

Denman Island Local Trust Committee

Regular Meeting Agenda

Date: March 7, 2017
Time: 9:30 am
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 9:30 AM - 9:35 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** 9:35 AM - 9:45 AM
4. **COMMUNITY INFORMATION MEETING - none**
5. **PUBLIC HEARING - none**
6. **MINUTES** 9:45 AM - 9:55 AM
 - 6.1 Local Trust Committee Minutes dated January 31, 2017 3 - 13
 - 6.2 Section 26 Resolutions-Without-Meeting Report dated February 28, 2017 14 - 14
 - 6.3 Advisory Planning Commission Minutes - none
 - 6.4 Marine Advisory Planning Commission Minutes - none
7. **DELEGATIONS**
8. **CLOSED MEETING** 9:55 AM - 10:25 AM
 - 8.1 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)(a) Appointment of APC Members; (d) Adoption of In Camera Minutes dated January 31, 2017; (f) Bylaw Enforcement and (i) Legal Advice and that the recorder and staff attend the meeting.
 - 8.2 Recall to Order
 - 8.3 Rise and Report
9. **BUSINESS ARISING FROM MINUTES** 10:25 AM - 10:55 AM
 - 9.1 Follow-up Action List dated February 28, 2017 15 - 16

9.2	Travel Trailer Regulations - Staff Report	17 - 23
9.3	Advisory Planning Commission - Draft Bylaw No. 224 - Staff Report	24 - 37
10.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.	APPLICATIONS AND REFERRALS	
12.	LOCAL TRUST COMMITTEE PROJECTS	10:55 AM - 11:15 AM
12.1	Marine Issues - Bylaw 207	
13.	REPORTS	11:15 AM - 11:30 AM
13.1	Work Program Reports	
13.1.1	Top Priorities Report dated February 28, 2017	38 - 38
13.1.2	Projects List Report dated February 28, 2017	39 - 40
13.2	Applications Report dated February 28, 2017	41 - 45
13.3	Trustee and Local Expense Report dated January, 2017	46 - 46
13.4	Adopted Policies and Standing Resolutions - none	
13.5	Local Trust Committee Webpage	
13.6	Chair's Report	
13.7	Trustee Reports	
13.8	Electoral Area Director's Report	
13.9	Trust Fund Board Report dated February, 2017	47 - 48
14.	NEW BUSINESS	11:30 AM - 11:45 AM
14.1	Aquaculture Application No. 1414540 - for discussion	49 - 72
14.1.1	Email dated February 27, 2017 from Edi Johnston	73 - 73
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Tuesday, May 2, 2017 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
16.	TOWN HALL	11:45 AM - 11:55 AM
17.	ADJOURNMENT	11:55 AM - 11:55 AM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: January 31, 2017

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
Teresa Rittemann, Planner 2
Vicky Bockman, Recorder

Others Present: Approximately seven (7) members of the public - am
Approximately three (3) members of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 9:30 am. She welcomed the public, acknowledged that the meeting was being held in territory of the Coast Salish First Nations, and introduced Trustees, staff and recorder.

Trustee Busheikin called for a moment to reflect on the Quebec City mosque shooting, considering it to be a tragedy of national proportions. She strongly condemned acts of violence and racial or other intolerance in our communities; and expressed condolences and hope for justice.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

14.3 Ferry Hill Discussion

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

The following points were made:

- Opposition to staff report recommendation that the Local Trust Committee (LTC) not proceed with draft Bylaw No. 207 which excludes driving vehicles in the W1 zone.
- Argument to support the position that the Islands Trust has the authority to regulate activities in W1 and W4 zones and has a duty to protect fish habitat.
- Support for draft Bylaw No. 207 expressed offering suggestions for next steps to protect the W1 zone.

- A question was asked as to why the Farm Plan implementation project was not going to better define Development Permit Areas (DPA) to bring them into compliance with the Agriculture Land Commission Act.
 - A Trustee responded that comments will be taken under advisement; however, advised that the LTC had prioritized the recommendations presented in the Farm Plan for implementation and confirmed that reviewing the DPAs was not in the current scope of the work under consideration.

A member of the public asked a question about removing a requirement of his Development Permit.

Chair Morrison commented that the LTC has been advised to decline to discuss any matter that is currently in litigation or that has been litigated.

- Comment regarding bylaw amendments being considered regarding intensive agriculture, feedlots and setbacks. It was noted that the proposed definition of intensive agriculture is too broad and might be better considered from a perspective of the ratio of the amount of land being used to the number of livestock. The proposed feed lot definition is too prohibitive and would affect those who are raising chickens. Opinion was expressed that the agricultural setback issue is complex, noting that needs can differ based on type of land both in the subject and adjoining property.
- Concern expressed that the current bylaw enforcement system is too limited in its ability to compel compliance when there are complaints, and asked what can be done to improve the situation. Acknowledged that housing is a sensitive issue, however, noted that there are times when aspects of housing can create problems for neighbours.
- Encouragement to the LTC to continue to proceed with proposed Bylaw No. 207 and to consider suggestions that have been proposed in today's Town Hall as possible approaches to investigate.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated November 15, 2016

By general consent the Local Trust Committee minutes dated November 15, 2016 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report dated January 23, 2017

Received.

6.3 Advisory Planning Commission Minutes - none

6.4 Marine Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 23, 2017

Regional Planning Manager Kjerulf presented the List and provided updates. Trustee Busheikin reported that the Financial Planning Committee had been asked to consider the automatic application fee increases approach as listed in the October 18, 2016 activity; however, had provided rationale for not pursuing this methodology.

8. DELEGATIONS - none

9. CORRESPONDENCE

The following was received:

- Correspondence from Edi Johnston dated January 5, 2017 re: Review of 2016 Marine Issues;
- Correspondence from Dorrance Woodward dated January 25, 2017 re: Gulf Islands Alliance legal opinion; and
- Correspondence from Association for Denman Island Marine Stewards dated January 31, 2017 re: Amendment of Bylaw No. 207.

10. APPLICATIONS AND REFERRALS

10.1 Bylaw No. 219

That the Denman Island Local Trust Committee Bylaw No. 219 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015", be adopted

DE-2017-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 219 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015" be adopted.

CARRIED

10.2 Bylaw No. 220

That the Denman Island Local Trust Committee Bylaw No. 220 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015", be adopted

DE-2017-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 220 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015" be adopted.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Bylaw Nos. 222 and 223 Housekeeping - Staff Report

Planner Rittermann presented the Staff Report which recommends second reading of the bylaws and responds to the LTC's direction to improve the definition of "agriculture", amend the definition of "intensive agriculture" and to provide information on regulations regarding feedlots. Staff suggested alternative definitions that align with the *Farm Practices Protection (Right to Farm) Act* and the *Local Government Act*.

Trustees considered the proposed definitions and agricultural setback regulation and concurred with concerns that had been expressed in the Town Hall that indicated that the proposed changes may be too broad for agriculture and livestock husbandry on Denman Island.

Trustees requested further information on alternative options and suggestions for approaches to the bylaw amendments prior to making a decision.

DE-2017-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide the following information regarding agricultural definitions:

1. Alternative ways to regulate intensity that address concerns with numbers of livestock in a given space and still would allow pastured keeping of livestock;
2. An alternative definition or definitions of feedlot that clarify that feedlot does not include small-scale confined keeping of poultry and livestock for occasional commercial activities; and
3. Options for feedlot setbacks and screening to better protect neighbouring properties especially on non-agricultural lots for negative impacts.

When asked by the Chair if there was further discussion on the motion, a Trustee requested a friendly amendment.

The Chair asked if there were any objections to the motion, as amended. The Chair then read the motion as:

DE-2017-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide the following information regarding agricultural definitions:

1. Alternative ways to regulate intensity that address concerns with numbers of livestock in a given space and still would allow pastured~~d~~-keeping of livestock;
2. An alternative definition or definitions of feedlot that clarify that feedlot does not include small-scale confined keeping of poultry and livestock for occasional commercial activities; and
3. Options for feedlot setbacks and screening to better protect neighbouring properties especially on non-agricultural lots for negative impacts;

and report back to the Local Trust Committee with information on best practices for these issues.

CARRIED

DE-2017-004**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide information on other examples of agricultural bylaws in other jurisdictions that cover the same or similar topics under consideration now.

CARRIED

Trustees discussed the value of receiving examples of agricultural bylaws gathered from locations throughout the Islands Trust area as well as from other jurisdictions.

11.2 Marine Issues**11.2.1 Staff Report**

Regional Planning Manager Kjerulf presented the Staff Report which recommends the LTC not proceed with Bylaw No. 207, based on advice from the Islands Trust solicitor, and suggests that the LTC consider following other viable avenues to pursue as provided in the Official Community Plan. She advised that Trust Area Services is reviewing options for marine protection at a broader level and that outcomes from that process may be useful in the consideration of next steps.

Trustees considered the report and debated next steps with the following key points noted:

- A Trustee concurred with the advice provided in the Staff Report, indicating that this approach to marine protection has been ongoing for years and the initiative has not been able to come to conclusion despite numerous attempts at stakeholder meetings and the receipt of legal advice, staff and other reports. It was considered that a different approach to protection of marine priorities might yield a positive impact in a significant and lasting way.
- A Trustee argued that there is an opportunity to amend the proposed bylaw to conform to the limited management of land use within the LTC's jurisdictional authority that would not encroach on federal jurisdiction of fisheries and agriculture and could advocate for not driving on the beaches. It was considered that measures deemed possible should be taken to act in accordance with the Islands Trust mandate to preserve and protect.

DE-2017-005**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to redraw Bylaw No. 207 in consultation with legal counsel that conforms to the jurisdictional limitations of the Local Trust Committee.

There was discussion on the motion with the following noted:

- Trustee Critchley spoke to the motion remarking that the efforts put into this initiative over the years should not be lost regardless of potential bylaw enforcement difficulties; that this is a statement of principal that has purpose and sends the message that we hold the protection of the environment to be important and that we expect the regulations to be respected;
- Trustee Busheikin remarked that the Official Community Plan presents the community's guiding values and she did not generally support creating bylaws to express principal; and was concerned that doing so in this case might jeopardize First Nations relationship building. She suggested making an impact in marine protection in other ways such as education, signage, and consulting with growers and agencies to provide a short and long term effect; and
- Chair Morrison cautioned that she generally does not recommend the creation of unenforceable bylaws. She observed that the agency referral process would bring First Nation perspectives into discussion should an amended bylaw proceed further.

Discussion continued with Trustees asking staff to consult with legal counsel to gauge the ability to amend the proposed bylaw to an acceptable legal framework and to report back to the Local Trust Committee, acknowledging that if not considered to be possible, the decision could be made to not proceed further.

The question on the motion was then called,

CARRIED

Bylaw Enforcement Manager Drew joined the meeting at 10:54 am.

By general consent agenda item 12 was moved to follow 11.2.1.

12. BREAK

The meeting recessed at 10:55 am and reconvened at 11:05 am.

11.2.2 Shoreline Protection Resource Material - Memorandum

The memorandum advised that a shoreline protection information guide "Your Marine Waterfront Guide: a guide to protecting your property while promoting healthy shorelines" is available and solicited input on the LTC's interest in arranging for linking the guide to the webpage and receiving hard copies.

Trustees requested the guide be placed on the Denman Island webpage and discussed possible distribution of a limited number of hard copies.

DE-2017-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request ten hard copy publications of the shoreline protection manual: "Your Marine Waterfront Guide: A guide to protecting your property while promoting healthy shorelines".

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated January 23, 2017

Regional Planning Manager Kjerulf presented the report, provided updates and responded to questions that arose.

13.1.2 Projects List Report dated January 23, 2017

Received.

13.2 Applications Report dated January 23, 2017

Bylaw Enforcement Manager provided an update on DE-DP-2011.2 and DE-DVP-2011.1 (Ella Day).

13.3 Trustee and Local Expense Report dated November, 2016

Received.

13.4 Adopted Policies and Standing Resolutions - none

13.5 Local Trust Committee Webpage

Trustees requested that a link to "Your Marine Waterfront Guide: A guide to protecting your property while promoting healthy shorelines" be placed on the Denman Island webpage.

13.6 Chair's Report

Chair Morrison reported on the following:

- Lasqueti Island is disputing the Ministry of Transportation's non-inclusion of a 100-year-old road access to the water in its road survey. She reported that she did not ask for an Executive Committee meeting regarding this issue as erroneously reported in a publication.

