



Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: May 1, 2018
Time: 9:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER	9:30 AM - 9:30 AM
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:30 AM - 9:45 AM
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES	9:45 AM - 9:50 AM
6.1 Local Trust Committee Minutes dated March 6, 2018 - for adoption	4 - 14
6.2 Local Trust Committee Public Hearing Record dated March 6, 2018 - for receipt	15 - 18
6.3 Section 26 Resolutions-Without-Meeting Report dated April 23, 2018	19 - 19
6.4 Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	9:50 AM - 10:30 AM
7.1 Follow-up Action List dated April 24, 2018	20 - 22
7.2 K'omoks First Nation Intergovernmental Engagement Meeting #3 – Memorandum	23 - 23
7.3 BC Farm Industry Review Board - Letter dated April 23, 2018	24 - 25
8. DELEGATIONS	
9. CORRESPONDENCE	
(Correspondence received concerning current applications or projects is posted to the LTC webpage)	

10.	APPLICATIONS AND REFERRALS	10:30 AM - 10:45 AM	
10.1	DE-SUB-2015.1 (De Villiers & Fraser) - Staff Report		26 - 37
11.	LOCAL TRUST COMMITTEE PROJECTS	10:45 AM - 12:10 PM	
11.1	Denman Farm Plan Implementation - Staff Report		38 - 67
11.2	Marine Issues (Driving on the Beach) - Staff Report		68 - 72
	That the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be read a third time.		
	That the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.		
12.	REPORTS	12:10 PM - 12:30 PM	
12.1	Work Program Reports		
12.1.1	Top Priorities Report dated April 23 2018		73 - 73
12.1.2	Projects List Report dated April 23, 2018		74 - 75
12.2	Applications Report dated April 23, 2018		76 - 80
12.3	Trustee and Local Expense Report dated February, 2018		81 - 81
12.4	Adopted Policies and Standing Resolutions - none		
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Reports		
12.8	Electoral Area Director's Report		
12.9	Trust Fund Board Report dated April, 2018		82 - 83
	----- BREAK ----- 12:30 PM TO 12:40PM		
13.	NEW BUSINESS	12:40 PM - 1:30 PM	
13.1	Pro-Active Enforcement Options for Short-Term Vacation Rental Bylaw Issues - for discussion		
13.2	Land-use Planning implications of Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017 - Briefing		84 - 103
13.3	Approval Process for Water Supply Systems on Salt Spring Island - Memorandum		104 - 133

14. UPCOMING MEETINGS

- 14.1 Next Regular Meeting Scheduled for Tuesday, June 12, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

15. TOWN HALL 1:30 PM - 1:40 PM

16. CLOSED MEETING 1:40 PM - 2:00 PM

- 16.1 *Motion to Close the Meeting*

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and s.90(1)(i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated February 6, 2018 and receipt of Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

- 16.2 *Recall to Order*

- 16.3 *Rise and Report*

17. ADJOURNMENT 2:00 PM - 2:00 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

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

Members Present: David Critchley, Local Trustee
 Laura Busheikin, Local Trustee, Acting Chair

Staff Present: Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner (by telephone)
 Ann Kjerulf, Regional Planning Manager
 David Marlor, Director Local Planning Services
 Vicky Bockman, Recorder

Others Present: Peter Luckham, Chair Islands Trust Council
 Approximately thirty (30) members of the public

Regrets: Susan Morrison, Chair

1. CALL TO ORDER

Planner Eggen called the meeting to order at 9:38 am. She explained that Chair Morrison was absent due to illness and called for an appointment of an interim Chair. Trustee Critchley nominated Trustee Busheikin to act as interim Chair and she consented.

Acting Chair Busheikin acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She welcomed the public and introduced Trustee Critchley, Islands Trust Council Chair Peter Luckham who will be facilitating the Public Hearing on proposed Bylaw No. 225, staff, and recorder.

2. APPROVAL OF AGENDA

The following change to the agenda was presented for consideration:

Move agenda item 12.1 to follow item 4.2

By general consent the agenda was adopted as amended.

3. COMMUNITY INFORMATION MEETING

3.1 Marine Issues - Bylaw No. 225

3.1.1 Planner Presentation

Regional Planning Manager Kjerulf conducted a power point presentation that included the following points:

- Proposed Bylaw No. 225, if adopted, would amend the Denman Island Land Use Bylaw (LUB) by adding a general prohibition against the use of vehicles and ground-based machinery in the W1, W3 and W4 zones;
- It contains an information note that clarifies that aquaculture operations that are licensed under the *Fisheries Act* may be entitled to operate vehicles or ground-based machinery in accordance with their terms of the license;
- A map was distributed that identifies the Denman Island zones;
- Values, guiding objectives, and eelgrass and forage fish habitat mapping provide a basis for protection of that sensitive marine riparian habitat;
- The Local Trust Committee (LTC) has received advice from legal counsel that it does not have authority to regulate fisheries under federal jurisdiction and speaks to the rationale for the way the bylaw was drafted;
- The statutory process from June 6, 2017 to present was outlined; and
- LTC options were summarized.

3.1.2 Question and Answer Session

Acting Chair Busheikin explained that this is the opportunity for members of the public to ask questions for clarity about the bylaw before the Public Hearing that follows.

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

- Why is the W3 zone (aquaculture) included in the bylaw?
 - The LTC received legal advice that the bylaw not be targeted at any particular group; and it would work to prohibit any non-aquaculture tenure related driving on that zone.
- The deadline for correspondence sent to the website was yesterday at 4:00 pm; however, the public has not had a chance to see those items submitted close to the deadline. The public is expecting a 10:00 am start to the Public Hearing. Can Islands Trust Council Chair Luckham vote on matters before the LTC today?
 - The Public Hearing binder contains all correspondence received up to 4:00 pm yesterday. The published agenda is clear that this CIM is to occur prior to the Public Hearing which is scheduled for 10:00 am. Islands Trust Council Chair Luckham will not vote on any motions today.
- This bylaw allows aquaculture operators to drive on the beach although respecting local zoning is a licensing requirement. Has an assessment been completed on what effect this will likely have and is it encouraging operators to drive when they might not have before?
 - This bylaw upholds the mandate of the Islands Trust to preserve and protect to the best of the LTC's ability given the clear limitations of jurisdiction, will prohibit those not involved in aquaculture operations from driving on the beach, and will assist in advocacy efforts.

- It is not believed that all tenure management plans allow for operators to drive on the beach to access their tenures as it is not necessary for them all to do so; has the LTC discussed this with Fisheries and Oceans Canada (DFO)? DFO has announced it will be amending the *Fisheries Act* to increase protection of all fish, fish habitat and restoring damaged fish habitat; has this trend to be more protective been taken into consideration with moving this bylaw forward?
 - DFO was provided opportunity to comment with an agency referral and the comments were read. They included concern that the bylaw not restrict the ability of operators to access their tenures. DFO has confirmed that the same terms of license apply to all operators and they have increased their enforcement staff. Islands Trust staff keep informed of regulatory changes and provide information to LTCs for consideration; this proposed bylaw is being created under current circumstances.
- Can written submissions still be received? Is there any point in participating verbally if a written submission was made?
 - Written or verbal submissions can be received until the close of the Public Hearing. Choosing to respond in a written or verbal manner is a personal choice.
- Is there a provision in a DFO act that allows the Islands Trust to put in place their own bylaws in areas under their jurisdiction such as beaches and surrounding waters?
 - The LTC has authority under the *Local Government Act* to enact local bylaws. When the Province considers new tenure applications they send the LTC a referral and input can be made although the LTC cannot regulate a federal licensed activity.
- Other communities such as Qualicum Beach and Parksville have prohibited driving on beaches. Why can't Denman Island do the same?
 - These communities have enacted these regulations through their Parks Services on park lands within their municipalities and regional district.
- Has thought been given as to how this bylaw will be enforced in any way other than by using the public complaint-based system?
 - Staff has advised that this type of regulation will be difficult to enforce with no full time enforcement staff on Denman Island. Generally, Islands Trust bylaw enforcement is complaint-based with a goal of compliance.

There were no further questions from the public. Acting Chair Busheikin thanked everyone for their participation.

4. PUBLIC HEARING

4.1 Recesses for Public Hearing

By general consent the LTC meeting recessed at 10:24 am to conduct a Public Hearing on Bylaw No. 225 (Marine issues).

Trust Council Chair Luckham left the meeting at 11:06 am.

4.2 Recall to Order

By general consent the meeting reconvened at 11:07 am.

12.1 DE-DVP-2017.2 (Doheny/Mason) - Staff Report

Planner Eggen presented the Staff Report that addresses a Development Variance Permit (DVP) application to reduce subdivision lot width/depth ratio in order to subdivide an existing undeveloped lot into two new lots. She advised that the applicant is in attendance to answer any questions.

DE-2018-021

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-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.

Discussion followed and a Trustee noted that this property has the potential for subdivision into three lots, enquiring as to the status or plans for the third potential subdivision. The applicant responded that there are no plans for further subdivision with the intent being the creation of a less intensive development with possibility of environmental protection of a portion of the lot. Donation of land for environmental protection and contribution of the potential extra density into the Density Bank for affordable housing were suggested as options for consideration.

The question on the motion was called.

CARRIED

DE-2018-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to investigate the subdivision potential and density issues connected to DE-DVP-2017.2 and report back to the Local Trust Committee and applicant.

