



Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: October 9, 2018
Time: 9:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER 9:30 AM - 9:30 AM	
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS 9:30 AM - 9:40 AM	
3.1 Harlene Holm for Denman Community Land Trust Association (DCLTA)	4 - 4
4. REPORTS 9:40 AM - 9:55 AM	
4.1 Chair's Report	
4.2 Trustee Reports	
4.3 Trust Conservancy Report dated July, 2018	5 - 6
5. COMMUNITY INFORMATION MEETING - None	
6. PUBLIC HEARING - None	
7. MINUTES 9:55 AM - 10:00 AM	
7.1 Local Trust Committee Minutes dated August 7, 2018 for Adoption	7 - 17
7.2 Local Trust Committee Special Meeting Minutes dated August 2, 2018 for Adoption	18 - 24
7.3 Section 26 Resolutions-Without-Meeting Report - None	
7.4 Advisory Planning Commission Minutes - None	
8. BUSINESS ARISING FROM MINUTES 10:00 AM - 10:10 AM	
8.1 Follow-up Action List dated October 2, 2018	25 - 27

8.2	Denman Island Local Trust Committee Fees Bylaw No. 230 for Adoption	28 - 29
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That the Denman Island Local Trust Committee Bylaw No. 230, cited as "Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be adopted.

9.	DELEGATIONS	10:10 AM - 10:25 AM
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9.1	J. Geremia, Owner/Operator of Blue Owl B&B/Retreat - Presentation	30 - 34
9.2	Denman Island Housing Association - Presentation	35 - 36
9.3	Denman Island Residents' Association Marine Guardians Committee - Presentation	37 - 38

10.	CORRESPONDENCE	10:25 AM - 10:30 AM
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(Correspondence received concerning current applications or projects is posted to the LTC webpage)

10.1	Email dated August 25, 2018 from H&K Christensen	39 - 40
10.2	Email dated September 24, 2018 from Denman Island Residents' Association	41 - 42

11.	APPLICATIONS AND REFERRALS	10:30 AM - 10:40 AM
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11.1	DE-RZ-2017.1 (DCLTA) - Memorandum	43 - 43
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12.	LOCAL TRUST COMMITTEE PROJECTS	10:40 AM - 11:40 AM
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12.1	Denman Island Shared Narrative of Place - attached item - for Discussion	44 - 44
12.2	<i>Denman Farm Plan Implementation - Staff Report</i>	45 - 69

---- BREAK - 11:40 - 11:50 ----

13.	REPORTS	11:50 AM - 12:20 PM
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13.1	Work Program Reports	
13.1.1	Top Priorities Report dated October 2, 2018	70 - 70
13.1.2	Projects List Report dated October 2, 2018	71 - 72
13.2	Applications Report dated October 2, 2018	73 - 78
13.3	Trustee and Local Expense Report dated July, 2018	79 - 79
13.4	Adopted Policies and Standing Resolutions	80 - 80
13.5	Local Trust Committee Webpage	

13.6 Electoral Area Director's Report

14. NEW BUSINESS 12:20 PM - 12:40 PM

14.1 Local Trust Committee 2014 - 2018 Term Summary - Staff Report 81 - 88

14.2 Request from the Denman Island Preschool Society for a Letter of Support - for Discussion

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, November 20, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

16. TOWN HALL 12:40 PM - 12:50 PM

17. CLOSED MEETING 12:50 PM - 12:55 PM

17.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of considering adoption of In-Camera Minutes dated May 1, 2018 AND that the recorder and staff attend the meeting.

17.2 Recall to Order

17.3 Rise and Report

18. ADJOURNMENT 12:55 PM - 12:55 PM

Oct 9/18 LTC meeting Town Hall Session submitted by Harlene Holm for DCLTA

DCLTA was pleased to see the agenda package for the LTC meeting includes an update regarding DCLTA's Sept.7/17 bylaw amendment application for its Seniors' Affordable Housing (Project 2).

I can offer more details to add to this update:

1) DCLTA's water team will be meeting on site with the FLNRO water experts October 15/18. FLNRO's preliminary water budget for the west side of the island is now complete. We understand that the Denman Island Aquifer # 740, which includes the entire island, has not been as thoroughly studied as aquifers on other Trust area islands. Our water licence application process offers an opportunity to fill in some of the data gaps, and we look forward to working with FLNRO.

We note the LTC agenda's chart of Applications for Status Date: June 19/18 reads "Staff consulting with Ministry on TOR and DCLTA licensing." Given that DCLTA's copy of the Trust staff's Water Assessment Terms of Reference (TOR) dates back to the original January 22/18 draft, has the LTC received and adopted a more recent draft of the TOR and, if so, would the LTC provide DCLTA with a copy of this document as it must be guiding staff consultations with FLNRO regarding DCLTA's March 5/18 water licence application for the proposed Seniors' Affordable Housing Project (Lot M).

2) Thanks to Planner Eggen's alerting us to a possible discrepancy, DCLTA sought clarification of the Agricultural Land Commission (ALC) exclusion conditions for Lot M and learned that our application had been misunderstood so as to include the rezoning of all of Lot M, a condition that would not permit the landowner's continued residential use of two of her four acres. In response to DCLTA's July 16/18 formal request, the Agricultural Land Commission's Executive Committee has asked the Island Panel to reconsider conditions as set out in their Nov. 15/16 exclusion of Lot M from the Agricultural Land Reserve.

3) Initially thought to involve no more than a clerical exercise, DCLTA's request for a lot line adjustment to provide access to its proposed Seniors' Affordable Housing Project has resulted in a full subdivision process with all the bells and whistles. We now have a Ministry of Transportation's Preliminary Layout Approval and are working to meet the conditions for final approval.



Islands Trust Conservancy Board Report to Local Trust Committees and Bowen Island Municipality July 2018

Islands Trust Conservancy Manager – Temporary Assignment with BC Parks

The Islands Trust Conservancy Manager, Jennifer Eliason, advised the board she is leaving for a temporary assignment with BC Parks for the next eight months. The board praised Jennifer for her hard work the last ten years and thanked her for her dedication. She will be missed.

Board Vacancy

The board of the Islands Trust Conservancy is thrilled to have received a list of candidates from the Crown Agency and Board Resourcing Office for a vacant board position for an appointed member. The vacancy is due to the completion of Ron Bertrand's appointed term with the board. The board sincerely thanks Ron for his commitment and valuable contributions to the Islands Trust Conservancy over his term.

Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

The board received and reviewed a response letter from Minister Robinson on the ITF Five-Year Plan that included congratulations on the recent name change.

Audited Financial Statements

The board received and approved the Audited Financial Statements for the 2017-2018 fiscal year. The KPMG auditor's opinion was consistent with previous years.

Local Trust Committee Briefing on Regional Conservation Plan

The board requested staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

Summary of Current Island-by-Island Activities

Denman

The board approved the finalised management plan for the Morrison Marsh Nature Reserve, dated July 17, 2018. Board members discussed the report's findings, including intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs and information sharing.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The campaign is over 40 per cent of the way to a \$250,000 goal.

Salt Spring Island

The board considered and approved a request from the Salt Spring Island Conservancy for a waiver to the Andreas Vogt Nature Reserve Covenant to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the nature reserve to protect against future impacts of climate change on Garry oak meadows habitat. The board suggested public communication regarding management techniques to ease possible concerns from the public.

Thetis

Staff continue to negotiate a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Public consultation dates are in the process of being organized with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust to inform the management plan for the protected area.

*Please feel free to contact members of the board of the Trust Fund Conservancy or Islands Trust Conservancy staff for more details. Note: The Islands Trust Fund has changed its legal name to the **Islands Trust Conservancy**. We are in the process of switching over all references to the Islands Trust Fund/Trust Fund Board to the new name. Look for a public launch of our new website and social media in the fall.*

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: August 7, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately eight (8) members of the public

1. CALL TO ORDER

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

Chair Morrison called the meeting to order at 9:32 am. She acknowledged that the meeting was being held in First Nations territory, welcomed the public and introduced Trustees, staff and the recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Members of the public commented with the following noted:

- Concern was expressed regarding dangerous hazards on Denman Island beaches resulting from aquaculture including rebar spikes, loose nets and other infrastructure. She suggested that posting signs in dangerous areas would be helpful and requested that the Local Trust Committee (LTC) assist in this effort.
- A second concern was raised that a shellfish tenure changing from a License to a Lease can bypass the LTC's zoning process and change a W1 Marine Conservation zone to a W3 Aquaculture Zone without local government notification of this change. Speaking notes were submitted for the record.
- Comments regarding the Farm Plan Implementation Project included urging the LTC to remove the reference to cannabis from the definition of "Intensive Agriculture" and to allow community engagement on the subject of cannabis regulations as a stand-alone project. Speaking notes were submitted for the record.

4. MINUTES

4.1 Local Trust Committee Minutes dated June 26, 2018 for Adoption

The following amendment to the minutes was presented for consideration:

- Page 6, item 11.3, first paragraph: remove the last sentence “They provided ...”

By general consent the minutes were adopted as amended.

4.2 Section 26 Resolutions-Without-Meeting Report dated July 30, 2018

Received.

4.3 Advisory Planning Commission Draft Minutes dated June 26, 2018 - for receipt

The LTC received the minutes. Discussion followed on procedure and staff explained that the minutes from the last meeting in a series of Advisory Planning Commission (APC) meetings can be received by the LTC and are available to the public; however they cannot be adopted electronically and remain in draft form until the next APC meeting.

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated July 30, 2018

Trustees discussed the Follow-up Action List and the following comments were noted:

- It was requested that the name of applicants or addresses be added following file numbers and that the Status field be expanded by providing additional information to the “On Going” designation if possible.
- Staff was requested to investigate whether the LTC request “that Executive Committee (EC) undertake further advocacy with DFO in opposition to the establishment of geoduck aquaculture in the Trust Area” has been received by the EC and to follow up if necessary.

5.2 Amendment to Denman Island Fees Bylaw, 2007 - Fee for Liquor Control and Licensing Branch Cannabis Retail License Application - Staff Report

Regional Planning Manager Kjerulf presented the Staff Report and Draft Bylaw. She explained that the proposed fee of \$2,000 for non-medical cannabis retail license applications is based on the model Trust Council fee adjusted for inflation and includes anticipated costs of public consultation.

Trustees asked questions and recognized that holding a public hearing in association with these applications is outlined in the Standing Resolution adopted by the LTC and is an important element that adds expense that is only partially recovered by fees.

DE-2018-069

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a first time.

CARRIED

DE-2018-070

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a second time.

CARRIED

DE-2018-071

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a third time.

CARRIED

DE-2018-072

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

6. DELEGATIONS - none

7. CORRESPONDENCE - none

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

8. APPLICATIONS AND REFERRALS

8.1 DE-DP-2018.2 (Doheny) – Staff Report

Planner Eggen presented the Staff Report that addresses a Development Permit (DP) application to authorize a two lot subdivision within Development Permit Area (DPA) 4-Streams, Lakes and Wetlands. She advised that the application meets the DPA guidelines and that issuance of the permit by the LTC is required to allow the subdivision application to proceed through the Provincial subdivision approval process.

Trustees confirmed that the DP, if approved, would be registered on the property title along with the *Riparian Areas Regulation* Assessment Report, observing that this thorough report is an important tool to maintain the health of this watercourse now and in the future.

DE-2018-073

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2018.2 (Doheny).

CARRIED

8.2 DE-DP-2018.1 (Comox Valley Regional District (CVRD)) - Staff Report

Planner Eggen summarized the Staff Report regarding a DP application being presented for LTC consideration to permit work required on the existing trail and boardwalk at Morning Beach Park. She noted that the subject property is within DPA No. 1 (Komas Bluff) and described the work being considered by CVRD Parks Department to improve public safety and decrease potential erosion in the area. She provided rationale for not requiring a survey plan for this application.

Discussion on the application followed that included the following key points:

- The applicant was in attendance and answered questions that arose regarding anchoring systems.
- Trustees expressed concern that the posted warning signs at the site are being disregarded by the public and have been disappearing; and asked that the CVRD consider improving the signage to provide a better indication of risk for public safety and to decrease erosion that may occur as a result of unauthorized use of the trail.

DE-2018-074

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has determined that the provision of a plan signed by a BC Land Surveyor in conjunction with Development Permit application DE-DP-2018.1 for the re-alignment of stairs and tree work at Morning Beach Park is not reasonably necessary to establish whether the proposed structures comply with the siting requirements of the Denman Island Land Use Bylaw.

CARRIED

DE-2018-075

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2018.1 (CVRD).

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Denman Farm Plan Implementation Project – Memorandum

Planner Eggen outlined the Memorandum that provides referral responses received to date. She advised that the third party responses included in the Growers & Producers Alliance (GPA) response were not included in this document, however will be available upon receipt of permission to release them. She reported on items relating to this project that will be brought forward for LTC consideration at a future meeting. She commented that this is an opportunity for the LTC to request any additional follow-up information from staff.

Discussion on the project included comments and questions from Trustees and the following points were noted:

- The Community Information Meeting (CIM) was considered to have been successful with useful comments, objections and ideas being heard. A Trustee expressed the opinion that the LTC could benefit from slowly and carefully considering the implications.

- It is important to involve non-farmers in the process including their consideration of issues such as density.
- Trustees could encourage non-farmer participation through articles written by a Trustee on this subject.
- Questions for staff to analyze were suggested.
- An alternate definition of feedlot for clarity or consideration of an Information Note was requested.
- Proposed Agri-Tourism regulations permitting three cabins could result in nine bedrooms; consideration might be given to limiting the number of cottages to one with up to three bedrooms.
- Inviting a representative from the Ministry of Agriculture to speak to issues including the definition of feedlot at a future LTC meeting was suggested as a way to help inform the discussion.
- Trustees recognized that there might be reasons to allow panhandle lots, such as for topographical features; and questioned whether it would be possible to have general discouragement with the ability to allow a variance in some situations.

DE-2018-076

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back a staff report on the Farm Plan Implementation Project responding to information received to date and that this include alternative definitions of feedlot and comments on the following questions:

General questions:

1. If “intensive agriculture” is not allowed on R1, 2 and 3, but ‘agriculture’ is, however agriculture is defined by *Farm Practices Protection Act* as a business, and intensive agriculture includes anything where products are grown or raised for sale, what exactly is allowed on R1, 2 and 3?
2. Is subsistence farming in any way limited (compared to current regulatory situation) by these proposed changes?
3. Why do we need a definition of feedlot? Just for setbacks?
4. What is in place currently to ensure that potential housing units will have adequate sewage facilities and will not overtax the groundwater?
5. Will a cistern for rainwater catchment be required for secondary dwellings? (We require this for secondary dwellings generally.)