13.7 Trustee Reports

Trustee Critchley reported on the following:

- Highlights from the December Trust Council;
- Office hours held;
- He made a submission to the Shellfish Aquaculture Management Advisory Committee requesting an Islands Trust representative be appointed through the Union of BC Municipalities to a seat on this committee; however, he has not received a response.

Trustee Busheikin reported on the following:

- Attendance at two Denman Island Residents Association meetings;
- The Ferry Advisory Committee met recently regarding operations and there is a possibility of some improvement in the schedule of Route 21;
- Attendance at Denman Island's Seedy Saturday with Planner Zupanec that was successful and well received;
- She is participating in an on-line course through UBC regarding Reconciliation and First Nations issues; and
- She will be attending the Local Government Leadership Academy forum.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - none

14. NEW BUSINESS

14.1 Advisory Planning Commissions - Staff Report

Regional Planning Manager Kjerulf presented the Staff Report that addresses the need to recruit Advisory Planning Commission (APC) members and suggests the benefits of reducing the number of advisory committees from five to an APC and a Special Projects APC. She advised that staff recommends that the LTC update its APC Bylaw to reflect any revised terms of reference.

Trustees discussed the benefit of having one active APC and a Special APC engaged as needed for this term while maintaining the possibility of multiple, specialized APCs in the bylaw for any future needs. They concurred with the recommendation to revise the APC terms of appointment to six members who each serve a concurrent two-year term with the option for reappointment for a subsequent two-year term to reduce administrative and advertising costs. They confirmed the need to advertise and broaden the search in recruitment of new members.

DE-2017-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff advertise for expressions of interest for the Denman Island Advisory Planning Commission.

CARRIED

DE-2017-008**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission and Marine Advisory Planning Commission whose terms expired in 2016 or will expire in 2017, inviting their expressions of interest for reappointment to the Advisory Planning Commission.

CARRIED**DE-2017-009****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that staff prepare a draft bylaw to replace Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”, which includes revised terms of reference for Denman Island Advisory Planning Commissions which includes commissions such that the two year terms are aligned to begin and end concurrently.

CARRIED

Trustees discussed advertising options for soliciting APC expressions of interest and requested that staff proceed with two Grapevine ads while Trustees will write notices for social media and the Trustee Notebook column.

14.2 Provincial Private Moorage Policy Update January 2017 - Memorandum

Regional Planning Manager Kjerulf outlined the memorandum. She advised that Denman Island is excluded from the “Application-Only Areas” with private moorage permitted under the Ministry of Forests, Lands and Natural Resource Operations’ General Permission policy; however, noted that prospective dock owners must continue to ensure compliance with local zoning bylaws.

Trustees acknowledged the significance of dock issues, noting that there are potential negative impacts on the environment and foreshore associated with them. They considered that a review of pertinent regulations in the Land Use Bylaw (LUB) might be warranted to inform a decision regarding regulation of private moorage now that the Province is no longer requiring applications.

Bylaw Enforcement Manager Drew commented that bylaws are outdated in this regard and are in need of updating as needs and ability to afford private docks have changed over the years.

Regional Planning Manager Kjerulf commented that a review of the LUB could be conducted to provide an understanding of permitted locations and the relevance of DPAs to the issue in order to provide recommendations. She suggested that this activity might be considered as a project related to the Top Priority of Marine Issues.

DE-2017-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee ask staff to review the Denman Island Land Use Bylaw and report back to the Local Trust Committee on the current state of regulation of docks and provide recommendations for further regulation of docks.

CARRIED

14.3 Ferry Hill Discussion

Trustee Critchley clarified that this issue had been deferred from the previous LTC meeting. He reported that he spoke to Comox Valley Regional District (CVRD) staff regarding the safety concerns on the ferry hill and the need for a trail there. He reported that they responded that there are no plans to extend the trail network down to the ferry landing. He solicited input on how to proceed with next steps.

LTC members suggested further communication with CVRD staff on this issue.

DE-2017-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee write a letter from the Chair to the Comox Valley Regional District noting safety concerns on the ferry hill and requesting that a trail be considered in this location.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, March 7, 2017 at 10:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the meeting date and location, however, noted that the mid-day ferry schedule has created travel difficulties for those who must travel after conclusion of LTC meetings. They suggested that a start time of 9:30 am be considered for future meetings.

DE-2017-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee establish a start time for its regular meetings of 9:30 am.

CARRIED

16. TOWN HALL

- A constituent wanted to know why she was advised that a bylaw enforcement complaint she filed in 2015 cannot be investigated because of the bylaw amendment under consideration.

- Trustees recommended that she discuss this further with Bylaw Enforcement Manager Drew for clarification.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

DE-2017-013

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(d) and (f) for the purpose of considering Adoption of In-Camera Meeting Minutes dated October 18, 2016 and November 15, 2016; and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 12:05 pm.

17.2 Recall to Order

By general consent the meeting was recalled to order at 12:33 pm.

17.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC adopted minutes from *In Camera* meetings of October 18, 2016 and November 15, 2016 and requested that staff prepare a report showing options for improvement of our bylaws relating to occupation of travel trailers.

18. ADJOURNMENT

By general consent the meeting was adjourned at 12:34 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Print Date: February 28, 2017

Resolutions Without Meeting

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2017-02	In Favour	"That the Denman Island Local Trust Committee authorize the expenditure of up to \$140.00 from the Local Expense Budget for the purpose of advertising in the 2017 Denman Island Telephone Directory."	21-Feb-2017

Follow Up Action Report

Denman Island

19-Apr-2016

Activity	Responsibility	Target Date	Status
Monitor Regional District of Nanaimo Electoral Area H Official Community Plan Review and report to LTC about pertinent issues and opportunities to participate	Marnie Eggen		On Going
Organize CIM with presentations on eelgrass, forage fish habitat and aquaculture practices and future plans; invite participation from BC Shellfish Growers Association and Komoks; staff to engage a facilitator for CIM if required	Marnie Eggen David Critchley Laura Busheikin	05-Jul-2016	On Going

05-Jul-2016

Activity	Responsibility	Target Date	Status
Staff to inquire into the processing of Schedule B submissions for affordable housing projects pursuant to housing agreements.	Marnie Eggen		On Going

20-Sep-2016

Activity	Responsibility	Target Date	Status
DE-DVP-2016.1 (Lundberg) approved with conditions.	Becky McErlean Marnie Eggen Penny Hawley	31-Jan-2017	On Going

15-Nov-2016

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Denman Island Local Trust Committee Fees Bylaw,
2007 adopted. Consolidate and upload to website April 2017.

Becky McErlean

31-Mar-2017

On Going

31-Jan-2017

Activity	Responsibility	Target Date	Status
Bylaws 222 and 223 (Housekeeping): Staff to report on alternatives to accommodate small scale poultry and livestock keeping for commercial purposes; alternative definition of feedlot; options for setbacks and screening of feedlots	Teresa Rittemann	02-May-2017	On Going
RZ-DE-2015.1 (Pandesign) Bylaw Nos. 219 & 220 Adopted; OCP and LUB bylaws to be consolidated	Becky McErlean	10-Feb-2017	Done
Bylaw 207 (Driving on the beach): Staff to redraft bylaw in consultation with legal counsel to ensure bylaw conforms with jurisdictional limitations of the LTC	Ann Kjerulf	07-Mar-2017	On Going
Staff to print 10 copies of the Your Marine Waterfront Guide to Protecting Healthy Shorelines; staff to update website	Ann Kjerulf	10-Feb-2017	Done
Staff to advertise for new APC members; send letters to recent and current members of APC and MAPC; update APC bylaw to include concurrent two year terms	Penny Hawley Ann Kjerulf	24-Feb-2017	Done
Staff to review and report on status of and options for private moorage (dock) regulations.	Ann Kjerulf	07-Mar-2017	On Going
That the Chair write a letter to CVRD Parks on behalf of the LTC regarding the ferry hill trail.	Ann Kjerulf	10-Feb-2017	On Going
Denman LTC meetings to commence at 9:30 am; update meeting calendars and notices	Becky McErlean Wil Cottingham	10-Feb-2017	Done
Staff to prepare a report regarding regulation of travel trailers	Miles Drew	24-Feb-2017	Done



DATE OF MEETING: March 7, 2017
TO: Denman Island Local Trust Committee
FROM: Miles Drew, Bylaw Enforcement Manager
Northern Office
SUBJECT: Travel Trailer Regulations

RECOMMENDATION

1. That the Denman Island Local Trust Committee add “land use bylaw amendments and enforcement policies regarding the use of travel trailers” to the Local Trust Committee Projects List.
2. That the Denman Island Local Trust Committee request staff to draft bylaw amendments to Sections 11 and 12 of Denman Island Land Use Bylaw No. 186, 2008 to:
 - (i) Ensure consistency with the BC Building Code; and,
 - (ii) Remove provisions which permit occasional use of travel trailers.
3. That the Denman Island Local Trust Committee request staff to draft a bylaw enforcement policy concerning enforcement of occasional use of travel trailers for consideration of the Local Trust Committee.

REPORT SUMMARY

The staff report presents options in response to direction from the Denman Island Local Trust Committee (LTC) regarding the regulation of travel trailers. Staff are recommending that the LTC identify this as a clearly defined project with two key components: land use bylaw amendments, and bylaw enforcement policies.

BACKGROUND

At their meeting January 31, 2017, the Denman Island Local Trust Committee requested that staff prepare a report showing options for improving the Land Use Bylaw in relation to the periodic occupancy of travel trailers. This direction stems from bylaw enforcement complaints regarding residential use of travel trailers on Denman Island.

ANALYSIS

Policy/Regulatory

Currently sections 11 and 12 of the Denman Island Land Use Bylaw No. 186, 2008) (LUB) state the following about vacation use for travel trailers:

Travel Trailers

- 11 Travel trailers may be stored on the lot and used for occasional non-commercial accommodation.

12 A travel trailer, bus or similar vehicle may be used as a principal dwelling unit or as a secondary dwelling unit approved by a Temporary Use Permit on any lot where a single family dwelling is a permitted building provided that it:

- is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7;
- is connected to an approved sewage disposal system; and
- is considered a dwelling unit for the purpose of residential density calculations.

The term occasional is defined thus:

"in relation to the use of an accessory building, a travel trailer or a vessel for non-commercial accommodation means a total length of stay by an individual of not more than 45 days per calendar year, of which no more than 30 may be consecutive"

Issues and Opportunities

Enforceability

Many of the terms used in the above sections and definition significantly increase the difficulty of gathering sufficient proof to enforce the intent of the LUB. Section 11 for instance says that travel trailers may be used for occasional non-commercial use. This seems to indicate that trailers should be use infrequently. However, the definition of 'occasional' states that an individual can stay in a trailer for 45 days per calendar year provided no more than 30 are consecutive. This means that a series of individuals could stay in the trailer all year. It also means that in order to prove an offence a bylaw enforcement officer would have to demonstrate that the same individual had stayed in the trailer for more than 30 days. The only practical way this can be done is by admission of the guest or the owner of the property. Additionally, the same individual's length of stay is reset on January 1st of each year thus permitting a 60 day stay for December and January provided there is a one day absence. Again, proving there had not been a one day absence would be very difficult.

Potable Water and Wastewater Disposal

Section 11 of the Bylaw also does not require that travel trailers used for occasional accommodation be connected to water and sewer facilities. Given that a travel trailer can be used on Denman Island by a series of guests in perpetuity, the lack of connection to potable water and proper sanitation may be problematic.

Conflict with BC Building Code

Section 12 of the Bylaw permits travel trailers to be used as a principle dwelling if its use does not cause residential density regulations to be exceeded and if it is connected to services. This provision conflicts with the BC Building Code which does not permit travel trailers to be used as dwellings.

Regulation of Travel Trailers by other LTCs

Excerpts of other Local Trust Committee (LTC) bylaws (Attachment 1) demonstrates that LTCs have three main approaches to the use of travel trailers. Some permit them outright, some with conditions that are more or less easy to enforce, and some do not permit their use at all. Of the ones that do not permit their use at all, the LTC relies on the enforcement policy which stipulates that no enforcement is to take place without a written complaint and relies on the expectation that the bylaw enforcement officer will give a reasonable time to comply before taking enforcement actions. This expectation could be improved if an LTC chooses to adopt a bylaw enforcement policy specifically directing officers to give time to comply in certain conditions.