CARRIED

5. BYLAW NO. 225 - (Marine Issues) - Memorandum

Regional Planning Manager Kjerulf reported that 11 written submissions were received during the Public Hearing. Trustees indicated their wish to review these prior to a decision on the proposed bylaw and declared their preference for a full LTC membership vote on the matter.

DE-2018-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee defer further consideration of Bylaw No. 225 until the next meeting of the Local Trust Committee.

CARRIED

DE-2018-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to report back on the following issues related to proposed Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans staff; and to develop an amendment to reflect changes that staff may recommend.

CARRIED

Staff advised that this request may generate new information to the Local Trust Committee which would require holding or waiving a second Public Hearing. Trustees discussed process and possible alternate approaches to the request.

DE-2018-025

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind Resolution DE-2018-024.

CARRIED

DE-2018-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring forward options to address the following issues regarding Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans staff.

CARRIED

6. TOWN HALL AND QUESTIONS

Comments from members of the public and staff and Trustees responses were noted as follows:

- Has the LTC received a referral for the Union Bay development? Concern was expressed that dredging for the marina there could potentially cause the release of dormant toxic heavy metals.
 - A referral has not yet been received.
- It is understood that at the close of the Public Hearing the Trustees are not to receive any further written or oral communication relating to Bylaw No. 225; however, it will be six weeks until the next LTC meeting and that will be challenging.
 - General process and practices for conduct under these circumstances were explained.
- All submissions received should be available for public review prior to any Public Hearing.
 - Statutory requirements outlined in the *Local Government Act* were explained and it was noted that information provided to the public through maintaining the website and placement of a Public Hearing binder on island exceed these requirements.

7. REPORTS

7.1 Chair's Report - none

7.2 Trustee Reports

Trustee Critchley reported on the following:

- Trustee Office Hours were held;
- A report was given on business from the Old School Committee meeting;

- A Trust Programs Committee meeting was attended where discussion on governance issues occurred;
- An overview of the first of three meetings with K'omoks First Nation was given;
- Attended the second meeting of the Baynes Sound/Lambert Channel Forum working group;
- A Comox Valley Regional District Area Services Committee meeting where it was learned that new fisheries regulations will allow ticketing and the enforcement capacity will be expanding; and in response to concerns expressed, shellfish tenure application form inaccuracies will be better addressed through a new form requiring more specific information.

Trustee Busheikin reported on the following:

- Attended the K'omoks First Nation meeting;
- A summary of work being conducted at a meeting of the Local Planning Committee includes drafting of a telecommunication consultation and siting protocol, work on housing agreements and creation of a tool relating to protection of Coastal Douglas Fir Forests;
- Met with Powell River Regional District in association with Lasqueti Island work where she learned that the creation of a management plan has been a useful tool to improve impacts from oyster operations there.

7.3 Trust Fund Board Report dated January, 2018

Acting Chair Busheikin reported that the requested name change for the Trust Fund Board appears to be advancing.

By general consent the meeting recessed at 12:06 pm and reconvened at 12:30 pm.

8. MINUTES

8.1 Local Trust Committee Minutes dated February 6, 2018 - for adoption

By general consent the minutes were adopted as presented.

8.2 Section 26 Resolutions-Without-Meeting - none

8.3 Advisory Planning Commission Minutes - none

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List dated February 26, 2018

Planner Eggen presented the report, provided status updates and responded to questions that arose. Trustees expressed their interest in seeing the work regarding the BC Farm Industry Review Board proceeding.

9.2 K'omoks First Nation Intergovernmental Engagement Meeting - for discussion

Planner Eggen reported that topics for the next meeting might be discussed at upcoming Trust Council, advising that K'omoks First Nation has expressed their wish to be informed of agenda items prior to the meeting.

Trustees discussed possible opportunities for participants to consider topics, asking that staff initiate an email to Trustees from Denman and Hornby Islands and Senior Intergovernmental Policy Advisor Fiona MacRaid suggesting that they meet after Trust Council dinner on March 13th to discuss plans for the next K'omoks First Nation Intergovernmental Engagement meeting.

9.3 Farm Industry Review Board and Aquaculture - Islands Trust Executive Committee Response – Memorandum

Received.

10. DELEGATIONS

10.1 Denman Community Land Trust Association (DCLTA) regarding Development Applications

Doug Olstead, on behalf of the DCLTA, provided summaries of the status of the application through the Ministry of Transportation and Infrastructure (MoTI) for a lot line adjustment and requested the LTC to waive the required frontage that is on today's agenda. He updated Trustees on a change being considered to the Development Variance Permit application regarding proof of water and wastewater capabilities.

He reported that MoTI verbally assured DCLTA that they would defer to the LTC regarding varying subdivision requirements to prove water; however staff reported that they had received conflicting information from MoTI in this regard and were awaiting input from the applicant on how they wish to proceed.

Trustees suggested clarification of MoTI's position be obtained in writing and that the applicant and staff coordinate with MoTI to reach a conclusion in order to inform next steps.

11. CORRESPONDENCE - none

12. APPLICATIONS AND REFERRALS - (30 minutes)

12.2 DE-SUB-2017.4 Denman Community Land Trust Association (DCLTA) - Staff Report

Planner Eggen presented the Staff Report addressing an application for a lot line adjustment consideration of reducing the 10% road frontage requirement.

DE-2018-027

It was MOVED and SECONDED,

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*.

A Trustee observed that this action represents a step in facilitating an affordable housing initiative.

CARRIED

12.3 DE-RZ-2017.1 (DCLTA) - Denman Community Land Trust (DCLTA) – Memorandum

Planner Eggen provided an update on the status of the draft Water Assessment Terms of Reference that included information on the provincial water licensing process and the recommendation that these be harmonized.

She reported that new information has been received that an inconsistency with the project's Agricultural Land Reserve (ALR) exclusion has arisen and needs to be addressed prior to proceeding further with this application. She noted that the Agricultural Land Commission (ALC) has indicated that they will advise the applicant with regard to possible options to pursue to move forward.

13. LOCAL TRUST COMMITTEE PROJECTS

Planner Zupanec joined the meeting by telephone at 1:21 pm.

13.1 Denman Farm Plan Implementation - Staff Report

Planner Zupanec presented the Staff Report that includes responding to the LTC's request for information on specific potential bylaw amendments and provides recommendations for additional Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments to advance this project that is intended to help formally protect Denman Island's land base for agriculture.

Discussion on the topics responding to the LTC's request for additional information included the following points:

- Staff is soliciting input from the LTC on what types of intense agricultural land uses they are wishing to redirect to agriculture zones and not have in residential zones;
- Staff suggested that the LTC's intentions could be accomplished by strengthening definitions and ensuring that there is no ambiguity under the home occupation regulations;
- A Trustee recognized the importance of ensuring that there is no discrimination against any specific commercial product while addressing potential negative impacts of commercial horticulture;
- Trustees favoured inclusion of a policy that supports exclusion of land from the agricultural land reserve for a community amenity that is defined in the OCP.

Director of Local Planning Services Marlor left the meeting at 1:24 pm.

Attachment 1 – Potential OCP Policy Amendments

Discussion followed on the Staff Report with Trustees providing support, non-support or comments as direction for bylaw preparation as follows:

Recommended Amendment No. 1

Supported - with a request for staff to draft a schedule of lots in the ALR and how that interfaces with zoning designations; and provide a review of lots zoned A outside of the ALR for LTC consideration

Recommended Amendment Nos. 2-7

Supported

Recommended Amendment No. 8

Supported – with a request that a policy be drafted for LTC consideration that includes guidance on impacts or when rezoning would or would not be supported

Recommended Amendment Nos. 9-11

Supported

Other Potential OCP Policy Amendment

Support was expressed for consideration of drafting a policy to allow the LTC to support an ALC application that benefits farming or the greater community.

Attachment 2 – Potential LUB Amendments

Discussion followed on the Staff Report with Trustees providing support, non-support or comments as direction for bylaw preparation as follows:

Recommended Amendment No. 1

Supported – definitions and regulations working together would address the concerns expressed by the Denman Growers & Producers Alliance

Recommended Amendment Nos. 2-9

Supported

Recommended Amendment No. 10

Supported – highlighting inconsistencies and what would be changed would be helpful

Recommended Amendment No. 11

Supported

Recommended Amendment No. 12

Change the setback to 50 m

Recommended Amendment No. 13

Supported

Recommended Amendment No. 14

Supported – with a caveat that further subdivisions of ALR land is prohibited unless a community amenity is provided

Recommended Amendment No. 15

Remove the TUP requirement from the A zone, supporting what is possible in the ALC regulations without imposing additional regulations. This would require a corresponding change in the secondary suite regulations

Recommended Amendment Nos. 16-17

Supported

DE-2018-028

It was MOVED and SECONDED,

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".

CARRIED

DE-2018-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the revised draft Project Charter v 4.2, dated March 6, 2018.

CARRIED

DE-2018-030

It was MOVED and SECONDED,

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.

CARRIED

Planner Zupanec left the meeting attended by telephone at approximately 2:50 pm.

14. REPORTS - (10 minutes)

14.1 Work Program Reports

14.1.1 Top Priorities Report dated February 26, 2018

Received.

14.1.2 Projects List Report dated February 26, 2018

Received.

14.2 Applications Report dated February 26, 2018

Planner Eggen presented the Applications Report and responded to questions that arose.

