach to solutions. He stated that efforts need to be directed toward the issue of housing on Denman Island.

Brian Goldring – asked if fines could be issued with proposed Bylaw 201 and commented that if so, this could cause people to leave Denman Island.

Chair Graham confirmed that fines are a part of the Bylaw Enforcement Notification System and he explained the steps that are involved with the current and proposed bylaw enforcement systems to encourage compliance.

Ralph McCuaig – stated that he is opposed to proposed Bylaw 201 and that he concurs with the staff report that recommends the proposed bylaw be defeated.

Riane Dasilva – stated that she is opposed to proposed Bylaw 201 and supports its defeat. She noted that the enforcement of unsuitable regulations makes a difference to those who cannot afford to pay the fines. She stated that she would like discussions for a community-based approach to deal with complaints without ticketing to continue in a proactive way.

Tracy Horovatin – stated that she recognizes the importance of bylaws and guidelines, however, rules using punitive methods of enforcement do not create a positive environment for change. She encouraged an alternative approach be found.

Dawid Bryzgliński – expressed his opposition to proposed Bylaw 201. He advocated for the community to work together to help those needing assistance cleaning up properties. He expressed his concern with the lack of affordable housing on Denman Island and stated that if not corrected this issue will cause families to leave and the school to close leaving only senior residents.

Perri Gorrara – stated that she is opposed to proposed Bylaw 201, preferring a community-based friendship circle approach to solving problems that is helpful and not punitive.

Scott Donaldson – stated that he is opposed to proposed Bylaw 201 and supports its defeat, commenting that he does not believe it is within the rights of the Local Trust Committee to enact this proposed bylaw.

Megan Blu – wanted to acknowledge both community support and non-support for her Denman Island project. She expressed her opposition to proposed Bylaw 201, stating that bylaw enforcement should be looking at community mediation and communication to address compliance issues. She asked if fines issued under proposed Bylaw 201 would be cumulative or result in a lien on property if not paid.

Chair Graham responded that he was unsure of the answer and stated that this question could be researched and the answer posted on the Denman webpage or in the Grapevine.

Brett – stated that he opposed proposed Bylaw 201, observing that there has been a lack of analysis as to how ticketing can apply to everyone in an economically fair manner.

Serena – expressed her opposition to proposed Bylaw 201, stating that it would negatively impact housing on Denman Island. She encouraged trust in the community's ability to solve problems.

Anis Larue – commented on her experience on Salt Spring Island where gentrification has resulted in alienation, environmental degradation and reduction of people with alternative ideas and she hoped that does not happen on Denman Island.

Ash – stated that she opposes proposed Bylaw 201. She acknowledged the increasing divide between those who have money and those who do not and suggested that increasing density could help feed the residents and create sustainability.

Ron Sakolsky - spoke against proposed Bylaw 201, recommending that before passing any bylaw the impact on the issue of affordable housing should be considered. He stated that he would prefer a moratorium on enforcement of any bylaw that has a detrimental effect on affordable housing. He added that the lack of affordable housing limits diversity, alternative lifestyles and sustainability and increases class discrimination and generational division.

Sherry Williams – stated that she opposes proposed Bylaw 201 and supports its defeat, noting that she would be very much affected if it were to pass. She urged consideration of how we can sustain ourselves and think differently before we lose the ability to be different.

Bruce Holden – expressed his opposition to proposed Bylaw 201, stating that he prefers the idea of a community-based justice system.

Keith Porteous – stated that he is opposed to proposed Bylaw 201 and would like to see it defeated now. He commented that a bylaw enforcement ticketing system for small infractions is not appropriate for Denman Island where there are very few complaints and no groundswell of support for more bylaw enforcement.

Joshua VanDale – stated that he supports proposed Bylaw 201 and hopes that a decision is made today so that the motives of the Islands Trust are clear. He commented that there are no police on Denman Island and that one's reputation here goes a long way.

Leon - expressed his view that he does not want Denman Island to move in a direction such as Salt Spring or other areas where bylaw enforcement has become excessive. He recommended the community talk about issues and work out the problems together, and stated that he prefers seeing fewer or even no bylaws. He considers gentrification to be the problem and added that young people are passionate about protecting the land.

Sheila Nopper – stated that she is opposed to proposed Bylaw 201 and supports a community-based approach such as mediation rather than a punitive approach. She noted that Denman has a do-it-yourself heritage and she would like to see that continue and to enhance mutual aid.

Margie Gang – expressed her opinion that there are too many bylaws and objected to proposed Bylaw 201 not receiving broad community consultation prior to readings. She stated that this would be a good time to review the Official Community Plan and to have full community discussion on just the bylaws that are needed.

Brad – expressed his objections to proposed Bylaw 201, stating that it would accelerate gentrification and prevent the community from solving its own conflicts.

Graham Brazier – observed that he is hearing opposition to bylaws in general based on lack of affordable housing. He stated that proposed Bylaw 201 has no impact on affordable housing on Denman Island and would levy a fine to owners for infractions. He commented that people would like to change bylaws relating to affordable housing however noted that this is a separate issue.

Marjo VanTooren – commented that her deceased partner was involved in the Islands Trust in its early days and that it seemed like a very good idea then, however, she thought that current affairs would anger him.

The Trustees thanked everyone for making the time to attend this meeting and for their comments, noting the high degree of passion and love for Denman Island that has been heard.

6. BYLAWS

6.1 *Bylaw Enforcement Notification System*

6.1.1 *Staff Report dated May 7, 2012*

Chair Graham summarized the staff report, advising that the Bylaw Enforcement Manager has recommended that proposed Bylaw No. 201 be cancelled in order to allow the community to focus on several issues in the Land Use Bylaw that may need changing. He commented that after hearing from the community several times on this issue, it is evident that adoption of this proposed bylaw does not reflect the current needs of the community.

DE-048-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee proceed no further with Bylaw No. 201 cited as the "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 201, 2011".

CARRIED

There was discussion regarding the possibility of adding bylaw enforcement discussions to a future agenda. The value of community-driven tools for mediation and communication was recognized. It was acknowledged that Islands Trust bylaw enforcement policies will continue to apply in the event of environmental concerns or serious problems; however it was suggested that because enforcement of the regulation that a second dwelling cannot be used as a vacation home rental affects affordable housing, continuing discussion on the issue would be warranted.

DE-049-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to add "Discussion of Bylaw Enforcement" to the Denman Island Local Trust Committee business meeting in 18 months' time."

CARRIED

6.1.2 Correspondence

6.1.2a *Email dated May 17, 2012 from Roxanna Mandryk and Response from Trustee Graham*

Received.

6.1.2b *Letter dated May 20, 2012 from Louise Bell*

Received.

6.1.2c *Email dated May 21, 2012 from Jon LeBaron*

Received.

6.1.2d Email dated May 21, 2012 from Patti Willis

Received.

6.1.2e Email dated June 3, 2012 from George McFaul

Received.

6.1.2f Email dated May 30, 2012 from Ralph McCuaig

Received.

6.1.3 Proposed Bylaw No. 201 cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 201, 2011"

This item was considered earlier in the agenda.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated May 24, 2012

Received.

7.2 Denman Island Technical Committee comments on "Penultimate" Draft Application Information Requirements (May 2012) for Raven Underground Coal Project

Received.

8. APPLICATIONS AND PERMITS

*8.1 DE-ALR-2011.3 (Holden, Jacobs and Aronson)
Staff Report dated May 24, 2012*

Planner Eggen summarized the staff report that includes supplemental information provided subsequent to the March 15, 2012 meeting and recommendation.

The Trustees noted that a comment accompanying the referral for an application for subdivision in the Agricultural Land Reserve might assist the Agricultural Land Commission in their decision.

DE-050-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward the application DE-ALR-2011.3 (Holden, Jacobs and Aronson) to the Agricultural Land Commission with the following comments: "Regarding the proposed 16 hectare lot size, this size is consistent with the current intensive agriculture practices observed on Denman Island. A subdivision would improve access to equity finance, and the ability to act independently is a key component in any wish to increase farm capability by either party."

CARRIED

- 8.2 *DE-ALR-2012.1 (Denman Community Land Trust Association)
Staff Report dated May 22, 2012*

Planner Eggen summarized the proposal to include a 0.9 hectare portion of the parcel into the Agricultural Land Reserve.

DE-051-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward the application to include land in the Agricultural Land Reserve, DE-ALR-2012.1, to the Agricultural Land Commission.

CARRIED

- 8.3 *DE-SUB-2011.1 (Hoerbuerger for Smith) – Endorsement of 946 Covenant, Statutory Right of Way and Easement to Satisfy Subdivision Regulations Memorandum dated May 22, 2011*

Planner Eggen presented the memorandum for consideration of the 946 Covenant, Statutory Right of Way and Easement relative to the application to subdivide property in order to provide a residence for a relative.

Chair Graham questioned the process for a land owner to acquire water rights in order to assure that the carrying capacity of the water system is not being exceeded. Planner Eggen explained that approval has been granted from the Water Stewardship Division of the Ministry of the Environment for the supply of water to these two lots.

Trustee Busheikin asked if there has been consultation to determine if the water system is capable of supplying water to these additions. Planner Eggen responded that there is no consultation process however every license is reviewed with consideration of quantity of water in management plans.

DE-052-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee endorse the finalized Covenant pursuant to Section 946 of the Local Government Act, and the Statutory Right of Way and Easement for water supply purposes as per Sections 2.8.14 and 1.2.4 of the Denman Island Land Use Bylaw No. 186, 2008 for the proposed two lot subdivision on the North east ¼ Section 10, Denman Island, Nanaimo District (PID 006-639-275); and appoint the Chair of the Denman Island Local Trust Committee, that on behalf of the Local Trust Committee, be a signatory on the Covenant and Statutory Right of Way.

CARRIED

Chair Graham recessed the meeting at 12:40 pm and reconvened at 1:00 pm.

9. DELEGATIONS

There were no delegations.

11. CORRESPONDENCE

11.1 Email dated May 10, 2012 from Rob Friberg of Ecosystem Restoration Associates Inc. regarding Denman Island Avoided Conversion of Forestlands Project

Received. The email discussed the process of validation of certain aspects of its project. Chair Graham advised that he had contacted the writer.

