



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: March 6, 2018
Time: 9:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 9:30 AM - 10:00 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. **COMMUNITY INFORMATION MEETING**
 - 3.1 Marine Issues - Bylaw No. 225 4 - 5
 - 3.1.1 Planner Presentation
 - 3.1.2 Question and Answer Session
4. **PUBLIC HEARING to begin at 10:00 am**
 - 4.1 Recess for Public Hearing
Public Hearing - Bylaw No. 225 (Marine Issues)
 - 4.2 Recall to Order
5. **BYLAW NO. 225 - (Marine Issues) - Memorandum (10 minutes)** 6 - 8
6. **TOWN HALL AND QUESTIONS - (10 minutes)**
REMINDER: NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE, OR ITS INDIVIDUAL MEMBERS AS THE PUBLIC HEARING FOR BYLAW NO. 225 HAS CONCLUDED.
7. **REPORTS - (10 minutes)**
 - 7.1 Chair's Report
 - 7.2 Trustee Reports
 - 7.3 Trust Fund Board Report dated January, 2018 9 - 11

8.	MINUTES - (5 minutes)	
8.1	Local Trust Committee Minutes dated February 6, 2018 - for adoption	12 - 23
8.2	Section 26 Resolutions-Without-Meeting - none	
8.3	Advisory Planning Commission Minutes - none	
9.	BUSINESS ARISING FROM MINUTES - (15 minutes)	
9.1	Follow-up Action List dated February 26, 2018	24 - 26
9.2	K'omoks First Nation Intergovernmental Engagement Meeting - for discussion	
9.3	Farm Industry Review Board and Aquaculture - Islands Trust Executive Committee Response - Memorandum	27 - 28
10.	DELEGATIONS	
10.1	Denman Community Land Trust Association (DCLTA) regarding Development Applications	
11.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
	- BREAK - 10 MINUTES	
12.	APPLICATIONS AND REFERRALS - (30 minutes)	
12.1	DE-DVP-2017.2 (Doheny/Mason) - Staff Report	29 - 42
12.2	DE-SUB-2017.4 Denman Community Land Trust Association (DCLTA) - Staff Report	43 - 45
12.3	DE-RZ-2017.1 (DCLTA) - Denman Community Land Trust (DCLTA) - Memorandum	46 - 46
13.	LOCAL TRUST COMMITTEE PROJECTS - (20 minutes)	
13.1	Denman Farm Plan Implementation - Staff Report	47 - 58
14.	REPORTS - (10 minutes)	
14.1	Work Program Reports	
14.1.1	Top Priorities Report dated February 26, 2018	59 - 59
14.1.2	Projects List Report dated February 26, 2018	60 - 61
14.2	Applications Report dated February 26, 2018	62 - 66
14.3	Trustee and Local Expense Report - none	

14.4 Adopted Policies and Standing Resolutions - none

14.5 Local Trust Committee Webpage

14.6 Electoral Area Director's Report

15. NEW BUSINESS - (5 minutes)

15.1 Denman Island Phone Book Advertising - for discussion

“That the Denman Island Local Trust Committee authorize the expenditure of up to \$140.00 from the 2017-2018 Local Trust Committee Communications Budget for the purpose of advertising in the 2018 Denman Island Telephone Directory.”

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Tuesday, May 1, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

17. TOWN HALL - (10 minutes)

REMINDER: NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE, OR ITS INDIVIDUAL MEMBERS AS THE PUBLIC HEARING FOR BYLAW NO. 225 HAS CONCLUDED.

18. CLOSED MEETING

19. ADJOURNMENT

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 225

A bylaw to amend the Land Use Bylaw to prohibit the use of vehicles and ground based machinery on the foreshore in the W1, W3 and W4 zones.

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

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No 1, 2017".

READ A FIRST TIME this 6TH day of JUNE , 2017

READ A SECOND TIME this 6TH day of FEBRUARY , 2018

PUBLIC HEARING this day of , 201X

READ A THIRD TIME this day of , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this day of , 201X

ADOPTED this day of , 201X

Chairperson

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO.225**

Schedule 'A'

-
1. PART 3 ZONE REGULATIONS, Section 3.7 Water Zoning Tables is amended by the addition of a new "Table 5 – Prohibited Uses" as shown below:

Table 5 – Prohibited Uses

The regulations listed in this table are intended to be applied in conjunction with the provisions of Table1, "Permitted Uses" in order to provide additional guidance and clarity on acceptable implementation actions and practices associated with the permitted uses

Zoning Code	Regulations
W1, W3, W4	Despite Table 1 of this Section, the use of vehicles and ground based machinery on the foreshore is prohibited.

INFORMATION NOTE: Aquaculture operations that are licensed under the <i>Fisheries Act</i> (Canada) may be entitled to operate vehicles or ground based machinery in accordance with the terms of the license.
--

DATE OF MEETING: March 6, 2018
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Proposed Bylaw No. 225 (Prohibiting the Use of Vehicles and Ground-based Machinery on the Foreshore)

PURPOSE

The purpose of this memorandum is to provide the Denman Island Local Trust Committee (LTC) with alternatives to address Proposed Bylaw No. 225 at the close of the Public Hearing on March 6, 2018.

ALTERNATIVES

1. Proceed no further with Bylaw No. 225

A decision to not proceed with Bylaw No. 225 could be formally recorded via the following resolution:

That the Denman Island Local Trust Committee proceed no further with Bylaw No. 225, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017".

2. Read Bylaw No. 225 a Third Time and Forward to the Executive Committee

Should the LTC wish to proceed with 3rd reading of the bylaw, and forward the bylaw for Executive Committee consideration, it should pass the following resolutions:

That Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017", be read a third time.

That Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 26, 2018
---------------	---	-------------------

ATTACHMENT

1. Proposed Bylaw No. 225

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 225

A bylaw to amend the Land Use Bylaw to prohibit the use of vehicles and ground based machinery on the foreshore in the W1, W3 and W4 zones.

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

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No 1, 2017".

READ A FIRST TIME this 6TH day of JUNE , 2017

READ A SECOND TIME this 6TH day of FEBRUARY , 2018

PUBLIC HEARING this day of , 201X

READ A THIRD TIME this day of , 201X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this day of , 201X

ADOPTED this day of , 201X

Chairperson

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO.225**

Schedule 'A'

-
1. PART 3 ZONE REGULATIONS, Section 3.7 Water Zoning Tables is amended by the addition of a new "Table 5 – Prohibited Uses" as shown below:

Table 5 – Prohibited Uses

The regulations listed in this table are intended to be applied in conjunction with the provisions of Table1, "Permitted Uses" in order to provide additional guidance and clarity on acceptable implementation actions and practices associated with the permitted uses

Zoning Code	Regulations
W1, W3, W4	Despite Table 1 of this Section, the use of vehicles and ground based machinery on the foreshore is prohibited.

INFORMATION NOTE: Aquaculture operations that are licensed under the <i>Fisheries Act</i> (Canada) may be entitled to operate vehicles or ground based machinery in accordance with the terms of the license.
--



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality January 2018



Election of the Trust Fund Board Chair

Trustee Tony Law was nominated and elected by acclamation as the Trust Fund Board (TFB) Chair for 2018.

Re-appointment of Robin Williams

The Minister has approved the re-appointment of Robin Williams to the TFB for two years. Trustee Williams will continue to represent the TFB on the Financial Planning Committee.

New 'Salish View' Conservation Proposal, Lasqueti Island

The TFB received and accepted a conservation proposal submitted by the Lasqueti Island Nature Conservancy, (LINC) regarding the acquisition of the property known as 'Salish View'. The TFB agreed to contribute \$32,000 from the Lasqueti Island Acquisition Fund to purchase Salish View, on the condition that the primary donors to this Fund support the use of the funds for this project. Staff will be working with LINC on fundraising and communications for the campaign, and if the campaign is successful, the land will be protected by the TFB as a nature reserve, with a covenant held by LINC.

Regional Conservation Plan (RCP)

The TFB approved the final 2018-2027 Regional Conservation Plan (RCP). The Board is referring the RCP to Trust Council for endorsement at the March Trust Council meeting. The TFB also reviewed a three-year work plan that builds on the approved RCP. The RCP will be used by the TFB to evaluate conservation proposals, to direct communications and fundraising efforts and to guide property management work. The three-year work plans will be used by staff and board members to guide their work and measure progress towards achieving the larger goals of the ten-year RCP. The final RCP will be posted on the Islands Trust Fund (ITF) website after the March Trust Council meeting and a news release will be issued.

Fairyslipper Forest campaign

Fairyslipper Forest is now protected as a TFB nature reserve. A board-to-board celebration event will be held in Cowichan Valley on February 24, 2018 to celebrate the successful completion and protection of Fairyslipper Forest Nature Reserve on Thetis Island. Public celebration events will be held on Thetis Island on April 21-22, 2018.

Report on Islands Trust Meeting with the Minister

The TFB discussed possible follow-up actions emerging from the recent Islands Trust meeting with the Minister of Municipal Affairs and Housing regarding the requested change to the Islands Trust Act to change the name of the Islands Trust Fund.

Agricultural Land Commission (ALC) Review

Trustee Tony Law attended the a regional stakeholder meeting held by the Minister of Agriculture's Advisory Committee on the Revitalization of the Agricultural Land Reserve and Agricultural Land Commission on February 6, 2018 in Nanaimo.

Summary of Current Island-by-Island Activities

Denman

Staff attended an open house on January 27, for public consultation on the revised management plan for Morrison Marsh Nature Reserve, to be completed by April 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves.

Gabriola

Construction is almost complete on the boardwalk around the large western redcedar tree. Notice of the work went into the local paper and social media, and the RCMP was notified to deter vandalism. Construction of boardwalk over a wet area on one section of the existing trail will begin in February.

Galiano

Invasive species removal and trail clearing is in progress on the Laughlin Lake and Vanilla Leaf Nature Reserves. The Board received and approved a request from a

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

Master's student to perform research on pollinators and microclimates on Retreat Island Covenant provided that conditions for ecological integrity and stakeholder approval are met.

Lasqueti

Riparian restoration and nesting box maintenance is in progress at the John Osland Nature Reserve.

North Pender

Public consultation, including a questionnaire and open house scheduled for February 17, 2018, are underway for a revised management plan for the Medicine Beach Nature Sanctuary, to be completed by April 2018.

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



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: February 6, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Marnie Eggen, Island Planner
 Fiona MacRaid, Senior Intergovernmental Policy Advisor, Marine and First Nations Issues
 William Shulba, Senior Freshwater Specialist
 Vicky Bockman, Recorder

Others Present: Approximately six (6) members of the public

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

Move agenda item 16 to follow item 14.4

Move agenda item 11.2 to follow item 16

Move agenda item 14.1 to follow 11.2

Move agenda item 13 to follow 14.1

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

- A member of the public argued against exempting shellfish workers from driving on the foreshore in W1/W4 zones in proposed Bylaw No. 225, providing excerpts from the Guide to the Pacific Shellfish Aquaculture Application, Pacific Shellfish Aquaculture Application, Shellfish Conditions of Licence, and the Fisheries Act in support of this position. She provided her speaking notes for the record.