14.3 Trustee and Local Expense Report - none

14.4 Adopted Policies and Standing Resolutions - none

14.5 Local Trust Committee Webpage

No changes or updates requested.

14.6 Electoral Area Director's Report - none

15. NEW BUSINESS - (5 minutes)

15.1 Denman Island Phone Book Advertising - for discussion

DE-2018-031

It was MOVED and SECONDED,

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.

CARRIED

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

Trustees confirmed the next meeting date, time and location.

17. TOWN HALL

- Simon Palmer, speaking on behalf of the Denman Housing Association, provided Trustees with a photocopy of the latest plan of the Denman Green 20 acres, identified the steps that have been taken on the project since signing an Agreement of Intent and summarized the anticipated next steps. He provided his speaking notes for the record.
 - Trustees reviewed the lots, discussed densities involved in the project and encouraged the group to consult with neighbours early in the process.

18. CLOSED MEETING - none

19. ADJOURNMENT

By General Consent the meeting was adjourned at 3:04 pm.

Laura Busheikin, Acting Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee

Public Hearing Record

REGARDING

Proposed Bylaw No. 225 (Marine Issues)

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

Members Present: Laura Busheikin, Local Trustee and Acting Chair
David Critchley, Local Trustee

Staff Present: Marnie Eggen, Island Planner
Ann Kjerulf, Regional Planning Manager
David Marlor, Director Local Planning Services
Vicky Bockman, Recorder

Others Present: Peter Luckham, Chair Islands Trust Council
Approximately thirty (30) members of the public

Regrets: Susan Morrison, Chair

1. CALL TO ORDER

Acting Chair Busheikin called the Public Hearing to order at 10:25 am. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw No. 225.

2. PROPOSED BYLAW NO. 225

Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, Amendment No 1, 2017".

Regional Planning Manager Kjerulf reported that all notification requirements under the *Local Government Act* have been completed. She explained that the intent and purpose of the proposed bylaw is to amend the Denman Island Land Use Bylaw by adding a general prohibition against the use of vehicles and ground-based machinery in the W1, W3 and W4 zones and advised that the bylaw includes an information note: aquaculture operations that are licensed under the Fisheries Act may be entitled to operate vehicles or ground-based machinery in

accordance with the terms of the license. She reported on the agency referrals, responses received, and the number of written submissions received to date.

The location of the Public Hearing submission box was pointed out; and the public was advised that all submissions must be received by the end of the Public Hearing.

Islands Trust Council Chair Luckham explained that he would be acting in a facilitation role at this Public Hearing to enable the Trustees to focus on the input heard today. He commented that everyone will be given ample opportunity to speak and express their views, and outlined meeting conduct that will ensure a safe environment for all. He created a speakers' list and opened the floor to comments from the public.

3. PUBLIC COMMENTS

Howard Birkeland commented that if the intention of the bylaw is that no one drives on the beach unless an exception is made by Fisheries or some other jurisdiction, then he has no objections.

Edina Johnston expressed the opinion that including the W3 zone in the bylaw creates confusion and there is no reason that driving on the beach should be permitted in the W1 and W4 zones. She asked that the Local Trust Committee (LTC) remove the W3 zone from the proposed bylaw, along with the entitlement to drive on the foreshore for shellfish operators, as driving on the beach is destructive to fish habitat and is not necessary, given that most use boats or public access and wheelbarrows to reach the license areas. She noted that other communities have outlawed driving on their beaches and urged the LTC to do the same.

Graham Brazier observed that the political trend in BC is to increase protection of waters and urged the LTC to use every tool available to ensure that regulations for driving on the beach apply to everyone.

Howard Stewart expressed gratitude to the LTC for working on the issue and stated that he is not opposed to the shellfish industry in general; however he opposes the way that they operate. He does not support this bylaw proposal as it recognizes the right of operators to damage valuable fish habitat foreshore when it should be doing the opposite.

Louise Bell strongly supports the bylaw, commending the LTC for taking the concept of protecting the beaches as far as they can. She recognized the difficulties of taking it further and stated that this bylaw will be an important step in the process.

Patrick Lewis supports this bylaw with the caveat that he would like to see the word "may" in the information note be replaced with a stronger statement. He suggested strategizing with First Nations to create and implement this bylaw as a reconciliation action and a possible means to a stronger bylaw.

Elizabeth Johnston read a statement from Association for Denman Island Marine Stewards (ADIMS) in support of the bylaw. She commented that the bylaw is a step in the right direction and should be adopted to protect W1 and W4 zones. She noted their wish to work toward complete protection of conservation and marine water zones, with emergency vehicles being the only exception to driving on the beach. She urged the Islands Trust to take an active role and proactive stance to protect and restore fish habitat.

**Public Hearing Record
Received for Information
By Local Trust Committee**

Doug Wright would support the bylaw by removing the W3 zone from the bylaw as shellfish operators likely consider their work and right to farm to be under federal jurisdiction.

Susan Thomson commended the Islands Trust for their leadership on this issue, understanding that this is as much as they can do at this time. She stated that the bylaw works to raise awareness of the damage that results from driving on the beach.

Edina Johnston speaking on behalf of the Denman Island Residents Association Marine Guardians, stated that this group does not support the bylaw as those who do the most damage driving on the beach will continue to be allowed to do so. She expressed the view that the LTC has the authority to restrict driving in all zones and urged that it make appropriate changes to the bylaw to comply with its preserve and protect mandate.

Edina Johnston spoke again to state that she does not support the bylaw as it authorizes damage to fish habitat, contravenes the Trust Policy Statement, there will be no monitoring to enforce the bylaw, it will discourage hopes of including foreshores in the Parks and Greenways Master Plan, it advocates for an industry that provides no benefit to the community and will not help to sustain endangered species.

Elizabeth Johnston spoke again providing facts and explanations of why ADIMS supports the bylaw including the importance of Baynes Sound, existence of forage fish habitat, protection of salt marshes that have been damaged by driving, salmon bearing streams and estuaries have been driven on, Trust Council policies, Golder Associates report, Comox Valley Regional District's restricting driving on beaches, and a community survey in 2015 that resulted in 102 for and 8 against prohibiting driving on the beach.

Cynthia Minden expressed concern that proposed bylaw No. 225 will set a precedent by showing that the Islands Trust is either not willing or capable of partnering or engaging with other government bodies to solve this problem. She commented that this is a first step, however, does not offer protection to beaches.

Louise Hermanutz is a biologist by training and has seen significant erosion from vehicles, especially in the salt marsh near Hinton Road beach. She supports not permitting any vehicular access to that type of beach.

Regional Planning Manager Kjerulf advised that this is the final opportunity for the public to provide verbal or written submissions. She cautioned that no written or oral representations will be received by the Denman Island LTC or its individual members at the conclusion of the Public Hearing for Bylaw No. 225. She noted that 11 written submissions were received in the Public Hearing and advised that any further information or questions may be directed to staff.

4. ADJOURNMENT

Islands Trust Council Chair Luckham asked three times for further comments from the public and hearing none the Public Hearing was closed at 11:05 am.

**Public Hearing Record
Received for Information
By Local Trust Committee**

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS
RESPECTING THE MEETING HELD:

Vicky Bockman, Recorder



Islands Trust

Denman Island

Print Date: April 23, 2018

Resolutions Without Meeting

Resolution #	Action	Resolution Description	Resolution Date
2018-02	In Favour	"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 adopted".	15-Mar-2018

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
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**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 MacRaid

On Going

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		Done
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		Done

06-Mar-2018

Activity	Responsibility	Target Date	Status
Re: Bylaw No. 225. Staff to advise on issues raised during the public hearing.	Ann Kjerulf		On Going
Staff to issue DE-DVP-2017.2.- done Staff to report back on subdivision potential and density transfer potential.	Becky McErlean Marnie Eggen Penny Hawley		On Going
Staff to proceed no further with Bylaw No. 223.	Becky McErlean		Done

Follow Up Action Report

Staff to prepare draft bylaws in accordance with the Denman Farm Plan Project Charter and the LTC direction given March 6, 2018 on potential amendments. LTC endorsed revised Project Charter v. 4.2.

Sonja Zupanec
Marnie Eggen

Done

LTC authorized expenditure of up to \$140.00 from Communications Budget for advertising in the 2018 Denman Island Telephone Directory.

Wil Cottingham

Done

MEMORANDUM

File No.: DE-6500-20 (First Nations
Relationship Building)

DATE OF MEETING: May 1, 2018
TO: Denman Island Local Trust Committee
FROM: Fiona XETXÁTTEN MacRaid
Local Planning Services
SUBJECT: Preparation for K'omoks First Nation Meeting #3

PURPOSE

The K'omoks First Nation has indicated that Meeting #3 on May 10/11, 2018 with all local governments of K'omoks territory will be focused on Protocol Agreements. The purpose of this memorandum is to share with the Denman Island Local Trust Committee (LTC) the two Protocol Agreements that the Islands Trust Council has signed with First Nations (on behalf of Local Trust Committees) as background information in preparation for the meeting. Also attached is the Protocol Agreement (2010) that the K'omoks First Nation has signed with the local government agencies of the Comox Valley (not including Islands Trust).

Staff will be available to provide input at the May 1, 2018 LTC meeting in order to support the LTC in its preparation for the May 10/11 meeting with K'omoks First Nation and to provide general guidance regarding the preparation and content of protocol agreements.