Questions and follow-up based on Growers & Producers Alliance (GPA) referral:

1. GPA says ‘agriculture’ and ‘farming’ are used interchangeably in the bylaws. Can staff review the bylaws for consistency in this regard?
2. Answer to GPA question, “How will the definitions of ‘farming,’ ‘agriculture,’ ‘horticulture,’ and ‘bona fide farm use’ impact certain activities being allowed in R1 and R2?” (compared to current regulations). Also, how will nurseries (or small farms) in R1 or R2, not in Agricultural Land Reserve (ALR), be affected?
3. For E1, Policy 14—would this make any current dwellings legal non-conforming?
4. What are the implications of allowing some Agri-Tourism and housing options on bona fide farms *not* in the ALR?

5. Agri-Tourism does not mention wineries or activities and facilities associated with them. Where are those regulations? How can we on Denman Island know what is allowed for wineries?
6. GPA notes that definition of Agri-Tourism does not seem to include possibilities for permanent structures (i.e. farm classroom, wine tasting room, etc.); is this true and if so what are implications of considering allowing these?
7. Would animal husbandry (i.e. chickens) not for sale have any setbacks? (see bottom of first page, appendix a) Is this an issue that these proposed amendments would change?

CARRIED**DE-2018-077****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to set up a telephone participation of a staff member from the Ministry of Agriculture at the next Local Trust Committee meeting to discuss definitions and concepts related to the Farm Plan Implementation Project.

CARRIED**9.2 Denman Island Shared Narrative of Place, Community Event Planning - for discussion**

Trustee Busheikin provided an update on a tentative framework for a community and K'ómoks First Nation fireside chat event that may include options for speakers, presentations, story-telling, a community-wide potluck and a tour of Denman Island.

Discussion of this event included budget, process, transportation and other logistics that may need to be organized to provide an opportunity to hold the event outdoors if possible. A Trustee inquired regarding the role of volunteers at an Islands Trust event and staff responded that this question can be researched as plans develop.

DE-2018-078**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to examine the possibility of hiring a bus and to discuss the acceptability of such arrangements with K'ómoks First Nation for the purpose of touring members of K'ómoks First Nation on a visit to Denman Island.

CARRIED**10. REPORTS****10.1 Work Program Reports****10.1.1 Top Priorities Report dated July 30, 2018**

Top Priorities were reviewed and no action was taken at this time.

10.1.2 Projects List Report dated July 30, 2018

DE-2018-079

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add to the Projects List: Incorporate the Regional Conservation Plan into Land Use Planning to foster preservation and protection of Denman Island's ecosystems (based on the Islands Trust Conservancy Report of July 17, 2018).

CARRIED

10.2 Applications Report dated July 30, 2018

Planner Eggen presented the report. She provided an update on the Denman Community Land Trust Association (DCLTA) rezoning application, advising that staff have been working with the Ministry of Environment to harmonize the Terms of Reference and gather more information regarding the Ministry's requirements for water licensing; and staff have been working with the ALC to resolve issues relating to DCLTA's existing approval for exclusion from the ALR that is not consistent with their rezoning application.

A Trustee noted that completion of the harmonization work is taking time and asked for an explanation. Planner Eggen reported that Ministry of Environment staff have been reviewing and analyzing the application and have been keeping the applicant apprised of progress to date. She noted that the Islands Trust Senior Freshwater Specialist has been in conversation with the Ministry as well.

10.3 Trustee and Local Expense Report - none

10.4 Adopted Policies and Standing Resolutions

Received.

10.5 Local Trust Committee Webpage

Trustees requested that the Power Point presentation from the CIM on the Farm Plan Implementation Project be posted to the website.

10.6 Chair's Report

Chair Morrison reported on the following:

- Executive Committee is working on the upcoming Trust Council session;
- She was acting Chair of Trust Council for two and a half weeks;
- Chaired a Public Hearing and LTC meeting on Salt Spring Island;
- Attended a Trust Fund Board liaison meeting in July;
- Attended a Gambier Island LTC meeting
- Attended the Denman Island CIM on the Farm Plan Implementation Project.

10.7 Trustee Reports

Trustee Busheikin reported on the following:

- Has had many conversations with community members regarding Denman Island issues since the last LTC meeting;
- Attended a session at the Readers and Writers Festival discussing a book relating to disintegration of public discourse;
- Attended two APC meetings;

- Attended the Denman Island CIM on the Farm Plan Implementation Project.

Trustee Critchley reported on the following:

- Attended two APC meetings;
- Held Trustee Office Hours;
- Attended a Trust Programs Committee meeting;
- Attended the Denman Island CIM on the Farm Plan Implementation Project.

10.8 Islands Trust Conservancy Report – none

10.9 Electoral Area Director's Report - none

By general consent the meeting was recessed at 11:33 am and reconvened at 11:47 am.

11. NEW BUSINESS

11.1 Housing Needs Assessment Report - Northern Region of Islands Trust - Staff Report

DE-2018-080

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee receive the “Housing Needs Assessment, Northern Region of Islands Trust” report prepared by Dillon Consulting dated June 21, 2018.

A Trustee asked for the purpose of a resolution to receive the report. Staff responded that the *Local Government Act* requires that local governments adopt housing needs reports.

CARRIED

DE-2018-081

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to publish the “Housing Needs Assessment, Northern Region of Islands Trust” report prepared by Dillon Consulting dated June 21, 2018 on the Islands Trust website.

CARRIED

11.2 Denman Community Land Trust Association Housing Agreement – Memorandum

Planner Eggen reported that this Memorandum is presented to advise the LTC that the Owner Statutory Declaration has been received from the DCLTA relating to the Housing Agreement for the property on Lacon Road.

Trustees commended the DCLTA for providing this schedule proactively. They inquired if the Islands Trust has an administrative system in place to track Housing Agreement requirements and Planner Eggen responded affirmatively.

DE-2018-082

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee write a letter to the Denman Community Land Trust Association recognizing their efficient and proactive administration of their Housing Agreement.

CARRIED

11.3 Trust Programs Committee - Service Integration – Briefing

Trustees considered the request for input regarding any service integration concerns and determined that while some improvements have been seen with other agencies, there remain concerns with DFO aquaculture practices, Ministry of Transportation and Infrastructure (MoTI) road maintenance, and options for housing.

DE-2018-083

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

that the Denman Island Local Trust Committee advises Trust Programs Committee that the Local Trust Committee has experienced barriers to engaging service providers/other agencies when addressing the following topics:

1. Affordable Housing
2. Roads
3. Aquaculture Practices

CARRIED

11.4 Islands Trust Conservancy - Regional Conservation Plan Briefing

This item was addressed previously at item 10.1.2 and placed on the Projects List.

11.5 Agricultural Land Commission (ALC) Notification for Proposed Road Allowance in the ALR near Swan Road - Memorandum

Planner Eggen summarized the Memorandum that informs the LTC regarding an application to the ALC for a proposed dedicated road statutory right-of-way within the ALR, advising that while the application is before the LTC for information, the LTC may provide comments to the ALC if desired.

Trustees discussed the proposal with key points from the comments and staff responses as follows:

- A Trustee reported that concerns have been heard regarding the development of the driveway over the wetland. Staff advised that this driveway was installed prior to the DPA being enacted in that area.
- Concern was expressed that a road will have additional implications for that wetland. Staff noted that this application is to remove the road right-of-way from the ALR and should this application be approved by the ALC, the MoTI would refer this proposal to Islands Trust where there would be further opportunity to provide response regarding protection of the wetland.
- Staff advised that a change in use to a roadway would require a DP from the Islands Trust.

DE-2018-084

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide the following additional comments to the Agricultural Land Commission with respect to the Agricultural Land Commission application for a dedicated road Statutory Right-of-Way at the end of Swan Road (ALC application ID 57808): “There is concern that the existing trail or driveway goes through an environmentally significant wetland designated as a Development Permit Area and the potential increased use could have negative impacts on a sensitive wetland”.

CARRIED

11.6 Cannabis Production in the Agricultural Land Reserve (ALR) - for discussion

The document “Protecting land in the ALR guides cannabis production regulation” was presented for LTC information with the following discussion points noted:

- “Cannabis production and retail sales” is currently on the Projects List and work on this will require information and community discussion.
- Regional Planning Manager Kjerulf anticipated that more information will be forthcoming from the Ministry of Agriculture to aid local governments in development of land use bylaws.

11.7 BC Ferries Electronic Sign - for discussion

Trustee Busheikin reported that she has heard community concern regarding the obstruction of the Islands Trust signage by a new, electronic sign at the Buckley Bay ferry terminal. She observed that this has occurred without consultation with the Ferry Advisory Committee and suggested that a response be made to BC Ferries to address the concern.

DE-2018-085

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorize the Chair to write to BC Ferries expressing concern about the location of the new electronic sign at Buckley Bay and asking for alternative proposals.

CARRIED

12. UPCOMING MEETINGS

12.1 Next Regular Meeting Scheduled for Tuesday, October 9, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular meeting date, time and location.

13. TOWN HALL

Comments from members of the public and responses from staff and Trustees included the following:

- When will the candidates for the upcoming LTC election be announced?
 - The election process is conducted by the CVRD and information on key dates can be found on their website.
- Rebar and predator netting have been in use by aquaculture operators for a long time.

- The proposed use of Temporary Use Permits should be included in the upcoming staff report on the Farm Plan Implementation Project.
- What is the deadline for submission of input for inclusion in Farm Plan Implementation Project staff reports for LTC consideration?
 - Timing of inclusion for staff reports is difficult to determine exactly; however, all correspondence on this project will be reviewed by LTC members until the end of the Public Hearing at which time the LTC cannot receive further comments.
- Consideration of cannabis regulation needs to be respectful and include a full community discussion. Support was expressed that there should be growing opportunities for all lots, including small lots; and it was observed that this is currently occurring with no complaints.
- Concern was expressed that this is a busy time for farmers and the Farm Plan Implementation Project should slow down.
- Applications for production of non-medical cannabis retail can be applied for on October 17, 2018 and the LTC will have some ability to regulate land use in that regard. Will the LTC be prepared?
 - Staff responded that the LTC has adopted a Standing Resolution and has given readings on a fees bylaw on this matter. She noted that production will be licensed by the federal government with the LTC receiving a notice of applications. The speaker was encouraged to contact a Planner to discuss this topic further.

14. CLOSED MEETING - none

15. ADJOURNMENT

By general consent the meeting was adjourned at 12:48 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee Minutes of Special Meeting

Date: August 2, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately thirty-five (35) members of the public

1. CALL TO ORDER

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

Chair Morrison called the meeting to order at 6:04 pm. She acknowledged that the meeting was being held in First Nations territory.

2. INTRODUCTIONS

Chair Morrison welcomed the public. She introduced herself, Local Trustees, staff and recorder.

By general consent the agenda was approved as presented.

3. OPENING REMARKS

Trustee Critchley acknowledged that the Farm Plan Implementation Project is a complex undertaking with many implications to be considered. He commented that he is looking forward to hearing from the community both here and at other opportunities that will include a Public Hearing in the future should these bylaw amendments proceed. He encouraged comments and written submissions to be made on this topic for Local Trust Committee (LTC) consideration.

Trustee Busheikin remarked that she has been involved in meetings over time regarding the Farm Plan and noted that the Plan has already been a useful tool in various ways. She pointed out that this initiative to implement the Farm Plan into the Official Community Plan (OCP) and Land Use Bylaw (LUB) is in the early stages and that community input and recommendations are being sought as an important part of the process.

4. DENMAN ISLAND FARM PLAN IMPLEMENTATION PROJECT - PRESENTATION AND COMMUNITY ENGAGEMENT

4.1 Background of Project

Planner Eggen explained that the Farm Plan was a multi-year community project initiated to enhance and preserve farming on Denman Island, undertaken in 2010-2012. The LTC identified the Farm Plan Implementation Project as a Top Priority, is considering potential amendments to the OCP and LUB, and sent out referrals for feedback. She provided an overview of the bylaw amendment process.

She noted that this Community Information Meeting is being held to provide the community with an opportunity to learn about the project and share their comments regarding the proposed bylaw amendments; and to answer any questions that might arise at this stage.

Members of the public asked the following questions and staff and Trustees responded as follows:

- Will all comments received be available for public review?
 - Yes, comments will be received by the LTC and posted on the website.
- How much weight do the referral responses carry?
 - LTC members consider referral responses and staff recommendations and make decisions in a process that is transparent and open to the public.
- Is information on Advisory Planning Commission (APC) and Growers & Producers Alliance (GPA) membership available? Are minutes produced by these groups available for public review?
 - Individuals are appointed to the APC by the LTC; their minutes are public documents and available for review. Information on GPA membership was provided and it was noted that all these members are Denman Island residents. Minutes produced by the GPA are made public when received by the LTC.

4.2 Proposed Changes to Official Community Plan (OCP) /Land Use Bylaw (LUB)

4.2.1 General Regulations, Setbacks and Definitions

Planner Zupanec presented an overview of proposed changes including a new “Agriculture” land designation in the OCP, the modification of four current definitions in the LUB, and four new definitions proposed to be added. She provided information on the three proposed changes to setback requirements.

Members of the public commented and asked the following questions. Staff and Trustees responded as follows:

- Concerns regarding the definition of “feedlots” were expressed and included the following:
 - How does this fit with the Islands Trust Preserve and Protect mandate?
 - Why include this with the Farm Plan on Denman Island?
 - It is unclear if feeding animals for some period of time might constitute a feedlot under this definition.
 - The previous definition contained reference to “commercial” which helped differentiate between a commercial feedlot and a subsistence operation.
 - Many people raise chickens to produce eggs for selling, not solely for personal consumption. Would this make it a feedlot or considered intensive agriculture?

- Other jurisdictions are moving away from using “feedlot” definitions and are covering elements under the definition of “intensive agriculture” instead. Examples can be provided.
- Adding the term “wholly” does not add sufficient clarity. A better approach would be to limit livestock by a method such as density per acre.
 - It is outside of Islands Trust jurisdiction to prohibit feedlots.
- The only change to the current definition of “feedlot” is the addition of the word “wholly” prior to the phrase “sustained by means other than grazing” as an attempt to provide clarity. If there is some element of grazing or pasturing the operation would not be considered a feedlot.
- The term “commercial” was removed however replaced with the phrase “for domestic purposes” to differentiate between a commercial feedlot and a subsistence operation.
- A 50-metre setback from any lot line might be appropriate for a traditional feedlot; however would cause significant loss of available land on a large Denman Island farm should someone consider it a feedlot.
 - The LTC designated the 50-metre setback as a starting point for discussion. The standard setback for this situation is 30 metres.
- All these regulations that require Farm Status are problematic as that is a difficult status to obtain and maintain from year to year. This requirement makes farming less inclusive which is going backwards.
- The suggested definition of “immediate family” in the housing provisions is old-fashioned and might be reconsidered. What if a corporation or retreat centre owns a farm?
 - This definition is provincially mandated and cannot be expanded. It could be removed from the bylaw; however it might be helpful in some cases. This regulation is specific to small, not corporate, farms in the Agricultural Land Reserve (ALR).
- Concerns were expressed regarding the inclusion of cannabis production in the definition of “intensive agriculture”. It was suggested that the definition should not include specific products and that cannabis production should be addressed as a separate, horticultural operation issue.