- Trustees responded that they have received advice that the Local Trust Committee (LTC) cannot regulate this aspect of land use and suggested that concerns can be brought to the attention of the MP or MLA with jurisdiction in this matter.

4. COMMUNITY INFORMATION MEETING – none

5. PUBLIC HEARING – none

6. MINUTES

6.1 Local Trust Committee Minutes dated November 14, 2017 - for adoption
By general consent the minutes were adopted as presented.

6.2 Section 26 Resolutions-Without-Meeting Report dated January 30, 2018
Received.

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 30, 2018

Planner Eggen provided a status report on various items in the Follow-up Action List. She noted that it is anticipated that a Staff Report concerning the Farm Plan Project will be available at the March, 2018 meeting for LTC consideration.

7.2 Status of the Local Planning Committee Housing Strategy – Memorandum

A Trustee questioned why the Local Planning Committee (LPC) declined to pursue a model Affordable Housing First Policy.

A Trustee provided an overview of the discussion that occurred at the LPC meeting and noted that concerns had been expressed that included the need to observe administrative fairness and to not fetter the ability to balance other priorities and community needs that might arise. The Trustee added that the LPC will be reviewing the issue further and that the information gathered can be provided to the LTC for consideration.

7.3 Notifying BC Housing of Issued Siting and Use Permits – Memorandum

Pursuant to the LTC's previous request for information, Planner Eggen reported that BC Housing is among the agencies notified of issued Siting and Use Permits (SUP) as a part of the siting and use permit process and that Temporary Use Permits do not require this process.

A Trustee asked if there is a statutory duty for the reporting of SUPs and requested a reference to the legislation that requires this practice. Planner Eggen responded that she will follow up and convey this information by email.

7.4 BC Farm Industry Review Board – Memorandum

DE-2018-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee invite representatives of the BC Farm Industry Review Board to meet with the Local Trust Committee at a public meeting on Denman Island to present their work, answer questions and tour shellfish operations on Denman Island.

CARRIED

DE-2018-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to ascertain whether the BC Farm Industry Review Board is considering drafting a Code of Practice for aquaculture operators and if so to arrange for the involvement of the Islands Trust in such a process.

CARRIED

8. DELEGATIONS

8.1 Denman Community Land Trust Association (DCLTA)

Harlene Holm, speaking on behalf of the DCLTA addressed the LTC, provided a visual display of the project for Trustees' benefit and submitted her speaking notes for the record. The following points were noted:

- She asked that the LTC reconsider the "Non-Domestic" categorization of the proposed Seniors' Affordable Housing project interpretation in the Water Assessment Toolkit Draft Terms of Reference (TOR), providing rationale for a "Domestic" classification and expressing concern that the "Non-Domestic" licensing requirements would add to cost and time; and
- She submitted a Development Variance Permit (DVP) application along with the fee to vary proof of water and sewage disposal requirements in the current application for a lot line adjustment as an option to avoid the cost and work involved in fulfilling subdivision requirements, requesting that this application be expedited for consideration at the March, 2018 LTC meeting.

Trustees indicated that consideration of this proposal would be addressed at agenda item 10.1.

9. CORRESPONDENCE – none

10. APPLICATIONS, REFERRALS

10.1 DE-RZ-2017.1 (DCLTA) – Staff Report

Planner Eggen summarized the Staff Report that recommends that the applicant provide the information requested in the Draft Water Assessment Toolkit Draft Terms of Reference (TOR) to ensure protection of groundwater resources.

William Shulba, Senior Freshwater Specialist provided an overview of the draft TOR and the following comments were noted:

- The definition of “Non-Domestic” has been determined by consideration of the *Water Sustainability Act*; the need for a single well to provide a water source for eight dwellings on one parcel identifier; and the additional layer of risk mitigation, maintenance and operations that will be required;
- This draft TOR has been developed to be specific for the Denman Island Local Trust Area, for this particular application;
- Islands Trust has expressed a willingness to work with the applicant to create the thematic maps of the location;
- The purpose and relevance of the pumping test on the aquifer was explained; and
- Trustees were urged to require that the applicant provide information as outlined in the draft TOR.

The applicant commented and the following was noted:

- Much information is in place already, including water quality testing, and conservation measures are being built into the project;
- The 72 hour pumping test, if required, will be a concern; and
- More consultation on the draft TOR is needed.

The applicant’s Qualified Environmental Consultant was in attendance and expressed concerns regarding the requirements of the draft TOR, considering them to be onerous.

Trustees discussed the draft TOR for the application and the following was noted:

- Clarification of the categorization of the groundwater source was considered to be necessary;
- A TOR can create additional hurdles for an applicant, however, can satisfy community concerns, as demonstrated in a recent Gambier Island example;
- The draft TOR should contain the motion from the LTC under which it was created with the terms relating to that objective;
- Options might be explored to reduce the complexity, cost and time of the requirements while obtaining specific information as to whether any parts of the TOR are unnecessary and how goals could be met in other ways; and
- More dialogue and a cooperative effort might be useful to create a suitable TOR.

DE-2018-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to consult with Denman Community Land Trust Association and its consultant to review and attempt to settle the terms of the draft Terms of Reference prior to the next Local Trust Committee meeting.

CARRIED

DE-2018-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide a report and justification for the classification of the present application as “Non-Domestic” for water licensing purposes and ascertain if it would be considered as a “Water Utility”.

Discussion ensued and the Chair expressed uncertainty that eight dwellings connected to one well could be considered to be in the “Domestic” category. Senior Freshwater Specialist Shulba supported the need to determine the appropriate classification, as the intent of the TOR is to ensure that the applicant is proceeding on the correct path to licensing. He offered to review the matter with Ministry of Forest, Lands and Natural Resource Operations staff and report back to the LTC.

CARRIED

There was continuation of discussion on this matter after agenda item 11.3

10.2 DE-DP-2017.2 (Shepherd) – Staff Report

Planner Eggen presented the Staff Report that addresses the application for a Development Permit (DP) to remove nine trees within Development Permit Area 1.

The applicant was in attendance and expressed his opinion that the cost for this undertaking has been unreasonable.

Trustees discussed the process and the following comments were noted:

- They considered whether there might be options for an alternative to the requirement of geotechnical reports in close proximity and similar situations; however, staff pointed out that applications are considered on a case-by-case basis and simplification would be difficult within a Development Permit Area; and
- The wording of item 2 of the proposed Development Permit was considered adequate to allow it to proceed; however future versions might be improved and staff offered to bring draft suggestions for future DP documents.

DE-2018-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of DE-DP-2017.2 (Shepherd).

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS AND BYLAWS

11.1 Denman Village Community Design Charrette - Staff Report

DE-2018-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee receive the Vancouver Island University Denman Community Design Charrette Final Report, dated January 2018, for information.

CARRIED

DE-2018-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend the Projects List by replacing the current text in the activities section associated with the Denman Village Plan project with "Consideration of Denman Community Design Charrette Final Report recommendations".

CARRIED

DE-2018-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to print out five hard copies of the Final Report from the Denman Community Design Charrette for Trustees to distribute on Denman Island.

CARRIED

A Trustee offered to send an email with a link to the Final Report to the participants in the Stakeholders' Meeting that was held, and requested that staff provide a list of attendees for this purpose.

A Trustee reported that requests had been made by various agency representatives to view the Final Report and it was suggested this be provided with a cover letter to the individuals.

DE-2018-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to send a link to the Denman Community Design Charrette Final Report to the Director of Planning, Area A Regional Director of the Comox Valley Regional District, and to Ashley Cousens of the Ministry of Transportation and Infrastructure.

CARRIED

11.3 Bylaw No. 225 - Marine Issues - Staff Report

Planner Eggen summarized the Staff Report that addresses a suggested minor revision to the information note contained within the bylaw for LTC consideration.

DE-2018-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017", be amended by deleting the words "in the W3 zone" from the information note.

CARRIED

DE-2018-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”, be read a second time as amended.

CARRIED

DE-2018-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for Proposed Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”.

CARRIED

DE-2018-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule Public Hearing for Proposed Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”.

CARRIED

10.1 DE-RZ-2017.1 (DCLTA) – Staff Report (continued)

Trustees discussed the applicant’s request that the LTC consider passing a motion to ask staff to process the DVP application in time for the next regular business meeting and the following points were noted:

- Staff could make efforts to meet that timeline; however there is a legislative responsibility to provide notice of the proposed DVP which would make it difficult to accomplish in time for the next meeting; and
- Staff will be looking into available options to suggest in order to expedite the process.

11.4 Bylaw No 227 - Electronic Meetings – Memorandum

DE-2018-014

It was MOVED and SECONDED,

that third reading of Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be rescinded.

CARRIED

DE-2018-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, as follows:

1.4 ELECTRONIC MEETINGS, section 21., the words “sections 18 and 19” be corrected to read “sections 19 and 20”.

CARRIED

DE-2018-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be read a third time as amended.

CARRIED

DE-2018-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

Senior Freshwater Specialist Shulba left the meeting at 11:52 am.

By general consent the meeting was recessed at 11:52 am and reconvened at 12:11 pm.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated January 30, 2018

A Trustee asked the status of the Farm Plan Implementation Priority item.

Planner Eggen replied that it is in progress and a Staff Report is anticipated for LTC consideration at the next business meeting.

Trustees noted that the Denman Village Community Design Charrette Priority can be removed from the report as it has been completed.

12.1.2 Projects List Report dated January 30, 2018

Received.

12.2 Applications Report dated January 30, 2018

Received.

12.3 Trustee and Local Expense Report dated December, 2017

Received.

12.4 Adopted Policies and Standing Resolutions – none

12.5 Local Trust Committee Webpage

Trustees requested that the following items be made available on the webpage:

- The Denman Community Design Charrette Final Report
- The information sheet on Denman Island Shoreline eelgrass habitats and forage fish habitat

12.6 Chair's Report

Chair Morrison reported on the following:

- Attended a Financial Planning Committee meeting where work on the budget is continuing;
- Preparation is ongoing for the next Trust Council which will be held in March on Salt Spring Island;
- Attended a Trust Fund Board meeting;
- Attended a Gambier Island LTC meeting;
- Attended a meeting with the Honourable Selina Robinson, Minister of Municipal Affairs and Housing where Trustee Busheikin made a presentation on affordable housing and Chair Morrison presented information on the Trust Fund Board; and
- Peter Luckham has been invited to Ottawa for a Standing Committee on Transport, Infrastructure and Communities meeting regarding abandoned vessels.

12.7 Trustee Reports

Trustee Busheikin reported on her participation in the following:

- Two Trustee Office Hours were held;
- She has had inquiries from constituents regarding medical marijuana regulations;
- The regular monthly general meetings of the Denman Island Residents Association; aquaculture impacts were discussed there and she mentioned that general and Executive members are being sought for this group;
- A Health Action Network meeting where a representative from LILLI House spoke, urging people to call police when there is an active domestic violence situation;
- The annual Local Government Leadership Academy Forum where there was discussion regarding ethical conduct and a seminar on the topic of Medical Marijuana legislation.