NEXT STEPS

After discussion with the LTC on May 1, 2018, a teleconference will be set up with the Hornby LTC to share similar information, suggested key messages and feedback from the Denman LTC from May 1, in preparation for the K'omoks First Nation Meeting #3 on May 10/11, 2018.

Submitted By:	Fiona XETXÁTTEN MacRaid, MPA, First Nations and Marine Issues	April 20, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager, Northern Office	April 23, 2018

ATTACHMENTS

1. Protocol Agreement between Lyackson First Nation and Islands Trust Council (2000)
2. Protocol Agreement between Snuneymuxw First Nation and Islands Trust Council (2008)
3. Protocol Agreement between K'omoks First Nation and Comox Valley Regional District, City of Courtenay, Town of Comox, and Village of Cumberland (2010)



April 23, 2018

DELIVERED BY E-MAIL

Marnie Eggen, Island Planner
Islands Trust, Northern Office
700 North Road, Gabriola Island, BC, V0R 1X3
Via Email: meggen@islandtrust.bc.ca

Dear Marnie Eggen:

I am writing in response to your emails of March 26, 27 and 28, 2018 in which you advised that the Denman and Hornby Island Local Trust Committees would like to meet with BC Farm Industry Review Board (BCFIRB) representatives at a Denman Island Local Trust Committee meeting on Denman Island to present information about BCFIRB, including their role in hearing fin and shellfish aquaculture related nuisance complaints under the [Farm Practices Protection Act \(FPPA\)](#). You have also advised that the Committee would like to take BCFIRB on a tour of the aquaculture operations along Denman shores.

I appreciate that both the Denman Island and Hornby Island Local Trust Committees are interested in learning more about BCFIRB and its mandate as set out in the *FPPA*, particularly as it may apply to fin and shellfish aquaculture.

At present, two complaints under the *FPPA* have been filed with BCFIRB with respect to shellfish aquaculture in the Cortes Island area, near Campbell River on Vancouver Island. These complaints are currently in progress and a hearing will likely be held at some point during the next several months. You may find BCFIRB's [Rules of Practice and Procedures for Complaints](#) helpful in providing additional information about the adjudication of complaints, the public hearing process and the independence of the tribunal.

The Denman and Hornby Local Trust Committees may also be interested to know that there have been previous cases where local governments have intervened in complaints before BCFIRB and provided the hearing panel with their perspective on a particular complaint within their community ([Westcoast Instant Lawns](#), [Daybreak Farms](#) and [Westcreek Citizens Society](#)). The parties to the complaint and the panel would have the benefit of hearing from local government and asking questions in the public hearing process

**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

At this point in time, it is our view that a presentation to the Denman and Hornby Island Local Trust Committees about BCFIRB and its *FPPA* mandate would be most appropriately conducted after the two current nuisance related complaints about aquaculture practices in the Cortes Island area have been concluded. Once a decision has been issued in these complaints, BCFIRB staff members will then be happy to travel to Denman to meet with members of the Local Trust Committees to do a presentation about BCFIRB and its *FPPA* mandate.

Once the current complaints are concluded, BCFIRB will then determine which board members and/or staff may benefit from a tour of aquaculture operations in the Denman area.

Please pass on our thanks to both Local Trust Committees for their interest. I will be in touch to discuss timing and make arrangements for a staff presentation once the current complaints have concluded.

Yours truly,



Kirsten Pedersen
Executive Director

Cc: John Les, Chair BCFIRB
Gloria Chojnacki, Case Manager



File No.: DE-SUB-2015.1 (De Villiers & Fraser)

DATE OF MEETING: May 1, 2018

TO: Denman Island Local Trust Committee

FROM: Teresa Ritemann, Planner 2
Northern Team

SUBJECT: **Covenant for a proposed two lot subdivision on Lot 2, Section 12, Denman Island, Nanaimo District, Plan VIP60281**

Applicant: Etienne DeVilliers and Louise Fraser

Location: 2201 Tristone Road (PID 023-005-025)

RECOMMENDATION

1. That the Denman Island Local Trust Committee accept a covenant under Section 219 of the *Land Title Act* from the registered owners of Lot 2, Section 12, Denman Island, Nanaimo District, Plan VIP60281 and designate Chair Morrison and Trustee Busheikin of the Denman Island Local Trust Committee to sign the covenant for DE-SUB-2015.1 (2201 Tristone Road, Denman Island, BC).

REPORT SUMMARY

The purpose of this report is to update the Denman Island Local Trust Committee (LTC) regarding the final version of the required covenant for DE-SUB-2015.1, so the LTC may accept the Covenant and designate signatories.

BACKGROUND

For the proposed subdivision (to provide a residence for a relative), the owners of the above-noted property are required to grant a covenant to the LTC pursuant to Section 514 of the *Local Government Act*. In August 2017, the LTC passed the following resolution:

DE-RWM-2017.6

That the Denman Island Local Trust Committee instruct staff to enter into a Cost Recovery Agreement allowing Islands Trust legal counsel to draft, review, and register a Section 514 Covenant for Subdivision application DE-SUB-2015.1 (De Villiers and Fraser).

Following that resolution, the applicant entered into a Cost Recovery Agreement with the Islands Trust, and Staff worked with legal counsel to draft a covenant. The final version of the covenant is attached for LTC consideration (Attachment 1).

Rationale for Recommendation

Staff recommend that the LTC accept the covenant and designate signatories, so that the subdivision application may proceed as per the Ministry of Transportation and Infrastructure (MOTI) application process.

ALTERNATIVES

1. Request further information and/or changes to the covenant

The LTC may request further information and/or changes to the covenant prior to making a decision. If selecting this alternative, the LTC should describe the specific information or changes needed.

NEXT STEPS

Should the LTC accept the covenant and assign signatories, Staff will request signature by the LTC and then forward the covenant to the applicant's solicitor for signature by MOTI and subsequent registration at the Land Titles Office. Prior to final subdivision approval, staff will confirm with MOTI that the covenant has been registered on title.

Submitted By:	Teresa Ritemann, MCIP, RPP Planner 2	April 12, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 24, 2018

ATTACHMENTS

1. Copy of Final Version of Covenant for Signature

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 10 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

DENNIS A. SCHAFFRICK
BARRISTER & SOLICITOR
1984 COMOX AVENUE
COMOX

TEL: 250 339 3363

BC V9M 3M7

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

Deduct LTSA Fees? Yes ☒

SEE SCHEDULE

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant
Priority Agreement

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

LOUISE AUDREY FRASER AND ETIENNE DEVILLIERS AND THE BANK OF NOVA SCOTIA

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

DENMAN ISLAND LOCAL TRUST COMMITTEE

SUITE 200, 1627 FORT STREET
 VICTORIA

BRITISH COLUMBIA
 CANADA

V8R 1H8

7. ADDITIONAL OR MODIFIED TERMS:

NONE

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

DENNIS A. SCHAFFRICK
Barrister & Solicitor
1984 Comox Avenue
Comox, British Columbia
V9M 3M7
Phone: (250) 339-3363

Y	M	D
18	01	

LOUISE AUDREY FRASER

ETIENNE DEVILLIERS

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 10 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
18	01	
18	01	
18	01	

DENMAN ISLAND LOCAL TRUST
COMMITTEE by its authorized
signatory(ies);

THE BANK OF NOVA SCOTIA by its
authorized signatory(ies);

This is an instrument required by the
Approving Officer for subdivision plan
EPP75820 creating the condition or
covenant entered into under S. 219 of
the Land Title Act

Kirsten Fagervik
Provincial Approving Officer
File No. 2014-05048

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 3 OF 10 PAGES

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

NO PID NMBR LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN EPP75820

STC? YES

[Related Plan Number]

EPP75820

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

**NO PID NMBR LOT 2, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP60281
EXCEPT PART IN PLAN EPP75820**

STC? YES

[Related Plan Number]

EPP75820

-
2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

THIS AGREEMENT dated for reference the 18th day of January, 2018.

BETWEEN:

LOUISE AUDREY FRASER and ETIENNE DEVILLIERS, of 2201
Tristone Road, R.R. #1, Denman Island, BC, V0R 1T0, as Joint
Tenants

(the “Owners”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE, a Corporation under the
Islands Trust Act, R.S.B.C. 1996, c.239, with an office at Suite 200, 1627 Fort Street,
Victoria, BC, V8R 1H8

(the “Local Trust Committee”)

GIVEN THAT:

- A. The Owners are the registered owners of those lands on Denman Island legally described as Parcel Identifier: NO PID, Lot 2, Section 12, Denman Island, Nanaimo District, Plan VIP60281 Except Part in Plan EPP75820 (“Remainder Parcel”);
- B. The Owners are the registered owners of those lands on Denman Island legally described as Parcel Identifier: NO PID, Lot A, Section 12, Denman Island, Nanaimo District, Plan EPP75820 (“New Parcel”);
- C. The Remainder Parcel and the New Parcel are hereinafter collectively referred to as the “Lands”;
- D. Under section 514(8) of the *Local Government Act*, the Owner is required to register the *Land Title Act* section 219 covenants contained herein against title to the Remainder Parcel and the New Parcel at the same time that application is made to deposit the subdivision plan creating the Remainder Parcel and the New Parcel, a reduced copy of which is attached hereto as Schedule “A” (the “Subdivision Plan”);

This Agreement is evidence that, in consideration of the payment of \$2.00 by the Local Trust Committee to the Owners (the receipt and sufficiency of which are acknowledged by the Owners), and in consideration of the promises exchanged below, the Owners covenant and agree with the Local Trust Committee, in accordance with s. 219 of the *Land Title Act* (British Columbia), as follows:

No Further Subdivision under Section 514

1. The Owners shall not further subdivide the New Parcel or the Remainder Parcel under s. 514 of the *Local Government Act*.