It is the opinion of the Bylaw Enforcement Manager that bylaws permitting travel trailers to be used as dwellings are inappropriate except where a building permit has been issued or a dwelling that meets the BC Building Code is being actively constructed. Staff notes that Denman Island currently has no building permit requirement through the Comox Valley Regional District.

Further, it is the opinion of the Bylaw Enforcement Manager that bylaws that permit vacation use of trailers for limited periods of time are difficult to enforce, are de facto permitting travel trailers to be used as dwellings, and exceeding the permitted residential density for a lot. This is especially problematic where there is no requirement that trailers be attached to services.

Rationale for Recommendation:

The recommendations are made in order to remove conflict with the BC Building Code which does not consider that travel trailers are safe or suitable for use as a dwelling. While there is no building inspection on Denman Island, the BC Building Code is in effect and its standards must be met by property owners everywhere in the Province. By permitting travel trailers to be used as dwellings the Denman Island Land Use Bylaw is facilitating violation of the BC Building Code.

Recommendations to remove the provisions for use of travel trailers for guests and to establish an enforcement policy which prevents enforcement when guests are staying in trailers for short periods is to increase the likelihood of successfully preventing unlawful residential use while still permitting holiday use of travel trailers.

ALTERNATIVES

1. Receive for information

Submitted By:	Miles Drew, Bylaw Enforcement Manager	February 27, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 28, 2017

ATTACHMENT

1. Excerpts of LTC Bylaws Regarding Travel Trailers

ATTACHMENT # 1— EXCERPTS OF LTC BYLAWS REGARDING TRAVEL TRAILERS

Gabriola LUB No. 177

B.6.4 Use of Travel Trailers, Recreational Vehicles and Accessory Buildings

B.6.4.1 One travel trailer, recreational vehicle or accessory building may only be used as a temporary dwelling unit on any lot where single family residential use is a permitted use to a maximum of two years, provided:

- a. a valid building permit for the principal dwelling unit is in effect for the property;
- b. the trailer or recreational vehicle is enclosed or screened from adjacent land by a landscape screen or fence subject to subsection B.2.7 or B.2.4, respectively, not less than 2.0 metres (6.6 feet) in height; and
- c. the trailer or recreational vehicle is connected to an approved sewage disposal system.

B.6.4.2 A combined total of two of the following: tents, tent trailers, camper vehicles, travel trailers or recreational vehicles may be used for seasonal accommodation for a period not exceeding 90 days in a calendar year and not exceeding 60 consecutive days, each except as permitted in the Agriculture (AG) zone.

B.6.4.3 Nothing in this bylaw prevents the storage of a travel trailer or recreational vehicle on a lot.

GALIANO LUB No. 127

No provisions for RV use.

GAMBIER LUB No. 89

3.2 Prohibited in All Zones

(1) For clarity the following uses, as well as other uses not expressly permitted in Section 3.1 and in the specific zone regulations in Part 5, are prohibited in all zones:

- (b) Recreational vehicle campgrounds and trailer parks;
- (c) Manufactured home parks;
- (f) A use located partially or totally in a tent or travel trailer, motor home, or camper except when:
 - (i) a tent or travel trailer, motor home or camper is otherwise permitted by this Bylaw, or
 - (ii) a travel trailer, motor home or camper is a licensed vehicle pursuant to the Motor Vehicle Act and the vehicle is able to be immediately moved without having to remove it from any supporting foundation or service connection, or
 - (iii) a tent is used for recreational purposes on a lot zoned to permit residential use;

KEATS LUB No. 78

Temporary Residence while Constructing

BL 92

.3 While a valid building permit for a single family residential dwelling remains in effect, a maximum of one of the following may be used as a temporary dwelling subject to subsections 2.1.4 and 2.1.4(1):

- accessory building
- structure
- sleeping cabin
- guest cottage
- travel trailer
- recreation vehicle

.4 The use of a travel trailer or recreation vehicle as a temporary dwelling in subsection 2.1.3 is subject to:

- the provision of a domestic water supply and sewage disposal facility satisfactory to the Medical Health Officer;
- the travel trailer or recreation vehicle being located on the same lot as the dwelling subject to the valid building permit; and
- the travel trailer or recreation vehicle meeting the setback regulations in Part 4 of this Bylaw

HORNBY LUB No. 150

3.11 Temporary Dwelling

A recreational vehicle, mobile home, caravan, travel trailer or existing structure may be used as a temporary dwelling while a principal dwelling unit is under construction provided that:

- (a) A siting and use permit has been issued for the principal dwelling unit;
- (b) The period of occupancy of the temporary dwelling does not exceed 365 days. Hornby Island Land Use Bylaw No. 150, 2014 – Schedule A Page 23
- (c) The temporary dwelling is sited to permit direct discharge of effluent into an approved sewage disposal system; and
- (d) On completion and occupancy of the principal dwelling unit, the recreational vehicle, mobile home, caravan, travel trailer or existing structure is not used as a dwelling

LASQUETI LUB No. 78

"dwelling" means a building containing one kitchen, sleeping and living areas, in either a self-contained room or set of habitable rooms, used or intended for use as one (1) residence; for clarity a travel trailer, mobile home, bus, vessel or other recreational vehicle actively used for long term habitation is considered a dwelling

3.8. Guest Cabins and Temporary Use of Recreational Vehicles

- (1) Storage of a travel trailer, mobile home, bus, vessel or other recreation vehicle on a lot, provided such is not actively used for human habitation or any overnight accommodation is permitted.
- (2) A travel trailer, mobile home, bus, vessel or other recreation vehicle is considered and may be used as a dwelling unit on any lot where a single family dwelling is a permitted building provided that it complies with residential density calculations in accordance with section 3.9
- (3) Where permitted, a travel trailer, mobile home, bus, vessel or other recreation vehicle may be used in place of a guest cabin on a lot for non-commercial accommodation provided that the floor area does not exceed 56 square metres (602.7 square feet).
- (4) A guest cabin shall not exceed 56 square metres (602.7 square feet) in floor area.
- (5) A guest cabin is not a dwelling and not to be actively used for long term rental accommodation purposes.
- (6) A guest cabin may only be used as a commercial short-term rental of less than 30 days provided the appropriate Commercial 3 zoning is in place.

MAYNE LUB No. 148

"Recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home

3.9 Use of Recreational Vehicles

- (1) The use of a recreational vehicle as a dwelling or cottage is permitted on a lot in the SR, MBRC, RR1, R, UP and A zones, subject to:
 - (a) the connection of the recreational vehicle to sewage disposal facilities consistent with the provisions of the Public Health Act;
 - (b) the provision of a domestic water supply; and
 - (c) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages; and

NORTH PENDER LUB No. 103

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

No specific regulation.

SALT SPRING LUB No. 355

3.17 USE OF TRAVEL TRAILERS AND RECREATIONAL VEHICLES

3.17.1 In zones where dwelling units are permitted, one travel trailer or one recreational vehicle may be occupied as a camping unit on a lot for a maximum of 90 days in any year provided approved sewage disposal facilities are provided.

3.17.2 In zones where dwelling units are permitted, one travel trailer or one recreational vehicle may be occupied as a camping unit on a lot for two years during construction of a dwelling unit on the same lot provided that:

- (1) a valid building permit exists for the dwelling unit on the lot, and
- (2) the water supply and approved sewage disposal facilities for the dwelling unit have been installed and temporarily connected to the travel trailer or recreational vehicle.

3.17.3 Except as permitted in Subsections 3.17.1 and 3.17.2 a travel trailer or recreational vehicle may not be occupied on lots that are not zoned to permit campgrounds.

SATURNA LUB No. 78

2.10 Provisional Residence while Constructing

2.10.1 Where a valid building permit has been issued for the construction of a residence, one travel trailer or camper or an accessory building may be used for the provisional residence of the owner or builder. However, as soon as the residence is occupied the travel trailer, camper or accessory building must not be used for residential purposes.

SOUTH PENDER LUB No. 92

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

3.10 Use of Recreational Vehicles as a Dwelling

(1) The use of a recreational vehicle as a temporary dwelling prior to the construction of a single family dwelling on the same lot is permitted in the any zone where a single family dwelling is a permitted use, subject to:

- (a) the connection of the recreational vehicle to sewage disposal facilities for which a sewage disposal permit has been issued under the Health Act;
- (b) the provision of a domestic water supply;
- (c) compliance with the use, density and siting requirements of this Bylaw for dwellings and cottages; and
- (d) the occupancy of the recreational vehicles ceases prior to occupancy of a single family dwelling on the property.

Nothing in this Subsection prohibits the non-residential storage of recreational vehicles on a lot.

THETIS LUB NO. 98

Silent



DATE OF MEETING: March 7, 2017
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Bylaw No. 224 – Denman Island Advisory Planning Commission Bylaw

RECOMMENDATION

1. That the Denman Island Local Trust Committee has reviewed the Directives Only Checklist and confirmed by resolution that Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a first time.
3. That Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a second time.
4. That Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be read a third time.
5. That Denman Island Local Trust Committee Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider giving readings to Bylaw No. 224, cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017", and subsequently to forward the bylaw to the Executive Committee for approval, prior to consideration of adoption.

BACKGROUND

At the January 31, 2017 meeting, the LTC passed the following resolution:

DE-2017-009

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

that the Denman Island Local Trust Committee request that staff prepare a draft bylaw to replace Bylaw No. 203 cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012", which includes revised terms of reference for Denman Island Advisory Planning Commissions which includes commissions such that the two year terms are aligned to begin and end concurrently.

Draft Bylaw No. 224 is included as Attachment 1, and for comparison, current APC Bylaw No. 203 is included as Attachment 2. The Directives Only Checklist is presented as Attachment 3 for confirmation at the time of first reading. Staff has reviewed draft Bylaw No. 224 in conjunction with the Directives Only Checklist, and are satisfied that the bylaw is compliant with the Islands Trust Policy Statement.

ANALYSIS

Policy/Regulatory

The authority to establish Advisory Planning Commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*. Establishment of Advisory Planning Commissions supports the Islands Trust Policy Statement guiding principle that “*open, consultative public participation is vital to effective decision making for the Trust Area*”, and Denman Island Official Community Plan (OCP) guiding principle, “*To acknowledge that this community finds its strength in the varied gifts and experiences of its members; and, within the framework of a limitation on population, to support and encourage a diverse and self-reliant community.*”

Issues and Opportunities

Adoption of a new APC bylaw presents an opportunity to simplify the process of recruiting volunteer members by specifying concurrent (as opposed to overlapping) two-year terms. Draft Bylaw No. 224 also retains the option for the LTC to establish one or more Advisory Planning Commissions, provides for the appointment of up to nine members per Commission, and also clarifies the roles of the Chairperson, Deputy Chairperson, and Secretary.

Statutory Requirements

LTC administrative bylaws are required to be approved by the Executive Committee prior to adoption. No public hearing is required.

Rationale for Recommendation

Staff are of the opinion that Bylaw No. 224 will streamline the process of recruiting APC members yet continues to provide the LTC with flexibility regarding the number commissions and appointments to each commission it chooses to establish. The staff recommendation is outlined on page 1 of the report.

NEXT STEPS

Assuming concurrence with the recommended resolutions, Bylaw No. 224 would be forwarded to the Executive Committee for consideration. Once approved by the Executive Committee, staff would request that Bylaw No. 224 be adopted by Resolution Without Meeting (due to timing in relation to appointing new APC members).

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 26, 2017
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ATTACHMENTS

- 1. Draft Bylaw No. 224
- 2. Current APC Bylaw No. 203
- 3. Islands Trust Policy Statement Directives Only Checklist

DENMAN ISLAND TRUST COMMITTEE
BYLAW NO. 224

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

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

1. Establishment

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

2. Appointment of Members

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

3. Roles

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

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

4. Referrals

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

5. Notice of Meeting

- a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.
- e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Denman Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is at least 50 per cent of APC members.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.
- e) If an applicant or agent fails to appear, despite being duly notified, deliberations and recommendations may be made in the applicant's absence.