Trustee Critchley reported on the following:

- Two Trustee Office Hours;
- A meeting with representatives of Emcon and Ministry of Transportation and Infrastructure where concerns regarding road conditions were discussed;

- A Ferry Advisory Committee meeting with an update on Cable Ferry cost savings and schedule improvements;
- A Trust Programs Committee meeting where improvements in intergovernmental relations was discussed;
- An Open House regarding ferry terminal revisions;
- An Open House regarding the Morrison Marsh Management Plan; and
- Trust Council.

Fiona MacRaild, Senior Intergovernmental Policy Advisor joined the meeting at 12:25 pm.

12.8 Electoral Area Director's Report – none

12.9 Trust Fund Board Report dated November, 2017

Chair Morrison reported on the following:

- Other LTCs have moved the Trust Fund Board reports to earlier in the agenda in order to increase public awareness of the information that is provided there;
- The current Regional Conservation Plan has been approved; and
- There is hope that a name change for the Trust Fund Board will be occurring and this is expected to help in attracting public engagement.

DE-2018-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff that in the preparation of the agenda the Chair and Trustees Reports and Trust Fund Report occur following the first Town Hall.

CARRIED

14. NEW BUSINESS

14.2 Denman Housing Association request for Letter of Support - for discussion

DE-2018-019

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorize a letter of support for the Denman Housing Association to be signed by the Chair of the Local Trust Committee.

Discussion followed on the motion and Trustees indicated their desire that relevant Official Community Plan policies be included in the letter and that the content be similar to the previous letter provided for this group.

CARRIED

14.3 Housing Agreement Administration – Briefing

Received.

14.4 Farm Industry Review Board – Memorandum

Received. This item was discussed with agenda item 7.4.

16. TOWN HALL

A member of the public commented regarding the Farm Industry Review Board and the following points were noted:

- Agriculture has been effective in attracting new families to Denman Island and the LTC was urged to continue to support those activities in ways including expediting land use applications for those who wish to engage in agricultural activities;
- The definition of “intensive agriculture” as defined in the Provincial Farm Plan would be acceptable to the Denman Growers and Producers Alliance;
- Feedlot definitions should be reviewed and the Denman Growers and Producers Alliance would be interested in reviewing a proposed new definition;
- An aquaculture code of conduct could address negative impacts in the industry and examples of improvements were provided;
- Grants are available for environmentally sustainable aquaculture and he encouraged a review of this to inform the issues; and
- Property owners upland from shellfish operations should have input into what is permitted; local ownership of tenures would be more responsive to community concerns.

11.2 Relationship Building with K’omoks First Nation - Verbal Report

Senior Intergovernmental Policy Advisor MacRaild reported that this initiative is moving forward.

14.1 Intergovernmental Engagement Meeting - K’omoks First Nation - for discussion

Senior Intergovernmental Policy Advisor, Marine and First Nations Issues MacRaild reported that meeting topics that might be considered include an overview about agency, an explanation of how K’omoks First Nation fits into the current or long term vision, and how decision making might progress going forward. She provided an update on other First Nations that have asserted aboriginal and treaty rights on Denman Island.

Chair Morrison left the meeting at 1:02 pm, expressing deep regret that travel to another meeting requires her early departure from the meeting.

Trustee Busheikin recommended that Trustee Critchley assume the role of Chair for the remainder of the meeting.

13. CLOSED MEETING

13.1 Motion to Close the Meeting

DE-2018-020

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 s.90(2)(b) for the purpose of considering adoption of In-Camera meeting minutes dated November 14, 2017 and consideration of confidential information and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 1:03 pm.

13.2 Recall to Order

By general consent the meeting was recalled to order at 2:29 pm.

13.3 Rise and Report

Acting Chair Critchley reported that in the closed meeting *In Camera* minutes dated November 14, 2017 were adopted.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, March 6, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular meeting date and location.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:30 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

19-Apr-2016

Activity	Responsibility	Target Date	Status
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. Update: On hold until completion of other First Nation engagement activities.	Marnie Eggen David Critchley Laura Busheikin		On Going

02-May-2017

Activity	Responsibility	Target Date	Status
Public presentation by Islands Trust Senior Intergovernmental Policy Advisor on First nations engagement and follow up presentations by Komoks members and representatives. Public presentation held June 4, 2017.	Fiona MacRaild		On Going
Where possible and appropriate, influence the content of signage to include First Nations place names and context of indigenous use of places.	Fiona MacRaild		On Going

01-Aug-2017

Activity	Responsibility	Target Date	Status
Staff to organize a presentation by representatives of the Komoks Nation about First Nations traditional knowledge and stewardship practices.	Fiona MacRaild	01-Nov-2017	On Going

14-Nov-2017

Activity	Responsibility	Target Date	Status
----------	----------------	-------------	--------

**Follow Up Action Report**

Staff to organize one or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Denman Island community members, and to invite First Nations who have asserted rights and title on Denman Island to participate.	Marnie Eggen Fiona MacRaild		On Going
Staff to report back on status of organizing meetings inviting First Nations (non Council members) to Denman (see previous resolutions & FUAL items)	Marnie Eggen Fiona MacRaild	09-Jan-2018	Done
Farm Plan Project - Staff to report back on questions of proposed bylaw amendments - alt. definitions for intensive agriculture; limiting horticulture; setbacks to water features; LUB location of feedlots phrase; alternative land tenure agreements; rationale for prohibiting panhandle lots.	Sonja Zupanec Marnie Eggen		Done

06-Feb-2018

Activity	Responsibility	Target Date	Status
Re: Notification of BC Housing with issued Siting and Use Permits. Staff to look into legislative responsibility.	Marnie Eggen	23-Feb-2018	On Going
Staff to request Executive Committee to ascertain whether the BC Farm Industry Review Board is considering drafting a code of practice for aquiculture operators and if so to arrange for the involvement of Islands Trust in the process.	Marnie Eggen		On Going
Staff to invite representatives of the BC Farm Industry Review Board to meet with Denman LTC.	Marnie Eggen		On Going
Staff to consult with DCLTA to review water assessment TOR and to report on the classification for water licensing purposes (non domestic, water utility).	Marnie Eggen William Shulba		On Going
Staff to issue DE-DP-2017.2 (Shepherd).	Becky McErlean Penny Hawley	23-Feb-2018	Done

Follow Up Action Report

Staff to send to Trustees - 5 spiral bound colour copies of the Denman Charrette report; add link to Charrette report on the Denman website; send letter to MOTI and CVRD with link to report.	Ian Cox		Done
Staff to amend proposed Bylaw No. 225, update with 2nd reading, and schedule community information meeting & public hearing	Becky McErlean Marnie Eggen Ann Kjerulf	06-Mar-2018	Done
Staff to place information sheets (eelgrass and forage fish) that were sent to aquaculture tenure holders on the Marine Issues (driving on the foreshore) Project website and Resources webpage.	Marnie Eggen Wil Cottingham		Done
Denman Bylaw No. 227 - 3rd reading was rescinded, amended, given 3rd reading as amended. Staff to update bylaw and forward to Executive Committee for approval.	Becky McErlean Marnie Eggen	19-Feb-2018	Done
Staff requested to adjust the LTC meeting agendas - to move Trustees, Chair and Trust Fund Board reports to just after the first Town Hall.	Becky McErlean		Done
Staff to prepare a letter of support for the Denman Housing Association to be signed by the Chair.	Marnie Eggen		Done



File No.: 3445-40

(File: Farm Industry Review Board -
Aquaculture)

DATE OF MEETING: February 6, 2018
TO: Denman Island Local Trust Committee
FROM: David Marlor, Director of Local Planning Services
Local Planning Services
COPY:
SUBJECT: Farm Industry Review Board and Aquaculture

PURPOSE

At its business meeting on January 17, 2018, the Executive Committee passed the following resolution:

that the Islands Trust Executive Committee requests that the information about the BC Farm Industry Review Board be distributed to the Local Trust Committees and enquiries are to be directed to the Regional Planning Manager.

The attached news release advises under the *Fish and Seafood Act* that came into force on January 1, 2017 that the BC Farm Industry Review Board had jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the Farm Practices Protection (Right to Farm) Act.

NEXT STEPS

None

Submitted By:	David Marlor, Director of Local Planning Services	February 2, 2018
---------------	---	------------------

ATTACHMENTS

1. Attachment 1 – March 2017 News Release – Aquaculture and the Farm Practices Protection (Right to Farm) Act.



AQUACULTURE AND THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT*

As of January 1, 2017 the BC Farm Industry Review Board (BCFIRB) has jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the *Farm Practices Protection (Right to Farm) Act (FPPA)*

Agriculture and aquaculture are important BC industries. Under the *Farm Practices Protection (Right to Farm) Act (FPPA)*, farmers using “normal farm practices” are protected from certain bylaw enforcement, court injunctions and lawsuits related to nuisance complaints. The *FPPA* balances community interests by both protecting farmers from disturbance complaints, and by giving neighbours of a specific farm the right to formal conflict resolution through BCFIRB. Both non-farming and farming neighbours have the right to file a complaint.

While normal farm practices are protected under legislation, BCFIRB encourages farmers and their neighbours to work together to resolve disputes in the first instance.

Although there are many options for resolving disputes between farmers and neighbours, in some situations, enforcement regarding use of a farm practice which is causing a disturbance may be called for.

Expanded Jurisdiction

The *Fish and Seafood Act* came into force by regulation on January 1, 2017. Concurrently consequential amendments to the *FPPA* came into force. These amendments bring fin and shellfish aquaculture back into the scope of nuisance complaints heard by BCFIRB under the *FPPA*. The types of aquaculture covered by the amendments are broad and include marine finfish, shellfish and freshwater (or land-based) operations as well as aquatic plants.

For more information contact

Case Manager
250-356-8945

British Columbia
Farm Industry Review Board

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
1st Floor, 780 Blanshard Street
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website: www.gov.bc.ca/BCFarmIndustryReviewBoard

From: Nalla Ynehod <allan.doheny@gmail.com>
Sent: Tuesday, February 20, 2018 2:02 PM
To: Marnie Eggen
Subject: Development Variance Permit DE-SUB-2017.3
Attachments: Marnie Eggen Letter DE-SUB-2017.3.docx

Hi Marnie,

On the weekend I started writing you a short email to explain the rationale for granting the development variance permit we are requesting.

My message ended up being a little long for an email... so I have attached it as a letter.

I plan on attending the LTC meeting on march 6th but I thought it would make sense to share our supporting rationale in advance. I hope this is helpful.

Thank you for your help.

Allan

Marnie Eggen

Island Planner, Islands Trust

Dear Marnie,

I plan to attend the March 6 Local Trust Committee meeting. However, I thought it would be helpful to share the rationale supporting our proposed subdivision in advance of the meeting.