4.2.2 Agri-Tourism Use and Accommodation

Planner Zupanec explained the proposed changes for Agri-Tourism Use and Agri-Tourism Accommodation with the following key points noted:

- For parcels in the R1, R2, and R3 zones with Farm Status the proposed bylaws would allow Agri-Tourism use. For parcels in the A, F, and RE zones with Farm Status, the proposed bylaws would also allow Agri-Tourism use.
- Proposed zoning changes would allow Agri-Tourism accommodation in the R1, R2, and R3 zones on parcels with Farm Status, subject to approval of a Temporary Use Permit (TUP). In addition to Agri-Tourism use, a farm in the Agricultural Land Reserve (ALR) could also operate a maximum of three accommodation units in the form of seasonal unserviced campsites or cottages, subject to approval by a TUP.

Members of the public commented, and asked questions that included the following with staff and Trustees responses.

- It was suggested that the exclusion of bistros or cafes for Agri-Tourism activities be reconsidered as these could be a wonderful addition to farm visits as in Europe.
- Trailers are not necessarily a negative; this might be an option to consider.
- Are temporary campsites already a permitted use? If so, what is the change?
 - The difference is that these are not for visiting family, rather are commercial in nature with payment received.
- Why limit the number of accommodation units to three when the Province allows up to ten? Why restrict farmers when it is difficult to earn a living on agricultural land?
 - This proposed provision was formulated based on the current regulations that have limited the economic benefit for average residents with a cap at three units; this is intended to limit any unfair advantage for farms to have more than three while providing added flexibility of a variety of types of units.
- There are many varieties of ALR land and farms on Denman Island. Rather than permitting accommodation by number of units, it might be prudent to approve based on other criteria such as size of land, soil classification, water availability, siting, and impact on neighbours.
 - Temporary Use Permits (TUPs) can be used to address many of these issues in order to minimize impact.
- What would be the cost and process time for a TUP?
 - The LTC has the ability to set the price for these TUPs. Estimation for timing from receipt of a complete TUP application to approval is approximately three months.
- Farm Status can change from year to year. It would be problematic if a TUP is tied to that and then the status changes. If land is in the ALR and is being farmed then Farm Status should not be a requirement.
- There was opposition expressed for adoption of housing regulations that rely on complaints from neighbours for compliance in the event of problems.
- How would “woofers” be considered for purposes of these regulations?
 - Woofers are volunteers and as such would be considered guests.

4.2.3 Subdivision, Housing and Farm Help Accommodation

Planner Zupanec noted that the proposed bylaw amendments include:

- A regulation that land in the ALR shall not be subdivided into panhandle lots and she provided an explanation of the rationale for this change;
- A statement that the LTC supports the consolidation of parcels in the ALR;

- A property in the ALR would be permitted one principal dwelling, one secondary suite within principal dwelling, and one temporary dwelling for immediate family. Farm help accommodation could also be permitted subject to a TUP.
- For a parcel in the ALR 2 hectares or larger with Farm Status, the proposed changes would allow one temporary dwelling (maximum 1300 sq. ft.) for farm help accommodation, subject to verification of the need by the ALC.

Members of the public commented, and asked questions that included the following with staff and Trustees responses.

- There is a new policy in the OCP that states that the LTC supports the consolidation of parcels in the ALR; however, it was pointed out that many people cannot afford this approach and more farming is done on smaller parcels.
- What housing options are available for a property with agricultural status, less than two hectares in size and no Farm Status? And how does this interface with lot coverage regulations?
 - The secondary suite option is not tied to Farm Status. Properties over two hectares in size would be allowed additional housing. Current lot coverage regulations would continue to apply.

Concerns were expressed regarding the issue of temporary housing options and included the following:

- What is the logic for the use of temporary dwellings for farm housing and farm help accommodation? It seems that this would be creating a more precarious situation rather than less.
- These temporary housing options sound like a migrant farmer program rather than for affordable housing for those who might want to grow food. Non-temporary housing for family and workers was supported.
- Removal of farm land from the ALR designation is difficult and farming is a long-term commitment. Why not have dwellings that are more permanent?
- The population of Denman Island is aging; supporting younger people who want to farm however lack the funds for property is important. The idea of single family farms is outdated. Temporary housing was not supported and the LTC was encouraged to consider a more accommodating version of family and how to help the younger generation.
 - Farmworker housing may be temporary in nature as housing needs on farms change with resulting impacts on farms. The use of temporary housing provides an ability to ensure that the land is returned to its original state in the event of change.
- Has the increase to density been calculated to determine the effect of possible total uptake of all accommodation units being proposed? A rough estimate by the speaker suggested it might be an additional 350 units. Concern was also expressed that the addition of any additional dwelling without a TUP would increase density.
- The total size for the housing or shared space has not been defined. The use of trailers is not a style of housing that resonates on Denman Island.

- Allowing a secondary suite above an existing farm building using an existing footprint makes more sense for ALR housing provisions than using a temporary dwelling.

Planner Eggen reported on referrals that were sent to agencies, First Nations, the APC and GPA. She provided a summary of referral responses and noted that minutes from the APC and the responses from the GPA were received by the LTC.

4.3 QUESTION AND ANSWER SESSION

Members of the public commented, and asked questions that included the following with staff and Trustees responses.

- What is the definition of “farming”? What is the distinction between commercial farming and subsistence farming? Has consideration been given to subsistence farming: farming for the purpose of replacing food one has to buy with food that is grown?
- A member of the public indicated a desire to see the latest APC minutes when available and to learn of the Ministry of Agriculture’s position on inclusion of cannabis production in the definition of “intensive agriculture”.
- An APC member noted that the minutes from the last meeting have not been adopted; however he reported that APC was in favour of panhandle lots dependant on location and siting; and had serious questions regarding proposed Agri-Tourism regulations.
- A resident reported that there are several small lots with agricultural designation in her neighbourhood subdivision yet there has not been discussion regarding water supply or sewer disposal in these circumstances. Some have shallow wells however setbacks discussed do not seem to apply to these. These issues need to be addressed as these proposed regulations and additional dwellings will have impacts on neighbours.
- Islands Trust’s and an island’s needs and approach to farming are different from those of the Ministry of Agriculture. We have to find ways that allow us to feed ourselves which was a theme of the Farm Plan. Concern was expressed regarding the feedlot and intensive agriculture definitions.
- A GPA member expressed concern that the second referral response has not been considered or incorporated into this proposal.
 - Procedure was explained and it was clarified that the GPA’s latest referral response has been reviewed by Trustees and will be presented and considered at a future LTC meeting. The input from this group is appreciated and the LTC is grateful for the work and input provided by both the APC and the GPA.
- A YMCA-type unit and public laundry facility available to farm workers would support unserviced camping sites and a need experienced by summer workers. This arrangement would be more efficient and less costly than putting in grey-water facilities on properties.
- The LTC was encouraged to consider all comments provided by the APC and GPA.

5. OPEN HOUSE

Chair Morrison pointed out the location of maps, copies of the proposed amended bylaws and comment sheets and encouraged feedback from the community.

6. UPCOMING MEETINGS

6.1 Next Regular Meeting Scheduled for Tuesday, August 7, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next meeting date, time and location.

7. CLOSING STATEMENTS AND ADJOURNMENT

Trustees thanked everyone for their participation tonight and for staff's work in bringing this presentation to the public

By general consent the meeting was adjourned at 8:02 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

06-Feb-2018

Activity	Responsibility	Target Date	Status
Staff to invite representatives of the BC Farm Industry Review Board to meet with Denman LTC. April 24, 2018 update: FIRB request to put on hold until closure of a current FIRB complaint. June 26 2018 <u>update: second</u> request sent to FIRB for potential timing on closure of complaint.	Marnie Eggen		On Going

06-Mar-2018

Activity	Responsibility	Target Date	Status
Staff to issue DE-DVP-2017.2 (Doheny).- done. Staff to report back on subdivision potential and density transfer potential.	Marnie Eggen		On Going

01-May-2018

Activity	Responsibility	Target Date	Status
Staff amend Bylaw 228 and Bylaw 229 and bring back options for changes to Bylaw 229.	Sonja Zupanec Marnie Eggen	11-Sep-2018	On Going
1st reading given to Bylaw 228 and 229 with changes. ITPS Directives Checklist to EC. Bylaw referrals to Agencies and First Nations. Staff to add APC upcoming meeting notices on Denman Webpages. Staff to add upcoming APC meeting notices to the e-subscriber notifications.	Becky McErlean Sonja Zupanec Marnie Eggen		Done
LTC to request EC to undertake further advocacy with DFO in opposition to the establishment of geoduck aquaculture in the Trust Area.	Marnie Eggen		Done

Follow Up Action Report

07-Aug-2018

Activity	Responsibility	Target Date	Status
Bylaw No. 230 (Fees) given 1st, 2nd and 3rd readings. Forward Bylaw No. 230 to the Secretary of the Islands Trust for consideration of the Executive Committee. Executive Committee approved on August 15, 2018	Becky McErlean Ann Kjerulf	08-Aug-2018	Done
Development Permit DE-DP-2018.2 (Doheny) approved. Permit to be signed and Notice of Permit registered on title.	Becky McErlean Marnie Eggen Penny Hawley	21-Aug-2018	Done
Add to the Projects List: LTC to incorporate the Regional Conservation Plan into land use planning to foster preservation and protection of Denman Island Ecosystems (based on the ITC Report July 17, 2018)	Marnie Eggen	14-Aug-2018	Done
Staff to publish the "Housing Needs Assessment, Northern Region of Islands Trust" to the Islands Trust website.	Marnie Eggen	14-Aug-2018	Done
LTC to write a letter to DCLTA recognizing their efficient and proactive administration of their housing agreement.	Ann Kjerulf	28-Aug-2018	Done
LTC advise Trust Programs Committee that the LTC has experienced barriers to engaging service providers/other agencies when addressing the following topics:affordable housing, roads, aquaculture practices.	Marnie Eggen	28-Aug-2018	Done
Staff to provide LTC comments to the ALC regarding notification of to the ALC with respect to the ALC application for a dedicated road Statutory Right of Way at the end of Swan Road (ALC application ID 57808)	Marnie Eggen	14-Aug-2018	Done

Follow Up Action Report

LTC to write to BC ferries regarding the new electronic sign and request consideration of alternate proposals.	Marnie Eggen	28-Aug-2018	On Going
Staff to include in upcoming staff report for the Denman Farm Plan Implementation Project and bylaws 228 and 229 the list of questions from Trustee Busheikin and staff to set up telephone participation from Ministry of Agriculture at the next LTC meeting.	Sonja Zupanec Marnie Eggen	02-Oct-2018	On Going
Staff to investigate bus transportation to tour K'omoks First Nation on Denman Island for the community event in October.	Marnie Eggen Wil Cottingham	21-Aug-2018	On Going
Development Permit DE-DP-2018.1 (CVRD) approved. Permit to be signed and issued.	Teresa Rittemann Wil Cottingham	27-Aug-2018	Done

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 230

A BYLAW TO AMEND THE DENMAN ISLAND LOCAL TRUST COMMITTEE FEES BYLAW, 2007

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections;

NOW THEREFORE the Denman Island Local Trust Committee, being the trust committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

1. Citation:

This bylaw may be cited for all purposes as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 181, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007” is amended as shown on Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 7th DAY OF AUGUST , 2018

READ A SECOND TIME THIS 7TH DAY OF AUGUST , 2018

READ A THIRD TIME THIS 7TH DAY OF AUGUST , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

15TH DAY OF AUGUST , 2018

ADOPTED THIS DAY OF , 201X

Chair

Secretary

Denman Island Local Trust Committee

Bylaw No. 230

Schedule 1

1. Part 3, **Application Fees**, Section 3.1, **TABLE 4 – Other Applications**, is deleted in its entirety and replaced with the following:

TABLE 4 – Other Applications	
Column 1	Column 2
1. Board of Variance	\$990
2. Strata Conversion	\$1,100
3. Liquor & Cannabis Regulation Branch – Liquor Licensing Applications	\$825
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications	\$2,000

2. Part 3, **Application Fees**, Sections 3.3 through 3.6 are deleted and replaced with the following:

3.2 An application administration fee in the amount of \$110.00 being a portion of the fee referred to in Table 1 is not refundable in any event.

3.3 An application administration fee in the amount of \$55.00 being a portion of the fee referred to in Table 2, Table 3 and Table 4 is not refundable in any event.

3.4 Subject to Section 3.2 and Section 3.3, if an application is not processed for any reason, the Islands Trust must refund to the applicant the application fee.

3.5 In the event a public hearing is not held in respect of an application referred to in Table 1, the applicant shall be entitled to a refund in the amount of \$1,650



The
Blue Owl B&B

blueowlendenmen.com

8850 Owl Crescent, Denman Island, B.C. V0R 1T0 (250) 335-3440

October 9 - 2018

To Islands Trust
Denman Island Trustees
Laura Busheikin David Critchley.
Bylaw enforcement manager
Miles Drew.

We are writing this letter in good faith, that together we are committed to finding solutions.
Re: Bylaw enforcement letter from Islands Trust dated August 15-2018 unlawful guest accommodation.

Our initial reaction was honestly disbelief, after all, the Blue Owl has been and still is an integral part of the hospitality / guest accommodations / B&B's which have been serving the Denman Island Community for several years. The Blue Owl is well into its ninth year. (and well before Air B&B became a platform for advertising.)

We opened the Blue Owl door in April 2009 and invited all our neighbors to help us celebrate, it was important to us, that they could see for themselves, what the Blue Owl was all about.



The
Blue Owl B+B

blueowlindenmen.com

5550 Owl Crescent, Denman Island, B.C. V0R 1T0 (250) 335-3440

October 9 - 2018

We offered discounted rates to Denman Islanders family members. We had an overwhelming response; the Blue Owl embraced Mothers brothers sisters aunts fathers uncles cousins daughters and sons of Denman Island residents who were unable to accommodate them. Our guests have come from near and far, some come for peace and tranquility others for specific events and some for both. The Blue Owl to date has welcomed thousands of guests including B.C. Ferry employees and hydro crews. The Blue Owl is open all year, which only a few of us are. Every year we seem to lose some accommodations due to a variety of reasons. (sickness etc.)

The Blue Owl is a self-contained fully furnished cottage style B+B with provisions for breakfast choices, that our guests can enjoy in privacy on their own time line.

The Blue Owl is an extension of our home and hospitality, every guest is warmly greeted



The
Blue Owl B+B

blueowlendenmen.com

8850 Owl Crescent, Denman Island, B.C. V0R 1T0 (250) 338-3440

October 9-2018

and orientated.