**DENMAN ISLAND TRUST COMMITTEE
BYLAW NO. 203**

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

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

1. Continuation and Establishment

- a) The Denman Island Advisory Planning Commission, an advisory planning commission established to advise the Local Trust Committee on all matters respecting land use, community planning, or proposed bylaws and permits that are referred to it by the Local Trust Committee, is continued.
- b) The Denman Island Local Trust Committee establishes:
 - i) a “Denman Island Transportation Advisory Planning Commission” to advise the Local Trust Committee on all matters respecting transportation that are referred to it by the Local Trust Committee;
 - ii) a “Denman Island Marine Advisory Planning Commission” to advise the Local Trust Committee on all matters respecting marine areas that are referred to it by the Local Trust Committee; and
 - iii) “Denman Island Special Projects Advisory Planning Commissions” to advise the Local Trust Committee on all matters respecting special projects referred to it by the Local Trust Committee.
 - iv) “Denman Island Agriculture Advisory Planning Commission” to advise the Local Trust Committee on all matters respecting agriculture referred to it by the Local Trust Committee.
- c) The provisions of parts 2 through 7 of this Bylaw apply to each of the advisory planning commissions continued and established by this Bylaw.

2. Appointment of Members

- a) Advisory Planning Commission
 - i) The Advisory Planning Commission consists of up to six members.
 - ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
 - iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.

- b) Transportation Advisory Planning Commission
 - i) The Transportation Advisory Planning Commission consists of up to six members.
 - ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
 - iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.
- c) Marine Advisory Planning Commission
 - i) The Marine Advisory Planning Commission consists of up to six members.
 - ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
 - iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.
- d) Agriculture Advisory Planning Commission
 - i) The Agriculture Advisory Planning Commission consists of up to six members.
 - ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
 - iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.
- e) Special Projects Advisory Planning Commissions
 - i) The Local Trust Committee may, from time to time, establish advisory planning commissions to provide advice to the Local Trust Committee on specific topics or for special projects.
 - ii) Special Projects Advisory Planning Commissions will be appointed based on a terms of reference endorsed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission.
- f) The Local Trust Committee may, by resolution, remove a member of an advisory planning commission at any time.
- g) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.
- h) The members must, during the first meeting of a term, from among the members elect a Chairperson, a Deputy Chairperson, and a Secretary.
- i) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- j) In the event that the Chairperson resigns from the position of Chairperson but remains on the advisory planning commission, the advisory planning commission shall write the Local Trust

Committee to advise them and the Local Trust Committee shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(g).

- k) An individual may serve concurrently on the Advisory Planning Commission, Transportation Advisory Planning Commission, Marine Advisory Planning Commission, Agriculture Advisory Planning Commission, a Special Projects Advisory Planning Commission, or any number of them.

3. Roles

a) Secretary

i) The Secretary is to:

1. assist the Chairperson, as required, in arranging meetings;
2. ensure that proper notification of meetings is given in compliance with this bylaw;
3. keep legible minutes of all meetings; and
4. provide copies of all minutes and recommendations to the Secretary of the Islands Trust.

b) Chairperson

i) The Chairperson is to:

1. receive referrals from the Local Trust Committee and, in response, decide when and where meetings shall be held;
2. ensure proper conduct of all meetings in accordance with the requirements of this Bylaw and the principles of procedural fairness; and
3. sign the minutes certifying that they are true and correct after the members have approved them.

4. Referrals

a) The Local Trust Committee may by resolution:

- i) refer an application for an amendment to a bylaw, or a permit, pursuant to the *Local Government Act*, or may refer a proposed bylaw or permit to an advisory planning commission with a request for a recommendation; or
- ii) refer a project in support of the Local Trust Committee's work program, an agency referral or other item of Local Trust Committee business to an advisory planning commission with a request for a recommendation; or
- iii) refer a plan or bylaw amendment or permit that has been partially processed and seen at the application stage by a advisory planning commission for additional recommendations if it feels changes to the application warrant the review, and in these cases an advisory planning commission may be asked to respond in a briefer than normal time period.

b) An advisory planning commission must meet when there is a need to consider a referral, at a duly constituted meeting as defined under this Bylaw and as called by the Chairperson.

c) The Chairperson shall select a regular monthly meeting day to consider referrals at its first meeting.

d) In the event that no referral is received by the Chairperson at least 7 calendar days prior to the date of the next regular meeting, then no meeting need be held.

- e) A meeting on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- f) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members to deal with any matter for which a quick response is requested from the Local Trust Committee.
- g) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least 3 calendar days prior to the meeting.
- b) The Secretary must confirm by telephone, email or note, the date and time of any extraordinary meetings with each member.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the Secretary of the Islands Trust are notified of each meeting at least five days prior to the day of the meeting.

6. Conduct of Meeting

- a) All deliberations must take place in a meeting, and all meetings must be open to the public.
- b) A quorum is the lesser of three members, or 50 per cent of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn it from time to time.
- d) An applicant must be afforded opportunity to present his or her proposal and to answer any questions asked by members.
- e) If the applicant or agent fails to appear and was duly notified as required by this Bylaw, deliberations and recommendations may be made in the applicant's absence.
- f) At the request of any member, the Chairperson must invite any elected official, staff or resource person present at the meeting to comment on the matters before the Commission.
- g) Development proposals and other applications must not be received directly from applicants.
- h) An advisory planning commission must not consult directly with other government agencies.

7. Notice of Recommendation

- a) If the Local Trustees did not attend a meeting, they may require a verbal report from the Chairperson.
- b) The Secretary must ensure minutes of each meeting are recorded and approved by the members at a subsequent meeting.
- c) The Secretary must ensure that a copy of the draft minutes is submitted to the Secretary of the Islands Trust office within seven calendar days of the meeting.
- d) A recommendation may be in the form of recorded commentary, in the form of minutes or in the form of a resolution, provided that all dissenting opinions are also recorded.

8. Transition

- a) "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2002", is repealed.

9. Citation

- a) This Bylaw may be cited as the "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012".

READ A FIRST TIME THIS 28th DAY OF February, 2012

READ A SECOND TIME THIS 28th DAY OF February, 2012

READ A THIRD TIME THIS 28th DAY OF February, 2012

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
29th DAY OF March, 2012

ADOPTED THIS 3rd DAY OF April, 2012

SECRETARY

CHAIRPERSON



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 3050-01 (Denman APC)

File Name: Bylaw No. 224 (APC Bylaw)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

**Top Priorities****Denman Island**

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation	Plan for a Community to Community (C2C) Forum		Marnie Eggen Mike Richards Ann Kjerulf	
2	Denman Island Farm Plan Implementation	Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods. Refer to Advisory Planning Commission and Growers & Producers Alliance		Ann Kjerulf	
3	Marine Issues	Jan. 31/17 - Staff to prepared revised bylaw 207 (to restrict driving on the foreshore) and report on status and options for dock regulations	03-Mar-2015	Ann Kjerulf	
4	OCP and LUB Housekeeping Amendments	Corrections to DP4 and intensive agriculture definition;	15-Nov-2016	Teresa Ritemann	07-Mar-2017

**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
GHG Reduction	Consider regulations to promote greenhouse gas emissions reduction.	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Rural Affordable Housing	Consider DCLTA Rural Affordable Housing Project Final Report (June 20, 2013) recommendations	22-Oct-2013
Medical Marihuana	Review of LUB in consideration of the new Federal Marihuana for Medical Purposes Regulation (Staff Report dated April 28, 2014)	15-Jul-2014
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; and addressing of water and septic concerns.	26-May-2015
Secondary Suites Review	Review policies and regulations with respect to secondary suites and cottages	12-Jan-2016
Affordable, attainable and seniors housing	Review regulatory mechanisms for supporting affordable, attainable and seniors housing	19-Apr-2016



Projects

Denman Island

Description	Activity	R/Initiated
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Islands Trust

Print Date: February 28, 2017

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2015.1	Denman Community Land Trust Association Planner: Rob Milne	17-Dec-2015	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR
Planning Status			
Status Date: 24-Jul-2016 Pending decision from ALC.			

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: 23-Feb-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 File passed on to Bylaw enforcement			
Status Date: 05-Oct-2012 Letter sent to applicant re: further info required			

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			

Applications

Status Date: 23-Feb-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

Status Date: 09-Nov-2012

BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2016.1	Citizen Design Build Inc.	21-Mar-2016	variance to setbacks from Streams, Lakes and Wetlands 40m from Graham Lake to buildings and structures and sewage disposal field 15m from stream to sewage disposal field

Planner: Marnie Eggen

Planning Status

Status Date: 04-May-2016

Planner reviewing

Siting and use Permit

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

Planner: Teresa Rittmann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

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

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

Applications

Planner: Rob Milne

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-2016.3	Citizen Design Build Inc.	21-Mar-2016	1 proposed Single Family Dwelling to replace existing 1 Home office 1 Workshop to replace existing shed 1 Temporary Use Secondary Dwelling (Guest House)

Planner: Marnie Eggen

Planning Status

Status Date: 04-May-2016

On hold until LTC consideration of DVP and TUP applications

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2017.2	Williams, CRAIG	17-Feb-2017	PID: 000-876-283. Proposed building one additional cottage for family member. Civic: 8900 Owl Crescent, Denman Island, BC.

Planner: Teresa Ritemann

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\nS.946 (2 lot subdivision)

Planner: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status

Applications

Status Date: 15-Mar-2016

Associated DP application was approved at the regular LTC meeting. Planner waiting for updated site plan from applicant before revising referral report to MOTI

Status Date: 06-Jan-2016

Applicant has submitted a DP application. Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.

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: 28-Feb-2017

No change in status.

Status Date: 22-Mar-2016

MOTI sent PLNA.

Status Date: 10-Feb-2016

Referral report emailed to MOTI - does not meet IT bylaws for minimum parcel size, width to length ratio, 10 percent road frontage, or parkland dedication. IT does not recommend approval. Copied to LTC and applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.2	Mason, Peter	28-Nov-2016	PIDs: 025-692-712 and 025-692-704. McFarlane Road, Denman Island. Lot line adjustment.
Planner: Linda Prowse			

Planning Status

Status Date:

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

Applications

Planning Status

Status Date:

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2016.2	WILLIAMS, CRAIG	01-Jun-2016	PID: 000-876-283 Constructing a one bedroom & den cabin. Civic address: 8900 Owl Crescent.

Planner: Teresa Ritemann

Planning Status

Status Date: 23-Feb-2017

No change in status.

Status Date: 01-Nov-2016

LTC approved TUP at 20-Sept meeting. Planner awaiting confirmation from applicant regarding sewage. Then can issue the TUP. Applicant will also be applying for an SUP for the dwelling.

Status Date: 01-Sep-2016

Planner completed staff report. To appear on agenda for LTC consideration 20-Sept-2016

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending January 2017

615 Denman	Invoices posted to Month ending January 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	777.69	-27.69
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	2,930.12	1,569.88
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	535.64	64.36
65220-615	LTC - Local Exp - Communications	500.00	63.02	436.98
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>6,100.00</u>	<u>3,528.78</u>	<u>2,571.22</u>
Projects				
73001-615-4011	Denman Agriculture Plan	6,500.00	0.00	6,500.00
73001-615-4062	Denman First Nations Relations	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality February 2017

Regional Conservation Plan – LTC input

The Regional Conservation Plan guides the work of the Islands Trust Fund. The Plan's objectives and goals shape how we pursue our mission based on good science, the regional context and the resources available. Our current five year plan – extended for a further two years – will conclude this year. We are pleased to report that most of its goals have been, or are about to be, achieved.

The Trust Fund Board has approved the project charter for developing a new Regional Conservation Plan. This time, we are looking at a ten year plan with action items being developed and reviewed every two to three years. First steps include background research and preliminary consultations with trustees, partners and planners over the spring. We very much welcome the input of local trust committees and Bowen Island Municipality. We will be in touch with a formal way to provide feedback, but feel free to contact us for more information or send us your ideas informally.

New Board Member: Robin Williams

At our February meeting we welcomed a new Board member appointed by the Province: Robin Ashley Williams. Robin is a resident of Salt Spring Island who has been very actively involved in his community. Prior to his retirement, Mr. Williams was the President and Owner of Rombus Digital Systems and Ashley Fraser Technologies. Active in his community, Robin is the elected Chair for the Capital Regional District (CRD) Salt Spring Island Transportation Commission. He brings a range of expertise and experience that will be of great value to the Board. We are now back up to our full complement of six members.

Moore Hill, Thetis Island - New Nature Reserve

We are excited to announce the acquisition of a new 21 hectare nature reserve of unspoiled waterfront forest on Thetis Island. Moore Hill forms one of the highest peaks on Thetis and features sandstone cliffs with caves that provide bat habitat. This hill is ecologically rich and is culturally significant to the Penelakut Tribe. The acquisition involved an Ecological Gift from the former owner, a significant private donation, a major grant and partnership with Cowichan Community Land Trust and the Thetis Island Nature Conservancy.