First off, I would like to thank you for all the generous assistance you have provided as I have worked my through this process for the first time. As you know, I am clearly not a “developer” and I am not a proponent of unrestricted development on Denman Island.

In fact, I share the Island Trust’s goal of preserving the island’s very special rural and small community character. We believe our proposed subdivision is consistent with that vision and represents an excellent example of sustainable development designed to simply create places for people to live without threatening what makes the island such a unique and beautiful place to live.

I also believe that granting the development variance permit we are requesting would be consistent with the intent of the Denman Island Land Use Bylaw no 186. We also believe our proposal is well aligned with the broader objectives of the Denman Island Community Plan Bylaws.

Our Family Connection to Denman

My family has deep connections to Denman Island. I am mentioning this only because I think it provides relevant context for our proposal as well as our longer term intentions for the property. Denman is a very special place for our family and we wouldn’t propose anything that might risk harming it.

My brother and I grew up spending our summers on Denman in the 60s, 70s, and early 80’s. My family would sometimes stay with relatives but most often we stayed at Hadley’s Cabins on Metcalf bay. So the property at 5411 Lacon road on Metcalf has really special sentimental value for us and gives us the opportunity to share that experience with our kids and eventually grandchildren.

My grandparents, Patrick and Beatrice Doheny, were the original owners of the Denman Island general store and my father grew up in the store with my uncle and aunt. My grandmother was a Pickles and grew up on Pickles’ farm (which Pickles road was named after). My great grandparents, David and Annie Louisa Pickles, are buried in the Denman cemetery.

My mother’s family is also connected to the island. Her Uncle and Aunt, John and Maude McGee, owned a farm on the west side of Denman and are also buried in the Denman cemetery. My parents actually met on a trip to Denman.

Unfortunately, in the 1980's health and financial issues meant that our parents were not able to maintain our property on Denman or to buy into the development on Metcalf Bay when the former Hadley's cabins property was converted into a Cooperative. With the purchase and development of the property at 5411 Lacon road, our hope is to re-establish our family's connection to Denman and over the next few years build a home there and eventually move to the island full time.

Requested Development Variance Permit:

The proposed subdivision meets all of the Denman island bylaw requirements except that it narrowly falls short of the 1:3 width to depth ratio requirement of the bylaw. This is why we are requesting a development variance permit. I think it is important to emphasize that the proposal is actually consistent with the intent of the width to depth ratio rule - given that the dimensions of proposed lots would be a significant improvement over the existing lot.

To be more specific, the proposed new lot would have width to depth ratio of about 1:3.5 and the remainder lot would have a ratio of about 1:4.8. While these ratios are somewhat lower than the minimum target of 1:3 identified in Denman Island Land Use Bylaw no 186, they are much more consistent with the bylaw than the existing lot's depth / width ratio of less than 1:8. As a result, I would suggest that the proposed subdivision is consistent with the intent of this bylaw in the sense that it would result in two lots that are slightly non-conforming rather than a single lot that with a depth / ratio that is well out of line with the bylaw.

Design of New Lot and Panhandle:

The proposed subdivision includes measures to protect the eastern portion of the existing lot as well as to allow for potential trail access in the future. This eastern section of the lot is a beautiful spot with mature Douglas firs and cedars in an area that borders Valens Brook and a large section of crown land (which I understand may now be in the process of becoming a provincial park).

By retaining this special spot as part of the remainder lot, the proposed subdivision plan allows us to maintain access to the area as well as ensuring we can protect it. Therefore, the proposal also includes a "panhandle" that is intended to eventually support a walk way or nature trail from Lacon Rd to this area and potentially the parkland it borders. We acknowledge that these preliminary ideas will require further consultation with a number of parties including the Denman trails committee, conservation committee, the Island Trust and a qualified environmental professional.

Furthermore, as noted in the Island Trust's subdivision referral letter, a portion of this area is subject to the Riparian Area Regulation (RAR) and will require an assessment by an environmental professional. The fact that this area will continue to be part of the remainder lot, will mean I am better positioned to implement any measures that could be needed to mitigate the potential impact on fish habitat.

As you are aware, the Province required that the original subdivision proposal be amended to widen the panhandle to 10 metres despite the fact that the eastern portion of the lot will never be developed. The wider panhandle meant that the new lot is now

deeper and narrower than originally planned and this is the reason that the variance is required for width to depth ratio bylaw.

Alignment with Community Plan Objectives

The proposed subdivision plan is also well align with the broad objectives of Denman Island's Community Plan Bylaws. The two resulting lots meet or exceed the minimum 2.5 acre (1.0 hectare) lot size. The Island Trust's "Development Potential" anticipates that this lot could be subdivided into 3 lots. So clearly the proposal does not exceed that planned development. The proposal will also help respond to some of the concerns I have heard about the lack of affordable land / housing on the island.

Conclusion

Overall we feel that our proposed subdivision represents a good balance between allowing for appropriate sustainable development and preserving the beautiful rural character of Denman Island.

For this reason, we request that the Local Trust Committee approve the development variance permit needed to move ahead with the subdivision.

We look forward to moving ahead with our plans and making a positive contribution to the community on Denman Island.

Sincerely,

Allan

Allan Doheny

File No.: DE-DVP-2017.2
(Mason (Doheny))

DATE OF MEETING: March 6, 2018

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Ann Kjerulf, Regional Planning Manager

SUBJECT: Development Variance Permit Application to Reduce Subdivision Lot Width/Depth Ratio
Applicant: Allan Doheny
Location: Lacon Road, Denman Island; PID 005-849-977

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DP-2017.2 to vary the required subdivision lot width to depth ratio in the Denman Island Land Use Bylaw No. 186 from one third to one fourth for proposed Lot 1, and from one third to one sixth for proposed Remainder Lot 5.

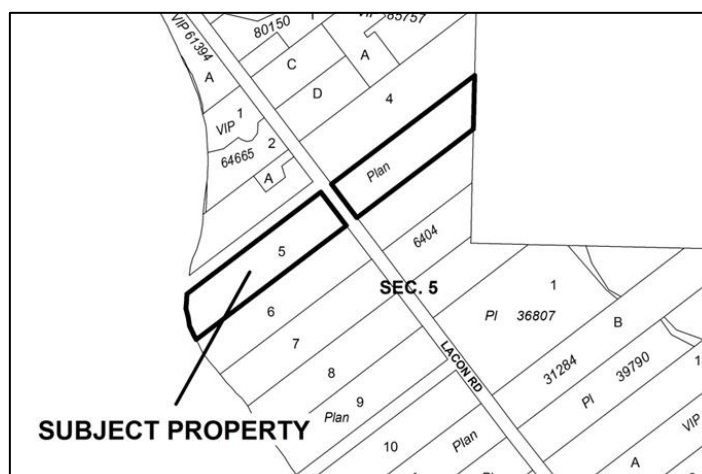
REPORT SUMMARY

The applicant seeks to vary the subdivision lot width to depth ratio requirement of the Denman Island Land Use Bylaw No. 186 (LUB) in order to subdivide an existing undeveloped lot located on Lacon Road into two new lots. An approved Development Variance Permit is required to be issued by the Local Trust Committee (LTC) in order to allow the subdivision to proceed through the Provincial subdivision approval process.

BACKGROUND

The existing 2.356 ha subject property is a hooked lot, split by Lacon Road as shown in Figure 1.

Figure 1: Subject Property



Several of the existing lots in the vicinity of the subject property are hooked lots which are non-conforming with respect to the LUB lot width to depth ratio requirement. Section 2.8.6 of the LUB requires the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines. The applicant has provided a rationale for their request to vary this section of the LUB (see Attachments).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

This proposal is not contrary to the Islands Trust Policy Statement.

Official Community Plan:

The subject property is located in the Residential land use designation under Denman Island Official Community Plan No. 185. Relevant policies include:

Housing – Policies (Subdivision)

- ***Policy 1*** – *In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations.*
- ***Policy 6*** – *When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.*

The subject property is located within Development Permit Area 4 (RAR Applicable Streams, Lakes and Watersheds) and as a condition of subdivision, the applicant is required to apply for a Development Permit.

Land Use Bylaw:

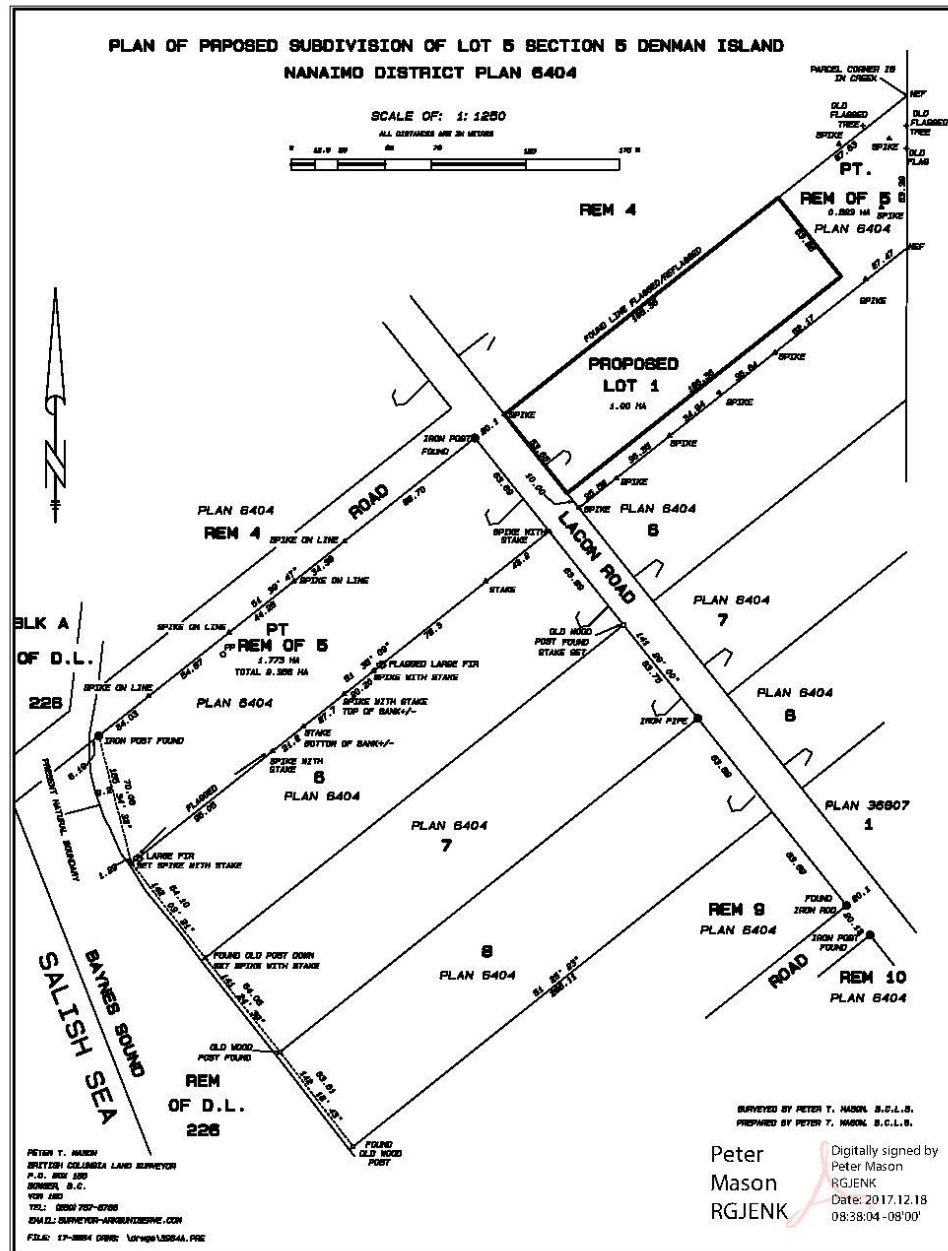
The subject property is zoned R1 – Residential - under the LUB. The proposed subdivision complies with the minimum lot size of 1.0 hectare; proposed Lot 1 has an area of 1.0 hectare and proposed Remainder Lot 5 has an area greater than 2.0 hectares.