Denise and I live on the same quiet 4.9 acre property and the Blue Owl is tucked in close to nature, with ample parking. It has indoor plumbing (an annually inspected and certified septic system) and a reliable water ~~source~~ system (Graham Lake Improvement District) which also makes us unique.

The Blue Owl has never received a complaint, what we do have are guest books, full of compliments drawings and well wishes.

There has never been an attempt on our part to deceive or try to hide the placement of the Blue Owl in relation to the main house, which is a part of the magic.

We are a registered business, we have been featured in magazine articles, we have a web site, we have been listed in the Hornby and Denman visitors guide for the past eight years. We have a series of post cards from local artists, we have a logo and signage on our vehicle. The



The
Blue Owl B+B

blueowlindenmen.com

8850 Owl Crescent, Denman Island, B.C. V0R 1T0 (250) 236-3440

October 9 - 2018

Blue Owl is truly transparent, and is much more than a place to stay, it embodies goodness generosity and is a place of safety rejuvenation and healing.

The Blue Owl has a gentle impact on the environment, at the same time leaves a lasting impression on the guests.

We support local business and artists whenever possible, and we truly believe the Blue Owl to be part of the overall Community Plan.

Denise and I have taken much care and attention and hard work to bring the Blue Owl to where it is today. It shows as we feel the community love and support right back. It is a unique sustainable home based business, that uses an auxiliary building - (not just any building a salvaged + saved over 100 year old hip style roof farm building).

The Blue Owl has been and still is a valuable resource for Denman Island and has proven to be a consistent reliable contributor to our economy, and well being.



The
Blue Owl B&B

blueowlandenman.com

8850 Owl Crescent, Denman Island, B.C. V9R 1T0 (250) 235-3440

October 9 - 2018

In closing we are committed to finding creative and fair solutions, so that the Blue Owl can continue to be of service to the community. Some suggestions to date have been to amend and review the bylaw, offer the possibility of temporary land use permits.

Respectfully

Julie Geremia and Denise
Julie A. Geremia Gratton

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

Presentation to DILTC October 9 2018

Trustees, thank you for the opportunity to address you today.

Thank you for your past support & in particular that of Susan Morrison, our off-island Chair, for whom I understand this is a last Denman Island Trust Committee meeting.

To set the context of my two requests of Trustees today, permit me a brief recap of the history to date of the affordable housing challenge on Denman Island.

When my wife & I bought our house on Denman almost exactly 15 years ago, one shortcoming of the island quickly resonated, the shortage of affordable rental housing caused by rising house prices due I part to outsiders like us buying homes.

That said the problem was not new, it had been talked about for years, with no solution found because any land that was not in the ALR was private & too expensive.

Seven years ago when Denman Housing Association was incorporated, nothing had changed. Which is why it took 6 years of looking and many dashed hopes before we fashioned a deal for the 20 acres on Denman Road that will cost nobody anything.

Following the land Agreement, on April 12 this year, BC Housing, with whom we had been developing a relationship for two years or more, invited us to apply for Proposal Development Funding with the proviso, and this is important, with the proviso that we apply for Capital Funding in 2019.

On July 11, based on their estimated capital cost for the 20 unit project of \$6.7m, BC Housing approved \$95,000 in Proposal Development Funding or PDF. This money allows us to drill for & prove water, dig test pits and prove septic, refine site plans, do geotech, landscape & other assessments, apply to you for Bylaw amendments, to MoT for subdivision of the Denman Green property and much more.

In parallel with all this we have been developing a prospective renters' list with 43 names on it so far, all of whom would qualify for affordable housing under this year's BC Housing income criteria. Most recently, on September 22nd, we held a

Community Information Meeting with 45 attendees signed in, a good, broad-ranging discussion, plenty of questions, unanimous support & even some applause.

Finally, in continuation of all this progress, on October 1 we sent our Island Planner an Application for Bylaw & OCP Amendments, in all some 40 documents running to some 300 pages or more. On the advice of our Planner we modelled our Application on the November 2017 Staff Report on DCLTA's Application, in order to create documents that may be copied directly into the Staff Report being prepared for our Application now & so save time for all concerned.

Which brings me to the main point of this Presentation.

Which is that you Trustees do for the Denman Housing Association Application what you have done a dozen times before, approve the necessary Bylaw amendments, make the relevant referrals, hold the required community meetings, but do it all much faster. That you look for ways to compress the process, take some steps simultaneously. For example when the Staff Report is written, one might hope for consideration at your November 20 meeting, why can it not include draft Motions to approve the amendments, to proceed to an early community meeting, to make referrals & more? Because time is of the essence and a week lost now could be critical next year.

Because, based on this year's funding call, we need to start work on our Capital Funding Application to BC Housing by June, 9 months from now. Later than that and we risk losing our place on the funding list for 2019, losing perhaps the funding altogether, because no one knows what funds the Province may allocate in 2020.

My second request concerns water, a critical factor in a 20 unit project. We have just cleared a site for drilling the Denman Green well, but have no data on the flow as yet. Whatever it is, I would ask that Trustees consider a Motion stipulating that rainfall collection and use be taken into consideration when assessing the water needs of Denman Green. Because if the Water Sustainability Act seeks to protect groundwater resources, then surely using rainwater in place of well water where permitted should be encouraged? In any case Denman Green will be plumbed to use rainwater exclusively for all flushing & outdoor uses, representing, according to experts, a groundwater saving of at least 30% of household consumption. For the sake of affordable housing and our water resource I ask that you actively support our use of rainwater on Denman Green.

Thank you for your attention. Any questions?

Denman Island Beaches~ the "Missing Link"

Thank you for the opportunity to speak today on what the Denman Island Residents Association Marine Guardians (MG's) has identified as a golden opportunity- promotion of our beaches. Currently, work continues on the CVRD Cross Island Trail while other trails are being developed and maintained as part of the Denman Parks and Greenways Master Plan.

I'm sure that you would agree that we are extremely fortunate to have this network of trails throughout our numerous parks which encourages active, healthy recreational pursuits and draws visitors here in droves, while providing habitat and corridors for wildlife. But all is not well in the Greenways Master Plan- there has been an identified gap or "missing link". In it's survey, the CVRD noted- *"A thorough examination of all parks, Crown lands, DCA lands and ITF (Islands Trust Fund) lands revealed that **there are currently no recreational greenways (linear parks) on the island** . It is exactly this type of function that has been noted by residents as lacking. These greenways may also serve as wildlife and biodiversity corridors and connect existing trails and community features."*

The DIRA MG's feel that incorporating beach walks into the Greenways Master Plan could fill that gap by connecting our foreshore to the trails network. The concept of hiking through forest and then along the shore is well received and appreciated elsewhere and would certainly appeal to those arriving by kayak, canoe or even sailboat at Henry or Scott Bay which is in close proximity to a huge network of trails. As well, the BC Marine Trails Network Association out of Ladysmith identifies, maps and promotes a network of public marine access points, launch sites, camping sites, picnic spots and public recreational sites along the BC coast and Denman's beach-forest hikes could easily dovetail into that initiative.

Truth be told- serious hikers tend to overlook our island because it does not offer long enough hikes, but when you connect beach to forest you can now have hikes that are hours long, provide a circular route, a change in scenery and even include access to Chickadee Lake.

We have many beach accesses which already (unofficially) connect to trails such as Gladstone Way into the Butterfly Reserve or the beach access at Chrisman Rd. or Scott Rd. which connect with the Wren Trail and onto Chickadee Lake. The CVRD is already considering the access from the Denman West ferry terminal/Community dock area along the beach to the new Piercy Rd. Park and then a short walk to downtown while avoiding ferry traffic.

In the future, other beach access trails could be opened such as Runkle Rd. at the Komas Ranch border near Henry Bay. Some beaches could also be promoted as mountain bike routes such as from the Community dock to Millard Rd. On Denman's east side, beach accesses could connect with the Cross Island trail and provide variety and options for non motorized travel.

The MG's have always thought that failure to promote our foreshore as a recreational corridor is a missed opportunity. A large percentage of our beaches are easily accessible and afford hikers, riders and even wildlife, a convenient and enjoyable method of connecting to other areas, parks, trails and local features. With the exposure and promotion through the Greenways Master Plan, a greater appreciation of our surrounding waters and beaches would follow and with that raised awareness, this precious resource might eventually qualify for some much-needed oversight.

Therefore, the MG's would appreciate the support of the DILTC in moving this initiative forward.

Henry Bay

Morung Beach

SALISH

SEA

Georgian

BLUFF

KOMAS

DENMAN

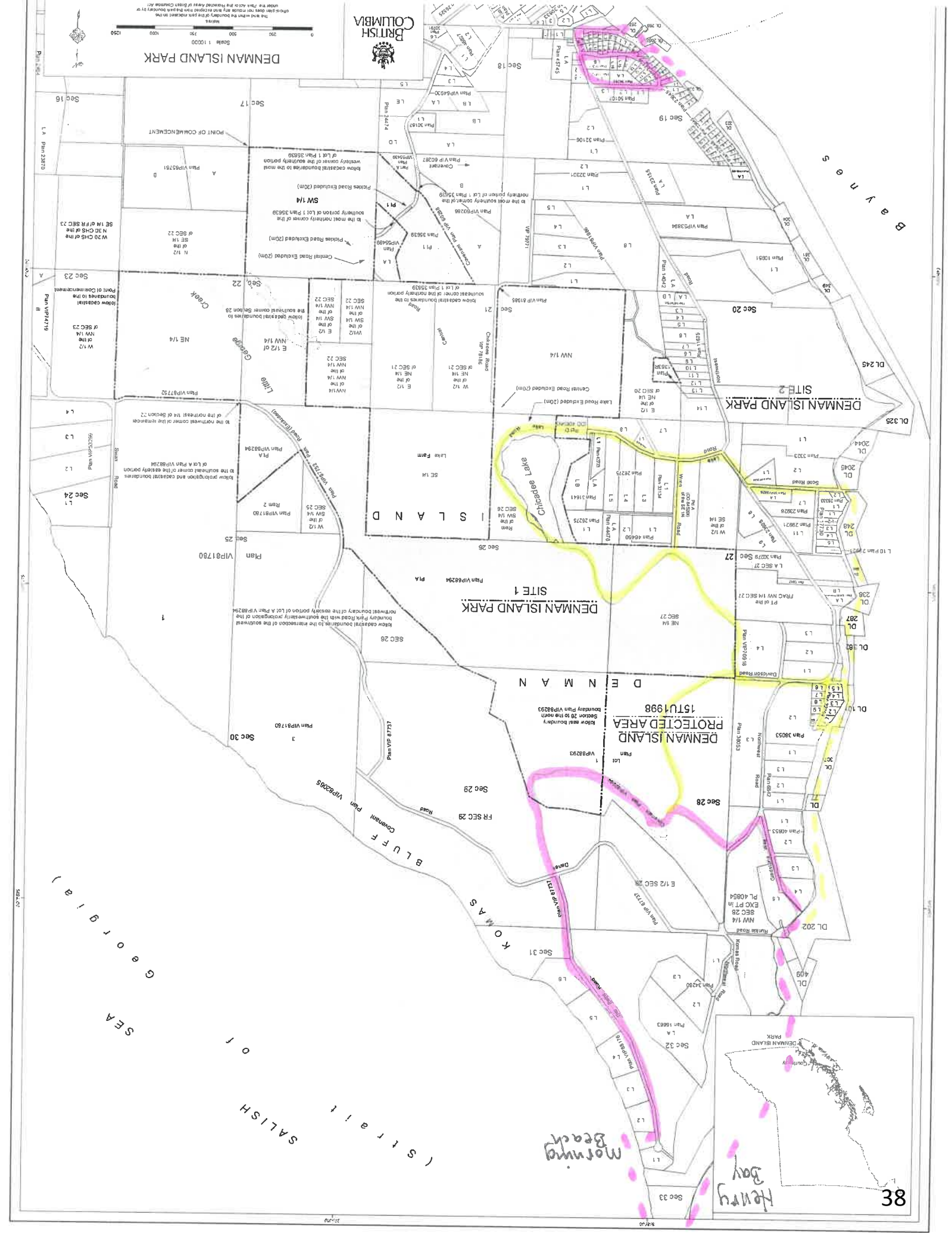
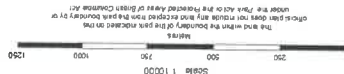
DENMAN ISLAND
PROTECTED AREA
15TU1998

DENMAN ISLAND PARK
SITE 1

DENMAN ISLAND PARK
SITE 2



DENMAN ISLAND PARK



From: [REDACTED]
Date: August 25, 2018 at 5:18:32 PM PDT
To: <lbusheikin@islandstrust.bc.ca>
Cc: <dcritchley@islandstrust.bc.ca>
Subject: Short Term rentals

Hello Laura and David

The majority of people wanting to holiday on Denman do not have the luxury of having a month or more to spend on the island.

Typically they come here to attend events like Writers festival, weddings or to visit with family that lacks space to accommodate extended families.

Given the fact that we have very limited eating facilities on Denman makes it clear to me that your recent crackdown on

Short Term Rentals is not a viable solution. As an example you are now making it almost impossible for a family with two children

and a grandparent in tow to find a suitable place to stay. I believe visitors need a place to stay where they "can put the little guy down for a nap if needed" and make a meal at the end of the day. I think you will find the rest of the world agrees with that.

Our current bylaw prevents that in most cases and is in my opinion out of touch with reality and should be updated to reflect to-days environment.

I can appreciate your dilemma regarding STR especially since it does not have the enforcement tool available to crack down on

specific repeat offenders creating a distinct nuisance impacting their neighbors. Unless you decide to declare almost everybody illegal in violation of Bylaw 186.

I believe there is a better solution and would like to offer this for your consideration.

First this suggestion should have no impact on current operators operating within the current bylaw.

Secondly everybody else should only be able to offer STR based upon a simple Permit system.

So if you do not have a permit you will be operating illegally and can be dealt with applying the Bylaw.

Property owners wanting to operate STR should be required to sign the following, and of course if you then violate the terms that you have signed

to adhere to you will/can loose your permit. This gives the Bylaw Officer the tool needed to crack down on individual offenders if needed.

Clever heads than mine can of course add or subtract as needed. This is an outline.

Conditions to obtain a locally issued permit.

1: You must live on the island

2: On lots sized 1 hectare or less you can only accommodate a max of 4 adults plus children at any given time.

3: On lots above 1 hectare you can only accommodate a max of 6 adults plus children at any given time.

4: Sign stating STR plus contact name must be installed at driveway.

5: You agree not to become a nuisance to your neighbors

Violations of this permit can and should be dealt with by the Bylaw Officer having the authority to revoke the permit.

Maybe it could be a good idea to relegate this to your advisory committee, let them “beat the bushes” on the island and come up with a recommendation.

In the meantime I suggest you put a limited moratorium on the current crackdown.

On a personal level I admit freely that my wife Hanne and I are the proud owners of Arbutus Ridge (11 acres plus) with a fully restored and functional

3 bedroom cottage and have delighted over the years to welcome to Denman people from many parts of the world.