Fairyslipper Forest campaign

This project is moving into its crucial final fund-raising stage. Thetis Islanders have already provided huge support through donations and pledges, so the balance required to close the purchase will likely have to be found from off-island sources. To that end, applications have been submitted to appropriate funding agencies. Deep appreciation is due to Lisa Gordon and everyone who contributed to her retirement campaign which raised \$3,000 towards the Fairyslipper Forest acquisition.

Summary of Current Island-by-Island Activities

Bowen

Bowen Island Conservancy has just completed site remediation work in the David Otter Nature Reserve and installed a new sign. ITF staff are working with a contractor to revise the management plan for the Singing Woods Nature Reserve.

Denman

The Islands Trust Fund Manager and the Director of Trust Area Services met recently with staff of the Ministry of Forests, Lands and Natural Resources to explore options for the protection of provincially managed parcels on Denman Island that have identified conservation values.

Gabriola

A survey of Western Screech Owls is being carried out during February in the Elder Cedar Nature Reserve. We are waiting to hear about potential funding to cover the cost of a boardwalk around the iconic large western redcedar. Two new signs for the entry points are being created to remind visitors about leashing dogs. A management plan for Burren's Acres Nature Reserve has been approved and posted to the ITF website.

Galiano

Restoration activities including tree planting plus weeding of last year's planting are taking place in March in the Trincomali Nature Reserve.

Gambier

Gambier Island Conservancy will be carrying out restoration work in the Long Bay Wetlands Nature Reserve. This will involve planting and caging new western redcedar seedlings in the old gravel pit and in the areas that have been previously logged.

Lasqueti

A Species at Risk survey on all three Lasqueti Island nature reserves has begun. The revision of the management plan for the Kwel Nature Reserve is underway.

Salt Spring

The Trust Fund Board approved a conservation covenant on Salt Spring Island to be held with the Salt Spring Island Conservancy.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

FOR INTERNAL USE

File Number: 1414540

Project Number: 218184

Disposition Number:

Client Number:

PACIFIC SHELLFISH AQUACULTURE APPLICATION

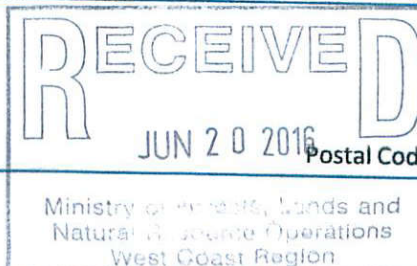
MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
FISHERIES AND OCEANS CANADA
TRANSPORT CANADA

Please refer to **Guide to the Pacific Shellfish Aquaculture Application** for additional important information on how to complete this application correctly.
Incomplete applications will be returned to the applicant.

PART I – GENERAL APPLICANT INFORMATION

SECTION A: APPLICANT AND GENERAL INFORMATION

1. Applicant Name(s) (Full Legal Name(s) or Registered Company Name):		Applicant Business Information:	
HAN PACIFIC SHELLFISH LTD		Telephone: (250) 338-0802	
		Cell: (250) 650-1368	
		Fax: ()	
		Email: hantran250@gmail.com	
2. Applicant Business Mailing Address:			
1615 SWAN CRESENT, COURTENAY, BC			
Postal Code: V9N 9A7			
3. Doing Business As:		4. BC Inc. #, BC Registration # or BC Society #	
HAN PACIFIC SHELLFISH LTD		8030 3500/RT0001	
5. Physical Business Address (if different from above):			
Postal Code:			
6. Contact Name (if different from above):		Contact Business Information:	
DUNG THI DAU		Telephone: ()	
		Cell: (250) 650-1368	
		Fax: ()	
		Email:	
7. Agent/Representative (if applicable):		Agent/Representative Business Information:	
KEVIN VAUTIER		Telephone: (250) 248-8786	
		Cell: (250) 927-5191	
		Fax: () N/A	
		Email: K-VAUTIER@HOTMAIL.COM	
Letter of Authorization Enclosed: ☒ Yes ☐ No			
8. Business Mailing Address of Agent/Representative:			



Postal Code: V9P 1K9

9. Type of Application:

☒ New Site ☒ TENURE TYPE: (please check only 1 box) ☒ Licence of Occupation ☐ Lease ☐ Investigative Permit

☐ Amendment ☒ AMENDMENT TYPE: (please check all the boxes that apply)

☐ Tenure Area ☐ Infrastructure ☐ Production ☐ Species
☐ Other (describe):

☐ Licence Holder Change ☒ CURRENT LICENCE HOLDER NAME:

10. Government Reference Numbers:

BC Land File # (Crown land): OR Park Use Permit # (Park/Protected land): OR Parcel Identification # (Private land):

NWPA #

Expiry date:
(yyyy/mm/dd)

DFO Aquaculture Facility #

SECTION B: SITE AND INFRASTRUCTURE INFORMATION

1. Site Category:

☒ Provincial Crown Land ☐ Provincial Park ☐ Private Land ☐ Federal Land
☐ First Nation Reserve ☐ Other (describe):

DEEP WATER SHELLFISH FARM

2. Geographic location of site:

BAYNES SOUND

3. Site Common Name:

BAYNES SOUND

4. Pacific Fishery

Management Area:

14

Sub Area:

8

5. Canadian Hydrographic Service

Chart (CHS) Marine Chart Number:

3527

OR Topographical Map Number:

6. If the application area is surveyed, provide legal description of site (e.g. Land District and Lot Number):

N/A

7. If the application area is not surveyed, provide the metes and bounds description from a known surveyed point or geographic reference (UTM or latitude and longitude): POINT OF COMMENCEMENT 252 METERS @ 245°T FROM THE SOUTH WEST CORNER OF TENURE #0276318, THENCE 300 METERS @ 341°T, THENCE 70 METERS @ 251°T, THENCE 300 METERS @ 161°T, THENCE 70 METERS @ 71°T, BACK TO THE POINT OF COMMENCEMENT, CONTAINING 2.1 HA MORE OR LESS.
Alternatively, provide a shapefile geo-referenced to BC Albers projection (NAD 83) Shape file submitted? ☐ Yes ☐ No

8. GPS coordinates for the center of the application area/tenure:

Latitude: 49° 34' 40".35 N

Longitude: 124° 50' 44 " .75 W

9. Total area of the site (Hectares):

Current Size:

Proposed Size:

2.1 HA

10. Culture Type (check all that apply):

☐ Intertidal Beach culture – culture activity takes place between the high water mark and the low water mark (chart datum)

☐ Subtidal on/in bottom culture – culture activity takes place on the sea floor below chart datum

☒ Deepwater Suspended culture – culture activity takes place on the surface or within the water column

☒ Nursery Operation – culture activity includes juvenile rearing

NOTE: For a shellfish Hatchery Operation where the culture activity is proposed to be located on land, use the PACIFIC FRESHWATER/LAND-BASED AQUACULTURE APPLICATION.

11. Physical Structures (Improvements):

Complete table below by checking all applicable structures, existing & proposed and estimated area of the application site that will cover all existing and planned structures. Where applicable, note the number and dimensions of the structures.

There are specific conditions of licence for shellfish aquaculture that licence holders must adhere to pertaining to the installation, inspection and maintenance of structures and gear. Please review these carefully in the Guide to the Pacific Shellfish Aquaculture Application or on the DFO internet site at: <http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.html>

TABLE 11.1: PHYSICAL STRUCTURES - FLOATS

DESCRIPTION OF STRUCTURES	CURRENTLY LICENSED	PROPOSED	TOTAL NUMBER	DIMENSIONS (m OR m ²) OF EACH STRUCTURE	ESTIMATED TOTAL AREA (m ²) OF COVERAGE
Work Floats					
Product handling	☐	☐	n/a		
Living accommodation	☐	☐			
Other (describe):	☐	☐			
	☐	☐			
	☐	☐			

TABLE 11.2: PHYSICAL STRUCTURES - VARIOUS

DESCRIPTION OF STRUCTURES	CURRENTLY LICENSED	PROPOSED	TOTAL NUMBER	NEW ESTIMATED TOTAL AREA (m ²)
Predator Protection				
Predator netting (intertidal beach) <i>N/A.</i>	☐	☐		
Predator netting (describe):	☐	☐		
Tubes (e.g. Sections PVC or other material)	☐	☐		
Other (describe):	☐	☐		
	☐	☐		
	☐	☐		
Intertidal Beach Gear				
Rock Walls <i>N/A.</i>	☐	☐		
Trenches	☐	☐		
Berms	☐	☐		
Rack and Bag systems	☐	☐		
Other (describe):	☐	☐		
	☐	☐		
	☐	☐		

TABLE 11.2 CONTINUED ON NEXT PAGE/...

TABLE 11.2 CONTINUED...

DESCRIPTION OF STRUCTURES	CURRENTLY LICENSED	PROPOSED	TOTAL NUMBER	NEW ESTIMATED TOTAL AREA (m ²)
Nursery Infrastructure				
FLUPSY	☐	☐		
Intertidal remote setting	☐	☐		
Other (describe): BOUNCING BUCKETS OR SIMILAR	☐	☒	1000	115 m ²
	☐	☐		
	☐	☐		
Suspended Culture Gear				
Rafts	☐	☒	30	1,920 m ²
Long lines	☐	☐		
Other (describe):	☐	☐		
	☐	☐		
	☐	☐		
On/In bottom Subtidal Culture Gear				
Containment structure(s) for adults or juveniles N/A	☐	☐		
Other (describe):	☐	☐		
	☐	☐		
	☐	☐		

TABLE 11.3: PHYSICAL STRUCTURES - SITE MARKING

DESCRIPTION OF STRUCTURES	CURRENTLY LICENSED	PROPOSED	DESCRIPTION OF STRUCTURES	CURRENTLY LICENSED	PROPOSED
Site Marking					
Blocks	☐	☐	Navigational Markers	☐	☒
Sinking ground line	☐	☐	Anchor blocks	☐	☒
Other (describe below):			→ Anchor blocks DEPTH (m) 17 METERS TO 23 METERS.		
	☐	☐		☐	☐
	☐	☐		☐	☐

SECTION C: MAPS AND DIAGRAMS

Attach the following maps and diagrams. They must be submitted to scale and be consistent with the other information in this application. Please refer to the Mapping Descriptions and Sample Mapping in the Pacific Shellfish Aquaculture Guidance Document.

Note: If drawings are larger than 11" x 17", Transport Canada requires that you enclose five (5) copies. For drawings 11" x 17" or smaller, one (1) copy will be sufficient.

Check each box to confirm that documents are attached.

- General Location Map:** A topographic map (if the site is located on land) or a Canadian Hydrographic Service (CHS) Marine Chart (if the site is located in marine waters) at a scale of 1:50,000 to 1:250,000 indicating the general location of area under application, noting the location of significant geographic features, such as a lake, mountain, road, community, etc. ☒
- Detailed Location Map:** A section of a Canadian Hydrographic Service (CHS) Marine Chart of a scale between 1:20,000 and 1:40,000, showing the detailed location of the area under application. ☒
- Top View Operational Diagram:** A 1:5000 scale CHS chart showing the application boundaries, site improvements, and metes and bounds description. ☒
- Side View Operational Diagram, based on the culture type:** A scaled schematic diagram(s) showing a side view of the proposed operation, which includes all structures. ☒

SECTION D: WATER USE

1. Will fresh water be used at this facility? ☐ Yes ☒ No

If Yes, and if water source is surface water (not ground), provide the name of the water source:

2. If you already have a water licence at this site, please provide licence number, or provide date of submission of an application:

PART II – INFORMATION FOR THE BC MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS (FLNR)

The following information, along with Part I and Part V is required for the review of the Provincial Crown Land Tenure application or amendment to an existing tenure pursuant to the BC *Land Act*.

SECTION A: SITING CONSIDERATIONS

Applicants must respond to each consideration and may be required to provide additional information in some situations.

1. Does your proposal infringe on the riparian rights of an upland owner? ☐ Yes ☒ No

If Yes, the applicant is required to provide written consent from the private land upland owner to occupy the site for the proposed term of the tenure.

2. Is the intended use consistent with approved local government bylaws for land use planning and zoning? ☒ Yes ☐ No

If No, have you contacted the local government?

Provide details of communications and relevant correspondence with your application.

WE SPOKE WITH AN OFFICER AT THE COMOX REGIONAL DISTRICT. IT IS UNCERTAIN IF THIS IS THE RESPONSIBILITY OF DFO OR MAYBE ISLAND TRUST.