The applicant has requested that the lot width to depth subdivision regulation (2.8.6) be varied:

“For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines...”

The width to depth ratio is a planning tool applied to prevent impractical lot configurations. Currently, the parent parcel width to depth ratio is approximately one eighth and is legally non-conforming. The variance, if granted, would support a subdivision to create two lots with a more conforming width to depth ratio of one fourth for proposed Lot 1 and one sixth for Remainder Lot 5 as shown on the proposed plan of subdivision (Figure 2) as follows:

Figure 2: Proposed Plan of Subdivision



Issues and Opportunities

Statutory Requirements

Pursuant to the *Local Government Act* and Islands Trust policies and bylaws, statutory notification of the proposed Development Variance Permit is required, commencing on February 23, 2018 until and including March 5, 2018. See Attachments for the proposed permit and the notice. Correspondence received with respect to this application will be forwarded to the LTC. One letter of support from a neighbour was received at the time this report was finalized (see Attachments).

Rationale for Recommendation

Although the lot width to depth ratio requirement in the LUB would not be satisfied, the proposed subdivision would reduce the non-conformity of the existing lots width to depth ratios. No adverse planning issues are anticipated as a result of approval of this variance, and immediate neighbours have expressed support for the subdivision. As such, staff recommends the issuance of the development variance permit as noted in the recommendation listed on page 1 of the staff report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that it will require a second notification and additional staff resources to review further information. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust [insert required information].

2. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative are that the DVP application file will be closed; the applicant would need to revise their proposal should they re-apply. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DVP-2017.2 for the follows reasons [insert reasons].

NEXT STEPS

Subject to LTC approval of the variance, the subdivision process may proceed under the authority of the Provincial Approving Officer.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	February 23, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 26, 2018

ATTACHMENTS

1. Applicant Letter, emailed February 20, 2018
2. Site Context
3. Public correspondence received, dated February 15, 2018
4. Proposed Development Variance Permit
5. Development Variance Permit Notice

ATTACHMENT # 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 5, Section 5, Denman Island, Nanaimo District, Plan 6404
PID	005-849-977
Civic Address	Lacon Road, Denman Island, BC

LAND USE

Current Land Use	Residential vacant
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUB-2017.3	To subdivide property into two lots.
DE-SUP-2017.16	To construct a single family dwelling.

POLICY/REGULATORY

Official Community Plan Designations	R – Residential HOUSING – POLICIES (Subdivision) Policy 1 – In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations. Policy 6 – When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.
Land Use Bylaw	SRR – Small Rural Residential Minimum Average and Minimum Lot Size = 1.0 ha Width to Depth ratio requirement for lots is one third (this is the subject of the variance)
Other Regulations	Requires a Development Permit #4: RAR Applicable Streams, Lakes and Watersheds and as a part of the conditions of subdivision imposed by the Denman LTC, the applicant will be applying for a Development Permit in due course.
Covenants	N/A
Bylaw Enforcement	No bylaw enforcement files.

SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	N/A
Species at Risk	None identified
Sensitive Ecosystems	The subject property is within the Mature Forest Sensitive Ecosystem Mapped area.
Hazard Areas	None identified
Archaeological Sites	None identified within 50 metres.
Climate Change Adaptation and Mitigation	There is no risk of impact to the development due to sea level rise should this development variance permit be issued. There are no anticipated impacts with regard to greenhouse gas emissions that would result in issuing this development variance permit.

From: Thorne Forrest [REDACTED]
Sent: Thursday, February 15, 2018 11:39 AM
To: Marnie Eggen
Subject: Proposed Subdivision of Lot 5, Section 5, Lacon Road- File # DE-SUB-2017.3

Dear Marnie Eggen,

We are writing to give our support to the proposed subdivision of Lot 5, Section 5, Lacon Road- File # DE-SUB-2017.3- for the following reasons:

- The proposed subdivision does not interfere with or limit our enjoyment of our neighbouring property.
- The proposed subdivision complies with present Denman Island Land Use Regulations for R1 zoned land with one exception: the Remaining Lot does not conform to the desired ratio of lot depth to lot width of at least 3:1. However, the ratio is an inherited characteristic of the existing lot and, further, the proposed subdivision actually improves the lot depth to lot width ratio of the Remaining Lot once the proposed subdivision is completed. Proposed Lot A is in complete compliance with the depth to width ratio. Therefore, I am in favour of the Islands Trust granting a variance on the 3:1 ratio on the Remaining Lot in the interest of allowing the final approval of the proposed subdivision.
- The proposed subdivision complies with the document entitled "Denman Island Subdivision Potential, Draft- October 2010", which indicates a tolerance for up to two additional lots on Lot 5. The proposed subdivision calls for only one additional lot, which is well within the suggested tolerance.
- The proposed subdivision offers a creative solution to ensuring sustained protection of the sensitive land located within Development Permit Area No. 4 at the NE end of existing Lot 5.

In conclusion, we are in favour of the proposed subdivision. Please contact us if you have questions or require clarification to our comments above. Thank you.

Sincerely,

Lucille and Thorne Forrest
[REDACTED]
[REDACTED]



**DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2017.2 DOHENY (MASON)**

TO: Allan Doheny

1. This Development Variance Permit applies to the land described below:

PID 005-849-977

Lot 5, Section 5, Denman Island, Nanaimo District, Plan 6404

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Land Use Bylaw No. 186, 2008*, Schedule A Part **2 GENERAL REGULATIONS**, Section **2.8 Subdivision Regulations**, Subsection 2.8.6 Lot Configuration Regulations is varied as follows:

- a) For any lot created by subdivision, the average width measured between side lot lines is reduced from one third the average depth measured between front and rear lot lines to at least one fourth for proposed Lot 1 and to at least one sixth for the proposed PT Remainder of 5 as shown on Schedule "A" which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw No. 186, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 2018.**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____
2020, THIS PERMIT AUTOMATICALLY LAPSES.**

Schedule “A” – Site Plan





NOTICE
DE-DVP-2017.2 Mason (Doheny)
DENMAN ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsection 2.8.6 Lot Configuration Regulations of the Denman Island Local Trust Committee Land Use Bylaw No. 186, 2008:

The minimum width to depth ratio of one third will be varied to permit a two lot subdivision with a proposed width to depth ratio of at least one fourth for proposed Lot 1 and at least one sixth for the proposed PT Remainder of 5.

The property located on Lacon Road is legally described as:

PID 005-849-977

Lot 5, Section 5, Denman Island, Nanaimo District, Plan 6404

A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing February 23, 2018 and continuing up to and including March 5, 2018 at 4:00 pm. Also, attached for your convenience, is a copy of the proposed Permit.

If you have any questions or comments regarding the proposed Permit, please contact Marnie Eggen, Island Planner, at 250-247-2210; for Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola, BC V0R 1X3;

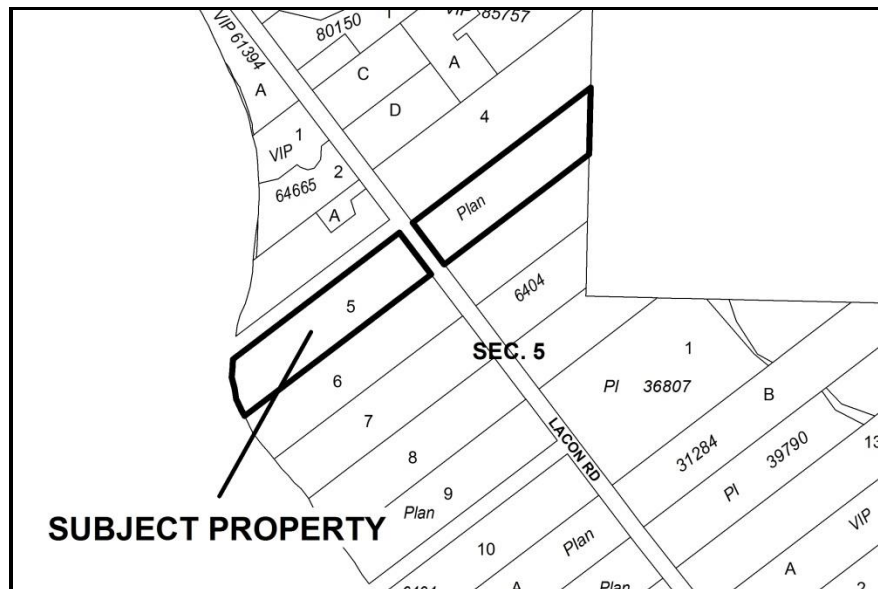
Fax: 250-247-7514 or **Email:** northinfo@islandstrust.bc.ca

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed Permit at its Regular Business Meeting to be held at 9:30 am, Tuesday, March 6, 2018 at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will be provided to the Local Trust Committee and will form part of the public record.

Becky McErlean
Deputy Secretary

The general location of the subject area is shown in the following sketch:





File No.: DE-SUB-2017.4
Severn, Wooley, Rempel
(DCLTA)

DATE OF MEETING: March 6, 2018
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Request to Waive required Frontage
Applicant: Harlene Holm
Location: 3730 Denman Road, Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee exempt proposed Lot A of subdivision DE-SUB-2017.4 from the 10% perimeter provision of Section 512 of the *Local Government Act*.

REPORT SUMMARY

The applicant has applied for a lot line adjustment between two lots on Denman Road through the Ministry of Transportation and Infrastructure (MOTI), and MOTI has referred the application to Islands Trust for review. The Denman Island Local Trust Committee (LTC) is asked to consider reducing the 10% road frontage requirement of the *Local Government Act (LGA)*. Staff support a recommendation in favour of a frontage waiver for this subdivision.