They love the lifestyle here . So do we.

Hopefully a sensible solution can be found

A response from you would be very much appreciated.

Thank you

Best regards

Hanne & Kris Christensen



Denman Island Residents Association

PO Box 17, Denman Island B.C. V0R 1T0 dira@denmanresidents.com

September 24, 2018

Mark Harrison

Parks and Active Transportation Planner

Comox Valley Regional District

600 Comox Road

V9N 3P6

mharrison@comoxvalleyrd.ca

250 334-6067

Dear Mr. Harrison:

At the Denman Island Residents Association general meeting held on Sept. 10, 2018, the DIRA Marine Guardians Committee (DIRA MG's) brought forth the idea of having beach walks incorporated into the CVRD Greenways Master Plan. This could fill some of the missing greenways links that CVRD has identified on Denman Island. Beach walks that line up with and possibly connect the network of existing trails would be potential "first step" candidates.

After discussion and sharing of ideas at the Sept. 10th meeting, a motion was made- "requesting that the CVRD consider incorporating suitable beach corridors in the Greenways Master Plan." The motion was seconded and 11 residents voted in favour with 3 voting against. The motion was passed.

The DIRA MG's feel that with the promotion, exposure and increased use of designated beach accesses and beach walks, a greater appreciation of our surrounding waters and beaches would follow. The DIRA MG's looks forward to discussing this further with the CVRD in hopes of moving this initiative forward. If this is agreeable to the CVRD, please contact the DIRA MG's chair- Edi Johnston [REDACTED] or email diraguardians@gmail.com

Thank you for your time and consideration,

Ron Shepherd

Ronald Shepherd

President: Denman Island Residents Association

MEMORANDUM

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

DATE OF MEETING: October 9, 2018
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Rezoning Application for Seniors Affordable Housing

PURPOSE

The purpose of this memorandum is to update the Denman Island Local Trust Committee (LTC) on the status and next steps for the Denman Community Land Trust Association (DCLTA) application for seniors affordable housing at 3730 Denman Road.

STATUS OF APPLICATION

Staff and the DCLTA have been working towards settling the draft Water Assessment Terms of Reference (TOR). As mentioned at a previous LTC meeting, the DCLTA has applied to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for a water license. FLNRORD staff have advised that, in the near future, they will be conducting a water budget analysis on the aquifer to be drawn from, because their data indicates that the aquifer is showing signs of stress. It is anticipated that subsequent to their analysis, they will be better prepared to speak to the technical requirements needed to satisfy the water licence application (including whether or not a pump test will be required). FLNRORD staff have also indicated that the water budget analysis might be complete within the next few months.

As noted at a previous LTC meeting, staff have requested assistance from the Agricultural Land Commission (ALC) to address the outstanding issue with the discrepancy between the rezoning application and the terms of the ALC's decision to authorize exclusion of the subject property from the Agricultural Land Reserve.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	October 2, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 2, 2018

From: Tony Law <tlaw@islandstrust.bc.ca>
Date: September 21, 2018 at 11:56:22 AM PDT
To: Laura Busheikin <lbushiekin@islandstrust.bc.ca>, David Critchley
<dcritchley@islandstrust.bc.ca>, Alex Allen <aallen@islandstrust.bc.ca>
Subject: Fw: Use of traditional K'omoks names for Hornby and Denman

Hi Laura, David and Alex:

At Keats, Chief Bill stated that it would have been appropriate if each trustee identified the island they come from with the indigenous name as well as the colonial name.

Below is an email exchange with Tina about the use of K'omoks names for Denman and Hornby. There has been discussion, mostly on Denman but also some on Hornby, about incorporating these names on our islands.

I thought it was important before discussions got any further, that we check in with K'omoks HF before pursuing this unilaterally.

You will see from Tina's attachment that the names for our islands and pronunciations are as follows:

Denman: taystayic ('inside') pronounced: Klies-tie-eech

Hornby: cetaycen ("outside") pronounced: cheh-tie-chen

(*there is a little "v" over the c in both K'omoks names - but I don't know how to replicate that!)

Tina suggests we come up with a plan of how we might use these names on our islands to present to chief and council.

On Hornby, I will bring this up at next week's LTC meeting and also request an opportunity to present this to the upcoming twice-yearly meeting of community organizations (CAST).

Tony Law
Hornby Island Local Trustee
Chair, Islands Trust Conservancy
tlaw@islandstrust.bc.ca
(250-335-1155)



DATE OF MEETING: October 9, 2018

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Denman Farm Plan Implementation Project – Bylaw Nos. 228 and 229

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 228, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:
 - a. Revise the proposed policy regarding panhandle lots to clarify that panhandle lots in the ALR should only be allowed where there would be a significant agricultural or community benefit.
2. That the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:
 - a. Include Temporary Use Permit (TUP) and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family;
 - b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms;
 - c. Reduce the lot line setback for feedlots from 50 metres to 30 metres;
 - d. Remove the term, ‘feedlot’;
 - e. Add a new defined term, ‘confined livestock area’;
 - f. Remove ‘agriculture’ as an accessory use in the R1, R2, and R3 zones, while retaining ‘horticulture’ as an accessory use in these zones;
 - g. Remove the term, ‘intensive agriculture’;
 - h. Amend the definition of ‘horticulture’ to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner;
 - i. Permit the ‘keeping of animals for personal use’ as an accessory use in the R1, R2, R3 zones;
 - j. Remove ‘horticulture’ as a permitted use in the A, F, and RE zones, while retaining ‘agriculture’ as a principal permitted use in these zones;
 - k. Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies.
3. That the Denman Island Local Trust Committee add ‘Regulations for Cannabis Production’ to the Local Trust Committee Projects List.

REPORT SUMMARY

The purpose of this report is to provide an analysis of the referral responses and public comments received to date, and respond to questions raised by the Local Trust Committee at the August 7th LTC meeting. Staff are recommending changes to proposed Bylaw Nos. 228 and 229 based on the analysis, and request LTC endorsement of the potential changes prior to drafting revisions to the bylaws. Staff are also recommending that bylaw amendments regarding Cannabis Production be placed on the LTC Projects List.

BACKGROUND

The following resolutions were passed at the August 7th LTC meeting.

DE-2018-076

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

that the Denman Island Local Trust Committee request staff to bring back a staff report on the Farm Plan Implementation Project responding to information received to date and that this include alternative definitions of feedlot and comments on the following questions:

General questions:

1. If “intensive agriculture” is not allowed on R1, 2 and 3, but ‘agriculture’ is, however agriculture is defined by *Farm Practices Protection Act* as a business, and intensive agriculture includes anything where products are grown or raised for sale, what exactly is allowed on R1, 2 and 3?
2. Is subsistence farming in any way limited (compared to current regulatory situation) by these proposed changes?
3. Why do we need a definition of feedlot? Just for setbacks?
4. What is in place currently to ensure that potential housing units will have adequate sewage facilities and will not overtax the groundwater?
5. Will a cistern for rainwater catchment be required for secondary dwellings? (We require this for secondary dwellings generally.)

Questions and follow-up based on Growers & Producers Alliance (GPA) referral:

1. GPA says ‘agriculture’ and ‘farming’ are used interchangeably in the bylaws. Can staff review the bylaws for consistency in this regard?
2. Answer to GPA question, “How will the definitions of ‘farming,’ ‘agriculture,’ ‘horticulture,’ and ‘bona fide farm use’ impact certain activities being allowed in R1 and R2?” (compared to current regulations). Also, how will nurseries (or small farms) in R1 or R2, not in Agricultural Land Reserve (ALR), be affected?
3. For E1, Policy 14—would this make any current dwellings legal non-conforming?
4. What are the implications of allowing some Agri-Tourism and housing options on bona fide farms *not* in the ALR?
5. Agri-Tourism does not mention wineries or activities and facilities associated with them. Where are those regulations? How can we on Denman Island know what is allowed for wineries?
6. GPA notes that definition of Agri-Tourism does not seem to include possibilities for permanent structures (i.e. farm classroom, wine tasting room, etc.); is this true and if so what are implications of considering allowing these?
7. Would animal husbandry (i.e. chickens) not for sale have any setbacks? (see bottom of first page, appendix a) Is this an issue that these proposed amendments would change?

CARRIED

DE-2018-077

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

that the Denman Island Local Trust Committee request staff to set up a telephone participation of a staff member from the Ministry of Agriculture at the next Local Trust Committee meeting to discuss definitions and concepts related to the Farm Plan Implementation Project.

CARRIED

ANALYSIS

Issues and Opportunities

Staff Responses to LTC Questions Raised at the August 7th LTC Meeting

Staff provide the following responses to questions raised by the LTC at the August 7, 2018 LTC meeting:

1. *What is allowed on R1, R2, R3 zoned lots (in terms of agriculture/intensive agriculture)?*

Currently the Denman Land Use Bylaw allows a broad range of agricultural activities under the definition of 'agriculture' that are not consistent with the provincial definition (i.e. Denman permits kennels, breeding of pets as an agricultural use that is not permitted by the province). 'Agriculture' is currently permitted as an accessory use in the R1, R2, R3 zones, but excludes 'intensive agriculture' - the rearing of poultry, livestock, fur bearing animals, or cultivation of mushrooms. The intent of not allowing commercial livestock in the R1, R2, and R3 zoned lots is to prevent adverse impacts on the environment and adjacent residential lots.

Proposed Bylaw 229 redefines 'agriculture' to ensure clarity and consistency with Provincial bylaw standards, and revises 'intensive agriculture' to prohibit commercial cannabis production on residential properties.

2. *Is subsistence farming in any way limited by the proposed changes?*

No, gardens for personal use or raising of animals for personal use are still supported by Proposed Bylaws 228 and 229; on any R1, R2, R3 zoned lot a resident/owner can grow plants for personal use and enjoyment.

Thresholds on numbers of poultry, goats, ducks, turkeys etc. permitted for personal use (not for sale) can be introduced on specific parcel sizes if there is concern that reasonable limits may be exceeded and adversely impact the environment or rural residential character of a neighbourhood.

3. *Why do we need a definition of feedlot? Just for setbacks?*

Currently the definition of 'feedlot' pertains only to its reference in the definition of 'intensive agriculture'. Based on the input received so far, staff are recommending that Proposed Bylaw 229 be amended by removing the definition of 'feedlot,' and instead regulating confined livestock areas and clearly defining the term so that adequate setbacks to the natural boundary of the sea, streams, lakes, wetlands and property lines can be established.

4. *What is in place currently to ensure that potential housing units will have adequate sewage facilities and will not overtax the groundwater?*

Currently there are no provisions in place to ensure a new single family dwelling on Denman Island has adequate sewage facilities and will not adversely impact the local aquifer.

Based on the input received so far, staff are recommending that Proposed Bylaw 229 (LUB) be amended to require a TUP for a temporary secondary dwelling for immediate family (as well as farmworker housing), so that water and sewage considerations form part of the TUP approval process.

5. *Will a cistern for rainwater be required for secondary dwellings?*

Currently the Denman LUB requires a 1000 gallon cistern for rainwater harvesting and collection be installed for any new secondary dwelling, subject to a TUP. Currently, Proposed Bylaw 229 only requires rainwater collection and harvesting as a condition of a TUP for a temporary secondary dwelling for farmworker housing. Based on the input received so far, staff are recommending that Proposed Bylaw 229 be amended to also include a minimum cistern capacity requirement for a temporary secondary dwelling for immediate family.

6. *Are 'agriculture' and 'farming' used interchangeably in the bylaws?*

No. However the term 'farm' is proposed in several instances in Bylaw 229:

- Farm use
- Farm help accommodation
- Classified as a farm
- Farm activities
- Farm buildings

The use of these terms is consistent with the Guide for Bylaw Development in Farming Areas.

7. *How will the definitions of 'farming', 'agriculture', 'horticulture' and 'bona fide farm use' impact certain activities being allowed in R1 and R2 compared to current regulations? Will nurseries or small farms in R1 and R2 not in the ALR be affected?*

Through Proposed Bylaw 229, staff are recommending that horticulture be a permitted use in the R1, R2 and R3 zones and that the raising of animals for personal use be permitted. As mentioned above, thresholds on numbers of poultry, goats, ducks, turkeys etc. permitted for personal use (not for sale) can be introduced on specific parcel sizes if there is concern that reasonable limits may be exceeded and adversely impact the environment or rural residential character of a neighbourhood.

8. *For E1, Policy 14 – would this make any current dwellings legal non-conforming?*

Currently Section 3.4 Resource Zoning, Table 8 of the Denman Land Use Bylaw contains 14 site specific 'Agriculture' zones, which in some cases include additional dwellings on a parcel in the ALR. Proposed Bylaws 228 and 229 would not result in any non-conformities in these site specific zones.

9. *What are the implications of allowing some agri-tourism and housing options on bona fide farms not in the ALR?*

Agri-tourism use and accommodation on a parcel outside of the ALR can help to support diverse agricultural activities across Denman Island. A local government can regulate the use outside of the ALR to ensure it is compatible with the community goals. The Denman Farm plan indicated that there was agricultural activity outside of the ALR. Although recent farm status data does not corroborate this, the proposed bylaws have been drafted to allow the use on non ALR land where FARM STATUS has been achieved.

10. *Agri-tourism does not mention wineries or activities and facilities associated with them. Where are those regulations? How can we on Denman island know what is allowed for wineries?*

In the ALR, a winery, cidery, brewery, distillery or meadery is a permitted agricultural activity. Food and beverage service lounges in relation to these uses are regulated by Section 2.4 of the ALC regulation.

These cannot be prohibited in the ALR by a local government. The ALC Regulation has specific regulations pertaining to maximum floor area for tasting rooms, retail sales areas etc. that are not duplicated in the LUB as the LTC defers to the ALC on these regulations. The following is the excerpt from the ALC regulation:

“(2.4) In subsections (2.1) and (2.2) and this subsection:

"alcohol product" means beer, cider, spirits, mead or wine;

"alcohol production facility" means a brewery, cidery, distillery, meadery or winery;

"ancillary use" means the following activities carried out at an alcohol production facility:

- (a) processing, storing and retail sales of alcohol products produced by the alcohol production facility;*
- (b) the operation of a food and beverage service lounge, if the area of the lounge does not exceed 125 m² indoors and 125 m² outdoors;*
- (c) selling an alcoholic beverage other than one produced by the alcohol production facility if the alcoholic beverage*
 - (i) is sold as a single serving in a lounge referred to in paragraph (b) or in a service area under a special event area endorsement endorsed on the licence issued under the [Liquor Control and Licensing Act](#) for the alcohol production facility, and*
 - (ii) is intended to be consumed immediately;*
- (d) Repealed. [B.C. Reg. 210/2016, s. 2 (b).]*
- (e) cooking classes if the classes are held in a food premises within the meaning of the Food Premises Regulation that has been constructed, and is being operated, in compliance with that regulation;*
- (f) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area under a special event area endorsement referred to in paragraph (c), and, for this purpose, section 3 (4) (k) does not apply;*

"brewery", "cidery", "distillery", "meadery" and "winery" mean a brewery, cidery, distillery, meadery or winery, as applicable, that is licensed under the [Liquor Control and Licensing Act](#) to produce beer, cider, spirits, mead or wine;

"primary farm product" means the farm product that is the primary ingredient used in a fermentation process to make an alcohol product."