11.2 Email dated May 18, 2012 from Guy Marion regarding Vacation Rentals on Denman Island

Received.

12. REPORTS

*12.1 Work Program
Top Priorities Report and Projects Report dated May 24, 2012*

Chair Graham summarized the Top Priorities and Projects Report dated May 24, 2012.

*12.2 Applications Log
Report dated May 24, 2012*

The Applications Log Report dated May 24, 2012 was reviewed.

12.3 *Trustee and Local Expenses*

There was no Trustee and Local Expenses report.

13. **LOCAL TRUST COMMITTEE PROJECTS**

13.1 *Denman Island Farm Plan*

13.1.1 *Staff Report dated May 24, 2012*

Chair Graham summarized the staff report, noting that the draft Farm Plan presented in the agenda is the third draft of the plan. He explained that the Steering Committee comments made at their May 28, 2012 meeting will be considered and incorporated into a revision which will be distributed to the community for review.

DE-053-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee endorse the recommended changes to the Denman Island Farm Plan cited in the Denman Island Farm Plan Steering Committee minutes of May 28, 2012.

CARRIED

There was discussion on several points in the draft Farm Plan and suggestions were considered for purposes of clarification.

DE-054-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee:

- direct staff to consider clarifying the relationship between the material in italics and the first statement in 13.8 on page 153;
- direct staff to consider removing the first sentence of the italicized section in 14.2 on page 154; and
- direct staff to include information that food processing is currently permitted as a home occupation on Denman Island.

CARRIED

The Farm Plan project budget was discussed and amending the budget to reallocate funds for reimbursement of Steering Committee printing expenses was considered.

DE-055-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to submit a request to the Investment Agriculture Foundation to amend the Farm Plan project budget by reallocating the following to a new budget line "Printing costs for Steering Committee":

- a. \$300 from 2.4 Holding Focus Groups;
- b. \$120 from 3.5 Advertising draft Plan;
- c. \$120 from 4.2 Advertising Final Plan;
- d. \$50 from 3.6 Printing Draft Copies; and
- e. \$50 from 4.1 Printing Final Copies.

CARRIED

DE-056-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to endorse for community distribution and comment the Denman Island Farm Plan draft dated May 22, 2011 including amendments recorded in the May 28, 2012 minutes.

CARRIED

13.1.2 Letter dated April 17, 2012 from BC Shellfish Growers Association

The letter dated April 17, 2012 from BC Shellfish Growers Association was reviewed. The Trustees discussed drafting a letter for the Chair to send in response.

*13.2 Affordable Housing Planning
Memorandum dated May 18, 2012*

The Affordable Housing Planning memorandum dated May 18, 2012 was reviewed. The Trustees discussed the options for funding as well as information and tools available to advance the Affordable Housing Strategy project.

DE-057-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to furnish Advisory Planning Commission members with the Islands Trust Affordable Housing Strategy and to ask the Advisory Planning Commission to evaluate its usefulness for Denman Island.

CARRIED

Trustee Busheikin stated that she has identified other actions that could be considered to further the discussion on affordable housing and suggested that these ideas can be explored as a part of the process.

14. NEW BUSINESS

*14.1 Information Bulletin – May 2012
Aquaculture Management in British Columbia*

Received.

*14.2 Amendments to the Liquor Control and Licensing Regulation Affecting the
Licensing of Theatres from the Liquor Control and Licensing Branch dated April
11, 2012*

The policy directive dated April 11, 2012 announcing amendments to the Liquor Control and Licensing Regulation of movie theatres and live event theatre establishments was received.

14.3 Referral from Trust Fund Board regarding Bill Mee Gravel Quarry

The Trustees deferred consideration of the referral awaiting further background information from staff including authority, implications of industrial use close to a park in a residential area and historical context of quarry use.

14.4 Information Sheet on Guest Accommodation Regulations

Trustee Busheikin volunteered to draft an information sheet on guest accommodation regulations to clarify questions that have been arising from the community. She confirmed that she would work with staff to vet the draft prior to distribution. The consensus was that this fact sheet would be a useful tool and Trustee Busheikin will proceed.

14.5 Local Trust Committee Table at Denman Saturday Market

The Trustees discussed the benefits of setting up a table with information at the Denman Island Saturday Market during the Denman Sustainability Festival. They agreed that Trustee Busheikin would take the lead in organizing this activity.

15. ISLANDS TRUST WEBSITE

15.1 Denman Page

The following change was requested to the website:

- remove proposed Bylaw No. 201 from Administrative Bylaws
- add the standing resolution on visitor accommodation regulations to the Denman Island Local Trust Committee Standing Resolutions

16. NEXT MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, July 17, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

17. TOWN HALL DISCUSSION – time permitting

Cathy Noakes – asked for an explanation of the Advisory Planning Commission and Marine Advisory Planning Commission and if their meetings are public.

Chair Graham explained the function and purpose of these working committees and the process that is involved in referring topics for their consideration. He confirmed that the meetings are public and that engagement of the public at the meetings is at the discretion of the commission.

James Noakes – suggested that there might be an existing policy on mass transportation of soil that could be useful in consideration of the referral from the Islands Trust Fund regarding quarry activities.

The Trustees responded that they do not believe that the policy referenced is applicable to the issue that involves the Ministry of Highways and Infrastructure and confirmed that they have requested more information in order to address the referral.

Cathy Noakes – noted that food processing is being supported in the bylaws and she asked if current home occupation regulations would allow a separate building for that purpose.

Chair Graham explained the option for a home occupation operation and clarified that the ability to have an accessory building is dependent upon the size of the lot.

18. ADJOURNMENT

Chair Graham adjourned the meeting at 2:10 pm.

Recorder

Chair



Islands Trust

Follow Up Action Report w/ Target Date

Denman Island Sep-12-2011

No.	Activity	Responsibility	Target Date	Status
1	Reschedule the meeting with the K'omoks First Nation. Meeting to be separate from Hornby LTC, but on same day and directly after.	Courtney Simpson	Oct-25-2011	On Going

Jan-24-2012

No.	Activity	Responsibility	Target Date	Status
1	Amend definition of dwelling unit, affordable housing in the draft LUB amendment for DE-RZ-2011.1 to remove specific low income requirements.	Courtney Simpson	Feb-28-2012	On Going

May-01-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to draft letter for Chair's signature to Corey Jackson, (Regional Manager, Aquaculture Programs, Aquaculture Management Division, DFO), to accept the invitation to sit on the advisory committee and that we look forward to meeting with other interested parties.	Courtney Simpson	Jun-05-2012	On Going
1	Staff to proceed with reviewing Development Permit Area No. 4 and prepare draft wording and mapping for compliance with RAR.	Chloe Fox Courtney Simpson	Jun-05-2012	Done
1	Post link to 2011 annual report, when published, to Denman webpage.	Courtney Simpson	Jun-05-2012	On Going

May-02-2012

No.	Activity	Responsibility	Target Date	Status
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1	Staff to provide report on bylaw enforcement mechanisms to: a) remove predator netting; b) ban driving on the foreshore; and c) ban structures on the foreshore.	Courtney Simpson	Jul-17-2012	On Going
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Jun-05-2012

No.	Activity	Responsibility	Target Date	Status
1	Forward the application DE-ALR-2011.3 (Holden, Jacobs and Aronson) to the Agricultural Land Commission with the following comments: "Regarding the proposed 16 hectare lot size, this size is consistent with the current intensive agriculture practices observed on Denman Island. A subdivision would improve access to equity finance, and the ability to act independently is a key component in any wish to increase farm capability by either party."	Marnie Eggen	Jul-17-2012	Done
1	Forward the application to include land in the Agricultural Land Reserve, DE-ALR-2012.1, to the Agricultural Land Commission.	Courtney Simpson	Jul-17-2012	Done
1	Refer to the APC the Islands Trust Affordable Housing Strategy and to ask the Advisory Planning Commission to evaluate its usefulness for Denman Island.	Courtney Simpson	Jul-17-2012	On Going
1	Provide further background information on the TFB referral regarding the Bill Mee Gravel Quarry including authority, implications of industrial use close to a park in a residential area and historical context of quarry use.	Courtney Simpson	Jul-17-2012	Done
1	Make the following changes to the website: · remove proposed Bylaw No. 201 from Administrative Bylaws · add the standing resolution on visitor accommodation regulations to the Denman Island Local Trust Committee Standing Resolutions	Courtney Simpson	Jul-17-2012	Done
1	Invite BC Shellfish Growers Association to the to-be-scheduled meeting with DFO and ILMB on aquaculture.	Courtney Simpson	Jul-17-2012	On Going
1	Laura to draft response letter to BCSGA for LTC and staff review.	Courtney Simpson	Jul-17-2012	Done

- 1 Add "Discussion of Bylaw Enforcement" to the Denman Island Local Trust Committee business meeting in 18 months time (December, 2013) possibly to coincide with a discussion on affordable housing.
-

Courtney Simpson

Dec-01-2013

On Going



Memorandum

700 North Road Gabriola Island BC V0R 1X3

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

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

Date July 5, 2012 File Number 5690-20 (DE-Parks)

To Denman Island Local Trust Committee

From Courtney Simpson
Island Planner
Northern Office

Re Boyle Point Park Addition and Gravel Reserve

The Denman Island Local Trust Committee (LTC) received a referral from the Trust Fund Board (TFB) in a letter dated May 22, 2012 regarding the Southwest ¼ of Section 2, Denman Island that is planned for addition to Boyle Point Provincial Park as a result of the North Denman Lands density transfer bylaw amendments adopted in 2010. The LTC has asked for more background information on this referral.

There is an 11 hectare Ministry of Transportation and Infrastructure (MoTI) gravel reserve on the property that has been unused for many years, and the Ministry of Environment (MoE) had requested that MoTI release their interest in the gravel reserve so that the land could be transferred for park purpose unencumbered. As such the TFB was also asked to release their notation of interest on the land that was held due to its importance for public recreation. In 2010 the TFB passed a resolution to release their notation of interest.

The MoE has not been successful in having the MoTI release their interest in the gravel reserve, and is now proposing that the gravel reserve remain in place while the property is designated a Class "A" Provincial Park with the exception that the Minister of Environment may authorize a specific use such as the extraction of gravel. Future gravel extraction would only be permitted through a park use permit that would enable BC Parks to work with MoTI to determine the terms and conditions (such as rehabilitation) that would apply to the extraction of gravel.