BACKGROUND

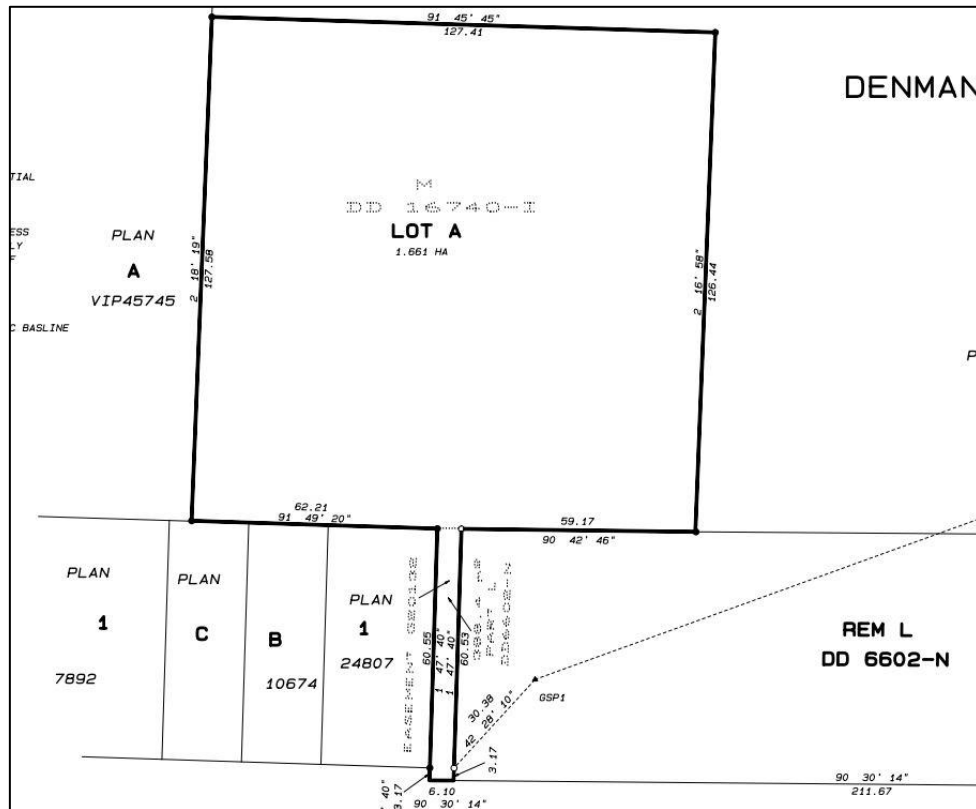
Under Section 512 of the *LGA*, the minimum road frontage of each lot being created by subdivision must be the greater of 10% of the perimeter of the lot that fronts on the highway and the minimum frontage required by a local government bylaw, unless exempted by the local government. In this case, the 10% road frontage requirement in the *LGA* is being requested to be waived.

The reason for the lot line adjustment is to allow road access to Lot M. Currently, Lot M does not front any road, but has access to Denman Road via an easement between the owners of Lot M and the adjacent Lot L. The proposed road access is the same width as the existing easement.

Islands Trust sent MOTI a Subdivision Referral Report on January 2, 2018 outlining requested conditions of subdivision as per Denman Island LTC bylaws. A Preliminary Layout Approval has not yet been issued by MOTI; however, ministry staff have confirmed verbally that they will not request that the proposed 6.10 metre wide frontage be widened.

Lot M is also the subject property of a current rezoning application, DE-RZ-2017.1 (DCLTA).

Figure 1: Proposed Subdivision Plan



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement & Official Community Plan:

The proposal is not contrary to the Islands Trust Policy Statement or the Denman Island Official Community Plan.

Land Use Bylaw:

Subsection 2.8.6 of the Denman Island Land Use Bylaw No. 186 (LUB), requires that the minimum highway frontage is 20.0 metres for any lot created by subdivision. However, under Section 512 of the LGA, the minimum road frontage of each lot being created by subdivision must be the greater of 10% of the perimeter of the lot that fronts on the highway and the minimum frontage required by a local government bylaw, unless exempted by the local government. In this case, it is the 10% road frontage requirement in the LGA that is the greater requirement, and therefore this is being requested to be waived.

Consultation

Staff suggest that emergency access should be considered because the width of the proposed road access (6.10 metres) is smaller than typical road accesses. The applicant has previously consulted with the Denman Fire Department about this access, and the department indicated that they have no issue with the width. Staff have requested written confirmation and anticipate its receipt prior to the March 6th LTC meeting.

Rationale for Recommendation

Staff support a recommendation in favour of a frontage waiver for this subdivision. The staff recommendation is noted on page 1 of this report.

ALTERNATIVES

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

1. Request further information

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

2. Not vary the 10% road frontage requirement.

The LTC may decide to not vary the 10% road frontage requirement for this application. In this case, the LTC should state its reasons for denial of the variance request. If this alternative is selected, MOTI will be notified that the subdivision referral cannot be approved as presented.

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending receipt of Preliminary Layout Approval (PLA) by MOTI.

NEXT STEPS

Staff will forward the LTC resolution(s) to the applicant and MOTI.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	February 26, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 26, 2018

ATTACHMENTS: None

MEMORANDUM

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

DATE OF MEETING: March 6, 2018
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Northern Team
SUBJECT: Rezoning Application for Seniors Affordable Housing

PURPOSE

The purpose of this memorandum is to update the Denman Island Local Trust Committee (LTC) on the status and next steps for this application.

BACKGROUND

The LTC passed the following resolutions (draft) at the February 6, 2018 LTC meeting:

DE-2018-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to consult with Denman Community Land Trust Association and its consultant to review and attempt to settle the terms of the draft Terms of Reference prior to the next Local Trust Committee meeting. **CARRIED**

DE-2018-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide a report and justification for the classification of the present application as “Non-Domestic” for water licensing purposes and ascertain if it would be considered as a “Water Utility”. **CARRIED**

Staff consulted with the applicant’s representative regarding the draft Water Assessment Terms of Reference (TOR), providing clarification where needed; suggested revisions were received and will be considered by staff in the preparation of a revised TOR.

Staff have also consulted with staff at the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) who have indicated that in the absence of receipt of a formal water licence application, this type of proposal would be identified as “non-domestic” and not a “water utility.” This classification would be confirmed at the time that an application for a water licence is reviewed by the ministry. Furthermore, ministry staff indicate that, at the time of application, the technical requirements (including whether or not a pump test will be required) will be assessed and determined by the authorizing officer and that there will be an opportunity for consultation with Islands Trust at that time. Staff suggest that in light of this new information about the provincial water licensing process, that it is prudent that the applicant apply for the water licence prior to finalizing the TOR so that the ministry’s requirements and the TOR can be harmonized.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	February 26, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Northern Regional Planning Manager	February 27, 2018



DATE OF MEETING: March 6, 2018
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Sonja Zupanec, Island Planner
Northern Team
Copy: Ann Kjerulf, Regional Planning Manager
SUBJECT: Denman Island Farm Plan Implementation Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee proceed no further with Denman Island Local Trust Committee Bylaw No. 223, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2016."
2. That the Denman Island Local Trust Committee endorse the revised draft Project Charter v 4.2, dated March 6, 2018.
3. That the Denman Island Local Trust Committee request staff to prepare draft bylaws to amend the Official Community Plan and Land Use Bylaw in accordance with the Denman Island Farm Plan Project Charter, and Local Trust Committee direction on each of the potential amendments outlined in Attachments 1 and 2 of the Staff Report dated March 6, 2018.

REPORT SUMMARY

Purpose of this report is to:

- provide an update to questions from the Denman Island Local Trust Committee (LTC) regarding potential bylaw amendments as presented in the November 14, 2017 staff report; and
- provide an overview of additional recommended amendments and request the LTC provide direction on potential Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments as outlined in Attachments 1 and 2. Clear direction on each of the potential amendments is needed in order for staff to draft bylaws.

BACKGROUND

The LTC passed the following resolutions on November 14, 2017:

DE-2017-086

It was MOVED and SECONDED

that the Denman Island Local Trust Committee direct staff to investigate and report on the following matters:

1. *Alternative definitions for intensive agriculture and/or a definition of intensive horticulture.*
2. *Possible amendments to permitted residential uses that could limit intensive horticultural uses.*
3. *Information about setbacks from streams, lakes and wetlands and the natural boundaries of the sea in relation to fences allowed up to their margins such that livestock may encroach upon these sensitive areas.*
4. *Information on alternative land tenure agreements.*
5. *A rationale for proposed policy 8 regarding panhandle lots. **CARRIED***

Staff will report back on each of the five issues in the Analysis section of this report.

DE-2017-087

It was *MOVED* and *SECONDED*

that the Denman Island Local Trust Committee confirms the following regarding staff recommendations for Farm Plan Implementation:

- 1. That Temporary Use Permit areas for agri-tourism accommodation also be considered for bona fide farms outside of the Agriculture Land Reserve.*
- 2. That Temporary Use Permit guidelines regarding clustering of dwellings (proposed regulation 17.1) include the word "encourage" rather than "require" clustering. **CARRIED***

Both provisions have been captured in the summary of potential draft bylaw amendments found in Attachments 1 and 2.

DE-2017-088

It was *MOVED* and *SECONDED*

*that the Denman Island Local Trust Committee direct staff to amend the Denman Island Farm Plan Charter by adding to the Deliverable/Milestone section (where it says Preparation of community information materials): "including a plain language guide to the draft amendments." **CARRIED***

The Farm Plan Implementation Project Charter has been updated (see Attachments) and will be posted to the Project [webpage](#). Background materials including previous staff reports are also available online.

ANALYSIS

Response to LTC Request for Additional Information:

The LTC requested staff to report back on five topics for further discussion. The following information is in consultation with planning and agrology staff at the Ministry of Agriculture. Additional verbal updates may be available at the March 6, 2018 regular business meeting.

1. Alternative definitions for intensive agriculture and/or a definition of intensive horticulture

At the November 2017 meeting the LTC requested alternative definitions to address possible industrial agriculture activities on residentially zoned properties outside the Agricultural Land Reserve (ALR).

Proposed Bylaw 223 originally presented the following revised definition of "intensive agriculture" consistent with the *Local Government Act*:

"intensive agriculture means the use of land, buildings and other structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms (except forest fungi)."

Intensive agriculture is currently not permitted on parcels zoned R1, R2 or R3. However horticulture is still a permitted accessory use and includes the growing of flowers, fruits, vegetables and other plants (including cannabis) as well as the sale of such products when grown by the landowners on their lot. Horticulture activities can take place using soil or non-soil based practices (e.g. hydroponics) in traditional field conditions or indoors (e.g. greenhouse, barn etc.). The new provincial cannabis regulations for 2018 are expected to restrict personal use growers to a maximum of four cannabis plants at any given time; however federally approved growers would have their limits set through the federal permit process.