11. Definition of agri-tourism does not seem to include possibilities for permanent structures (i.e. farm classroom, wine tasting room, etc.); is this true and if so what are implications of considering allowing these?

Permanent structures are not allowed by the ALC for agri-tourism use. The proposed definition of agri-tourism is consistent with this. Agri-tourism activities are intended to utilize existing farm infrastructure or temporary structures.

12. Would animal husbandry (i.e. chickens) not for sale have any setbacks? Is this an issue that these proposed amendments would change?

The existing Denman Island Land Use Bylaw regulations permit a chicken coop in the R1, R2 zone to be sited 3.0 metres from a lot line; in the R3 zone to be sited no less than 30 metres from a lot line. Proposed Bylaw 229 (LUB) does not change this. However, staff are recommending that Proposed Bylaw 229 be amended to include setbacks for confined livestock areas which may include fencing for non-pasture areas. These setbacks could apply to buildings, structures and fencing associated with paddocks, corrals, exercise yards and holding areas for livestock.

Potential Changes to Bylaws 228 and 229

An analysis of input received to date on the Proposed Bylaws indicates an opportunity for further amendments to Proposed Bylaws 228 (OCP) and 229 (LUB) to ensure policies and regulations are consistent with the Denman Farm Plan, the ALC regulations and the Denman Official Community Plan. Analysis of input received and staff recommended amendments to Proposed Bylaws 228 and 229 are found in Attachment 1.

LTC Request of Ministry of Agriculture Staff to Participate by Phone at LTC Meeting

The LTC expressed interest in the Ministry staff attending an LTC meeting by phone to answer questions regarding definitions and concepts related to the Project and proposed bylaw amendments. Ministry staff recommended that any questions be submitted in writing instead, so that they may better understand the questions and be able to provide a more fulsome researched response.

Consultation

As stated in the Staff Memo considered by the LTC at their August 7, 2018 meeting, referral responses were received from the Ministry of Agriculture, Agricultural Land Commission, Comox Valley Regional District, the Denman Growers and Producers Association, the Denman Advisory Planning Commission, K'omoks First Nation, Cowichan Tribes, Malahat Nation and the Hornby Island Local Trust Committee. Please see the Staff Memo, dated August 7, 2018 for copies of the referral responses.

Public comments received up to date, including public comments submitted at the Community Information Meeting held August 2, 2018 are posted on the Project website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/denman/projects-initiatives/denman-island-farm-plan-implementation/> .

Rationale for Recommendation

Staff have summarized the input received to date, provided an analysis, and recommended potential amendments to Proposed Bylaw Nos. 228 and 229 as described in Attachment 1. The staff recommendation is noted on Page 1 of this report.

Alternatives

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request (specify details) for LTC consideration.

2. Request Staff to Prepare Alternative Changes to Proposed Bylaws 228 and 229

The LTC may request changes to Proposed Bylaws other than those recommended by staff. If this alternative is selected, the LTC should state the reasons for the requested changes. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request staff to prepare the following changes to Bylaw [insert Bylaw No. 228 (OCP) or 229 (LUB)]: [insert requested changes].

3. Add the Regulation of Cannabis Production in the ALR to the Farm Plan Implementation Project Charter

The LTC may request that the regulation of Cannabis Production in the ALR be added to the scope of the Farm Plan Implementation Project. If this alternative is selected, the LTC should state the reasons for the requested change. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request staff to add the regulation of cannabis production to the Farm Plan Implementation Project Charter and to bring back the revised Project Charter for LTC consideration and endorsement.

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Should the LTC resolve to move forward with amendments to the bylaws, staff will prepare the draft amendments for LTC consideration. Additionally, staff recommendations on additional referrals, further public consultation and next steps will be presented to the LTC as well.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	Sonja Zupanec, MCIP, RPP Island Planner	October 1, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager		October 5, 2018

ATTACHMENTS

1. Table Summary of Input on Proposed Bylaw Nos. 228 And 229
2. Cannabis Production in the Agricultural Land Reserve (ALR) Bulletin
3. Proposed Bylaw No. 228 (OCP) (1st reading)
4. Proposed Bylaw No. 229 (LUB) (1st reading)

ATTACHMENT #1 – SUMMARY OF INPUT ON PROPOSED BYLAW NOS. 228 AND 229

OCTOBER 2018

DENMAN ISLAND – FARM PLAN IMPLEMENTATION PROJECT		
CATEGORIES OF INPUT RECEIVED (PUBLIC/AGENCY/FN REFERRALS/STAFF REVIEW)	LTC OPTIONS	STAFF COMMENTS ON RECOMMENDED NEXT STEPS
1. AGRICULTURE DESIGNATION FOR LAND IN THE ALR		
a) New 'Agriculture' designation for land in the ALR (BL 228 OCP).	Proceed with proposed 'A' designation in BL 228	ALC referral response supports 'A' designation for all lands in the ALR.
2. HOUSING OPTIONS IN THE ALR		
a) Permit one secondary suite above an existing farm building in addition to one within the principal dwelling for land in the ALR (can be dependant on parcel size).	- Maintain existing regulations permitting one secondary suite within the principal dwelling (any sized parcel in the ALR) and proposed regulations permitting one temporary secondary dwelling (on lots 2ha or larger in the ALR) for immediate family (maximum 1300 sq.ft.); <u>OR</u> - Amend Proposed Bylaw 229 (LUB) to allow one secondary suite above an existing farm building (subject to maintenance of farm status/and/or minimum parcel size) in lieu of temporary secondary dwelling for immediate family and request staff provide additional information on mechanisms to monitor farm status to ensure ALC regulation is being met; <u>OR</u> - Require that a secondary dwelling for immediate family on lots 2ha or larger be subject to a TUP (and also minimum cistern requirement).	- No change to Proposed Bylaw 229(LUB) allowing one secondary suite on any parcel in the ALR; <u>AND</u> - Amend Proposed Bylaw 229 (LUB) to require a TUP and a rainwater harvesting collection system for a temporary secondary dwelling for immediate family, where permitted.

b) Remove requirement for a TUP for farm worker housing on a parcel in the ALR.	• Maintain proposed option for farmworker housing to be in the form of a temporary dwelling (maximum 1300 sqft) on a farm 2 ha or larger and maintain requirement for cistern as per existing TUP requirements; subject to ALC approval and TUP; <u>OR</u> • Amend Proposed Bylaw 229 (LUB) to remove requirement for TUP and request staff provide additional information on mechanisms to monitor farm status/farm worker housing needs to ensure intent of ALC regulation is being met.	• No change to Proposed Bylaw 229(LUB).
3. AGRI-TOURISM USE AND ACCOMMODATION (for ALR parcels and non ALR parcels with farm status)		
a) Increase current proposed maximum number of agri-tourism accommodation units from 3. b) Eliminate option for stand alone seasonal cabins and permit a maximum of 3 seasonal campsites.	• Maintain proposed option to permit a maximum of three units in any combination (seasonal campsites, seasonal cabins, home based guest accommodation rooms) on a parcel with farm status, subject to a TUP; <u>OR</u> • Amend Proposed Bylaw 229(LUB) to permit more than 3 units to a maximum of 10, subject to a TUP; <u>OR</u> • Amend Proposed Bylaw 229(LUB) to only permit X# of units on a parcel 2 ha or larger, subject to a TUP; <u>OR</u> • Amend Proposed Bylaw 229(LUB) by removing the provision for seasonal cabins, and permit only 3 units in the form of either seasonal campsites or home based guest accommodation rooms (or a combination of the two). The LTC can also consider defining seasonal campsites to limit the use to walk-in/bike in clients only to eliminate the need for parking and prohibit infrastructure supporting car camping/RV's/fifth wheels.	• No change to Proposed Bylaw 229(LUB) in terms of maximum number of agri-tourism accommodation units (3); <u>AND</u> • Amend Proposed Bylaw 229 (LUB) TUP guidelines to remove seasonal cabin option and continue to permit seasonal campsites. <i>Staff recommends removal of the seasonal cabin provision from the agri-tourism accommodation option due to concerns around provision of water, sewage disposal and year round occupancy. The ALC does not permit cooking facilities in seasonal cabins, therefore, campsites may be more practical in the Denman context. In addition, the LTC can regulate seasonal campsites as only walk in-or bike-in campsites (no vehicle access) in the TUP if desired to reduce vehicle traffic to Denman island.</i>

4. SETBACKS, SUBDIVISION, DEFINITIONS, OTHER for ALR and non ALR parcels

a) Remove prohibition of panhandle lots in the ALR.	• Amend Proposed Bylaws 228 (OCP) and/or 229(LUB) to remove policy and/or regulation prohibiting panhandle lots in the ALR; <u>OR</u> • Maintain proposed policy and regulation to prohibit panhandle lots in the ALR at the time of subdivision; <u>OR</u> • Maintain proposed policy and regulation to prohibit panhandle lots in the ALR at the time of subdivision and add to the proposed policy that they will only be allowed where there is a demonstrated agricultural benefit or benefit to the community to support the configuration.	• Amend Proposed Bylaw 228(OCP) by adding an exception to prohibiting panhandle lots in the ALR only when there is a demonstrated agricultural benefit or benefit to the community to support the configuration. <i>As outlined in the March 6, 2018 Staff Report, this approach is consistent with the Denman Farm Plan and Guide to Bylaw Development in Farming Areas, and supportive of increasing farming potential and reducing potential conflict between neighbours. Future subdivision applicants with a proposal for a panhandle lot could apply to the LTC for a Development Variance Permit for permission to vary the regulation prohibiting panhandles, and proposed addition to policy assists with identifying acceptable exceptions.</i>
b) Reduce setback for feedlots to adjacent lot lines from 50 metres to 30 metres.	• Maintain proposed regulation requiring a feedlot be setback a minimum of 50 metres from any lot line; <u>OR</u> • Amend Proposed Bylaw 229(LUB) to decrease the setback to 30 metres.	• Amend Proposed Bylaw 229(LUB) to change the setback from 50 m to 30 m in Section 3.4, Table 5, subsection (7). <i>The Ministry of Agriculture referral response recommends the setback be 30 metres which is consistent with the provincial guide to bylaw standards. Staff also recommend the term 'feedlot' be replaced with 'confined livestock area' and defined (see below).</i>
c) Definition of 'feedlot'	• Maintain proposed definition in Proposed Bylaw 229(LUB); <u>OR</u> • Amend Proposed Bylaw 229(LUB) definition as per GPA input and/or request alternative definition; <u>OR</u>	• Amend Proposed Bylaw 229(LUB) by replacing the term 'feedlot' with 'confined livestock area' which can be defined as an outdoor, <u>non-grazing</u> area where livestock, poultry or farmed game is confined by fences, other structures or

	Amend Proposed Bylaw 229(LUB) by replacing 'feedlot' with term 'confined livestock area' which is broader to adequately regulate setbacks for other livestock holding areas that can have adverse affects.	topography including feedlots, paddocks, corrals, exercise yards and holding areas, but not including a seasonal feeding area.
d) Definition of 'intensive agriculture'	- Maintain proposed definition in Proposed Bylaw 229(LUB); <u>OR</u> - Amend definition as per GPA input and/or request alternative definition; <u>OR</u> - Remove definition from regulations entirely and permit horticulture in R1, R2, R3 zones.	- Amend Proposed Bylaw 229(LUB) to: - remove the definition of 'intensive agriculture'* and permit 'horticulture' in the R1, R2, R3 zones (see staff recommend revised definition); <u>AND</u> - continue to allow 'agriculture' in A, F, RE zones (horticulture is implied in the definition of 'agriculture'). <i>* By removing the definition of 'intensive agriculture' which includes cannabis production, it removes the prohibition in residential zones. See f) in Table below for alternatives.</i>
e) Amend definition of 'horticulture'	- Maintain existing definition <i>"horticulture means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot"</i> ; <u>OR</u> - Amend the definition so that it is clear the use is for commercial purposes and not contingent on only the landowners of the lot being permitted the use; allow "keeping of animals for the personal use of the resident or landowner" as an accessory permitted use in the R1, R2, R3 zones.	- Amend Proposed Bylaw 229 (LUB) to: - amend the definition of 'horticulture' so that it permits the growing of plants for sale in the R1, R2 and R3 zones and does not regulate the users (landowner); <u>AND</u> - remove 'horticulture' from the list of permitted uses in the A, F, RE zones as it is implied under the definition of 'agriculture'; <u>AND</u> - remove 'agriculture' from the list of permitted uses in the R1, R2, R3 zones (including 'intensive agriculture'). And permit the keeping of animals for personal use, accessory to residential use

f) Cannabis production on ALR* and non ALR parcels.	• Expand the scope of the project to include new draft provisions in Proposed Bylaw 229 (LUB) to prohibit production of cannabis (medical or non medical) in the ALR unless it is grown in ways that preserve the productive capacity of ALR land (such as open fields and soil based greenhouses); <u>AND/OR</u> • Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones by a minimum lot size or other regulation with input by provincial and/or federal recommendations; <u>AND/OR</u> • Maintain proposed 'A' zone regulations as presented.	• Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies; <u>AND</u> • Request staff to put 'Regulations for Cannabis Production in the ALR' on the LTC project list to preserve the productive capacity of soils. <i>*Document "Protecting land in the ALR guides cannabis production regulation" was considered at the August 7, 2018 LTC meeting, and staff noted that more information will be forthcoming from the Ministry of Agriculture to aid local governments in development of land use bylaws.</i>
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British Columbia News

Protecting land in the ALR guides cannabis production regulation

<https://news.gov.bc.ca/17605>

Friday, July 13, 2018 9:39 AM

Victoria - Local and First Nations governments now are able to prohibit cannabis production in the Agricultural Land Reserve (ALR) within their communities, unless it is grown in ways that preserve the productive capacity of agricultural land.

This regulatory change, effective immediately, gives authority to local and Indigenous governments to prohibit cement-based, industrial-style, cannabis-production bunkers on ALR land in their communities, while clarifying that cannabis production in the ALR cannot be prohibited if grown lawfully:

- in an open field;
- in a structure that has a soil base;
- in a structure that was either fully constructed or under construction, with required permits in place, prior to July 13, 2018; or
- in an existing licensed operation.

The regulation allows local governments and First Nations to prohibit the altering of existing structures to increase the size or material used as the base of the structure, and applies, or will apply, to licensed medical and non-medical cannabis facilities in the ALR.