As shown in the attached letter dated November 16, 2010 from Peter Luckham, Chair of the LTC, the MoE requested a letter of support for the addition of the quarter section to Boyle Point Provincial Park (excepting Bill Mee Park). The LTC had already adopted a bylaw amendment to rezone the property to Park (PK) with the understanding that it would be added to Boyle Point Provincial Park, and that the gravel reserve on the quarter section would no longer be available for use.

Information from BC Parks is that the likelihood that using material from this gravel reserve is low, as the cost of trucking gravel from Vancouver Island is significantly cheaper. If the land is transferred to the Ministry of Environment, the cost of extraction from the gravel reserve would become even higher as rehabilitation would be required. If the gravel reserve remains under the Ministry of Forest, Lands and Natural Resources, there would be no requirement for rehabilitation. As well, the Ministry of Environment has negotiated a reduction in the area available for the gravel reserve, which would only apply if the land is transferred to the Ministry of Environment.

The MoE is now requesting that the TFB confirm their release of the notation of interest given this change in future uses to include potential gravel extraction. The TFB would like to hear from the LTC on this request before preparing a response to the MoE. Specifically, the TFB would like to hear if the LTC believes the TFB should or should not release their notation of interest.

pc Jennifer Eliason, Manager, Islands Trust Fund

Attachments:

1. Referral from Trust Fund Board dated May 22, 2012
2. Letter dated November 16, 2010 from Peter Luckham to Ian Atherton, Ministry of Environment, regarding Addition of South West $\frac{1}{4}$ of Section 2, Denman Island, to Boyle Point Provincial Park
3. Memorandum dated November 9, 2010 regarding Request for letter of support for Boyle Point Park addition



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May 22, 2012

Courtney Simpson
Planner, Denman Island
700 North Road
Gabriola Island, BC
V0R 1X3

Dear Courtney:

Re: Referral from TFB to Denman Local Trust Committee

The Crown land legally described as the Southwest $\frac{1}{4}$ of Section 2, Denman Island, Nanaimo District, is situated adjacent to (east of) the Islands Trust Fund's Morrison Marsh Nature Reserve and adjacent to (north of) Boyle Provincial Park on the south end of Denman Island. The Islands Trust Fund has a "Notation of Interest" registered on this land due to its importance for public recreation (Document # 981085). This notation of interest has been in place since 1989, and was originally in the name of the Islands Trust.

This property is included in the North Denman Lands/MoE land transfer where a number of Crown owned properties transferred to MoE for parks purposes. MoE is in the process of preparing these lands for designation as Provincial Park. This particular property will be added to Boyle Provincial Park. MoE originally requested that the Trust Fund Board release their "Notation of Interest" on this land so that the property can be transferred to MoE for park purposes. The TFB agreed to do this in 2010, resolving that:

The Trust Fund Board agree to release the Notation of Interest (Document # 891085) on the Crown land described as the Southwest $\frac{1}{4}$ of Section 2, Denman Island, Nanaimo District, on the condition that this land be transferred to the Ministry of Environment for parks or conservation purposes.

Recent correspondence with MoE indicates that there is a map reserve for the Ministry of Highways and Infrastructure (MoTI) to allow for quarry activities on a portion of the property. MoTi wishes to retain access to this gravel, and have agreed to limit the map reserve to 11 hectares. MoE is proposing to establish that 11 ha. area as a protected area under the Environment and Land Use Act. This will require two steps: the first is the approval of the Environment and Land Use Committee of Cabinet. This committee makes a recommendation to the Lieutenant Governor in Council. Secondly, MoE must obtain an Order-in-Council to formally establish the protected area. The protected area order would specify that the Minister of Environment is authorized to manage the area

May 22, 2012
Courtney Simpson
Page 2

as though it were a Class A park, with the exception that the Minister may authorize a specific use, such as the extraction of gravel. The order would specify that the Minister would require the person (MoTI) extracting the gravel to obtain a park use permit. This enables BC Parks to work with MoTI to determine the terms and conditions (such as rehabilitation) that would apply to the extraction of the gravel. When MOTI wants to start using the quarry, they would have to apply for a park use permit. The permit decision is usually made by the regional director. A road right of way would also be surveyed out of the proposed protected area (for an existing road to the quarry). When the term of the tenure expires, the land would revert to park.

The remainder of the $\frac{1}{4}$ section will be designated Class A Park, protected under the Park Act.

MoE would like the TFB to re-confirm its support of the release of their notation of interest. The TFB considered this at their May 17, 2012 meeting, and did not feel it was appropriate to respond until the Denman Island Local Trust Committee has had an opportunity to comment. The Trust Fund Board would like to refer this matter to the Denman LTC, and would be interested to know if there are any concerns.

Please let me know if I can provide any additional information. The MoE contact for this file is Russ Malcolm, 250-387-7998.

Yours truly,



Jennifer Eliason
Manager
Islands Trust Fund
jeliason@islandstrust.bc.ca
250. 405-5191

Attachments: Letter from MoTI to MoE, dated Feb. 14, 2011



February 14, 2011

File #:39100-20/03/Bill Me/0096/Tenure
Cliff #:

Ian Atherton
Senior Negotiator
Ministry of Environment - Parks and Protected Areas
4th Floor – 2975 Jutland Road
Victoria, BC V8W 9M9

Dear Ian Atherton:

Re:BCMOTI - Bill Me Quarry #0096

Further to our site inspection of December 14th 2010 the Ministry of Transportation and Infrastructure has determined its operational requirements with respect to a change in the land designation for our Bill Me Quarry. The former Land Act Section 16 map reserve of 63.416 hectares has been reconfigured to an operational area of +/- 11 hectares and is generally located in the northeastern portion of the South West ¼, Section 2, Denman Island, Nanaimo Land District. The area is bounded along the south by East Road, Section 2 boundary on the north, and is shaded pink on the attached plan.

This quarry is of strategic importance to BCMOTI for the maintenance, rehabilitation and upgrading of Denman Island road infrastructure for short, medium and long term (30-60 year) projects. There are no private pits/quarries on the Denman Island that can provide the quality/types of aggregate material required. While the barging/importing of materials is an option it is extremely expensive, requires extensive handling, does not address principles of area sustainability and has a larger carbon footprint.

The quality of rock in Bill Me Quarry is suitable for the production of a wide range of road base aggregates. On site activities would include excavating, loading, drilling / blasting and material processing utilizing portable rock crushing equipment and portable asphalt plants. The quarry has seen historic use and would be active on an intermittent

Ian Atherton
BCMoTI Bill Me Quarry
Page 2

basis or as dictated by operational requirements. Detailed pit development and reclamation plans will be completed prior to quarry activation.

In 1993 accommodations were provided with respect to the Ministry's release of 1.34 hectares of the former Section 16 Map Reserve to facilitate the Comox Valley Regional District's construction of a boat ramp. This included a condition to provide for the loading and unloading of barged in materials and equipment for BCMoTI projects. The ramp is immediately adjacent to Bill Me Quarry and can be integrated seamlessly with Ministry operations on an as required basis.

In addition to quarry operations, as East Road (Section 42 of the Transportation Act) is unsurveyed, a 20 metre right of way (10 metres either side of centerline) should be dedicated/surveyed to facilitate future road upgrading/realignment.

Please advise as to the appropriate process/designations that are required to provide for the continued operation of Bill Me Quarry by the Ministry and formalization of the East Road right of way. If you have any questions or require additional information please call.

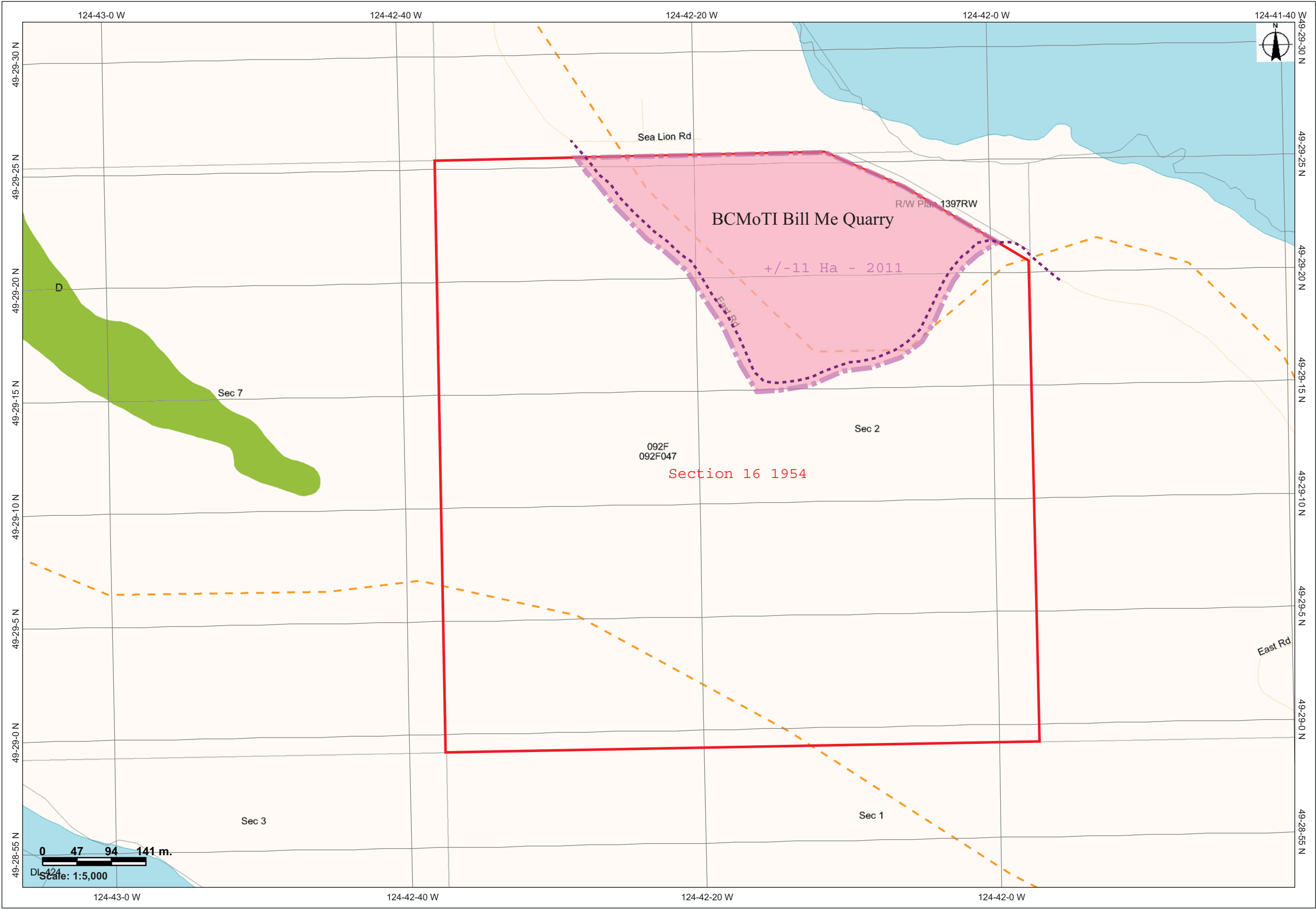
Yours truly,

A handwritten signature in dark ink, appearing to read 'K.W. Lukawesky', followed by a horizontal line.