Use of New Parcel

2. The Owners shall, for a period of 5 years following the deposit of the Subdivision Plan in the Land Title Office, use the New Parcel for residential use only, unless the applicable use is changed by bylaw.

Use of Remainder Parcel

3. The Owners shall not, for a period of 5 years following the deposit of the Subdivision Plan, change the use of the Remainder Parcel from the use of the original parcel as of the date of deposit of the Subdivision Plan, unless the applicable use is changed by bylaw. The Owner acknowledges that the existing use of the Remainder Parcel on the relevant date was residential use.

No Effect on Laws or Powers

4. This Agreement does not:
 - (a) affect or limit the discretion, rights, duties, or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Lands except as expressly set out herein;
 - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
 - (c) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (d) relieve the Owners from complying with any enactment, including in relation to the use or subdivision of the Lands.

No Liability in Tort

5. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of, this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs with the Lands

6. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owners in this Agreement constitutes a personal covenant and also a covenant granted under s. 219 of the *Land Title Act* (British Columbia) in respect of the Lands. This Agreement burdens the Lands and runs with it and binds the successors in title to the Lands. This Agreement burdens and charges all of the Lands and any parcel into which it is subdivided by any means and any parcel into which the Lands is consolidated (including by deposit of a plan of any kind under the *Strata Property Act* (British Columbia)).

Registration

7. The Owners shall do everything necessary at the Owners' expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens, and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement against the title to the Land.

Waiver

8. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

Severance

9. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

10. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Enurement

11. This Agreement and each and every provision hereof shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors, and assign, as the case may be.

Governing Law

12. This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.

Execution Using Forms C and D

13. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part I of the *Land Title Act* Forms C and D to which this Agreement is attached and which forms part of this Agreement.

PRIORITY AGREEMENT

GIVEN THAT:

- A. The Bank of Nova Scotia (the "Prior Chargeholder") holds a mortgage registered against title to the lands legally described in the *Land Title Act* (British Columbia) Form C to which this Priority Agreement is attached (the "Lands") in the Victoria Land Title Office under number CA2733742 (the "Prior Charge");
- B. The owners of the Lands and the transferee described in item 6 of the Form C attached hereto (the "Subsequent Chargeholder") have entered into a section 219 covenant respecting the Lands, to which this Priority Agreement is attached (which covenant is referred to herein as the "Subsequent Charge"); and
- C. Section 207 of the *Land Title Act* (British Columbia) permits the Prior Chargeholder to grant priority over the Prior Charges to the Subsequent Chargeholder;

This priority agreement witnesses that, in consideration of \$2.00 and other good and valuable consideration received by the Prior Chargeholder from the Subsequent Chargeholder (the receipt and sufficiency of which is hereby acknowledged):

- 1. The Prior Chargeholder hereby consents to the granting and registration of the Subsequent Charge and the Prior Chargeholder hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Lands.
- 2. The Prior Chargeholder hereby grants to the Subsequent Chargeholder priority for the Subsequent Charge over the Prior Chargeholder's right, title and interest in and to the Lands, and the Prior Chargeholder does hereby postpone the Prior Charge and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charge.

IN WITNESS WHEREOF the Prior Chargeholder has duly executed this Priority Agreement by signing the Form D to which this Priority Agreement is attached.

SCHEDULE "A"

SUBDIVISION PLAN

B.C.G.S. 92F.057

B
PLAN WP52526

PLAN EPP75820



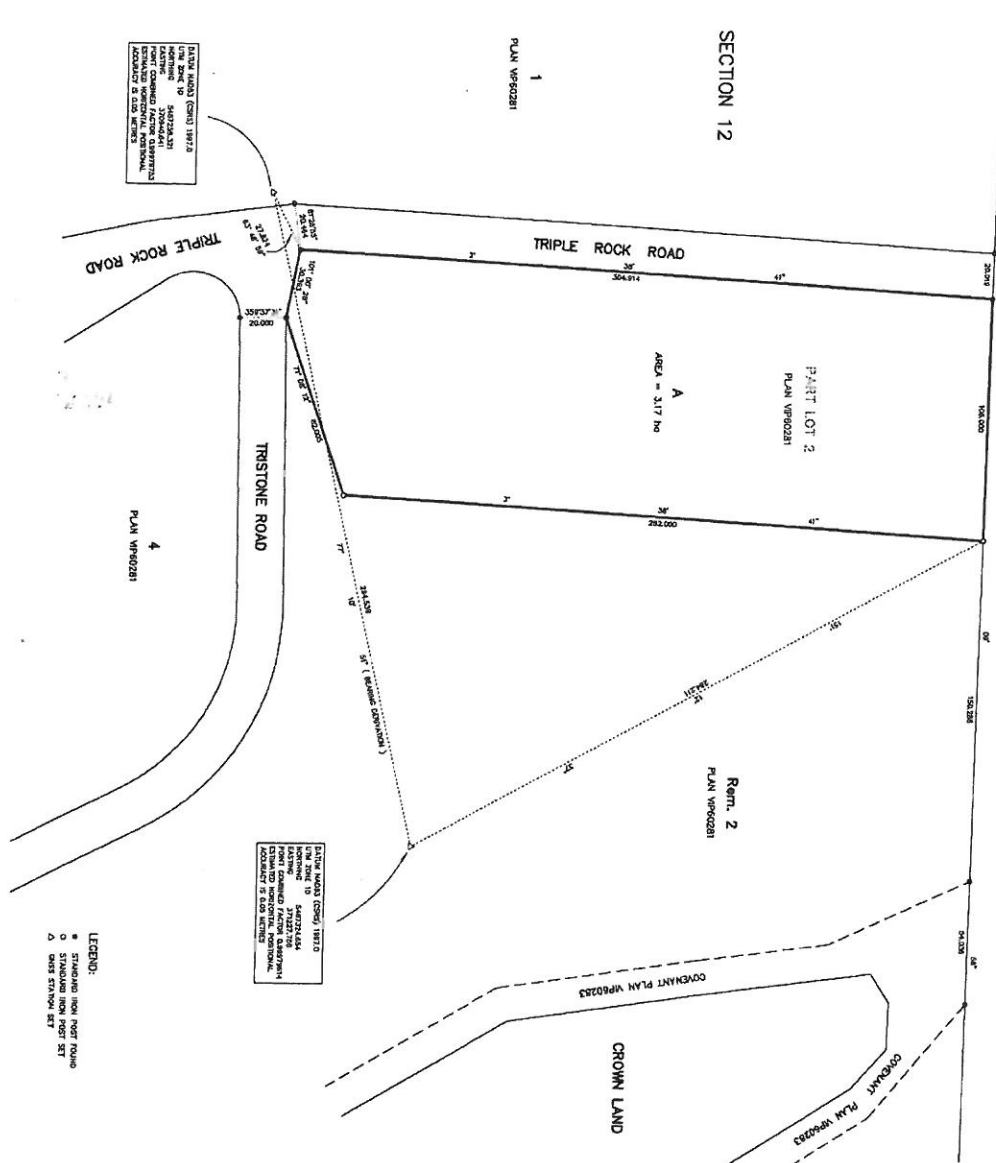
THE MINIMUM PLOT SIZE OF THIS PLAN IS 664mm IN WIDTH BY 380mm IN HEIGHT (6 SIZE) WHICH PLOTTED AT A SCALE OF 1:1000.

[illegible]

THIS PLAN LIES WITHIN THE COCONA VALLEY REGIONAL DISTRICT

THIS FROM LEO WITH THE ASSISTANCE
OF THE APPROVING OFFICER FOR THE MOST
OF TRANSPORTATION AND INFRASTRUCTURE.
FILE NO. 2014-00045

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 26th DAY OF AUGUST, 2017.
ERIC A. MODER/RCR, BOLS #704



DATA M003 (CONS) 1007.0
UTM ZONE 10
NORTHING 5407206.537
EASTING 370940641
POINT COMBINED FACTOR 0.997775
ESTIMATED HORIZONTAL POSITIONAL
ACCURACY IS 0.05 METERS

LATITUDE 4603 (C904) 1987.0
 UTM ZONE 10
 NORTHING 5487324.654
 EASTING 371227.760
 POINT COORDINATE FACTOR 0.9837814
 ESTIMATED HORIZONTAL POSITIONAL
 ACCURACY IS 0.05 METERS

LEGEND:

- STANDARD IRON POST FOUND
- STANDARD IRON POST SET
- △ GUEST STATION SET

CONDUITS IN THE NAME OF THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE AND ISLAND TRUST PURSUANT TO SECTION 21(1) ARE A CONDITION OF APPROVAL FOR SUBMISSION.