The new framework allows local and First Nations governments to make decisions regarding cannabis production that align with local planning and priorities in their communities.

The regulatory change pertains only to land in the ALR. Local and First Nations governments can regulate or prohibit cannabis production on lands outside of the ALR.

Quick Facts:

- Once the federal Cannabis Act comes into force on Oct. 17, 2018, the federal government has announced it will allow cannabis producers to grow cannabis in open fields, greenhouses and industrial bunkers.
- There is no biological difference between a cannabis plant grown for medical or for non-medical purposes.

Media Contacts

Robert Boelens
Communications
Ministry of Agriculture
250 356-1674

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008,” is amended as per Schedule 1 and Schedule 2 attached to and forming part of this Bylaw.

READ A FIRST TIME THIS 1ST DAY OF MAY , 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 1

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

- 1.1 Part B – PREAMBLE, Section B.1 – INTRODUCTION, Subsection – What is an Official Community Plan? is amended by deleting the word “eight” and replacing it with “nine” in each instance it appears and adding the word “Agriculture” as a bullet point before “Conservation/Recreation”.

- 1.2 Part B– PREAMBLE, Section B.3 – GUIDING OBJECTIVES, Subsection – Families and Individuals – Guiding Objectives is amending by adding the following text directly before “Guiding Objective – Conservation/Recreation”:

“Guiding Objective – Agriculture

To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”

- 1.3 Part C – THE NATURAL ENVIRONMENT, Section C.3 – THE MARINE ENVIRONMENT, Subsection- The Marine Environment- Advocacy Policies, Article - Advocacy Policy 3 is amended by replacing “The Ministry of Agriculture and Lands” with “The Ministry responsible for agriculture”.

- 1.4 Part D – THE SOCIAL FABRIC, Section D.3 – WATER MANAGEMENT, Subsection - Water Management- Advocacy Policies, Article - Advocacy Policy 2 is amended by replacing “The Ministry of Transportation and Infrastructure, Ministry of Environment and the Ministry of Agriculture and Land” with “The Ministries responsible for transportation, environment and agriculture”

- 1.5 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by deleting the fifth paragraph in its entirety and replacing it with:

“The Sustainable Resource designation, which is shown on Schedule C, includes large forested lots on the island in which the existing principal use is locally operated sustainable resources harvesting.

The Agriculture designation, which is shown on Schedule C, includes all of the lands in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.”

- 1.6 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 3 is amended by adding the words “in the Agriculture designation” before “the size of new lots for agricultural”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:

“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:

- One dwelling per lot;
- One secondary suite per lot consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
- One temporary secondary dwelling per lot for immediate family consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”

- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the section title to “AGRICULTURE AND RESOURCES”.

- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:

“The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.

The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 1.11 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - Guiding Objective, is amended by inserting the words “and that the agricultural land reserve is protected for farming use.” after the word “Island”.

- 1.12 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - “Resource – Objectives” is amended by renaming “Resource – Objectives” to “Agriculture and Resource Objectives”.

- 1.13 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection - Agriculture and Resource Objectives, Article – Objective 1 is amended by adding the words “for farming” after “Reserve”.

- 1.14 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – “Resource – Policies” is amended by renaming “Resource – Policies” to “Agriculture and Resource Policies”.

- 1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – Agriculture and Resource Policies is amended by adding the following policies preceding Policy 1 and renumbering subsequent policies in this subsection accordingly:

“Policy 1 The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.

- Policy 2 The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
- Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.
- Policy 4 The Local Trust Committee supports the provision of farm help accommodation on land in the Agricultural Land Reserve, in association with a bona fide farm use, and subject to approval by the Agricultural Land Commission.
- Policy 5 Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve and on lots where agriculture or horticulture are a permitted use.
- Policy 6 Agri-tourism accommodation, in association with a bona fide farm use, should be regulated by Temporary Use Permit.
- Policy 7 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 8 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island."

1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:

(a) Article – Policy 8 is amended by adding the words "Agriculture designation and" before "Sustainable Resource designation"; and,

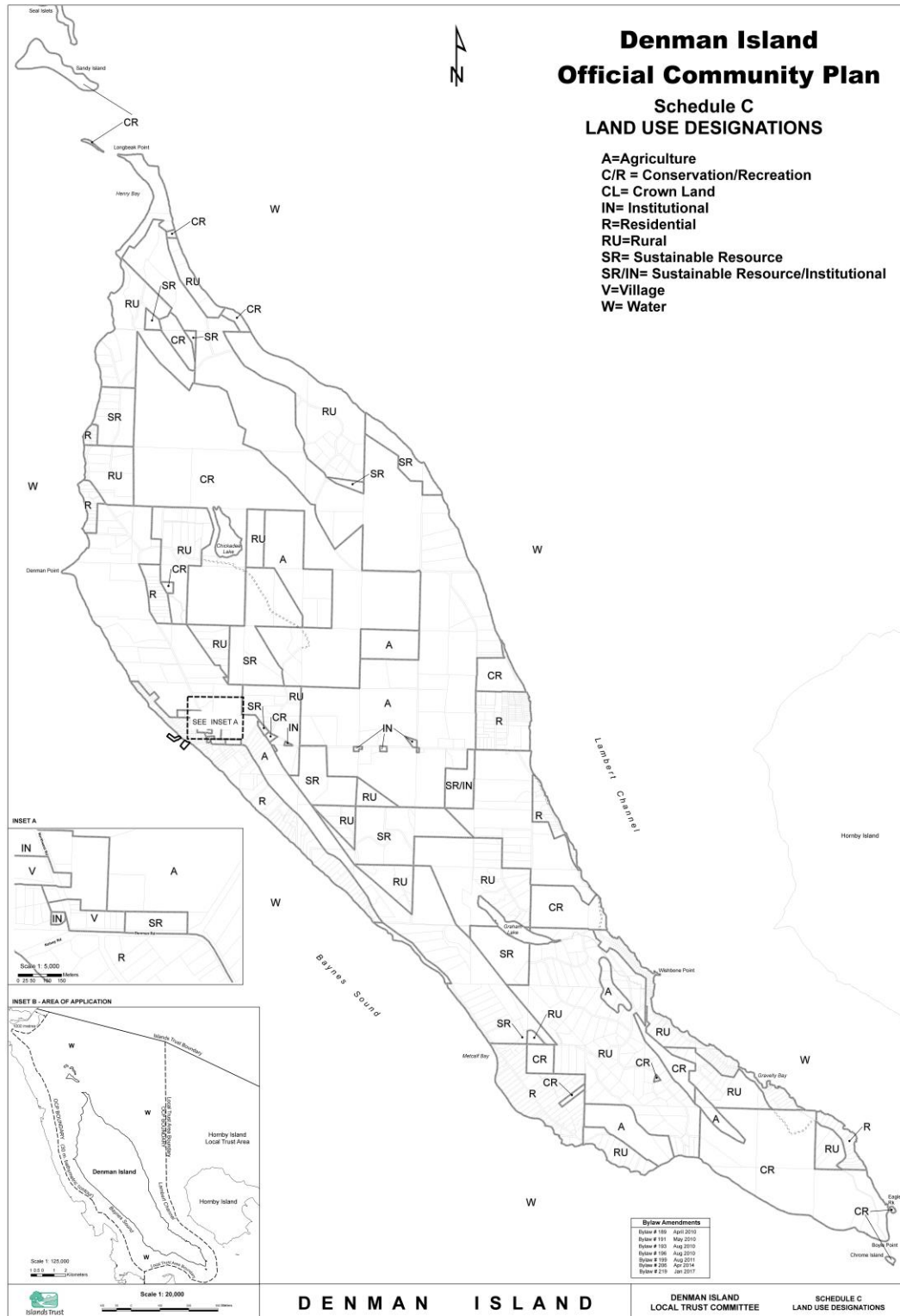
(b) Article – Policy 9 is amended by removing the words "area designated Sustainable Resource" and replacing with "areas designated Agriculture and Sustainable Resource" and adding the word "Agriculture and" before "Sustainable Resource designation".

1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words "Section 921 of".

2. Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan Bylaw, 2008", Schedule "C" is amended as per Schedule 2, attached to and forming part of this Bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

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

READ A FIRST TIME THIS	1 ST	DAY OF	MAY	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

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

- 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting “*agriculture*”, “*feedlot*”, “*intensive agriculture*” and “*panhandle*” in their entirety and replacing with:

i. “*agriculture* means the farm uses of land, buildings or structures for a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act*,”

ii. “*feedlot* means a fenced area where livestock, poultry or farmed game are confined solely for the purpose of growing or finishing, and are wholly sustained by means other than grazing, but excludes confinement of animals for domestic purposes;”

iii. “*intensive agriculture* means the use of land, buildings, and other structures for the confinement of poultry, livestock, fur bearing animals, the growing of mushrooms (except forest fungi), or cannabis production, except to the extent the use is carried out solely for domestic purposes and does not involve the production of any items for sale, trade or commerce;”

iv. “*panhandle lot* means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;”

- 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended to include the following new definitions in alphabetical order:

i. “*agri-tourism* means agri-tourism as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

ii. “*agri-tourism accommodation* means accommodation provided for and used only by the clients, customers, guests or patrons, but not the employees, of an agri-tourism activity.

iii. “*immediate family* means, with respect to an owner, the owner’s
(a) parents, grandparents and great grandparents,
(b) spouse, parents of spouse and stepparents of spouse,
(c) brothers and sisters, and
(d) children or stepchildren, grandchildren and great grandchildren”

iv. “*temporary secondary dwelling unit* means a building or structure used for residential accommodation, other than a building or structure located, built, or placed upon a permanent foundation.”

- 1.3 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

- 1.5 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;
- 30.0 metres for buildings and structures, including fencing, associated with a feedlot or used to accommodate domesticated animals other than household pets; and
- 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with a feedlot or used to accommodate domesticated animals other than household pets.”

- 1.6 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 - Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;
- 30.0 metres for buildings and structures, including fencing, associated with a feedlot or used to accommodate domesticated animals other than household pets;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

- 1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 – Setback Exemptions is amended by adding the following bullet:

- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m².”

1.8 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.

1.9 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

- 1.9.1 Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
- 1.9.2 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
- 1.9.3 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
- 1.9.4 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)

1.10 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	Agri-tourism use on a lot classified as a farm under the BC <i>Assessment Act</i> ”	✓	✓	✓
11	Agri-tourism accommodation (requires approval by a Temporary Use Permit)”	✓	✓	✓

1.11 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

1.12 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	On lots larger than 2 ha in the Agricultural Land Reserve, temporary secondary dwelling unit used only for the residential accommodation of the land owner's immediate family	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)	✓	✓	✓
15	Agri-tourism on a lot classified as a farm under the BC <i>Assessment Act</i>	✓	✓	✓
16	Agri-tourism accommodation (requires approval by a Temporary Use Permit)”	✓	✓	✓

1.13 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

	A	F	RE
7	“On land in the Agricultural Land Reserve, the gross floor area of a temporary secondary dwelling unit for the residential accommodation of the owner’s immediate family shall not exceed 1300 square feet.”	✓	

- 1.14 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures

Table 3 - Density of Uses, Buildings and Structures		A	F	RE
1.	Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2.	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3.	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4.	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%
5.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	n/a	n/a
7.	On land in the Agricultural Land Reserve, on a lot 2 hectares or larger, maximum number of temporary secondary dwelling units per lot.	1	n/a	n/a

- 1.15 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.

- 1.16 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 - Setbacks

Table 5 - Setbacks		A	F	RE
“7	Minimum setback from any lot line for feedlots	50.0 m	n/a	n/a”

- 1.17 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 7 – Subdivision, is amended by adding a new subsection (2) as follows:

"2 Land in the Agricultural Land Reserve shall not be subdivided into panhandle lots.

1.18 Part 5 – TEMPORARY USE PERMITS, "Area 2", Subsection – Guidelines, is amended by adding the following new guideline after "Guideline 5":

"Guideline 6 In addition to Guidelines 1-5, for land in the Agricultural Land Reserve, subsequent to the permitted dwellings in Section 3.4, Table 2, an additional dwelling can only be considered for approval by Temporary Use Permit if:

- The lot on which the principal and secondary dwelling is to be located on must be a minimum of 2 hectares in size and classified as a farm under the *BC Assessment Act*;
- The dwelling is necessary for farm use and the Local Trust Committee is provided evidence from the applicant that the ministry responsible for agriculture and/or the Agricultural Land Commission have determined that there is a legitimate need for an additional residence for farm help accommodation;
- The dwelling will be located within an existing building or in the form of a temporary secondary dwelling unit with a maximum floor area of 1300 square feet;
- The permit contains conditions addressing the removal of the dwelling should the farm use cease or the permit lapses.

1.19 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after "Area 2":

"Area 3

The Local Trust Committee may issue a Temporary Use Permit for agri-tourism accommodation on a lot classified as a farm under the *BC Assessment Act*.

Objective

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling do not require a Temporary Use Permit but are subject to Section 2.4.

Guidelines

Guideline 1 The agri-tourism accommodation is limited to a maximum of three sleeping units in total on the lot, either in the form of seasonal campsites, seasonal cabins and including existing home based guest accommodation units in the principal dwelling.

Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;

Guideline 3 The accommodation should be sited and designed to address:

- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;

- The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
- The provision of accommodation which is temporary and located near existing farm buildings;
- Mitigating possible negative impacts using landscape buffers and screening;
- The provision of adequate potable water and sewage disposal. Where approvals are required from other agencies such as water licensing or septic approval, these should be obtained prior to the issuing of a Temporary Use Permit;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”



Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)		Sonja Zupanec Marnie Eggen	
2	Relationship building with Komoks First Nation	Shared Narrative of Place Project will integrate First Nations history and place names in the OCP and explore opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.		Marnie Eggen	
3	Facilitating Affordable, Attainable and Seniors Housing	Secondary suites review, DCLTA affordable housing final report (June 20, 2013), and consideration of further opportunities to support housing options.	26-Jun-2018	Marnie Eggen	

**Projects****Denman Island**

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
Climate Change	Consider climate change adaptation and mitigation measures	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Cannabis production and retail sales	Review land use regulations for cannabis production and retail sales.	01-May-2018
Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
Denman Village Plan	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.	26-May-2015
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	07-Mar-2017
Greenshores Workshop		01-May-2018

Projects

Denman Island

Description	Activity	R/Initiated
Incorporate the Regional Conservation Plan into land use planning.	To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)	07-Aug-2018



Islands Trust

Print Date: October 2, 2018

Applications

Development Permit

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

Development Variance Permit

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

Rezoning

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

DE-RZ-2017.1

Denman Community 12-Sep-2017

PID: 009-708-537 Create two lots for affordable housing for seniors. Civic
address: 3730 Denman Road, Denman Island, BC**Planner:** Marnie Eggen**Planning Status****Status Date:** 19-Jun-2018

Staff consulting with Ministry on TOR and DCLTA licensing.