K.W.(Ken) Lukawesky A.Sc.T
Regional Gravel Resource Manager

kwl
attachments (1)

copy: Bob O'Brien, Operations Manager
Sue Pauwels, Area Manager
Doug Beaumont, Acquisition Co-ordinator



Bill Me Quarry

Legend

Water - River, Canal, etc. - Colour Themed (1:20,000)

- Canal
- River or Stream - Definite

Water - River, Canal, etc. - Outlined (1:20,000)

- Canal
- River or Stream - Definite

Water - Lake, Reservoir, etc. - Colour Themed (1:20,000)

- Mine - Tailing Pond
- Lake - Definite
- Reservoir - Definite

Water - Lake, Reservoir, etc. - Outlined (1:20,000)

- Mine - Tailing Pond
- Lake - Definite
- Reservoir - Definite

Water - Wetlands - Colour Themed (1:20,000)

- Flooded Land - Inundated
- Marsh
- Swamp

Water - Wetlands - Outlined (1:20,000)

- Flooded Land - Inundated
- Marsh
- Swamp

Water - Ocean - Colour Filled (1:20,000)

- Water - Ocean - Colour Filled (1:20,000)

Water - Ocean - Outlined (1:20,000)

- Water - Ocean - Outlined (1:20,000)

Water - Dams, Falls, etc. - Colour Themed (1:20,000)

- Dam
- Falls
- Rapids
- Spillway - Penstock
- Sand Gravel Bar
- Sinkhole

Water - Dams, Falls, etc. - Outlined (1:20,000)

- Water - Dams, Falls, etc. - Outlined (1:20,000)

Transportation - Airfield - Colour Themed (1:20,000)

- Air Facility
- Airport
- Airstrip
- Abandoned Airfield
- Helipad

Mapsheet Grid (1:20,000)

- Mapsheet Grid (1:20,000)

Mapsheet Grid (1:250,000)

- Mapsheet Grid (1:250,000)

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Datum/Projection: NAD83, Albers Equal Area Conic

Key Map of British Columbia

Memorandum

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

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

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

Date November 9, 2010 File Number DE-RZ-2009.2 (North Denman Lands)

To Denman Island Local Trust Committee

From Courtney Campbell
Island Planner
Northern Office

Re Request for letter of support for Boyle Point Park addition

The Ministry of Environment is in discussion with the Ministry of Transportation regarding the addition of the South West ¼ of Section 2, Denman Island, to Boyle Point Provincial Park. There is a notation on this parcel that gives the Ministry of Transportation future access to this parcel for aggregate (gravel) extraction. The Ministry of Environment is asking for the Ministry of Transportation to give up this future access to aggregate so that the entire quarter section can be added to Boyle Point Provincial Park. If the Ministry of Transportation does not agree, an area for a future gravel pit will have to be left out of the park, the size of which is currently unknown.

The Ministry of Environment has requested a letter of support from the LTC or from a trustee, for inclusion of the entire quarter section in the park. Staff suggests that a letter under the Chair's signature, referring to the rezoning process that zoned the parcel as Park, and the expectations of the LTC and the community that it would indeed be added to Boyle Point Provincial Park, would be appropriate. Such a letter could make the following points:

- The LTC rezoned the parcel from Resource to Park, and agreed to transferring the parcel's 4 densities to another location on Denman Island. In order for this density transfer to be permitted, the Boyle Point parcel had to be intended for conservation.
- Many community members supported the overall rezoning with the understanding that this parcel would be added to Boyle Point Provincial Park in its entirety.
- The property is bordered on three sides by conservation or park lands and is an important addition to Boyle Point Provincial Park.
- The LTC supported the transfer of this parcel to the Ministry of Environment for addition to the Boyle Point Provincial Park by approving the rezoning, and this support has not changed.

There may be other useful points to make that relate to the conservation value of the land or ongoing efforts of Island groups to have this parcel added to the park.

If the LTC supports this approach, they could pass a resolution requesting staff to draft a letter for the Chair's signature making the points listed in this memorandum and any additional points the LTC may wish to make.

pc Chris Jackson, Regional Planning Manager



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Web www.islandstrust.bc.ca

November 16, 2010

File Number: DE-RZ-2009.2

Ian Atherton
Ministry of Environment
PO Box 9398 STN PROV GOV
Victoria, BC V8V 9M9

Dear Ian Atherton:

Re: Addition of South West ¼ of Section 2, Denman Island, to Boyle Point Provincial Park

I am happy to provide a letter of support to you for the addition of the above-noted parcel to Boyle Point Provincial Park. I understand that there is a notation on this parcel that gives the Ministry of Transportation future access to it for aggregate extraction and that the Ministry of Environment is asking for the Ministry of Transportation to give up this future access so that the entire lot can be added to Boyle Point Provincial Park.

The property is bordered on three sides by conservation or park lands and is an important addition to Boyle Point Provincial Park and to conservation lands on Denman Island generally.

Earlier this year, the Denman Island Local Trust Committee (LTC) rezoned the parcel from Resource to Park and agreed to transfer the parcel's 4 densities to another location on Denman Island. At that time we were told that the parcel would be added to Boyle Point Provincial Park, and in fact a prerequisite in the Land Use Bylaw for the density transfer is that the parcel was intended for conservation.

There is also support for the addition of the parcel to Boyle Point provincial Park in the community. Consideration of the rezoning was a public process, during which many community members supported the overall rezoning with the understanding that this parcel would be added to Boyle Point Provincial Park in its entirety.

In conclusion, we supported the transfer of this parcel to the Ministry of Environment for addition to Boyle Point Provincial Park by approving the rezoning, and this support has not changed.

Sincerely,

Peter Luckham
Chair, Denman Island Local Trust Committee

pc: Louise Bell, Local Trustee
David Graham, Local Trustee
Courtney Campbell, Island Planner



Islands Trust

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Agriculture Plan	Agriculture Strategy complete. Agriculture Plan in process.	Apr-15-2008	Courtney Simpson	Dec-31-2012	On Going
2	Implementing Riparian Areas Regulation	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR.	Aug-03-2010	Courtney Simpson	Dec-31-2012	On Going
3	Review of OCP section C3 with a view to addressing the impacts of shellfish farming on the natural marine environment and residential properties, and review of associated LUB regulations.	Specifically to address: 1. Removal of predator netting from beach 2. Banning driving on the foreshore 3. Banning beach modification.	Oct-25-2011	Courtney Simpson	Oct-31-2014	On Going



Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	Bylaw amendments to address food security	Consider amendments based on "Exploring Food Security in the Islands Trust Area" final report dated November 16, 2010.	Mar-15-2011	On Going
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots".	Aug-15-2011	On Going
1	Regulations governing wind towers	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Affordable Housing Strategy		Oct-25-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review of Housing Policies E.1 with respect to secondary cottages and suites in residential designations.		Jan-24-2012	On Going
1	Review of Land Use Bylaw regulations regarding guest accommodation.		May-01-2012	On Going



Applications w/ Status - Denman Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2011.2	Margaret & Stirling Fraser Planner: Courtney Simpson	Oct-27-2011	Subdivision under s. 946

Planning Status

Status Date: Jul-04-2012

Received ALC minutes denying the application

Status Date: Feb-13-2012

Forwarded application to ALC

Status Date: Jan-24-2012

LTC passed resolution to forward to ALC

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2011.3	Bruce, Lee, Aaron Holden, Jacobs, Aronson Planner: Marnie Eggen	Nov-16-2011	Proposed 2 lot subdivision

Planning Status

Status Date: Jun-18-2012

Sent to ALC June 18th

Status Date: Jun-05-2012

LTC passed resolution to forward application to ALC

Status Date: Apr-17-2012

Staff awaiting further information from applicant

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2012.1	Denman Community Land Trust Association Planner: Courtney Simpson	Apr-26-2012	2016 Northwest Road (I. Brons) Inclusion in ALR to extend the ALR boundary in accordance with the LTC

Planning Status

Status Date: Jun-14-2012

Forwarded application to ALC

Status Date: Jun-05-2012

Staff report to LTC June 5

Development Permit

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

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.1	Denman Community Land Trust Association (Brons) Planner: Courtney Simpson	Mar-15-2011	2016 Northwest Road, Construction of affordable housing dwelling and associated land alteration in DP 2 Steep Slopes. Joint with SUP application DE-SUP-2011.10.

Planning Status

Status Date: May-26-2011

On hold until outcome of forthcoming rezoning application is known.

Status Date: Apr-04-2011

Planner Reviewing

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

Planning Status

Status Date: Nov-01-2011

Awaiting info from applicant

Status Date: Jun-15-2011

On hold until DVP out come.

Status Date: May-27-2011

Barn sited over lot line into owners adjacent property. Applicant will be applying for a variance.