HOBSBARGER LIND SURVEYORS
 OSBORNE, S.C.
 (252) 462-0700
 FAX: 1853/287/54.25 FR. 77/118





DATE OF MEETING: May 1, 2018

TO: Denman Island Local Trust Committee

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

SUBJECT: Denman Island Farm Plan Implementation Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”, is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.
3. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, is not contrary to or at variance with the Islands Trust Policy Statement.
4. That Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.
5. That the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the following agencies and First Nations for comment:
 - Halalt First Nation
 - K'omoks First Nation
 - Lake Cowichan First Nation
 - Nanwakolas First Nations
 - Qualicum First Nation
 - Stz'uminus First Nation
 - Tla'amin Nation
 - Cowichan Tribes
 - Homalco First Nation (Xwemalhkwa)
 - Laich-kwil-tach Treaty Society
 - Lyackson First Nation
 - Penelakut Tribe
 - Wei Wai Kum First Nation
 - Snaw'Naw'As Nation
 - Te'Mexw Treaty Association
 - We Wai Kai Nation
 - Denman Growers and Producers Alliance
 - Comox Valley Regional District
 - School District #71 (Comox Valley)
 - Ministry of Agriculture
 - Agricultural Land Commission
 - Ministry of Municipal Affairs and Housing
 - Hornby Island Local Trust Committee
 - Ballenas-Winchelsea Islands Local Trust Committee (Executive Committee)
6. That the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the Denman Island Advisory Planning Commission for comments, and that staff and one Trustee attend the meeting(s).
7. That the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting in accordance with the Denman Farm Plan Implementation Project Charter v. 4.2.

REPORT SUMMARY

The purpose of this report is to:

- Introduce draft Bylaw Nos. 228 and 229 for consideration of first reading;
- Request Local Trust Committee (LTC) consideration of draft Bylaw Nos. 228 and 229 for consistency with the Islands Trust Policy Statement (ITPS);
- Request LTC consideration of referrals to First Nations and Agencies; and
- Request the LTC to schedule a community information meeting.

BACKGROUND

The LTC passed the following resolutions on March 6, 2018:

DE-2018-028

It was MOVED and SECONDED,

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".

CARRIED

DE-2018-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the revised draft Project Charter v 4.2, dated March 6, 2018.

CARRIED

DE-2018-030

It was MOVED and SECONDED,

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.

CARRIED

The endorsed Farm Plan Implementation Project Charter is attached and is posted to the Project [webpage](#). All background materials regarding this project, including previous staff reports, are also available online.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

An ITPS Directives Only Checklist has been prepared for each of the bylaws (see Attachments). In staff's opinion, Bylaw Nos. 228 and 229 are not contrary to or at variance with the ITPS.

Bylaw No. 228 and Bylaw No. 229:

Following direction from the LTC at their March 6, 2018 regular business meeting, Bylaw No. 228 and Bylaw No. 229 are bylaws to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB), respectively. A draft of each bylaw can be found in Attachments, along with a Table that summarizes the LTC endorsed amendments, corresponding draft bylaw section, and staff comments.

Consultation

Referrals:

As the project would involve proposed OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation with agencies or First Nations or than identified below and direct staff accordingly. Following first reading, staff recommends Bylaw Nos. 228 and 229 be referred to the following First Nations and agencies:

- Halalt First Nation
- K'omoks First Nation
- Lake Cowichan First Nation
- Nanwakolas First Nations
- Qualicum First Nation
- Stz'uminus First Nation
- Tla'amin Nation
- Cowichan Tribes
- Homalco First Nation (Xwemalkwu)
- Laich-kwil-tach Treaty Society
- Lyackson First Nation
- Penelakut Tribe
- Wei Wai Kum First Nation
- Snaw'Naw'As Nation
- Te'Mexw Treaty Association
- We Wai Kai Nation
- Denman Growers and Producers Alliance
- Denman Advisory Planning Commission
- Comox Valley Regional District
- School District #71 (Comox Valley)
- Ministry of Agriculture
- Agricultural Land Commission
- Ministry of Municipal Affairs and Housing
- Hornby Local Trust Committee
- Ballenas-Winchelsea Islands Local Trust Committee (Executive Committee)

Community Information Meeting

Staff suggest that the LTC hold a Community Information Meeting (CIM) subsequent to first reading and after receipt of referral responses, in order to provide a public forum for dialogue on the bylaws and 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 if 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 that Bylaw Nos. 228 and 229 be given first reading as per the recommendation on Page 1 of the staff report.

ALTERNATIVES

A. Make minor amendments to the draft bylaws and then proceed to first reading.

If the LTC wishes to make minor amendments to the draft bylaws, this can occur prior to consideration of first reading via the following resolution:

"That the Denman Island Local Trust Committee amend Bylaw No. (insert bylaw #), cited as "Denman Island (insert OCP or LUB), 2008, Amendment No. 1, 2018", by (insert specific changes here)."

The LTC could then proceed with the resolutions noted on page 1 of the staff report.

B. Request staff prepare revised draft bylaws for consideration of first reading at a subsequent meeting

If significant changes to the bylaw are desired by the LTC, the LTC should request that staff prepare revised draft bylaws for LTC consideration at a subsequent meeting, via the following resolution:

“That the Denman Island Local Trust Committee request that staff revise draft Bylaw No. 228 and 229, prior to Local Trust Committee consideration of first reading, as follows: (insert requested changes).”

Staff would provide the LTC with revised draft bylaws at a subsequent LTC meeting.

C. Request staff to include additional bylaw referral recipients.

The LTC can request additional bylaw referral recipients to those recommended by staff. The LTC should specify the additional recipients as a part of the recommended referral resolution on page 1 of the staff report.

NEXT STEPS

Subject to LTC concurrence with the staff recommendation, referrals to First Nations and agencies would be sent and a CIM would be scheduled.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	Sonja Zupanec, MCIP, RPP Island Planner	April 24, 2018
Concurred by:	Ann Kjerulf, MCIP, RPP Regional Planning Manager		April 25, 2018

ATTACHMENTS

1. Table of draft OCP amendments
2. Table of draft LUB amendments
3. Draft Bylaw No. 228 (OCP)
4. Draft Bylaw No. 229 (LUB)
5. Project Charter v.4.2, endorsed
6. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 228
7. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 229

ATTACHMENT #1 – SUMMARY OF PROPOSED DRAFT OCP BYLAW AMENDMENTS

MAY 2018

DENMAN OFFICIAL COMMUNITY PLAN – FARM PLAN IMPLEMENTATION PROJECT	
LTC ENDORSED AMENDMENTS	DRAFT BYLAW 228 SECTION REFERENCE AND STAFF COMMENTS
1. Add “Agriculture” as a separate OCP designation to be applied to land in the ALR.	Section 1.1, 1.5, 1.10; Schedule 2 - new OCP map Staff Comments: Currently all land in the ALR is designated in the OCP as ‘Sustainable Resources’ shared with forestry, resource extraction and institution designations. All parcels in the ALR previously designed ‘SR’ proposed to be re-designated to ‘Agriculture’ designation.
2. Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands.	Section 1.15 Policy 1: “The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.” Staff Comments: This supports the purposes of the ALC, as per the ALC Act: <i>“6 The following are the purposes of the commission:</i> <i>(a) to preserve agricultural land;</i> <i>(b) to encourage farming on agricultural land in collaboration with other communities of interest;</i> <i>(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.	Section 1.15 Policy 2: “The Local Trust Committee Supports the consolidation of parcels in the Agricultural Land Reserve.” Staff Comments: 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.	Section 1.15 Policy 3: “Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.” Staff Comments: Adequate road frontage and access is critical to farming and reduces neighbour to neighbour conflict over dust, noise, parking and other issues associated with panhandle driveways. Such a policy enables a subdivision regulation in the Land Use Bylaw.

DENMAN OFFICIAL COMMUNITY PLAN – FARM PLAN IMPLEMENTATION PROJECT

LTC ENDORSED AMENDMENTS	DRAFT BYLAW 228 SECTION REFERENCE AND STAFF COMMENTS
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).	Section 1.15 Policy 4: “The Local Trust Committee supports the provision of farm help accommodation on land in the Agricultural Land Reserve, in association with a bona fide farm use, and subject to approval by the Agricultural Land Commission.” Staff Comments: In addition to being permitted one principal residence, one secondary suite (within the principal residence) and a dwelling for immediate family, a bona fide farm in the ALR could also demonstrate a need for full time farm help accommodation.
6. Add a policy to support agri-tourism.	Section 1.15 Policy 5: “Zoning Regulations should permit agri-toursim use on land in the Agricultural Land Reserve and on lots where agriculture or horticulture are a permitted use.” Staff Comments: As per the ALC regulation “agri-tourism, other than accommodation” is a farm use and must not be prohibited by local government in the ALR.
7. Add a policy to support agri-tourism accommodation, subject to temporary use permit (to address site-specific issues).	Section 1.15 Policy 6: “Agri-tourism accommodation in association with a bona fide farm use should be regulated by Temporary Use Permit.” Staff Comments: In the ALR, accommodation for agri-tourism 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.	Section 1.15 Policy 7: “The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.” Staff Comments: Staff is seeking LTC clarification on what types of and scale of processing are anticipated being supported by this policy. Home occupation regulations currently permit a broad range of options for agricultural processing; therefore this proposed policy may not be necessary.
9. Update all Ministry of Agriculture references throughout OCP.	Section 1.3 and 1.4

DENMAN OFFICIAL COMMUNITY PLAN – FARM PLAN IMPLEMENTATION PROJECT	
LTC ENDORSED AMENDMENTS	DRAFT BYLAW 228 SECTION REFERENCE AND STAFF COMMENTS
10. Add “Guiding Objective” in Section E.4 (pg 63) to address the protection of ALR land for farming.	Section 1.2 “To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”
11. Update Local Government Act citation for TUPs (pg 83)	Section 1.17
12. Add policy supporting ALR exclusion applications that have benefits for the greater community.	Section 1.15 Policy 8: “The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island.”