Status Date: 05-Mar-2018

Awaiting information to rectify ALC conditions of approval for exclusion and rezoning application. Requested applicant apply for a water license to harmonize Ministry requirements and DE LTC TOR.

Status Date: 06-Feb-2018

Staff consulting with applicant re: draft TOR

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association	01-Oct-2018	PIDs: 009-704-523 and 006-657-290 Rezoning to change number of allowed dwellings

Planner: Marnie Eggen**Planning Status****Status Date:** 02-Oct-2018

Awaiting fee and further application file material

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Planner: Teresa Ritemann**Planning Status****Status Date:** 25-Sep-2018

No change in status.

Applications

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

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

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

Status Date: 03-Nov-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.13	FORMSTATE DESIGN INC Planner: Jaime Dubyna	20-Aug-2018	PID: 003-137-589 Civic Address: 2580 Piercy Road, Denman Island SFD
Planning Status			

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.14	GARY PASSEY / PATRICIA BROSTER Planner: Jaime Dubyna	27-Sep-2018	PID: 008-094-438 Building farm equipment storage shed and seasonal cabin Civic address: 6060 Woodham Road, Denman Island, BC
Planning Status			

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.15	DAX Properties Ltd.	27-Sep-2018	PID: 026-337-151 Continuation of previous SUP - building double car garage with living quarters above Civic address: 1800 Crescent Road, Denman Island, BC

Applications

Planner: Jaime Dubyna

Planning Status

Status Date:

Subdivision

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

Planner: Teresa Rittemann

Planning Status

Status Date: 25-Sep-2018

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

Status Date: 05-Jun-2018

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

Status Date: 16-Apr-2018

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

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

Planner: Teresa Rittemann

Planning Status

Status Date: 25-Sep-2018

No change in status.

Status Date: 27-Aug-2018

Revised referral response sent to MOTI and copied to Denman LTC and applicant.

Applications

Status Date: 23-Aug-2018

Updated plan of proposed subdivision received from MOTI.

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

Status Date: 08-Feb-2017

Subdivision referral report sent to MOTI. Applicant requires a DVP and RAR DP.

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

Status Date: 16-Aug-2018

Awaiting Preliminary Layout Approval from MOTI.

Status Date: 26-Jun-2018

DVP approved.

Status Date: 19-Apr-2018

Applicant applied for DVP to remove proof of water requirement for Parcel L.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.1	PANDESIGN INC	18-Sep-2018	PID: 028-605-691 Civic address: 2100 Crescent Road, Denman Island Divide property into 2 residential lots.
Planner: Jaime Dubyna			
Planning Status			



Status Date:

Print Date: October 2, 2018

Applications

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending July 2018

615 Denman	Invoices posted to Month ending July 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	305.21	444.79
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	759.33	3,740.67
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	235.71	364.29
65220-615	LTC - Local Exp - Communications	250.00	33.32	216.68
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,850.00</u>	<u>1,028.36</u>	<u>4,821.64</u>
Projects				
73001-615-4011	Denman Farm Plan	5,500.00	2,910.57	2,589.43
73001-615-4062	Denman First Nations Relations	2,500.00	299.92	2,200.08
TOTAL Project Expenses		<u>8,000.00</u>	<u>3,210.49</u>	<u>4,789.51</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

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

DATE OF MEETING: October 9, 2018
 TO: Denman Island Local Trust Committee
 FROM: Marnie Eggen, Island Planner
 Northern Team
 SUBJECT: 2014-2018 LTC Term Summary Report

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse the 'Top Priorities List' and 'Projects List' as presented on October 9, 2018, for further consideration by the incoming Local Trust Committee.

REPORT SUMMARY

The purpose of this report is to summarize Local Trust Committee (LTC) activities during the 2014-2018 term, including projects, administrative and advocacy activities and applications. The LTC is being asked to consider its 'Top Priorities' and 'Projects' list and provide any direction for amendments, prior to the end of the current term.

ANALYSIS

Table 1 summarizes the projects of the LTC during the 2014-2018 term:

YEAR	PROJECT	STATUS
2015	<i>Riparian Areas Regulation (RAR)</i> Implementation	OCP and Land Use Bylaw amendments (Continued from 2014) / CIM and Public Hearing held for Bylaw 212 (OCP) and 213 (LUB) / Bylaws 212 and 213 given second and third reading and forwarded to Executive Committee
	Review of Visitor Accommodation Regulations	LTC endorses Project Charter; Bylaw 216 given readings, referred to agencies, sent to Executive Committee
	First Nations Relationship Building	Letter of Introduction sent to K'omoks First Nation; request staff to set up a meeting with representatives of the Federal Treaty Negotiation team
	Marine Protection	Draft Bylaw No. 207 (driving on the foreshore) referred to MAPC; LTC direction to hold aquaculture stakeholder meeting; LTC request to MAPC to investigate and report on the possibilities for improving existing beach accesses to reduce impact of Bylaw No. 207 on shellfish growers.
2016	First Nations Relationship Building	Grant funding application submitted to UBCM for Community to Community (C2C) Forum; LTC letter of invitation to K'omoks First Nation
	Marine Protection	LTC holds stakeholder meeting
	Review of Visitor Accommodation Regulations	LTC holds an Open House

YEAR	PROJECT	STATUS
	RAR Implementation	Bylaws 212 and 213 adopted / introduced DPA and development guidelines for watercourses
	Housekeeping Bylaws	LTC gives first reading and refers Bylaws 222 (OCP) and 223 (LUB) to agencies and First Nations (revising RAR DPA and amending “intensive agriculture” definition)
	Farm Plan Implementation	LTC endorses Project Charter, and refers list of potential bylaw amendments to APC and GPA
2017	Housekeeping Bylaws	LTC gives third reading to Bylaw 222 and forwards to Executive Committee; LTC defers consideration of Bylaw 223 to occur with the Denman Island Farm Plan Implementation project
	Marine Protection	LTC gives first reading to Bylaw 225 (to regulate driving on the foreshore) and refers bylaw to agencies and First Nations; aquaculture stakeholders
	Denman Village Design Charrette	LTC endorses Project Charter for Denman Village Area Design Charrette (undertaken by Vancouver Island University Master of Community Planning students); LTC expresses support for application to VIU Regional Initiatives Fund; Design Charrette held September 2017.
	First Nations Relationship Building	LTC endorses “Shared Narrative of Place” Project Charter. LTC attends meeting and Island tour (C2C) with Chief and Council of K’omoks First Nation
2018	Denman Village Design Charrette	Final report completed
	Marine Protection	Completed. Bylaw 225 adopted.
	Housekeeping Amendments	LTC proceeds no further with Bylaw 223.
	First Nations Relationship Building	LTC participates in series of intergovernmental meetings organized by K’omoks First Nation
	Farm Plan Implementation	LTC gives Bylaws 228 and 229 first reading and refers to agencies (including APC and GPA) and First Nations. LTC holds Community Information Meeting

Table 2 summarizes the applications processed for the Local Trust Area during the 2014-2018 term:

	APPLICATION TYPE							
YEAR	SITING AND USE PERMIT (SUP)	DEVELOPMENT PERMIT (DP)	DEVELOPMENT VARIANCE PERMIT (DVP)	TEMPORARY USE PERMIT (TUP)	BYLAW AMENDMENT (OCP/LUB)	ALC	SUBDIVISION (SUB)	Crown (CL)
2015	11	4	2	0	1	1	2	3
2016	13	0	3	2	0	0	2	1
2017	16	2	2	1	1	2	4	4
2018	12	2	1	0	0	1	0	2
TOTAL	52	8	8	3	2	4	8	10

Table 3 summarizes the administrative activities of the LTC during the 2014-2018 term:

YEAR	ADMINISTRATIVE ITEM	ACTIVITY/STATUS
2015	Advisory Planning Commission (APC) appointments	Four new members appointed for two year term
	Marine APC appointments	One new member appointed for two year term
	Agricultural APC appointments	Commission not formed due to insufficient number of submissions of interest
2016	Board of Variance (BOV) appointments	Three new BOV members appointed for three year term
	LTC Fees Bylaw	Fees Bylaw Amendment to include a combined fee for companion applications for Siting and use Permits and Temporary Use Permits Completed. Bylaw 221 adopted.
	LTC Fees Bylaw	LTC requests that the Financial Planning Committee investigate initiating automatic application fee increases based on the Consumer Price Index or a similar measure on a Trust-wide basis.
2017	LTC APC Bylaw	New APC Bylaw No. 224 adopted; streamlined roles and responsibilities
	LTC Fees Bylaw	Bylaw No. 226 amended the fees bylaw to reduce application fees to \$1000.00 for bylaw amendments for the purposes of rezoning a property for use as affordable housing
	Crown Referrals	LTC requests staff to forward to Trustees when received any requests for comments on referrals from the Ministry of Forests, Lands and Natural Resource Operations. Ongoing
	LTC Meetings Procedure Bylaw	LTC adopted Bylaw 227 to permit electronic meetings
	RDN OCP Referral	LTC referral response to the Regional District of Nanaimo Board to support the approval of Proposed Bylaw No. 1335.06, 2017 (Electoral Area "H" Official Community Plan)
2018	LCRB Non-Medical Cannabis Retail License Applications	LTC adopts a standing resolution with respect to the processing of non-medical cannabis retail license applications
	LTC Fees Bylaw	Bylaw 230 (to specify a fee for Liquor Control and Licensing Branch non-medical cannabis retail license applications) given three readings; approved by Executive Committee
	Housing Needs Assessment	LTC officially received the "Housing Needs Assessment, Northern Region of Islands Trust" report; Report posted to the web

Table 4 summarizes the advocacy work of the LTC during the 2014-2018 term:

YEAR	ADVOCACY ISSUE	ACTIVITY/STATUS
2015	Ferry Advisory Committee	LTC appoints Trustee Busheikin as its representative to the Ferry Advisory Committee
	Baynes Sound Planning	LTC appoints Trustee Critchley as its representative to the Baynes Sound Coastal Plan Committee
	Marine Protection	LTC Letter to request DFO action on aquaculture debris
	Graham Lake derelict docks and debris	LTC letter to DIRRA Graham Lake Dock Committee and Graham Lake Improvement District to address derelict docks and debris
	BC Ferries Terminal Signage	LTC letter passing the request from the Hornby Island Local Trust Committee regarding ferry terminal signage.
	DCLTA Grant Application	LTC letter of support for the application of Denman Community Land Trust Association for seed funding from the Canada Housing and Mortgage Corporation
	Pesticide Use	LTC letter to the BC Ministry of Environment, Ecosystems Protection and Sustainability Branch requesting that Denman Island be excluded from the Pesticide Use Permit to eradicate invasive intertidal cordgrass infestations because a volunteer-based program to manually control invasive cordgrass, is ongoing on Denman Island and appears to be effective.
2016	Coastal Douglas-Fir and Associated Ecosystems Conservation	LTC becomes a signatory to the Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership (CDFCP) Statement of Cooperation; LTC letter of support for CDFCP
	CVRD South Sewer Project	LTC letter to Comox Valley Regional District, indicating support for the South Sewer Project
	Islands Trust Signage	LTC responds positively to request of Hornby Island Residents and Ratepayers Association (HIRRA) to have Islands Trust signage at Buckley Bay revised to include reference to Hornby Island as well as Denman Island
2017	CVRD - Ferry Hill safety	LTC letter to Comox Valley Regional District to consider a trail on the ferry hill, noting safety concerns
	Geoduck Aquaculture	LTC request Executive Committee to prioritize the task of seeking membership on the Shellfish Aquaculture Management Advisory Commission for the Islands Trust.
	Geoduck Aquaculture	LTC request Executive Committee to request staff to investigate and report on strategies to limit the impacts of geoduck aquaculture in the Trust Area and to obtain legal clarification on whether LTCs may create an exception in their zoning bylaws to prohibit geoduck cultivation
	Crown tenures	LTC request staff to contact staff in the Ministry of Forests, Lands and Natural Resource Operations to request that the LTC be notified of any decision made regarding tenures applications in the Local Trust Area.
	CVRD – Cross Island Trail Application to ALC	LTC request staff to inform the ALC that the LTC has reviewed the application for a statutory right-of-way within the ALR to accommodate the construction of the Cross Island Trail and would like to express its support.

	Aquaculture	LTC request Executive to consider inviting a representative from the Farm Industry Review Board to Trust Council
	Marine Protection	LTC letter to Fisheries and Oceans Canada, requesting that driving on the beach be minimized
2018	Aquaculture	LTC requests representatives of the BC Farm Industry Review Board to meet with the LTC at a public meeting to present their work, answer questions and tour shellfish operations on Denman Island
	Aquaculture	LTC request for Islands Trust involvement in a BC Farm Industry Review Board process of drafting a Code of Practice for aquaculture operators
	Denman Housing Association	LTC letter of support for the Denman Housing Association
	Geoduck Aquaculture	LTC requests Executive Committee to undertake further advocacy with Fisheries and Oceans Canada (DFO) in opposition to the establishment of geoduck aquaculture in the Trust Area
	Denman Community Land Trust Association	LTC requests a letter to the DCLTA recognizing their efficient and proactive administration of their Housing Agreement
	Service Integration	LTC advises Trust Programs Committee (TPC) that the LTC has experienced barriers to engaging service providers/other agencies when addressing affordable housing, roads, aquaculture practices
	BC Ferries Signage	LTC requests letter to BC Ferries expressing concern about the location of the new electronic sign at Buckley Bay and asking for alternative proposals

Rationale for Recommendation

The 'Top Priorities List' and 'Project List' identify several potential projects for the incoming LTC to consider and prioritize through its' strategic planning. The OCP/LUB Review Project is currently identified as a top priority for the next term and budget approval is underway.

ALTERNATIVES

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

1. Amend the 'Top Priorities List' and/or the 'Projects List'

The LTC may amend either list prior to the end of the term. The resolution may be worded as:

That the Denman Island Local Trust Committee amend the [Top Priorities List/Projects List] as follows:

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	September 27, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	October 1, 2018

ATTACHMENTS

1. Denman Top Priorities List
2. Denman Projects List

Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)		Sonja Zupanec Marnie Eggen	
2	Relationship building with Komoks First Nation	Shared Narrative of Place Project will integrate First Nations history and place names in the OCP and explore opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.		Marnie Eggen	
3	Facilitating Affordable, Attainable and Seniors Housing	Secondary suites review, DCLTA affordable housing final report (June 20, 2013), and consideration of further opportunities to support housing options.	26-Jun-2018	Marnie Eggen	

Projects

Denman Island

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
Climate Change	Consider climate change adaptation and mitigation measures	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Cannabis production and retail sales	Review land use regulations for cannabis production and retail sales.	01-May-2018
Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
Denman Village Plan	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.	26-May-2015
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	07-Mar-2017
Greenshores Workshop		01-May-2018

Projects

Denman Island

Description	Activity	R/Initiated
Incorporate the Regional Conservation Plan into land use planning.	To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)	07-Aug-2018