Development Variance Permit

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

Planning Status

Status Date: Nov-01-2011

Waiting info from applicant

Status Date: Jun-24-2011

Planner reviewing

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2012.1	Barbara & John Mills Planner: Linda Prowse	Jun-22-2012	9850 Greenhill Road Variance to height on accessory building

Planning Status

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2011.1	Denman Community Land Trust Association Planner: Courtney Simpson	Aug-10-2011	Density transfer from density bank or density increase for one unit of affordable housing.

Planning Status

Status Date: Jun-04-2012

Received draft housing agreement, staff reviewing

Status Date: Jan-24-2012

Waiting for draft housing agreement from applicant

Status Date: Dec-14-2011

Planner completed third staff report

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2010.5	Kalevi and Marilynn Holsti and Wan Planner: Marnie Eggen	Aug-27-2010	to create 2 lots

Planning Status

Status Date: Feb-29-2012

Applicant donating land through Section 99 of Land Title Act

Status Date: Jul-27-2011

Islands Trust Fund approved proposal to donate land

Status Date: May-24-2011

applicant working with Islands Trust Fund to donate a parcel

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2011.1	Steve Hoerburger (for Robert S. & Irma Y. Smith) Planner: Marnie Eggen	Jan-10-2011	to create 2 parcels under s. 946 of the Local Government Act

Planning Status

Status Date: May-02-2012

Applicant moving to have LTC sign 946 and SRW

Status Date: Apr-18-2012

SRW and Easement review by IT legal counsel complete

Status Date: Apr-18-2012

Applicant choosing to register 946, SRW without LTC signature

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

DE-SUB-2011.5

Steven Carballeira Mar-28-2011 to create 2 lots
(Graeb/Charles
King Medical Inc.
(1691 Lacon Rd)
Planner: Linda Prowse

Planning Status

Status Date: Nov-24-2011

Preliminary Layout Approval received

Status Date: May-05-2011

Referral Response sent to MOTI, LTC and applicant

Siting and use Permit

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

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

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

Planner: Marnie Eggen

Planning Status

Status Date: Jun-30-2011

On hold until outcome of DP and DVP.

Status Date: Mar-03-2011

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

Status Date: Jan-20-2011

Applicant submitted partial application

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2011.10	Denman Community Land Trust Association (Brons)	Mar-15-2011	2016 NORTHWEST RD one Residence, garage/workshop, wood shed, pump shed, and one wind turbine. Joint DP application DE-DP-2011.1

Planner: Courtney Simpson

Planning Status

Status Date: May-26-2011

On hold until outcome of rezoning application is known.

Status Date: Mar-21-2011

Planner Reviewing File

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2012.4	Barbara & John Mills Planner: Linda Prowse	Jun-11-2012	9850 Greenhill Rd (Mills) a single family residence & decommission of existing residence to be used as workshop and studio

Planning Status

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2012.6	Satya & Ram Bellerose & Sudama Planner: Marnie Eggen	Jun-29-2012	6090 East Road, Denman Island Single Family home

Planning Status

From: Nancy Roggers
Sent: May-28-12 5:27 PM
To: Courtney Simpson; David Graham; Laura Busheikin; Peter Luckham; Becky McErlean
Cc: Cindy Shelest
Subject: Denman expense report May/12

Islands Trust
LTC EXP SUMMARY REPORT F2012
 Invoices posted to May 31, 2012

615 Denman	Invoices posted to May 31, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	1,100.00	-	1,100.00
65200	LTC Local Exp LTC Meeting Expenses	3,300.00	242.42	3,057.58
65210	LTC Local Exp APC Meeting Expenses	-	-	-
65220	LTC Local Exp Communications	-	-	-
65230	LTC Local Exp Special Projects	-	-	-
65240	LTC Local Exp Miscellaneous	-	-	-
TOTAL LTC Local Expense		3,300.00	242.42	3,057.58
73001	Project OCP update	-	-	-

Thanks!

Nancy Roggers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

From: Nancy Rogers

Sent: June-28-12 5:42 PM

To: Courtney Simpson; David Graham; Laura Busheikin; Peter Luckham; Becky McErlean

Subject: Denman Expense Report - June/12

Islands Trust

LTC EXP SUMMARY REPORT F2013

Invoices posted to June 30, 2012

615				
Denman	Invoices posted to June 30, 2012	Budget	Spent	Balance
65000	LTC "Trustee Expenses"	250.00	44.21	205.79
65200	LTC Local Exp LTC Meeting Expenses	2,500.00	763.09	1,736.91
65210	LTC Local Exp APC Meeting Expenses	500.00	-	500.00
65220	LTC Local Exp Communications	300.00	-	300.00
65230	LTC Local Exp Special Projects	300.00	-	300.00
65240	LTC Local Exp Miscellaneous	550.00	-	550.00
TOTAL LTC Local Expense		4,150.00	763.09	3,386.91
73001	Project OCP update	-	-	-

Thanks!

Nancy Rogers
Finance Officer

Islands Trust
#200 1627 Fort Street
Victoria, B.C. V8R 1H8
Phone: (250) 405-5154
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Preserving *island* communities, culture and environment

Please consider the environment before printing this email.



STAFF REPORT

Date: July 4, 2012

File No.: 4590-20
Riparian Areas Regulation

To: Denman Island Local Trust Committee
For meeting of July 17, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager

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

THE PROPOSAL:

This project has been initiated by the Denman Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 1.1 “to identify and protect riparian areas”. The focus on improving protection of riparian areas has come about because of the requirement for local governments to amend their bylaws to become in compliance with the *Riparian Areas Regulation* (RAR).

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

In the 2011-2012 fiscal year the Denman LTC had sufficient Official Community Plan project budget for one of these watersheds to be mapped, the Morrison Marsh Watershed. There are four remaining watersheds to be mapped, at an estimated cost of \$40,000. There is no budget in the current (2012-2013) fiscal year for this work. The only budget for this project is \$5,000 which is for communications.

The purpose of this staff report is to present draft bylaw wording to amend Development Permit Area (DPA) No. 4 Streams, Lakes and Wetlands, and to present a Project Charter for LTC endorsement. In addition, staff recommends the Development Approval Information (DAI) Bylaw is updated to ensure that the DPA can be effectively implemented.

An earlier staff report dated April 5, 2012 provides comprehensive background on the RAR and should be referred to for a better understanding of the background and terminology used in this report.

SITE CONTEXT:

This project applies to the whole of Denman Island as there are streams, lakes and wetlands in all areas. Five of the 19 watersheds on Denman Island have been identified by the Ministry of

Environment as containing streams that are fish bearing or potentially fish bearing, and therefore any proposed development must adhere to the *Riparian Areas Regulation* (RAR). Attachment 1 shows a map of Denman Island with these watersheds.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

See staff report dated April 5, 2012.

Denman Island Official Community Plan, 2008

On Denman Island the designation of development permit areas is in the Official Community Plan (OCP) and the guidelines are in the Land Use Bylaw (LUB).

The current Development Permit Area 4: Streams, Lakes and Wetlands, has been in effect in some form since the early 1990's. The mapping is based on the provincial TRIM mapping, and has been adjusted based on local knowledge and field checking. DPA 4 is mostly focused on regulating forestry practices as they relate to streams, lakes and wetlands, in order to protect these ecosystems. This was highly relevant in the late 1990's when much of the northern part of Denman Island was owned by a private forestry company who undertook significant logging. Currently, there is little to no logging activity or potential for it as these large forest lands have been rezoned to park, agriculture and residential and are no longer owned by a forest company.

Much of the terminology and guidelines in the DPA are no longer relevant or are outdated by today's standards. Staff recommends that the DPA designation in the OCP and the guidelines in the LUB are rewritten.

Denman Island Land Use Bylaw, 2008

The LUB contains the DPA guidelines including exemptions.

Section 2.3 of Denman Island Land Use Bylaw, 2008 establishes setbacks from the natural boundary of a stream, lake or wetland that are a separate and different regulation from DPA 4. These setbacks are as follows:

- *for buildings or structures, except for a fence, sewage disposal field or alternate sewerage system, is 15.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres*
- *for a sewage disposal field or alternate sewerage system is 30.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres.*

A development permit under DPA 4 is still required even if setbacks in Section 2.3 of the Land Use Bylaw are met. Where setbacks are greater than the boundary of the DPA as in the case of Chickadee and Graham lakes, a development permit would still be required for subdivision or alteration of land, or if a development variance permit is issued to vary the setback requirements of Section 2.3 and allow a building or structure closer to the natural boundary.

Islands Trust Fund:

Pursuant to the Memorandum of Agreement between the Denman Island Local Trust Committee and the Trust Fund Board, draft bylaws should be referred to the Trust Fund Board for comment if the LTC considers them to have an impact on the responsibilities of the Board. In

this case staff recommends that the Trust Fund Board does receive a referral before public hearing.

Regional Conservation Plan:

This project does not directly impact any goals and objectives of the Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas:

The purpose of this project is to enhance protection of the sensitive freshwater ecosystems on Denman Island.

Archaeological Sites:

Archaeological sites are not a significant consideration for this project as they are not likely to be negatively affected by enhanced protection of freshwater. Increased protection of riparian areas may enhance protection of one interior archaeological site beside a wetland and other coastal sites at the outlet of streams.

Bylaw Enforcement:

There are no current bylaw enforcement files related to DPA 4.

Climate Change Mitigation and Adaptation:

There are no expected changes to GHG emissions resulting from this project. The impacts of climate change may be more or less surface water. Improving protection of surface water through this project may assist in adapting to climate change should higher water levels occur.

COMMUNICATIONS / CONSULTATION STRATEGY:

It is understood that the current DPA 4 was established through a significant amount of work and interest by local residents with expertise in biology and conservation. This local expertise is an asset to this current project.

Staff suggests the communication and consultation goals of this project are:

- To engage local expertise in reviewing the draft DPA text and maps
- To inform all Denman Island property owners and residents of the proposed changes
- To provide opportunities to educate about the project
- To engage affected property owners and respond to suggestions and concerns

Staff recommends that the APC is referred the draft bylaw and draft DAI when it is available, and is interested in hearing from the LTC and APC if local expertise should be further solicited beyond the general communications methods described below. For example, select individuals with a background in involvement in stream mapping on Denman Island could be invited to attend a focus group-type meeting.