ATTACHMENT #2 – SUMMARY OF POTENTIAL DRAFT LUB AMENDMENTS

MAY 2018

DENMAN LAND USE BYLAW – FARM PLAN IMPLEMENTATION PROJECT	
LTC ENDORSED AMENDMENTS	DRAFT BYLAW 229 SECTION REFERENCE AND STAFF COMMENTS
1. Replace the definition of agriculture.	Section 1.1: “agriculture means the farm uses of land, buildings or structures for a farm operation as defined by the <i>Farm Practices Protection (Right to Farm) Act</i>.” Staff Comments: 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 Growers and Producers Alliance.
2. Replace the definition of ‘intensive agriculture’.	Section 1.1: “intensive agriculture means the use of land, buildings, and other structures for the confinement of poultry, livestock, fur bearing animals, the growing of mushrooms (except for forest fungi), or cannabis production, except to the extent the use is carried out solely for domestic purposes and does not involve the production of any items for sale, trade or commerce.” Staff Comments: The intent is to define this as a commercial activity while not restricting domestic agriculture in residential zones. LTC can consider setting limits for R1, R2, R3 zones for maximum number of animals or square footage related to the use if there are concerns.
3. Replace the definition of feedlot in the Land use Bylaw as per recommended Bylaw 223 definition.	Section 1.1: “feedlot means a fenced area where livestock, poultry or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing, but excludes confinement of animals for domestic purposes.” Staff Comments: This is based on the definition in the Ministry of Agriculture Minister’s Bylaw Standards and defined in order to establish setbacks.
4. Add a definition of confined livestock area.	Staff Comments: The term is not currently used in the LUB, a definition is not required unless the LTC intends to regulate and differentiate from a feedlot.
5. Cross reference residential zoning provisions for agriculture and horticulture with home occupation regulations permitting “sale of agricultural products produced on-site”.	Staff Comments: No changes required at this time.

DENMAN LAND USE BYLAW – FARM PLAN IMPLEMENTATION PROJECT

LTC ENDORSED AMENDMENTS	DRAFT BYLAW 229 SECTION REFERENCE AND STAFF COMMENTS
6. Add a height exemption for silos, grain bins, deer fencing, netting supports, trellises in the 'Agriculture' Zone.	Section 1.4: deer fencing, netting supports and trellises would be exempt from height restrictions in any zone. Section 1.14: buildings and structures used solely as silos and grain bins in the ALR would be exempt from 'A' zone height restrictions.
7. Add a minimum setback to streams, lakes, wetlands and the natural boundary of the sea for confined livestock.	Staff Comments: see item 8 (below).
8. Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets.	Sections 1.5 and 1.6 Staff Comments: Proposed language would require fencing associated with feedlots or used to accommodate domesticated animals other than household pets to be subject to a 30 m setback. All other fencing would be excluded from setback provisions.
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.	Section 1.7 Staff Comments: general setback exemptions would allow for a structure up to 10m² in floor area used solely for the purpose of displaying and offering for sale items produced on the same parcel. Staff do not recommend a reference to a MOTI permit being required – we avoid “subject to approvals” language - either the structure is or isn’t allowed. An information note can be considered instead.
10. Amend the 'A' zone permitted uses, buildings and structures so they are consistent with Ministry Bylaw standards.	Sections 1.11; 1.12, 1.13, 1.14, 1.15 Staff Comments: On a lot in the ALR the draft regulations would permit: a) One principal residence with a secondary suite; and b) One “temporary secondary dwelling” for immediate family (no TUP required); and c) With farm status: maximum 3 agri-tourism units (TUP required if units not in principal residence); and d) With farm status: “secondary dwelling” for farmworkers only (subject to ALC/Ministry approval and TUP).

DENMAN LAND USE BYLAW – FARM PLAN IMPLEMENTATION PROJECT

LTC ENDORSED AMENDMENTS	DRAFT BYLAW 229 SECTION REFERENCE AND STAFF COMMENTS
11. Add a general regulation to prohibit feedlots outside the Agriculture Land Reserve.	Staff Comments: feedlot is a permitted use under the definition of 'intensive agriculture' and currently permitted in zones (A), (F), (RE). The LTC may determine that intensive agriculture is not appropriate in the (F) or (RE) zones through community consultation and amend the draft regulations accordingly. 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.	Section 1.15 Staff Comments: LTC requested a 50 m setback be included for consultation.
13. Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots. Review/amend definition of 'panhandle'.	Section 1.16 "Land in the Agricultural Land Reserve shall not be subdivided into panhandle lots." Staff Comments: new definition of "panhandle lot" proposed – "...a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width"
14. Add Subdivision regulation that prohibits further subdivision of ALR land.	Staff Comments: no change proposed to current 15 ha minimum lot size.
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.	Section 1.17 Staff Comments: New guideline 6 for a secondary dwelling for farm use, on land in the ALR.
16. Add TUP Areas and Guidelines for "Occasional markets, fairs and festivals".	Staff Comments: not recommended. With the provision of agri-tourism use in zones where agriculture is a permitted use, there are very few zones left where this use cannot be accommodated. LTC can clarify where this TUP should apply.
17. Designate TUP areas and guidelines for agritourism accommodation on land in the ALR and for land outside the ALR with farm status.	Section 1.19: new agri-tourism accommodation TUP Staff Comments: Up to a maximum of three units on a lot with farm status (within or outside ALR). Units in the principal dwelling do not require TUP. Seasonal campsites, cabins require TUP. 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.

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

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

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

1. Citation

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

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____, 20XX

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 20XX

ADOPTED THIS _____ DAY OF _____, 20XX

Chair

Secretary

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

Schedule 1

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

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

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

“Guiding Objective – Agriculture

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

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

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

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

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

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

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

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

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

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

- One dwelling per lot;
- One secondary suite per lot consistent with the *Agricultural Land Commission Act*; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”

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

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

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

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

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

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

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

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

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

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

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

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

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

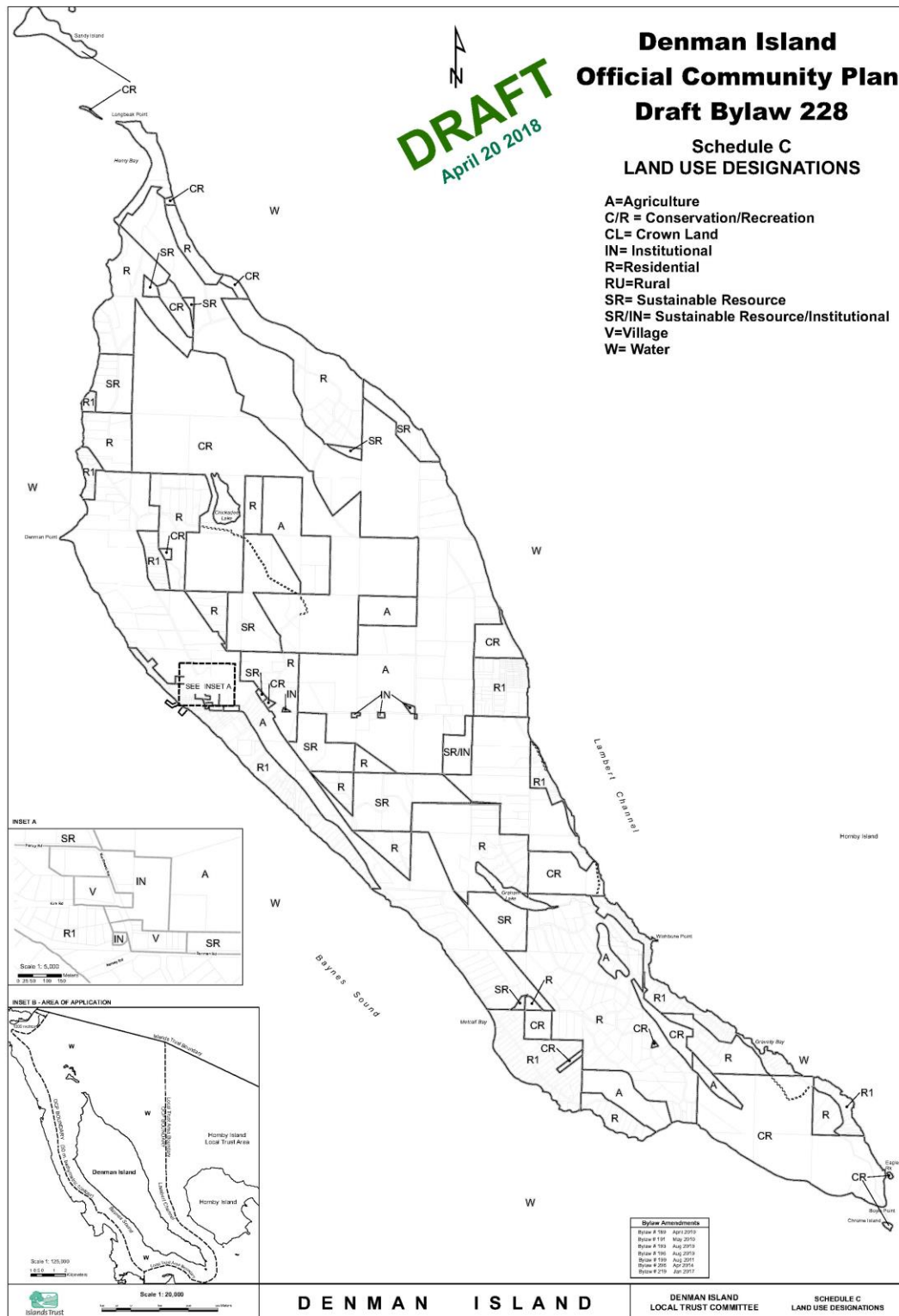
(b) Article – Policy 9 is amended by removing the words "area designated Sustainable Resource" and replacing with "areas designated Agriculture and Sustainable Resource" and adding the word "Agriculture and" before "Sustainable Resource designation".