At the time of report writing, staff were still in consultation with Ministry of Agriculture staff to determine if the definition of "intensive agriculture" as it applies to land in the R1, R2 and R3 zones could also include cannabis

production. This would redirect “intensive agriculture” farmers to operate only on land zoned for ‘Agriculture (A)’, ‘Forestry (F)’ or ‘Resource (RE)’. Staff anticipate additional information being available for the March 6, 2018 regular LTC business meeting.

In addition to the definition of “intensive agriculture” the Denman Island home occupation regulations that apply in all residential zones also support commercial agriculture by the “*sale of agricultural products produced on-site*” as a home occupation. Staff has flagged this in Attachment 2 to ensure draft bylaw amendments are consistent between home occupation regulations and the R1, R2 and R3 zone provisions.

2. Possible amendments to permitted residential uses that could limit intensive horticultural uses

Please see discussion above.

3. Information about setbacks from streams, lakes and wetlands and the natural boundaries of the sea in relation to fences allowed up to their margins such that livestock may encroach upon these sensitive areas

The *Riparian Areas Regulation* does not apply to farm practices as defined in the *Farm Practices Protection Act* (for parcels in or out of the ALR), including the siting of agricultural fencing. Currently, the LUB allows fences to be constructed within setback areas. While the Ministry of Agriculture does not provide any specific guidance as to what an appropriate setback would be between a fence and a sensitive environmental feature, Section 527 of the *Local Government Act* states that a local government may require, set standards for, and regulate the provision of screening for “*preserving, protecting, restoring and enhancing the natural environment*”. Staff recommends that the LTC regulate the siting of fencing for confined livestock from streams, lakes, wetlands and the natural boundary of the sea using the minimum possible setback that could be supported environmentally so that impacts on agriculture can also be minimized. This would be consistent with the current OCP policy: “*Zoning regulations should establish sufficient setbacks to ensure that livestock waste does not enter lakes, streams, wetlands or the sea.*” Staff have included this as a potential LUB amendment (Attachment 2) and can identify options for LTC consideration when draft bylaws are prepared.

4. Information on alternative land tenure agreements

The LTC received a staff recommendation in November 2017 (Attachment 3 Synthesis of Referral Responses, item 13.1) supporting the inclusion of an OCP policy addressing LTC support for alternative land tenure agreements. Recent amendments to the *ALR Use, Subdivision and Procedure Regulation* allow farm use in the ALR by a person other than the owner of the farm, under a lease. The leased land is to be used only for one or more farm uses for multiple year leases. Upon further analysis, staff does not recommend an advocacy policy be included in the OCP encouraging one form of tenure over any other on ALR land. Farmers and property owners may determine what is the most appropriate farm business model and political advocacy on this matter is not necessary. Alternatively, staff recommends the OCP can more clearly designate land in the ALR for ‘Agriculture’ and include strong policy language supporting the use of ALR land for agriculture as the principal use (Attachment 1).

5. A rationale for prohibiting panhandle lots at the time of subdivision

Recommendation set 14 of the Denman Island Farm Plan (Amend the Official Community Plan), includes Action 4. “*Include a policy that discourages the creation of panhandle lots within the ALR because of the withdrawal of land from farm production for a driveway area.*” (see page 69 of the [Denman Island Farm Plan](#)). For parcels with subdivision potential outside or partially outside the ALR, which are zoned to permit agriculture or horticulture as a permitted use, staff recommends that panhandle subdivisions not be permitted. Ministry of Agriculture staff confirmed that their data shows that larger parcels sizes and shapes support a greater diversity of agricultural uses and are more likely to be farmed over time. Having adequate road frontage and road access to a parcel is critical to encourage farming. Having adequate road frontage is also considered better for farms

that direct market their product; reduces the neighbour to neighbour conflict over dust, noise, parking and other issues associated with panhandle driveways; and may encourage farming where permitted by zoning. Panhandles are not ideal due to their maximization of narrow road frontages and access routes and are often only expedient for the proponent in efforts to maximize subdivision potential. Panhandles are also not consistent with lot configuration in the [Guide to Bylaw Development in Farming Areas](#) and therefore not recommended for any parcels where agriculture and horticulture are a permitted use.

Should the LUB be amended to prohibit panhandle lots, future subdivision applicants with a proposal for a panhandle lot could apply to the LTC for a Development Variance Permit for permission to vary the regulation prohibiting panhandles. At the time of application, the merits of each proposal could be evaluated on a case by case basis in order to better address potential adverse effects on agricultural viability (present or future). Staff have included this as a potential LUB amendment (Attachment 2).

If the LUB was amended to prohibit panhandle lots, staff also recommends the definition of panhandle be amended. The current LUB definition is:

“panhandle means that portion of a lot that is 20.0 metres wide or less and is used for access purposes”

A proposed subdivision layout with a panhandle measuring twenty-one metres wide or slightly larger could be approved, yet would still be inconsistent with the original rationale of preventing panhandles and their undesired effects on the settlement patterns. Attachment 2 has flagged this proposed amendment.

The minimum lot area permitted by subdivision in the ‘A’ zone is 15 hectares. The Agricultural Land Commission (ALC) is unlikely to approve subdivision of land in the ALR, particularly if the subdivision results in a panhandle layout. The Ministry of Agriculture strongly encourages local governments to include policies in their OCP that do not support further subdivision of ALR land. Staff have included this as a potential OCP policy amendment (Attachment 1) for LTC consideration as well as regulation in the LUB (Attachment 2) prohibiting further fragmentation of parcels in the ALR.

Additional OCP Amendments:

Staff have identified additional amendments to the OCP for LTC consideration that are outlined in Attachment 1 and detailed below.

1. New ‘Agriculture’ Land Use Designation and Policies

Currently the Denman OCP addresses agriculture under section E.4 ‘Resource’ of the OCP and designates land in the ALR as ‘Sustainable Resource’. Principal uses in this designation are silvaculture and agriculture. The principal intended use within the ALR should be agriculture, with no exceptions. To categorize agriculture with policies pertaining to sand and gravel deposits or silvaculture obscures the importance of the ALR on Denman Island. Staff recommends a singular ‘Agriculture’ OCP designation for all land in the ALR with corresponding clear objectives and policies supported by the Advisory Planning Commission (APC) and Growers and Producers Alliance (GPA). The designation could apply to all 130 parcels of land in the ALR, (48% of the land base of Denman Island) and elevate the policy recommendations in the Farm Plan to enhance and preserve farming on the island. Staff has included this item in the list of potential OCP amendments.

2. Updating references to the Ministry of Agriculture

While updating the OCP staff suggests that the OCP references to the “Ministry of Agriculture and Lands” be updated to “Ministry responsible for agriculture” to avoid the need for future changes when Ministry names inevitably change.

Additional LUB Amendments:

Staff have identified a number of additional amendments to the LUB for LTC consideration that are outlined in Attachment 2 and detailed below.

1. Agriculture (A) Zoning

Several elements of the 'Agriculture (A)' zone do not appear to be consistent with the [Guide to Bylaw Development in Farming Areas](#). Although the singular zone (and 14 sub-'A'-zones) for the majority of the parcels within the ALR are clear, the permitted uses in section 3.4 of the LUB allows in the 'A' zone forestry as a principal use; secondary dwellings by Temporary Use Permit and buildings and structures accessory to other uses which do not include agriculture or residential. The zoning regulations in this section should clearly stipulate the need for ALC approval on ALR land for non-farm use. The zoning regulations can more clearly address subdivision in the ALR also requiring ALC approval (or being prohibited). Height exemptions for trellises, netting supports, fencing in the ALR can also be included in the 'A' zone. By updating the regulations for the 'A' zone to be consistent with the provincial guide, the LUB can implement the new OCP policies being recommended.

2. Temporary Use Permits (TUP) for secondary dwelling units

The LTC has asked staff to flag Section 5 of the LUB for updates to include agritourism accommodation and occasional markets/fairs/festivals. This is captured in Attachment 2. Staff also recommend Section 5 Area 2 regarding a TUP for a secondary dwelling be updated to clearly stipulate the requirement for ALC approval prior to LTC consideration. The LTC can also consider including guidelines that secondary dwellings in the ALR will only be approved if they are for farmworker accommodation and temporary (moveable dwellings) so that if farm use/status ceases, the secondary dwelling can be removed. This is consistent with the ALC Act and provincial bylaw standards.

Consultation

Staff suggest to hold a Community Information Meeting (CIM) subsequent to first reading and after receipt of referral responses, so that the responses can be incorporated into and considered at the CIM. Any changes considered at that time can be addressed and included in the proposed bylaws considered for second reading.

Rationale for Recommendation

The intent of the Denman Island Farm Plan is to enhance and preserve farming in the region and work towards increased farm production that is both sustainable and resilient. Amendments to the OCP and LUB are required to help formally protect Denman Island's land base for agriculture. Staff recommend draft bylaws be prepared and presented to the LTC for consideration of next steps as per the staff recommendations on Page 1 of the report.

ALTERNATIVES

A. Request further information.

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

"That the Denman Island Local Trust Committee request staff to prepare a supplemental report addressing (insert here) prior to LTC consideration of draft bylaws for the Farm Plan Implementation Project"

B. Request staff to prepare additional draft bylaw amendments.

The LTC can request additional amendments to those proposed in Attachments 1 and 2. The LTC should specify the amendments being requested. Recommended wording for the resolution is as follows:

“That the Denman Island Local Trust Committee request staff to include the following provisions in the draft amending bylaws (insert here) for the Farm Plan Implementation Project.”

NEXT STEPS

Based on LTC direction, draft amending bylaws for the OCP and LUB can be prepared and returned to the LTC for consideration.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	Sonja Zupanec, MCIP, RPP Island Planner	February 22, 2018
Concurred by:	Ann Kjerulf, MCIP, RPP Regional Planning Manager		February 23, 2018

ATTACHMENTS

1. Potential OCP Amendments
2. Potential LUB Amendments
3. Updated Project Charter v.4.2

ATTACHMENT 1 – POTENTIAL OCP POLICY AMENDMENTS (MARCH 2018)

DENMAN OFFICIAL COMMUNITY PLAN – FARM PLAN IMPLEMENTATION PROJECT	
RECOMMENDED AMENDMENTS	LTC DIRECTION FOR BYLAW PREPARATION (SUPPORT, NON-SUPPORT OR COMMENTS)
1. Add “Agriculture” as a separate OCP designation to be applied to land in the ALR. Currently all land in the ALR is ‘Sustainable Resources’ shared with forestry and resource extraction and institution. Move all pertinent agriculture policies and objectives into ‘Agriculture’ designation.	
2. Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands. This supports the purposes of the ALC, as per the ALC Act: <i>“6 The following are the purposes of the commission: (a) to preserve agricultural land; (b) to encourage farming on agricultural land in collaboration with other communities of interest; (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.”</i>	
3. Add an OCP policy to support the consolidation of farm parcels in the ALR. Larger farm parcels provide greater opportunities for productive agriculture. The effect of this policy may be to encourage consolidation. Consolidation of farm parcels is not considered a “subdivision” under the <i>Land Title Act</i> and does not require ALC approval.	
4. Add an OCP policy to discourage panhandle lots. Apply to all lands where agriculture/horticulture are a permitted use. <i>Staff note that this is likely to be a contentious policy consideration due to the potential to limit subdivision potential.</i>	
5. Add an OCP policy to support the provision of farm help accommodation on ALR land in association with a bonafide farm use (as per the BC Assessment Act).	