Provide the name of the local government(s) for the area under application:

FISHERIES AND OCEANS CANADA.

SECTION B: ADDITIONAL CROWN LANDS INFORMATION

1. Is applicant or applicant's spouse a provincial government employee? ☐ Yes ☒ No

2. Are all applicants Canadian Citizens or Permanent Residents; or if a corporation, registered partnership, cooperative or non-profit society, is it registered in BC? ☒ Yes ☐ No

3. Is/Are applicant(s) 19 years of age or older? ☒ Yes ☐ No

4. For applications made by more than one individual: ☐ N/A ☐ Joint Tenant ☒ OR ☐ Tenants in Common



PART III – INFORMATION FOR FISHERIES AND OCEANS CANADA (DFO)

The following information along with Part I and Part V is required for the review of the federal Aquaculture Licence application or amendment to an existing licence pursuant to the federal *Fisheries Act*, *Pacific Aquaculture Regulations*.

NOTE: If you are requesting an increase or change in species or production that requires an infrastructure modification, please ensure that Part I, Section A, Question 9; and Part I, Section B, Question 12 are completed.

SECTION A: ELIGIBILITY FOR A SHELLFISH AQUACULTURE LICENCE

Eligibility for a federal Shellfish Aquaculture Licence requires adherence to general Conditions of Licence. The general Conditions of Licence for shellfish aquaculture can be found at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.html>

This completed document, when approved, will form the Site Management Plan on which your aquaculture licence conditions will be based. Please review the Conditions of Licence prior to submitting your application.

SECTION B: SANITARY GROWING WATER STATUS – BIVALVES ONLY

1. Is the application site or **any portion of it** located in marine waters that are classified as:

- ☒ Approved or Conditionally Approved for direct harvest of bivalve shellfish
- ☐ Restricted or Conditionally Restricted (no direct harvest of bivalve shellfish is permitted - depuration or relay may be permitted depending of the water quality sample results)
- ☐ Closed / Prohibited to the harvest of bivalve shellfish
- ☐ Unknown

2. Is the application site or **any portion of it** located in marine waters that are classified as:

- ☐ Prohibited – within 125 meters of finfish net pens
- ☐ Prohibited – within 125 metres of a marina
- ☐ Prohibited – within 125 meters of floating living accommodation

**SECTION C: INTERTIDAL BEACH CULTURE**

1. Estimated Intertidal culture area: N/A hectares (culture area located between high tide and chart datum)

2. Intertidal Area Details by Species:

CHECK ALL THAT APPLY	SPECIES COMMON NAME	SPECIES SCIENTIFIC NAME	CURRENTLY LICENSED		FIRST YEAR THAT PRODUCTION (SALE) IS ANTICIPATED TO OCCUR	ANNUAL PRODUCTION ESTIMATE (t)	SOURCE OF STOCK BY SPECIES FOR CULTURE AT THIS SITE (CHECK ALL THAT APPLY) ¹		
				PROPOSED			Hatchery	Natural Sets on Site	Other Stock Source ²
☐	Manila Clam	<i>Venerupis philippinarum</i>	☐	☐			☐	☐	☐
☐	Pacific Oyster	<i>Crassostrea gigas</i>	☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
Total Annual Production estimate:						(t)			

¹Note: The source of stock for the licensed site may require **additional authority** to harvest wild fish from on or off your site for use as brood stock or for on-growing, as well as specific transfer and/or import licences from Canadian Food Inspection Agency (CFIA) and the Introductions and Transfers Committee (ITC). See Section H.

²Note: Other stock source – please provide details, e.g. import, relay for on-growing, etc.

3. Do you intend to use a Mechanical Clam Harvesting machine or 'stinger' harvest gear at this site? ☐ Yes ☐ No

**SECTION D: SUBTIDAL ON/IN BOTTOM CULTURE****1. Estimated subtidal on/in bottom culture area:** hectares (for the area of the sea floor below chart datum)

What is the maximum culture depth within the proposed application area?

metres

How much of the proposed application area has depths greater than 30m?

hectares

2. Subtidal On/In Culture Area Details by Species:

CHECK ALL THAT APPLY	SPECIES COMMON NAME	SPECIES SCIENTIFIC NAME	CURRENTLY LICENSED		FIRST YEAR THAT PRODUCTION (SALE) IS ANTICIPATED TO OCCUR	ANNUAL PRODUCTION ESTIMATE (t)	SOURCE OF STOCK BY SPECIES FOR CULTURE AT THIS SITE (CHECK ALL THAT APPLY) ¹		
				PROPOSED			Hatchery	Natural Sets on Site	Other Stock Source ²
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
Total Annual Production estimate:						(t)			

¹**Note:** The source of stock for the licensed site may require **additional authority** to harvest wild fish from on or off your site for use as brood stock or for on-growing, as well as specific transfer and/or import licences from Canadian Food Inspection Agency (CFIA) and the Introductions and Transfers Committee (ITC). See Section H.

²**Note:** Other stock source – please provide details, e.g. import, relay for on-growing, etc.

**SECTION E: DEEPWATER SUSPENDED CULTURE****1. For deepwater suspended culture sites:**Estimated suspended structures culture area: 1.12 hectaresMinimum Depth below Structures at chart datum: 10 meters, as measured from the deepest hanging trays, lines, etc. to the sea floor.**2. Deep water suspended culture area details by species:**

CHECK ALL THAT APPLY	SPECIES COMMON NAME	SPECIES SCIENTIFIC NAME	CURRENTLY LICENSED		FIRST YEAR THAT PRODUCTION (SALE) IS ANTICIPATED TO OCCUR	ANNUAL PRODUCTION ESTIMATE (t)	SOURCE OF STOCK BY SPECIES FOR CULTURE AT THIS SITE (CHECK ALL THAT APPLY) ¹		
				PROPOSED			Hatchery	Natural Sets on Site	Other Stock Source ²
☐	Eastern Blue Mussel	<i>Mytilus edulis</i>	☐	☐			☐	☐	☐
☐	Western Blue Mussel	<i>Mytilus trossulus</i>	☐	☐			☐	☐	☐
☒	Pacific Oyster	<i>Crassostrea gigas</i>	☐	☒	<u>2017</u>	<u>393 mt</u>	☒	☐	☐
☒	Japanese Scallop	<i>Mizuhopecten yessoensis</i>	☐	☒	<u>2017</u>	<u>25 mt</u>	☒	☐	☐
☒	Pacific Scallop (hybrid)	<i>Patinopecten x.</i>	☐	☒	<u>2017</u>		☒	☐	☐
☒	<u>MANILA CLAM</u>		☐	☒	<u>2017</u>	<u>2 mt</u>	☒	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
☐			☐	☐			☐	☐	☐
Total Annual Production estimate:						<u>420</u> (t)			

¹Note: The source of stock for the licensed site may require **additional authority** to harvest wild fish from on or off your site for use as brood stock or for on-growing, as well as specific transfer and/or import licences from Canadian Food Inspection Agency (CFIA) and the Introductions and Transfers Committee (ITC). See Section H.

²Note: Other stock source – please provide details, e.g. import, relay for on-growing, etc.



SECTION F: DOMESTIC WASTE MANAGEMENT

NOTE: Bivalve shellfish (clams, oysters, mussels, scallops) shall not be cultivated, stored, or harvested within 125 m of any floating living accommodation unless:

- the cultivated bivalves are seed <http://www.inspection.gc.ca/food/fish-and-seafood/manuals/canadian-shellfish-sanitation-program/eng/1351609988326/1351610579883?chap=3>; and
- a licence under the Management of Contaminated Fisheries Regulations (<http://www.pac.dfo-mpo.gc.ca/fm-gp/licence-permis/sci/index-eng.html>) has been obtained for the licensed area to harvest seed from a prohibited area; or
- an approved Zero Discharge Waste Management Plan is in place that reduces the prohibited harvest area to 25m.

1. Is there a floating living accommodation within the marine waters of the application area?	☐ Yes ☒ No
2. If Yes, is there an approved Zero Discharge Waste Management Plan in effect for this site?	☐ Yes ☐ No ☐ N/A
3. Please provide description and location of sanitary (washroom) facilities for your own and staff needs:	COVERED BUCKET IN BOAT HAND SANITIZER
4. Please provide the method(s) for storage and disposal of your other waste materials. (e.g., the location of an approved landfill for disposal of your waste materials):	AT HOME OR COMOX DISTRICT TRANSFER STATION.

SECTION G: FISHERIES PROTECTION

Fisheries and Oceans Canada – Aquaculture Management Division (DFO - AMD) is responsible for the sustainable management of aquaculture in British Columbia.

Like other types of industrial development taking place in and around water, aquaculture projects have the potential to affect fish and *fish habitat*.

NOTE: Please note aquaculture activities may not occur in salt marsh habitat.

Aquaculture activities must not result in harm to a Species at Risk Act (SARA) listed species, their residence, or their critical habitat, as defined in the associated Recovery Strategy, or Action Plan.

1. Intertidal Culture Operations	
a) Are you proposing to undertake: substrate modifications (i.e. constructing rock walls, trenches, berm or other substrate addition, redistribution or removal); or remote setting on your licensed area?	☐ Yes ☐ No
b) Are you proposing to: install geoduck tubes, use rack and bag structures; use a mechanical clam harvester; and/or use a motorized vehicle (i.e. truck or ATV) or a 'stinger' (high pressure water wand harvesting gear) on your licensed area in any of the following habitats? i) intertidal stream channels ii) eelgrass beds (<i>Zostera</i> sp.) iii) fish spawning areas iv) SARA listed species, critical habitat, and/or residence	☐ Yes ☐ No
c) Are you planning to access your licensed area through a marine riparian area?	☐ Yes ☐ No
2. Suspended Culture Operations	
a) Are you proposing to install any aquaculture structures or conduct aquaculture activities (including anchor system placement) in waters shallower than the 10m bathymetric contour?	☐ Yes ☒ No
b) Are you proposing to install any aquaculture structures or conduct aquaculture activities (including anchor system placement) in waters deeper than 10m (measured from chart datum) and over any of the following habitats? i) rocky reefs ii) kelp beds iii) eelgrass beds (<i>Zostera</i> sp.) iv) fish spawning areas v) glass sponge complexes (<i>Hexactinellidae</i>) and/or coral complexes vi) SARA listed species, critical habitat, and/or residence	☐ Yes ☒ No
3. Subtidal On / In-Bottom Culture Operations	
a) Are you proposing to install any temporary or permanent in- or on-bottom aquaculture structures (e.g. bags on bottom, cages, nursery structures, geoduck tubes, predator netting, etc.) other than site boundary markers in any of the following important or sensitive habitats? i) rocky reefs ii) kelp beds iii) eelgrass beds (<i>Zostera</i> sp.) iv) fish spawning areas v) glass sponge complexes (<i>Hexactinellidae</i>) and/or coral complexes vi) SARA listed species, critical habitat, and/or residence	☐ Yes ☐ No

**SECTION H: ADDITIONAL SUPPORTING INFORMATION**

A separate application will be required to access fish, import species, or to introduce or transfer some species within British Columbia, if the planned source of stock, seed or juveniles for the licensed culture species for your site is:

1. Imported from outside of Canada,
2. From a hatchery (within or beyond the Transfer Zone where your site is located),
3. Natural set seed or spat collection from **off** your site,
4. Harvest of wild-caught fish to be relayed to your site, or
5. From another licensed site in a different transfer zone.

Contact the Introductions and Transfers Committee for more information and to obtain an application form at:

FAMITC@dfo-mpo.gc.ca:

Additional information on Shellfish Transfer Zones in BC and the requirements for the importation, introduction or transfer of shellfish is located in the Conditions of Licence at:

<http://www.pac.dfo-mpo.gc.ca/aquaculture/licence-permis/shell-coq-eng.html>

PART IV – INFORMATION FOR TRANSPORT CANADA (TC)

The following information, along with Part I and Part V is required for the review of the federal *Navigation Protection Act* (NPA) approval or amendment to an existing approval pursuant to the NPA.

SECTION A: SITING CONSIDERATIONS

Applicants may be required to provide additional information in some situations.