The Northern RAR Working Group will be meeting to coordinate efforts on communications materials for northern LTC's, and this project of the Denman LTC will benefit from this, however staff does not recommend waiting for the group to meet before proceeding on this project. The table below shows recommended communications and consultation methods. No budget or

target date is attached to these items at this time, waiting for information from the Northern RAR Working Group and direction from the LTC on the project timeline.

Method	Person Responsible	Content	Audience
APC Referrals	LTC resolution Planner writes referral	Draft DPA and DAI and advice on community consultation	APC
Website	Planner	Set up section with info on project	Property owners and residents
Grapevine article	David Graham	Trustee Report updates	Residents
Flagstone article	Laura Busheikin	Trustee Notebook topic on RAR	Residents
Mail-out	Planner	Inform and educate	Target affected property owners
CIM	LTC & Planner, maybe APC	Educate, feedback to identify issues	Affected property owners and all Islanders
Grapevine ad	Planner	Advertise CIM	Residents
Presentation by QEP	Planner	Could be at CIM – to explain the RAR and answer questions	Affected property owners and all Islanders

There has been recent interest at Trust Council and individual LTC's to explore and use non-traditional community engagement methods such as social media, participatory meetings, video, blogs, etc. Staff looks forward to the Northern RAR Working Group having the chance to discuss and evaluate these options for RAR implementation projects, and recommends the Denman LTC wait for the outcome of the Working Group meetings rather than pursue such community engagement methods separately. The table above includes standard communications methods that would likely be done in addition to any other communications methods undertaken by the Northern office for all Northern LTC's.

ISSUES SUMMARY:

- a) Project Charter
- b) Width of DPA from natural boundary
- c) Need for further mapping
- d) Analysis of Morrison Marsh Watershed mapping
- e) Draft DPA
- f) Requirements for professional report

STAFF COMMENTS:

a) Project Charter:

The Project Charter in Attachment 6 is new format being used by planning staff as a project management tool. The LTC is asked to endorse the Project Charter by resolution. Any proposed changes to the project, mainly in scope or timeline, should be evaluated against the Project Charter to determine their impact.

b) Width of DPA from natural boundary:

Setting boundaries of the DPA, referred to in this report as the “DPA area”, in relation to the natural boundary of a stream, lake or wetland is an important component of this DPA. According to the *Riparian Areas Regulation*, the DPA area must extend at least 30 m from the natural boundary, with different criteria for a ravine that are described in the attached draft. The current DPA 4 includes the following area:

- *Major streams*: 30 m from the natural boundary
- *Lakes and major wetlands*: 30 m from the natural boundary
- *Minor streams*: 10 m from the natural boundary
- *Minor wetlands*: 10 m from the natural boundary

When the “major” and “minor” designations for streams and wetlands was adopted in an earlier version of the current DPA 4, the “major” referred those that were likely to support fish and the “minor” referred to those that were unlikely to, based on available information at the time. These designations don’t align exactly with the more recent RAR-designated watersheds as identified by the Ministry of Environment, shown in Attachment 2 that overlays the current DPA with the boundaries of the RAR-designated watersheds.

There are a number of minor streams and minor wetlands that are within RAR-designated watersheds and major streams and major wetlands that are in non-RAR watersheds. Both Chickadee and Graham lakes are within RAR-watersheds. The major and minor labels are not necessarily important to complying with the RAR, but it is the DPA area that is important. For streams that fall under the definition of “streams” in the RAR, the DPA area must be at least 30 m from the natural boundary.

Staff recommends that for areas where major streams and wetlands are located in non-RAR watersheds, this DPA area remains at 30 m from the natural boundary. Whether or not the stream or wetland supports fish, the 30 m DPA provides protection for other ecosystem values. If there is community support to reduce the DPA area, the LTC can consider it, but otherwise staff recommends it remain the same.

For the four RAR-watersheds that have not been mapped since the RAR came into effect, the recommended approach is to secure a budget for mapping in the next fiscal year, and proceed with requesting proposals for the mapping contract right away in April, 2013.

Ditches are considered “streams” under the RAR when they connect by surface flow to other RAR-streams and some have been mapped in the recent mapping of Morrison Marsh watershed. Only a 5 m from the natural boundary DPA area is required for ditches. When further mapping is done of the remaining 4 RAR-applicable watersheds, it is likely that additional ditches will be mapped and should be added to the DPA.

c) Need for further mapping:

For the four RAR-watersheds that have not been mapped since the RAR came into effect, the recommended approach is to secure a budget for mapping in the next fiscal year, and proceed with requesting proposals for the mapping contract right away in April, 2013.

The current stream, lake and wetland mapping does not identify all existing “streams” as defined by RAR. The recent mapping of Morrison Marsh Watershed demonstrates this; several streams and small wetlands not previously mapped were identified. The other

concern with the current mapping is that it does not accurately locate streams. The recent mapping of Morrison Marsh Wetland demonstrates this as well.

If a budget is not secured for mapping these four watersheds, the status quo will continue where, because of the uncertainty of current mapping, any application for development in a RAR-watershed will require a QEP report. This approach is not ideal for a number of reasons including: onerous requirement for property owners with no “streams” on their property, administrative burden, and inability to require a development permit with appropriate conditions where there is a “stream” outside of the current DPA boundary.

d) Analysis of Morrison Marsh Watershed mapping:

The Morrison Marsh Watershed mapping and report completed in March, 2012 by Mimulus Biological Consultants was received by the LTC at their May, 2012 meeting. The stream mapping is shown in Attachment 3, overlayed on the current DPA boundaries. Keep in mind that the Mimulus mapping is only a line along the centre of stream channels, or the natural boundary of water bodies, where the DPA includes the 10 or 30 metre area above the natural boundary. The Mimulus mapping also includes ditches where they are connected to RAR streams by surface flow, which fall under the definition of “stream” in the RAR.

The Mimulus report identifies the southern-most wetland and stream that appear on the current DPA map as not applicable to the RAR, and have not mapped it.

e) Draft DPA

Draft DPA text is provided in attachments 4 and 5. Staff retained much of the background information from the current OCP text and combined it with text of a template DPA that has been developed recently through work by the North Pender and Galiano LTC's. The bylaw wording for the template has been reviewed by legal counsel and represents a significant amount of research and review by staff. The template text was adjusted to fit the style and format of the Denman OCP and LUB.

The list of exemptions in the attached draft DPA retains the emergency removal of dangerous trees and the recently added exemptions for seasonally flooded agricultural fields, and adds several more.

The current exemption for in stream or near stream works associated with agricultural water licenses and beaver dam removal are covered by the exemption for “changes in and about a stream authorized under Section 9 of the *Water Act*” in the draft DPA. The rest of the new exemptions have been developed over recent years for use in other LTC's riparian DPAs.

The guidelines in the draft DPA do not include the language and requirements to do with forestry that are in the current DPA and have been revised to both meet the requirements of RAR and apply to streams, lakes and wetlands outside of RAR-applicable watersheds.

Guideline 4 in the current DPA “Clearing for Farm Operations” was not retained in the draft DPA. Exemption p) in the draft DPA addresses agricultural activities instead:

- p) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;

The current Guideline 4 (2) and (3) would require a development permit for these activities that are already allowed under the Farm Practices Protection (Right to Farm) Act, and as such appear overly onerous.

q) Requirements for professional report:

For “streams” as they are defined in the RAR, a requirement of the legislation is an assessment report by a Qualified Environmental Professional (QEP). An assessment report will determine the Streamside Protection and Enhancement Area (SPEA) where development should not take place without measures to mitigate the impact. For the purpose of issuing a development permit, the LTC may wish to outline specific issues to be addressed in the QEP report so that they can be easily translated to a development permit. These requirements must be included in a development approval information bylaw (DAI). The Denman LTC currently has a DAI bylaw, but it is not adequate for this purpose and will require amendment.

For areas of DPA 4 that are non RAR-applicable, the LTC should still require a biologist report that speaks to the impact of the proposed development and measures to mitigate the impact, and the DAI bylaw must address this.

Staff recommends that a revised DAI bylaw is put forward at the same time as a bylaw to replace DPA 4. Over recent years Islands Trust staff have developed and refined a standard and comprehensive DAI bylaw that can be used as a starting point for Denman Island.

RECOMMENDATIONS:

Based on the above considerations, staff recommends that the Denman Island Local Trust Committee:

1. Endorse the Project Charter dated June 26, 2012;
2. Direct staff to provide a draft development approval information bylaw;
3. Refer the draft Official Community Plan and Land Use Bylaw amendments to Development Permit Area No. 4 to the Advisory Planning Commission, with the staff report dated July 4, 2012; and
4. Direct staff to report back on the work of the Northern Riparian Areas Regulation Working Group with recommendations for communications for Denman Island.

Prepared and Submitted by:

Courtney Simpson

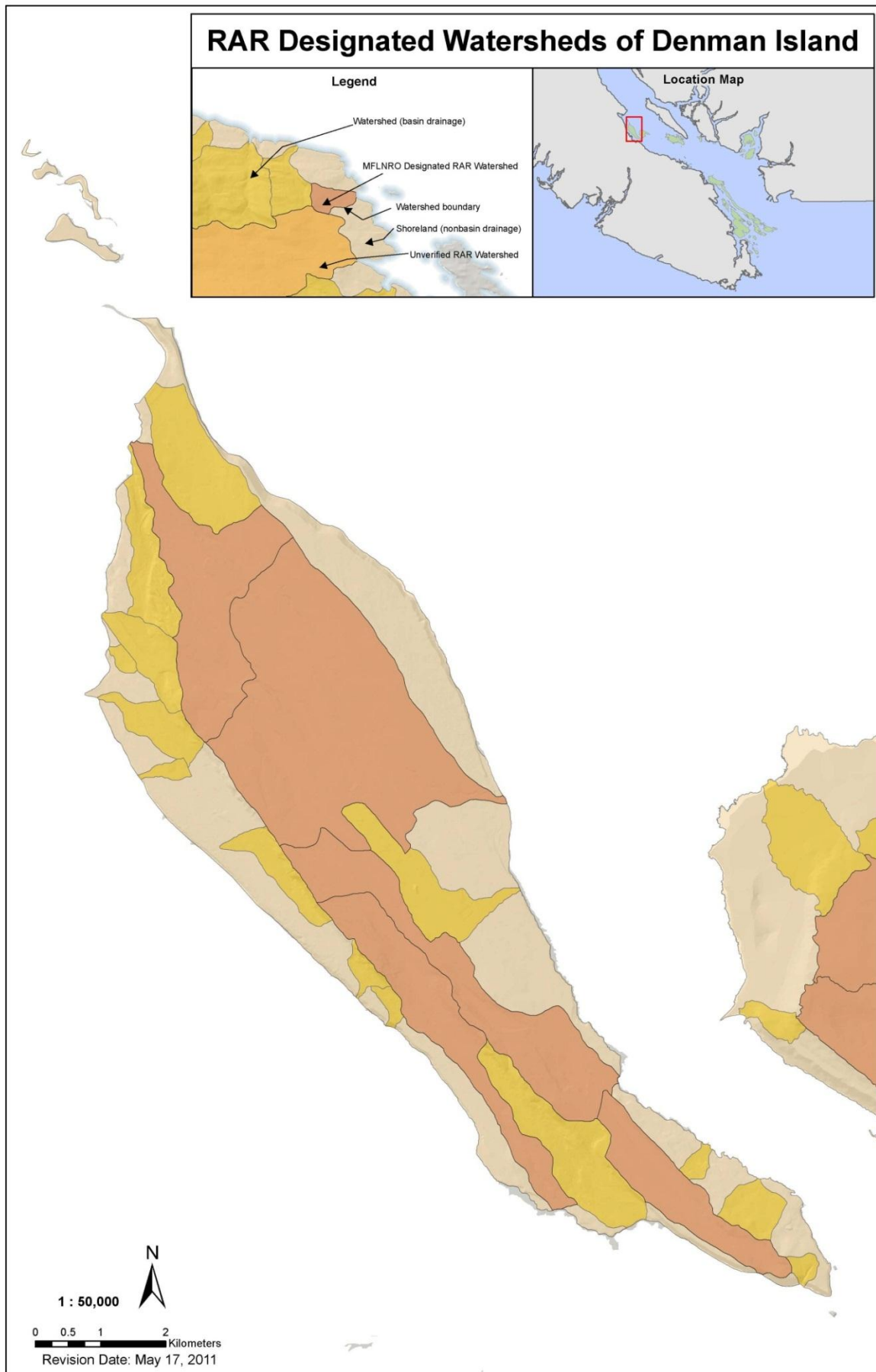
Island Planner, RRP

July 5, 2012

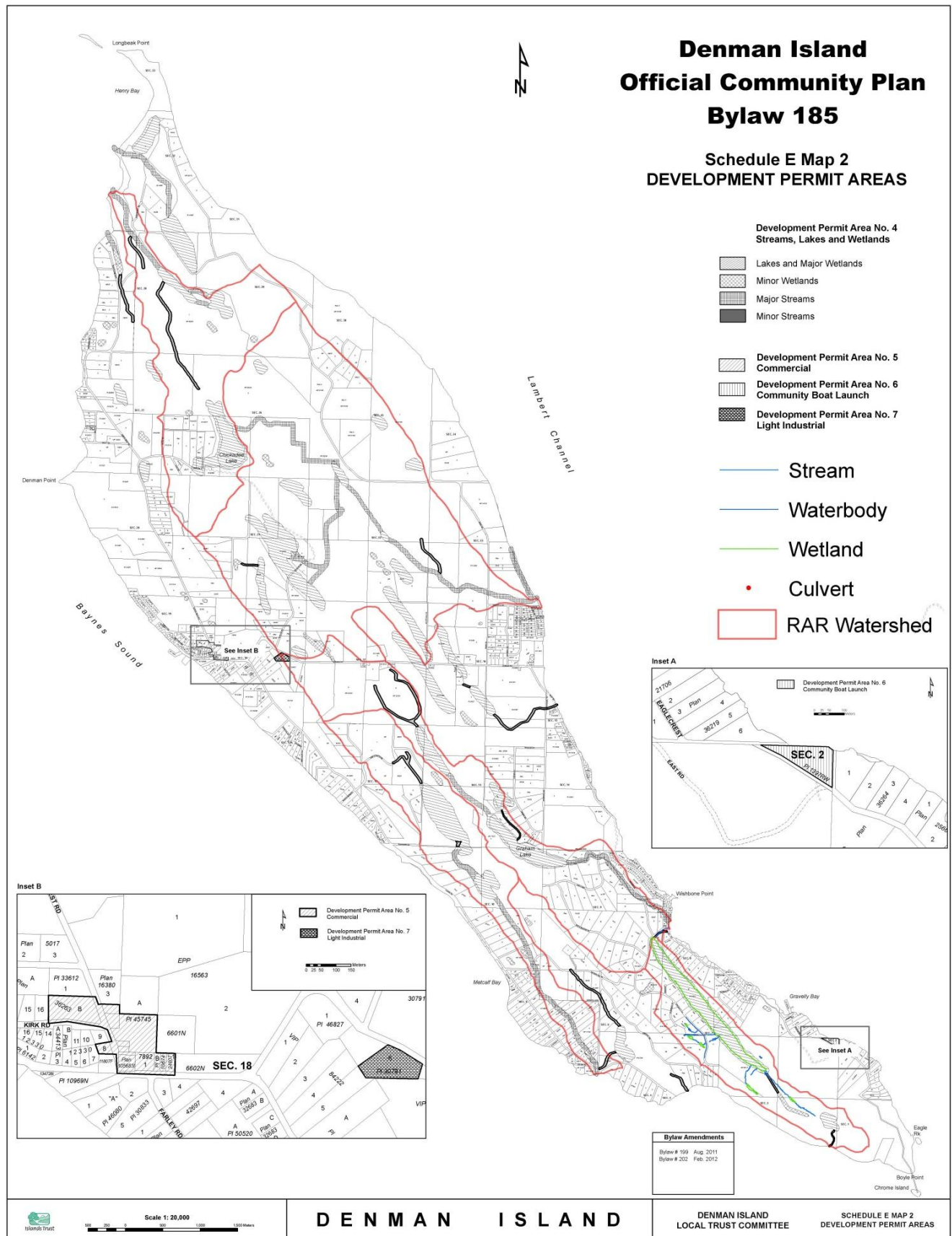
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Attachments:

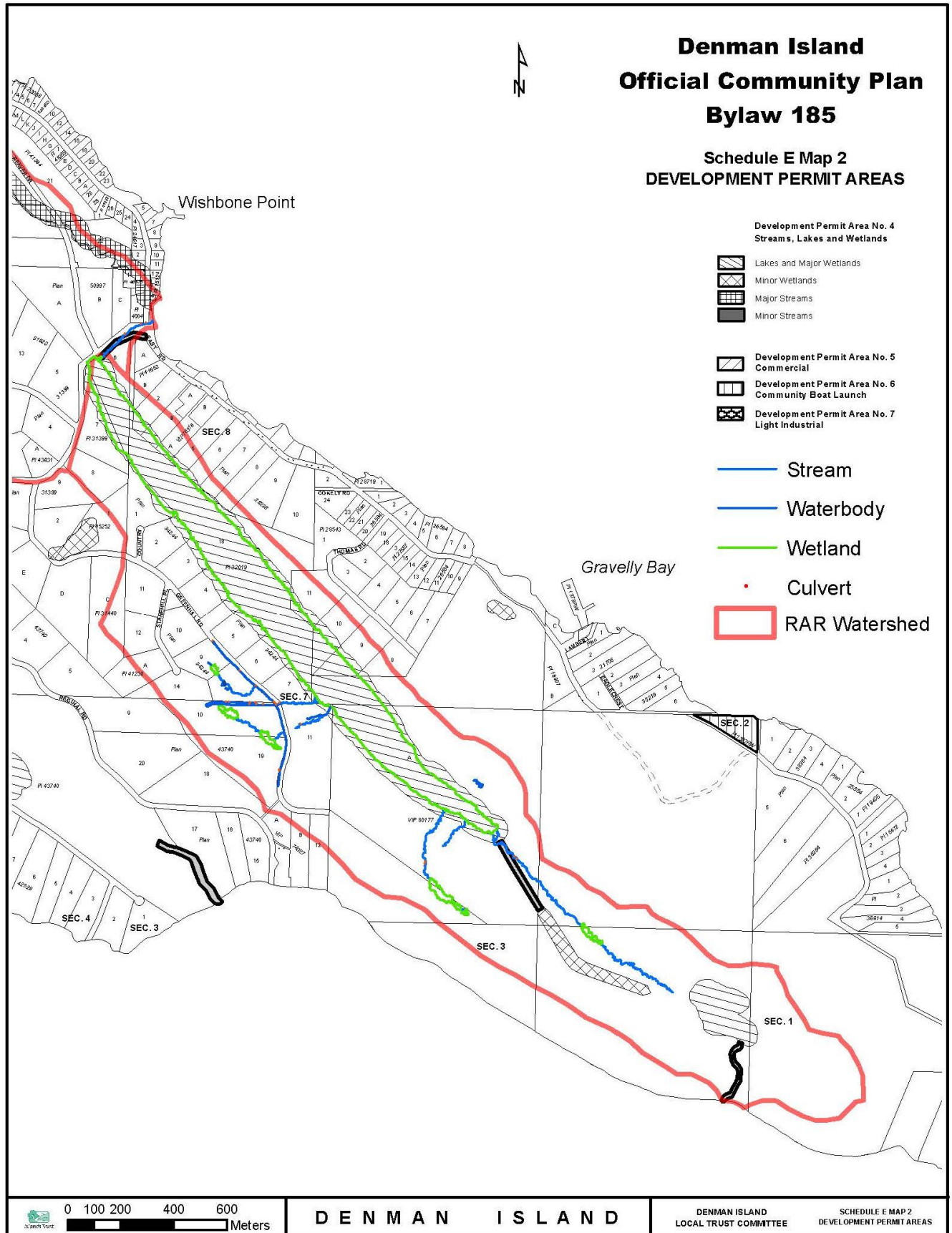
1. RAR-designated watersheds of Denman Island
2. DPA 4 with RAR-watershed boundaries
3. DPA 4 with new Morrison Marsh Watershed stream mapping
4. DRAFT OCP section for DPA 4
5. DRAFT LUB section for DPA 4
6. Project Charter



ATTACHMENT 2: DPA 4 with RAR-watershed boundaries
 Full size, detailed PDF available at www.islandstrust.bc.ca



ATTACHMENT 3: DPA 4 with new Morrison Marsh Watershed stream mapping



ATTACHMENT 4: DRAFT OCP SECTION FOR DPA 4

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

Category

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

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

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

Area:

Development permit area 1 includes all land designated on Schedule E of this plan as being within the Stream, Lakes and Wetlands DPA. This DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule E as major streams, major wetlands, and lakes as the term "streams" is defined in the Riparian Areas Regulation, which includes any of the following that provides fish habitat:

- a watercourse, whether it usually contains water or not;
- a pond, lake, river, creek or brook;
- a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);

and consisting of the surface of the water body and:

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

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

Justification:

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

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and animals. Land use practices including land clearing, logging, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Denman Island.