DENMAN OFFICIAL COMMUNITY PLAN – FARM PLAN IMPLEMENTATION PROJECT

RECOMMENDED AMENDMENTS	LTC DIRECTION FOR BYLAW PREPARATION (SUPPORT, NON-SUPPORT OR COMMENTS)
6. Add a policy to support agritourism. As per the ALC regulation “agritourism, other than accommodation” is a farm use and must not be prohibited by local government.	
7. Add a policy to support agritourism accommodation, subject to rezoning or temporary use permit (to address site-specific issues). In the ALR, accommodation for agritourism is permitted <u>subject to local government zoning</u> if (i) all or part of the parcel on which the accommodation is located is classified as a farm under the Assessment Act, (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and (iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel.	
8. Add an OCP policy to support agricultural processing uses and facilities on non-ALR land, subject to rezoning. The ALC regulation permits processing in the ALR when at least 50% of the product processed is produced on the farm.	
9. Update all Ministry of Agriculture references throughout OCP.	
10. Add “Guiding Objective” in Section E.4 (pg 63) to address the protection of ALR land for farming.	
11. Update <i>Local Government Act</i> citation for TUPs (pg 83)	

ATTACHMENT 2 – POTENTIAL LUB AMENDMENTS

MARCH 2018

DENMAN LAND USE BYLAW – FARM PLAN IMPLEMENTATION PROJECT	
AMENDMENTS RECOMMENDED	LTC DIRECTION FOR BYLAW PREPARATION (SUPPORT, NON-SUPPORT OR COMMENTS)
1. Replace the definition of agriculture as per the recommended Bylaw 223 definition. - The proposed definition is consistent with direction from the Ministry of Agriculture. - Note, the <i>Right to Farm Act</i> does refer to activities involved in carrying on a “farm business” and does not refer to subsistence farming (growing crops or raising livestock not for commercial purposes) as noted by the GPA.	
2. Replace the definition of ‘intensive agriculture’ as per recommended Bylaw 223 definition. - This is consistent with the definition in the <i>Local Government Act</i>. - Staff recommend including the words “except for forest fungi” following discussion with Ministry of Agriculture staff.	
3. Replace the definition of feedlot in the Land use Bylaw as per recommended Bylaw 223 definition. This is consistent with the Minister’s Bylaw Standards.	
4. Add a definition of confined livestock area to the Land Use Bylaw as per recommended Bylaw 223 definition. - This is consistent with the Minister’s Bylaw Standards. - Staff recommend adding the words “but excludes confinement of animals for domestic purposes” for clarity.	
5. Cross reference residential zoning provisions for agriculture and horticulture with home occupation regulations permitting “sale of agricultural products produced on-site”	
6. Add a height exemption for silos, grain bins, deer fencing, netting supports, trellises in the ‘Agriculture’ Zone.	

DENMAN LAND USE BYLAW – FARM PLAN IMPLEMENTATION PROJECT

AMENDMENTS RECOMMENDED	LTC DIRECTION FOR BYLAW PREPARATION (SUPPORT, NON-SUPPORT OR COMMENTS)
7. Add a minimum setback to streams, lakes, wetlands and the natural boundary of the sea for confined livestock.	
8. Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures (not including fencing) associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets.	
9. Amend the Land Use Bylaw to permit road side farm stands in setback areas subject to obtaining a Ministry of Transportation and Infrastructure permit.	
10. Amend the 'A' zone permitted uses, buildings and structures so they are consistent with Ministry Bylaw standards.	
11. Add a general regulation to prohibit feedlots outside the Agriculture Land Reserve. Ministry of Agriculture staff have noted that feedlots outside the ALR are unlikely. LTC can legally prohibit outside of ALR.	
12. Add a 30 m setback to lot lines where feedlots are permitted.	
13. Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots. Review/amend definition of 'panhandle'.	
14. Add Subdivision regulation that prohibits further subdivision of ALR land.	
15. Add Temporary Use Permit guidelines in the Land Use Bylaw for secondary dwellings in the A zone on ALR land clarifying that a dwelling is subject to ALC approval, must be for farm use, clustered with principle dwellings in order to avoid sterilization or fragmentation of farm land. On land outside the ALR, clustering is encouraged.	
16. Add TUP Areas and Guidelines for "Occasional markets, fairs and festivals".	

DENMAN LAND USE BYLAW – FARM PLAN IMPLEMENTATION PROJECT	
AMENDMENTS RECOMMENDED	LTC DIRECTION FOR BYLAW PREPARATION (SUPPORT, NON-SUPPORT OR COMMENTS)
17. Designate TUP areas and guidelines for agritourism accommodation on land in the ALR and for land outside the ALR with farm status. Despite the lack of consensus amongst APC members, this was a recommendation of the multi-year farm plan process; designation of TUP areas provides an opportunity for the LTC to consider applications; approval is completely discretionary and if there is lack of support for a TUP in a particular instance, the LTC is not compelled to issue a TUP.	

Denman Island Farm Plan Implementation - Charter v.4.2

Date: March 6, 2018

Purpose *The purpose of this project is to implement actions under recommendations 11, 13 and 14 of the Denman Island Farm Plan to inform the development of bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw.*

Background *The process of developing the Denman Island Farm Plan began in of 2009 and the Plan was endorsed by the Denman Island Local Trust Committee in June 2012. In January 2016, Farm Plan Implementation was added to the LTC Top Priorities List. In June 2016, consideration of new agriculture-related definitions and regulations was added to the Farm Plan Implementation project.*

Objectives

- To prepare bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw, which implement Farm Plan Recommendations 11, 13, 14 and which align with the ALC Act and Regulation.
- To amend the LUB definitions of agriculture, intensive agriculture, feedlot and establish appropriate LUB setbacks for intensive agriculture and feedlots.
- To engage community members, the Advisory Planning Commission (APC), Grower and Producers Alliance (GPA), and other stakeholders in the development of policies and regulations to implement the Farm Plan.

In Scope

- Referral to Denman GPA and APC
- Community information meeting prior to second reading or public hearing of bylaws
- Project webpage maintenance

Out of Scope

- Farm Plan recommendations not related to LTC authority
- Creation of an Agricultural Enterprise Zone
- Review or amendment of existing DPAs
- Designation of new DPAs
- Consideration of landscape or screening requirements
- Water issues management

Workplan Overview

Deliverable/Milestone	Date
Adoption of Project charter	November 15, 2016
Referral of proposed OCP/LUB amendments to APC and GPA	December 2016 — October 2017
LTC consideration of APC/GPA input and staff analysis/recommendations	November 2017
Development of draft OCP/LUB bylaws	November 2017—May 2018
LTC consideration of draft OCP/LUB bylaws / 1st reading; Referral of proposed bylaws to APC and GPA; Preparation of community information materials (including a plain language guide to the draft amendments); Community information meeting	May— July 2018
LTC consideration of revisions/further readings of proposed OCP/LUB bylaws	July—August 2018
Statutory bylaw amendment process (readings, referrals, public hearing)	May— September 2018

Project Team

Marnie Eggen, Island Planner	Project Manager
Ann Kjerulf, Regional Planning Manager	Project Sponsor
Sonja Zupanec, Island Planner	Project Support
RPM Approval: Ann Kjerulf Date: February 23, 2018	LTC Endorsement (amended): Resolution #: Date:

Budget

Budget Source: Denman LTC Projects

Fiscal	Item	Cost
2017-2018	Community information meeting; advertising	\$1,000
2018-2019	Public hearing	\$1,000
	Total	\$2,000



Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Marine Issues	Bylaw 225 (to prohibit the use of vehicles and ground-based machinery on the foreshore (W1, W3, and W4 zones))	03-Mar-2015	Ann Kjerulf	
1	Relationship building with Komoks First Nation	Shared Narrative of Place Project will integrate First Nations history and place names in the OCP and explore opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.		Marnie Eggen Fiona MacRaild	
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)		Sonja Zupanec Marnie Eggen	



Projects

Denman Island

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
Climate Change	Consider climate change adaptation and mitigation measures	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
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; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.	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
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	07-Mar-2017



Islands Trust

Print Date: February 26, 2018

Applications

Development Permit

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

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella Planner: Teresa Rittemann	13-May-2011	Barn on property line
Planning Status			
Status Date: 21-Feb-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 no change; file passed on to bylaw enforcement			

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2017.2	Peter Mason Geometrics Planner: Marnie Eggen	26-Sep-2017	PID: 005-849-977 Variance in path width Civic: Lot 5 Lacon Road, Denman Island, BC.

Applications

Planning Status

Status Date: 03-Nov-2017

Planner reviewing

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association Planner: Marnie Eggen	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planning Status

Status Date: 06-Feb-2018

Staff consulting with applicant re: draft TOR

Status Date: 22-Jan-2018

Islands Trust Area Water Assessment Toolkit Draft Terms of Reference: Assessment for a Non-Domestic Groundwater Source for the Denman Local Trust Area sent to applicant and trustees for review

Status Date: 03-Nov-2017

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

One 26 foot high barn.

Planner: Teresa Ritemann

Planning Status

Status Date: 21-Feb-2018

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Applications

Status Date: 03-Mar-2011

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

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

Status Date: 03-Nov-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.1	MARK A MEYERS LINDA J MEYERS Planner: Jaime Dubyna	20-Feb-2018	PID: 003-194-370 Building seasonal cottage Civic address: 3820 East Road, Denman Island, BC
Planning Status			

Status Date:

Subdivision

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

Status Date: 21-Feb-2018

No change in status.

Status Date: 11-Jan-2018

Draft covenant complete. Planner working with applicant on finalizing the covenant.

Applications

Status Date: 30-Oct-2017

Cost recovery agreement confirmed 19-Oct-2017. Planner contacted legal team to draft covenant.

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 Ritemann			
Planning Status			

Status Date: 21-Feb-2018

No change in status.

Status Date: 14-Sep-2017

Applicant considering a revised plan and he will discuss with MOTI.

Status Date: 19-Jul-2017

No change in status.

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:			
Planning Status			

Status Date: 08-Feb-2017

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

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.3	Peter Mason Geomatics	27-Jul-2017	PID: 005-849-977 Two lot subdivision Lacon Road, Denman Island
Planner: Marnie Eggen			
Planning Status			

Status Date: 17-Aug-2017

Subdivision referral report sent to MOTI; requires DP RAR and DVP for width/depth lot requirement.



Applications

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

Planner: Marnie Eggen

Planning Status

Status Date: 02-Jan-2018

Subdivision referral report sent to MOTI. Applicant requires a frontage waiver.

Status Date: 04-Dec-2017

Planner reviewing.