SECTION B: ADDITIONAL TRANSPORT CANADA INFORMATION

1. Waterway Name:	BAYNES Sound	
Width (m):	4000	Depth Range (m): 45
2. Nearest Community:	UNION BAY	
3. Is this Work:	☒ Proposed ☐ Existing ☐ Modification of Existing Work	
4. To help with the review process, please include the following if available (check those you have attached):		
☒ Photographs at the site of the proposed/existing work and surrounding area		
☐ Environmental Assessment documents (if any)		

PART V – INFORMATION FOR ALL AGENCIES

All applicable components of this application package must be complete. Incomplete applications will be returned to applicant. **Applicable fees must be submitted at time of application.**

Please refer to **Guide to the Pacific Shellfish Aquaculture "Application Checklist"** to confirm that you have completed the sections of this application that are needed for the type of application you are making (i.e. New, Amendment, Change).

PROVINCIAL FEES:

Note that the current **fee schedule** does not include the taxes that apply.

New site applications: http://www.for.gov.bc.ca/Land_Tenures/documents/cabinet/fees-land.pdf

Amendment applications: http://www.for.gov.bc.ca/Land_Tenures/documents/cabinet/fees-misc.pdf

FORMS OF PAYMENT:

- Cheques or Money orders must be in Canadian Funds to **Minister of Finance**.
FrontCounter BC will not accept personal cheques drawn on US banks, regardless of what currency. Payment will not be accepted even if it has "CDN Funds" handwritten on the cheque.
- Debit Card (in-person only).
- Visa and MasterCard payments are accepted in-person or over the telephone. To locate a FrontCounter BC office, visit the website at <http://www.frontcounterbc.gov.bc.ca/contact/> or call the toll free number 1-877-855-3222.

PLEASE NOTE: Additional items may be required (e.g. Advertising, Security Deposit, Proof of Insurance, Letter of Consent). Some items may have additional associated costs or require additional processing time.

DISCLOSURE:

The information you provide may be subject to the following legislation: British Columbia *Freedom of Information and Protection of Privacy Act* (FOIPP Act); the federal *Access to Information Act*; and the federal *Privacy Act*. The personal information collected by the Government of BC is collected under the authority of section 26 (c) of the FOIPP Act and will be used to process your application(s) and will be shared only with the necessary government agencies needed to provide you with the service that you have requested. If you have any questions regarding the handling of your personal information, please contact the Manager, Privacy, Information Access and Records Management for the Province of BC c/o FrontCounter BC, 2080a Labieux Road, Nanaimo, BC V9T 6J9 and/or the Director, Access to Information and Privacy Secretariat at the Department of Fisheries and Oceans Canada and Transport Canada.

The Province of British Columbia, Fisheries and Oceans Canada, and Transport Canada do not consider the information submitted in this form to be confidential unless it is subject to the privacy protection of the *Freedom of Information and Protection of Privacy Act* or the *Access to Information Act*.

I understand that the information supplied will be used to review my applications under the *BC Land Act*, *BC Fisheries Act*, federal *Fisheries Act* and the federal *Navigable Waters Protection Act* and information will be shared amongst the other agencies, First Nations and/or with the public.

IMPORTANT: Federal regulations require that applications submitted on behalf of a company be signed by a company director. Please email aquaculture.licensing@dfo-mpo.gc.ca for direction regarding supporting documentation.

Signature(s) of applicant(s)
or authorized representative

Printed name(s) of Applicant(s)
or authorized representative*

Date

DUNG DAU.

May 26 / 2016

HAN TRAN

May 26 / 2016

*If signature is by an authorized representative please supply a letter granting authorization to act on behalf of the applicant.

Submit completed application, and additional supporting information (if applicable) to:

BY EMAIL:

Email Subject line: **Proponent Name, Application Type** (date will be on the email)

Attachments: Prefer the application and attachment to come all in one PDF document. If not, name as following:

Proponent_Application Type_1of2

Proponent_Description of Supporting documents_2of2

Email to: frontcounterbc@gov.bc.ca

Fees: IF FEES ARE APPLICABLE, CLIENT MUST CONTACT FRONTCOUNTER BC BY TELEPHONE WITH CREDIT CARD INFORMATION PRIOR TO SUBMITTING THE APPLICATION ELECTRONICALLY. DO NOT INCLUDE PAYMENT (CREDIT CARD) INFORMATION VIA EMAIL OR FAX.

Application Signature: Inserting names into the Signature area of the PDF application form will be deemed as signed when document is sent by email.

IN PERSON:

Any FrontCounter BC office.

Visit <http://www.frontcounterbc.gov.bc.ca> for the location nearest you.

BY MAIL:

FrontCounter BC, 2080a Labieux Road, Nanaimo, BC V9T 6J9

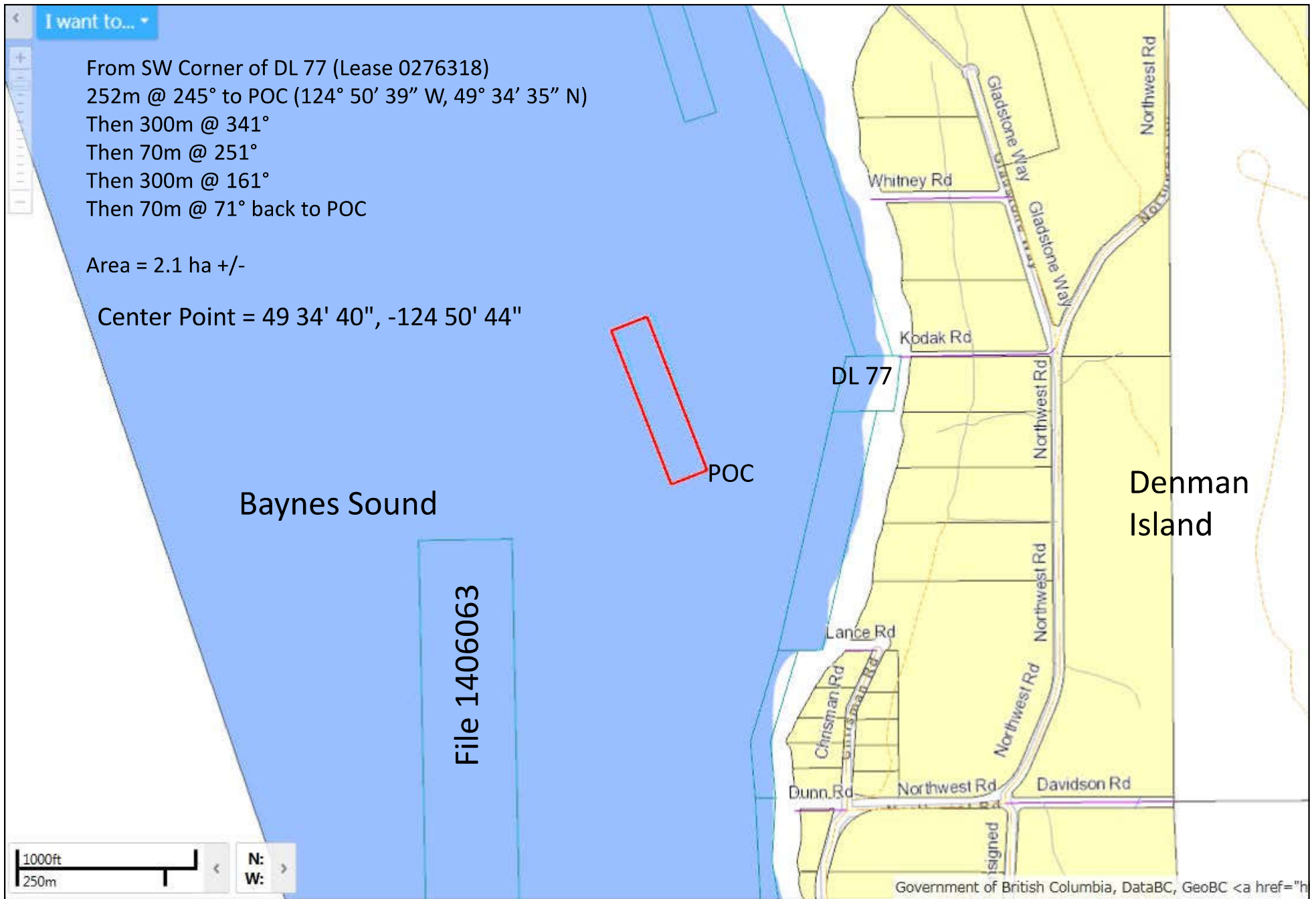
PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS

APPLICATIONS ARE NOT TRANSFERABLE

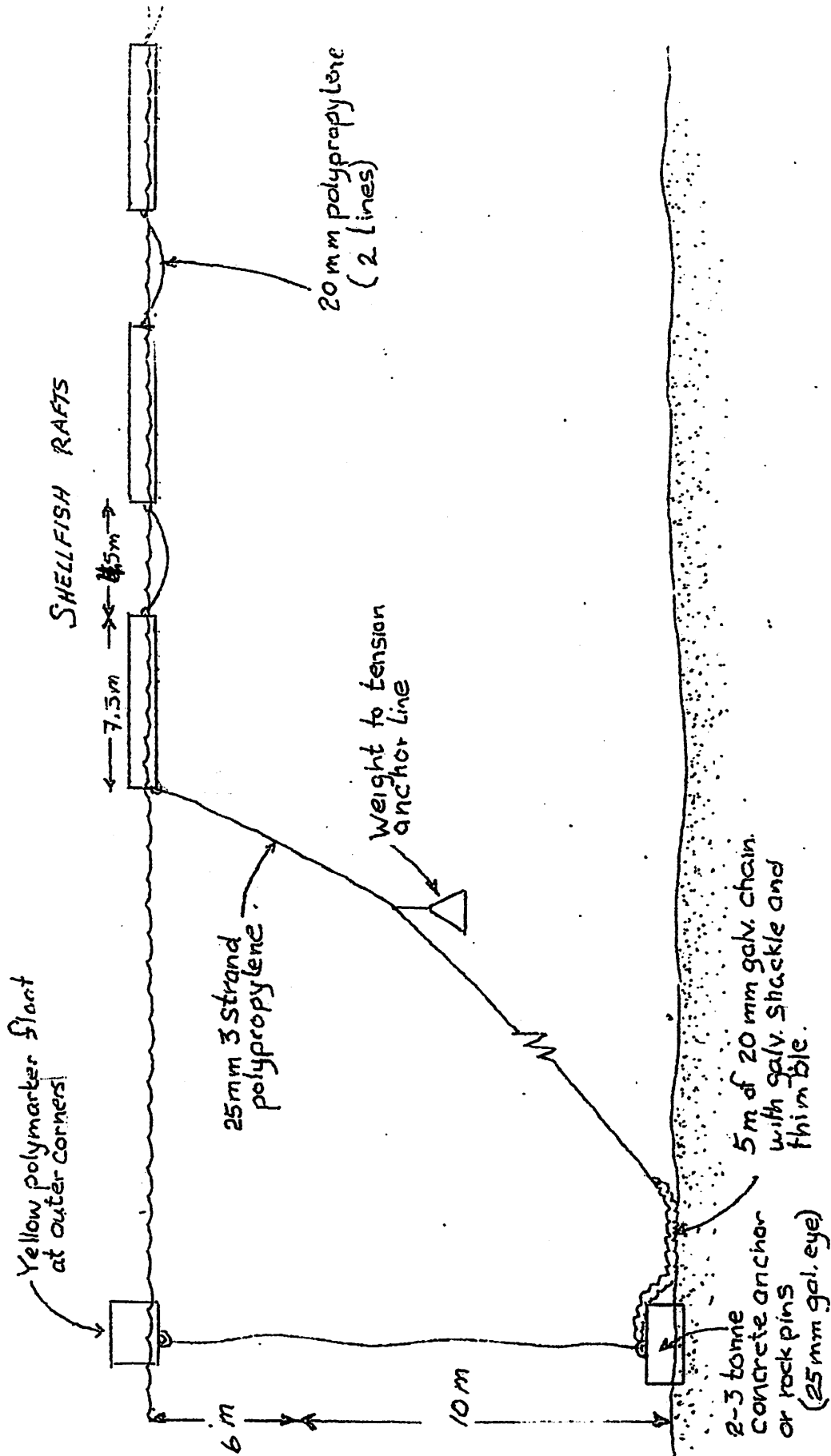
THE SUBMISSION OF THIS FORM DOES NOT IN ANY MANNER CONVEY ANY RIGHTS TO USE OR OCCUPY CROWN LAND AND/OR CONDUCT REQUESTED ACTIVITIES