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

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

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

Objectives:

The objectives of this development permit area are as follows:

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

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

ATTACHMENT 5: DRAFT LUB SECTION FOR DPA 4

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

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

4.4.1 Application Requirements

The applicant may be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee, to provide at their expense an assessment report from a Qualified Environmental Professional (QEP) which has been submitted to the RAR Notification System.

4.4.2 Applicability

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

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land; and
- d) Development as that term is defined in the *Riparian Areas Regulation*.

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

4.4.3 Exemptions

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

- a) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation;
- b) interior or structural exterior alterations, renovations or repair to a pre-existing permanent building or structure on an existing foundation to an extent that does not alter, extend or increase the building's footprint;
- c) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- d) gardening and yard maintenance activities within an existing landscaped area;
- e) pruning within an existing landscaped area conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the life pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one season, topping, the pruning or removal of a structural root within the critical root zone;
- f) the placement of impermanent or moveable structures, such as benches, tables and garden ornaments;
- g) ecological restoration and enhancement projects undertaken or authorized by a public body;

- h) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*;
- i) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood protection and erosion protection;
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow;
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*.
- j) changes in or about a stream authorized under Section 9 of the *Water Act*;
- k) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- l) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- m) mining activities regulated by the *Mines Act*;
- n) actions undertaken by the Crown or an agent of the Crown;
- o) works undertaken by a local government or a body established by a local government;
- p) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;
- q) agricultural activities within a seasonally flooded agricultural field that is in the Agricultural Land Reserve as long as it can be determined by site inspection and/or by current orthophoto interpretation that it has been previously modified for agriculture. If it is not possible to make the determination by these means, other historical evidence that agricultural activities have occurred in the subject area within the last 50 years from the date of the application may be acceptable; and
- r) the following properties are recognized as containing seasonally flooded agricultural fields and are exempt from requiring a development permit for agricultural activities as long as they remain in the Agricultural Land Reserve:
 - Lot A, Section 32, Denman Island, Nanaimo District, Plan VIP 61295;
 - Lot 1, Section 17, Denman Island, Nanaimo District, Plan 43576;
 - Lot 2, Section 17, Denman Island, Nanaimo District, Plan 43576;
 - The South East ¼ of Section 26, Denman Island, Nanaimo District;
 - The North West ¼ of the North West ¼ of Section 22, Denman Island, Nanaimo District; and
 - The South West ¼ of Section 13, Denman Island, Nanaimo District.

4.4.4 Guidelines

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

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP)

or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

- b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- d) The following guidelines are applicable to floats and associated structures within the development permit area:
 - i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;
 - ii) a ramp or float should not rest on the bed of the water body;
 - iii) the use of treated wood in the water body should be avoided;
 - iv) floatation material should be contained within a durable shell to prevent disintegration;
 - v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
 - vi) any areas disturbed during installation should be restored;
 - vii) where a float is being replaced, all old materials should be removed from the riparian area.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.
- f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.



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

Project Charter – for staff use only

Creation Date: June 26, 2012

Last Updated: June 26, 2012

Version: 1.1

	Name	Endorsement Date
Project Sponsor	Chris Jackson	June 27, 2012
Project Manager	Courtney Simpson	July 4, 2012
Local Trust Committee	Denman Island	

Purpose

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

Background

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

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

In the 2011-2012 fiscal year the Denman LTC had sufficient Official Community Plan project budget for one of these watersheds to be mapped, the Morrison Marsh Watershed. There are four remaining watersheds to be mapped, at an estimated cost of \$40,000. There is no budget in the current (2012-2013) fiscal year for this work. The only budget for this project is \$5,000 which is for communications only.

Objectives

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

Scope

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

Deliverables and Milestones

Deliverable / Milestone	Target Completion Date
Project Charter Endorsed by Regional Planning Manager	June 29, 2012
Draft DPA boundary amendment for Morrison Marsh Watershed to LTC	July 17, 2012
Draft amendments to DPA text to LTC	July 17, 2012
Draft amendments to DAI Bylaw to LTC	October 2, 2012
Stream mapping for 4 remaining RAR streams (budget dependent)	June, 2013
Draft DPA boundary amendments for 4 remaining watersheds to LTC	September, 2013
Public hearing bylaw amendments	November, 2013
Adopted bylaw amendments	February, 2014

First Nations

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

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Affected property owners</i>	<i>All</i>	- New DPA requirements are not overly onerous - New regulations are understood - Expect clear, proactive communication
<i>Other community members</i>	<i>All</i>	- Understand that new requirements may NOT apply to their property - Overall concern for protection of Denman Island environment without being overly restrictive.

Stakeholder	Represented by	Interests, expectations, concerns
Qualified Environmental Professionals	VIU Natural Resources Extension Program	• That DPA guidelines will be clear and reasonable • That the DAI bylaw will be clear and reasonable
Farmers	Hornby/Denman Growers and Producers Association	• Concern that new regulations will negatively impact agriculture • Expect clear, proactive communication.
BC Parks	TBD	• For the RAR watershed areas within parks, interested in RAR mapping will be done within parks. • Interested in collaboration and cost-sharing.
Ministry of Environment	Marlene Caskey	• That requirements of the RAR are met in the guidelines • That stream mapping is consistent with their identification of RAR watersheds

Project Team Resources

Name	Project Role	Area	Duration	Time
Courtney Simpson	Project Manager	LPS – Northern	All	20 days
Chloe Fox	Advisor	LPS – Northern	All	1-2 days
Mark van Bakel	GIS Coordinator	LPS – Victoria	Mapping only	1-2 days
Jacquie Hill	Public Hearing	LPS – Northern	PH only	1-2 days
Theresa Vieau	Meeting notices & bookings	LPS – Northern	All	1-2 days

Project Governance

Role	Responsibility
Project Champion – David Marlor	Strategic matters at Executive Committee level
Project Sponsor - Chris Jackson	Ensures project aligns with Trust Council Strategy, provide adequate project resources
Local Trust Committee	Provides support through maintaining the project as a work program priority
Project Manager – Courtney Simpson	All project management of the project, lead/ direct all project work
Project Team Members	Carry out assigned project tasks

Project Budget

Item	Details	Fiscal 12/13	Fiscal 13/14
Communications		\$5,000	
Mapping	4 remaining RAR watersheds		\$40,000
Public Hearing			\$1,500
Totals		\$5,000	\$41,500

Critical Success Factors

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

Links and Dependencies

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

Risk Assessment

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



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):

Approximately 1,022

Size:

5,108 hectares (12,622 acres)

Location:

22 kilometres south-east of Courtenay on Vancouver Island.

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Denman Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Denman Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

June 2012

- The [draft Denman Island Farm Plan](#) is available for public comment. Read the [cover letter](#) to find out how to submit your feedback.

January 2012

- [Denman Island Farm Plan Blog is launched as a way of sharing information and gather feedback from the community on the farm plan currently being developed](#)

November 2011

- [Denman Island Community Heritage Register has been adopted, commemorating the Denman Island Community Hall and the Marcus Isbister Old School Centre](#)

October 2011

- [Food and Farming on Denman Island: Consumer and Producer Perspectives - Report now available](#)

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Denman Island Local Trust Committee Standing Resolutions

- [Home Based Guest Accommodations - May 1, 2012](#)

Denman Island Farm Plan

- [Draft Denman Island Farm Plan for public comment and cover letter for comments](#)
- [Visit the Farm Plan Blog for updated information, next meeting date, and opportunities to post comments](#)
- [Denman Island Farm Plan Public Consultation Brief - November 30th, 2011](#)
- [Food and Farming on Denman Island: Consumer and Producer Perspectives - Report](#)
- [Terms of Reference for Agriculture Plan Steering Committee](#)
- [Agriculture Plan Steering Committee Minutes](#)
- [Denman Island Agriculture Strategy | Land Use Inventory Map | Crop Map | Pasture/Forage and Livestock Map | Soils Map](#)
- [Islands Trust Report: Exploring Food Security In the Islands Trust Area](#)

Rezoning Application for Affordable Housing from Denman Community Land Trust Association (DE-RZ-2011.1)

- [Staff Report for meeting of January 24, 2012](#)
- [Staff Report for meeting of October 13, 2011](#)
- [Staff Report for meeting of September 12, 2011](#)
- [DCLTA Tenant Selection Criteria](#)
- [Application form and package](#)
- [Mapping and Preliminary Biological Description of DCLTA Keystone Project Property](#)

Committee Links

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Watercourse Mapping

- [Riparian Areas Regulation Implementation on Denman Island - Fact Sheet January 2012](#)
- [RAR Stream Identification of the Morrison Marsh System](#)

Ecosystem Mapping

- [Denman Island Local Trust Area ecosystem maps and feedback form](#)

Land Use and Development Information

- [Denman Island Development Permit Brochure](#)
- [Regulation of Land Use on Denman Island](#)
- [Denman Island Siting and Use Permit Brochure](#)

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Denman Island Density Potential Mapping

- [Density Potential Map - October 2010](#)

Relevant Research and Reports

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)

Map of New Ministry of Environment Protected Area showing the North Denman Lands

- [Denman Island Protected Area Acquisitions 2010](#)

Shoreline Management Resources

- [Coastal Shores Stewardship](#)
- [Caring for our Shores](#)
- [Greenshores](#)

[Denman Island Community Profile](#)

[Denman Island Community Heritage Register](#)

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