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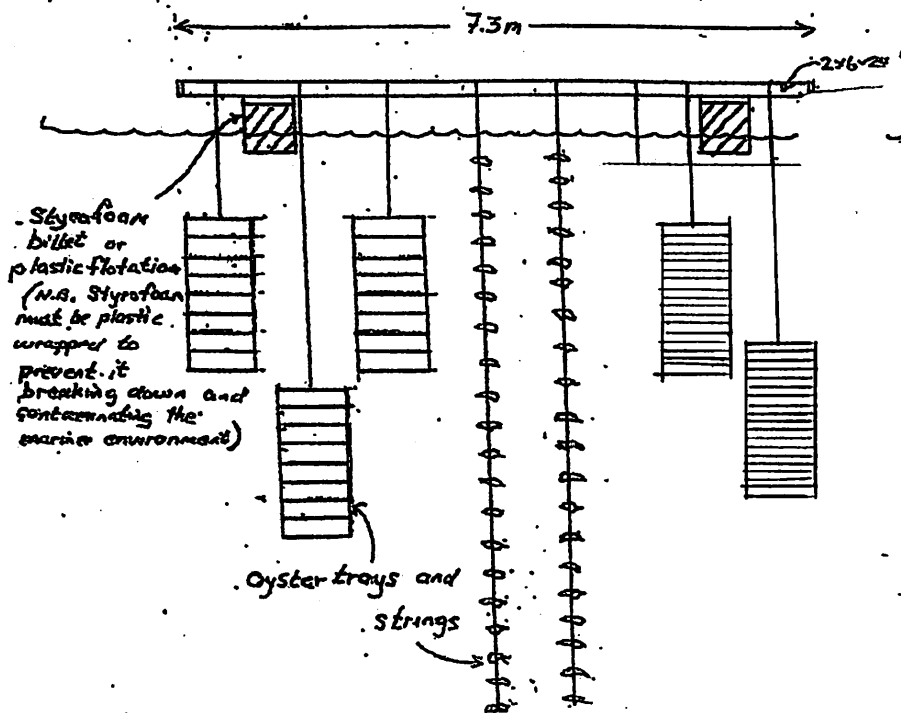
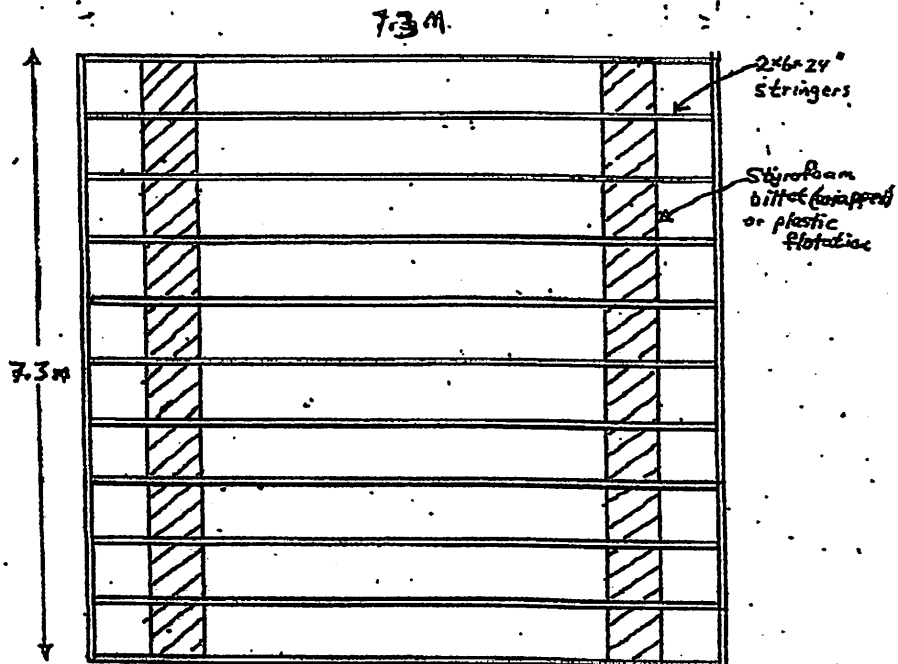
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SHELLFISH RAFT COMPONENTS



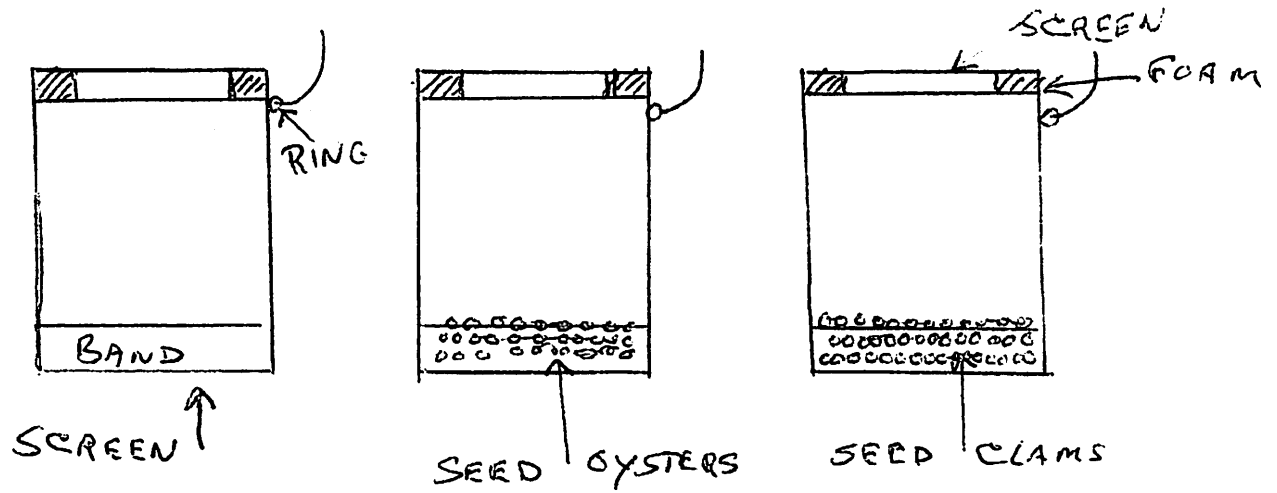
SHELLFISH RAFT - TOP VIEW -



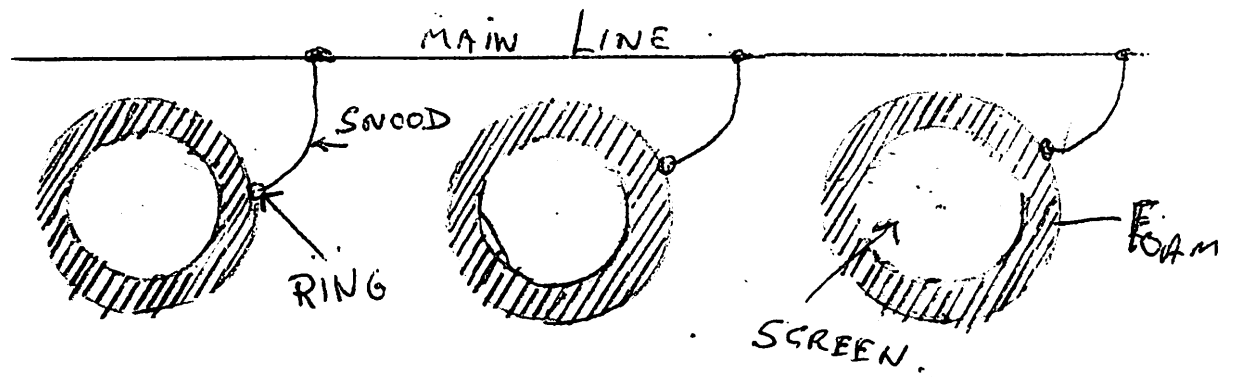
BOUNCING BUCKET

SIDE VIEW

SCALE 1cm = 10cm.



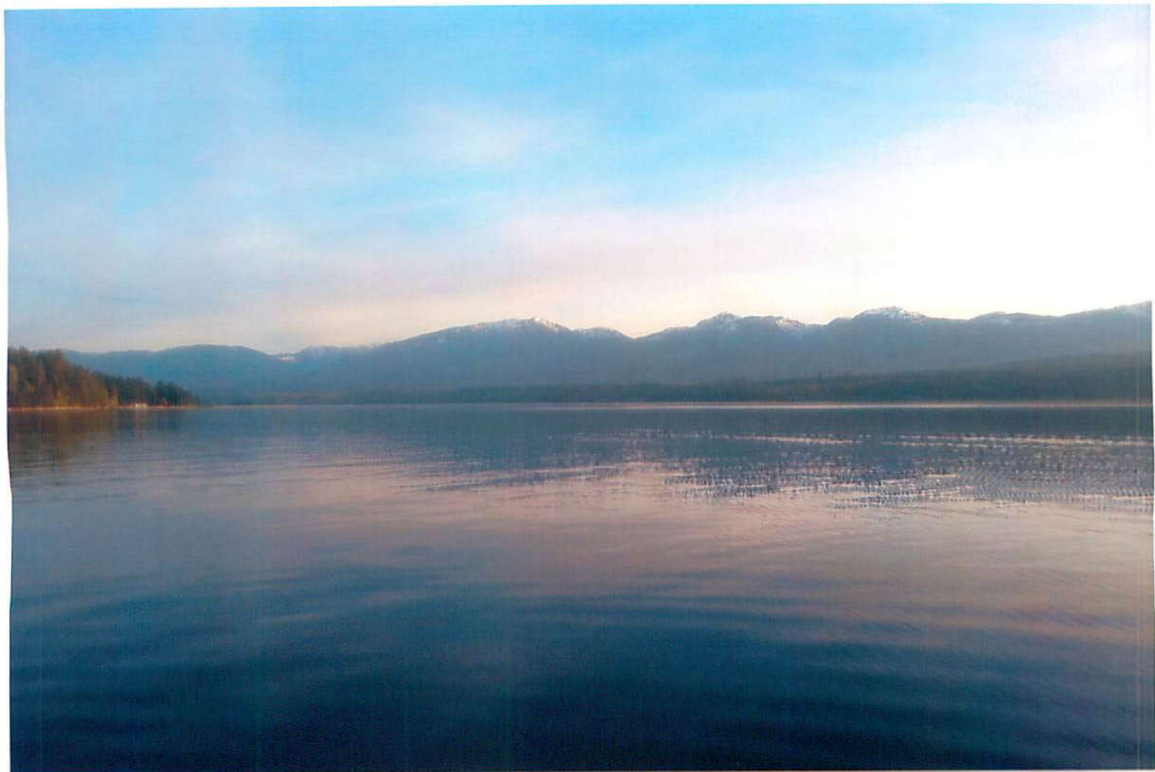
TOP VIEW



APPLICATION SITE LOOKING WEST
TOWARD TREE ISLAND.



APPLICATION SITE LOOKING EAST
TOWARD DENMAN POINT.



2/27/2017

From: "Edina Johnston" [REDACTED]

To: "Susan Morrison" <smorrison@islandstrust.bc.ca>, "Laura Busheikin" <lbusheikin@islandstrust.bc.ca>, "David Critchley" <dcritchley@islandstrust.bc.ca>, "Marnie Eggen" <meggen@islandstrust.bc.ca>

Subject: new shellfish tenure application in DILTC jurisdiction

[cid:ii_izog6vll1_15a8117610d7ac8d]

[cid:ii_izog8w3a2_15a8118d0c3ad8ef]

â€‹Greetings DI LTC- I just saw a legal notice for an application for a 30 raft site just off of the shores of Denman Island (Chrisman Rd. area).

<http://www.arfd.gov.bc.ca/ApplicationPosting/viewpost.jsp?PostID=52711>

Page 7 of the application has an interesting note under #2. "Is the intended use consistent with approved local government bylaws for land use planning and zoning" to which the proponent answered Yes.

Then this hand written note- "We spoke with an officer at the Comox Regional District. It is uncertain if this is the responsibility of DFO or maybe Island Trust.

Then the form says- "Provide the name of the local government(s) for the area under application:" and the proponent answered "Fisheries and Oceans Canada"

Naturally I find this very concerning and wonder if the LTC has any knowledge of this application and if so, who, if anyone, from the Trust has commented and if so, what was the comment?

I would also like to know what course of action the LTC will take (before the deadline of April 1, 2017) as this application is in W1 zoned waters.

Thanks for your time and consideration

Edi Johnston

Denman Resident