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

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

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

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

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

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

Chair

Secretary

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

Schedule 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7	“On land in the Agricultural Land Reserve, the gross floor area of a temporary secondary dwelling unit for the residential accommodation of the owner’s immediate family shall not exceed 1300 square feet.”	✓
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1.14 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

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

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

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

“7 Minimum setback from any lot line for feedlots 50.0 m n/a n/a”

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

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

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

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

- The lot on which the principal and secondary dwelling is to be located on must be a minimum of 2 hectares in size and classified as a farm under the *BC Assessment Act*;
- The dwelling is necessary for farm use and the Local Trust Committee is provided evidence from the applicant that the ministry responsible for agriculture and/or the Agricultural Land

Commission have determined that there is a legitimate need for an additional residence for farm help accommodation;

- The dwelling will be located within an existing building or in the form of a temporary secondary dwelling unit with a maximum floor area of 1300 square feet;
- The permit contains conditions addressing the removal of the dwelling should the farm use cease or the permit lapses.

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

“Area 3

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

Objective

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

Guidelines

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

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

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

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

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: <i>Ann Kjerulf</i> Date: February 23, 2018	LTC Endorsement (amended): Resolution #: DE-2018-029 Date: March 6, 2018

Budget

Budget Source: Denman LTC Projects

Fiscal	Item	Cost
2017-2018	Community information meeting; advertising	\$1,000
2018-2019	Public hearing	\$1,000
	Total	\$2,000⁵⁹

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6930-20

File Name: Farm Plan Implementation
Bylaw No. 228

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6930-20

File Name: Farm Plan Implementation
Bylaw No. 229

PURPOSE

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	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
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CONSISTENT	No.	DIRECTIVE POLICY
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	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
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CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
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	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

DATE OF MEETING: May 1, 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)

RECOMMENDATION

1. 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.
2. 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.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider reading Denman Island Local Trust Committee Bylaw No. 225 a third time and forwarding Bylaw No. 225 to the Secretary of the Islands Trust for consideration of the Executive Committee. Bylaw No. 225 is attached for reference.

BACKGROUND

Proposed Bylaw No. 225 would amend the Denman Island Land Use Bylaw (LUB) to add a general prohibition against the use of vehicles and ground-based machinery in the W1, W3 and W4 zones. A public hearing for Denman Island Local Trust Committee Bylaw No. 225 was held March 6, 2018. During the regular LTC meeting of March 6, 2018, after the close of the public hearing, the LTC passed the following resolution (excerpt from the draft minutes):

DE-2018-026

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

that the Denman Island Local Trust Committee request staff to bring forward options to address the following issues regarding Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans staff.

CARRIED

ANALYSIS

Issues Raised at Public Hearing

Staff were asked to provide options to address the following issues raised at the Public Hearing for Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans (Fisheries and Oceans Canada) staff.

1. **Emergency Vehicles**

The use of vehicles in the W1, W3 and W4 zones for emergency purposes would not be subject to the provisions of Proposed Bylaw No. 225 where such vehicles would be operated under senior government legislation (e.g. *Emergency Program Act*, *Police Act*, *Public Health Act*, *Emergency Vehicle Driving Regulation*).

Options

No change to Proposed Bylaw No. 225 is required to address this issue.

2. **Vehicles Used in Ecological Projects**

Denman Island Land Use Bylaw No. 186 does not permit “ecological projects” (or similar activities) as a discrete use in the W1, W3 or W4 zones. Notwithstanding, ecological projects (or similar activities) may be conducted under the auspices of the *Fisheries Act* or other senior government environmental legislation.

Options

Should the LTC wish to provide an exemption for “ecological projects” in the W1, W3 or W4 (or other water) zones, this could occur through an amendment to Proposed Bylaw No. 225 or through a separate Land Use Bylaw amendment process. Should the LTC wish to amend a use provision of Proposed Bylaw No. 225, it would have to rescind 2nd reading of the bylaw, undertake the amendment, consider the option for supplemental referrals to agencies and First Nations, and hold another public hearing.

3. **Boat Launching**

Denman Island Land Use Bylaw No. 186 currently permits boat launching in the W2 and W4(1) zones only. Since boat launching is not a permitted use in the W1, W3 and W4 zones, the adoption of Bylaw No. 225 would result in no change respecting boat launching.

Options

Should the LTC wish to provide an exemption for boat launching in the W1, W3 or W4 (or other water) zones, this could occur through an amendment to Proposed Bylaw No. 225 or through a separate Land Use Bylaw amendment process. Should the LTC wish to amend a use provision of Proposed Bylaw No. 225, it would have to rescind 2nd reading of the bylaw, undertake the amendment, consider the option for supplemental referrals to agencies and First Nations, and hold another public hearing.

4. **Fisheries and Oceans Canada Staff**

Fisheries and Oceans Canada (DFO) staff using vehicles within the W1, W3 and W4 zones (or any water zones) would not be subject to Proposed Bylaw No. 225 where such vehicles are operated under the auspices of the *Fisheries Act*.

Options

No change to Proposed Bylaw No. 225 is required to address this issue.

Recommendation

Staff are of the opinion that the issues raised at the public hearing do not warrant changes to Proposed Bylaw No. 225. The LTC is asked to consider third reading of the bylaw and forward the bylaw to the Secretary of the Islands Trust for consideration of the Executive Committee. Recommended resolutions are noted on page 1 of the staff report.

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. Amend Proposed Bylaw No. 225 Land Use Provisions

Should the LTC wish to amend Bylaw No. 225 use provisions to, for instance, incorporate exemptions, the LTC would need to rescind 2nd reading of the bylaw and request staff to report back and provide revised bylaw wording. A subsequent public hearing would be required. The following is appropriate wording for such a resolution:

*That second reading of **Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”** be rescinded.*

*That the Denman Island Local Trust Committee request staff to provide amendments to **Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”** to address the following land use provisions [insert requested changes].*

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 24, 2018
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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 6TH day of MARCH , 2018

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.
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Islands Trust

Print Date: April 23, 2018

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 MacRaid	
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: April 23, 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: 16-Apr-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: 16-Apr-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: 16-Apr-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	29-Sep-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed
Planner: Rob Milne			
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-2018.3	Pandesign Inc.	05-Apr-2018	PID 028-605-691 Building single family dwelling Civic address: 3223 Lacon Road, Denman Island, BC.
Planner: Madeleine Koch			
Planning Status			

Status Date:

Subdivision

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

Status Date: 16-Apr-2018

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

Status Date: 21-Feb-2018

No change in status.



Applications

Status Date: 11-Jan-2018

Draft covenant complete. Planner working with applicant on finalizing the 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 Rittemann			
Planning Status			

Status Date: 16-Apr-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.

Islands Trust
 LTC EXP SUMMARY REPORT F2018
 Invoices posted to Month ending February 2018

615 Denman	Invoices posted to Month ending February 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	321.57	428.43
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	2,468.64	2,031.36
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	540.57	59.43
65220-615	LTC - Local Exp - Communications	500.00	193.91	306.09
65230-615	LTC - Local Exp - Special Projects	500.00	5,028.09	-4,528.09
TOTAL LTC Local Expense		<u>6,100.00</u>	<u>8,231.21</u>	<u>-2,131.21</u>
Projects				
73001-615-2017	Denman OCP/LUB	1,500.00	428.29	1,071.71
73001-615-4011	Denman Agriculture Plan	3,500.00	0.00	3,500.00
73001-615-4062	Denman First Nations Relations	1,000.00	415.04	584.96
TOTAL Project Expenses		<u>6,000.00</u>	<u>843.33</u>	<u>5,156.67</u>



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



‘Salish View’ Acquisition Project, Lasqueti Island

Following the successful conclusion of the Fairyslipper Forest acquisition partnership on Thetis Island, our next joint campaign is underway on Lasqueti Island. The Trust Fund Board and Lasqueti Island Nature Conservancy have signed an agreement to frame the campaign to purchase and protect “Salish View”, an 11.6 hectare property contiguous to Squitty Bay Provincial Park. Look out for the upcoming official launch of this campaign and visit the Lasqueti Island Nature Conservancy website (<http://www.lasqueti.ca/LINC>) to learn how you can support this small community’s ambitious project.

Opportunity Fund Grant for Saturna Wetland Conservation Project

The Trust Fund Board is contributing a grant from the Opportunity Fund to support a phase one environmental assessment for a property containing wetland ecosystems on Saturna Island. This is the first step towards the possible securement of this land, which supports valuable biodiversity. The project is being spearheaded by neighbourhood residents.

Dragonfly Commons Conservation Proposal, Salt Spring Island

There are times when the Trust Fund Board makes the difficult decision to decline a conservation proposal. The Trust Fund Board decisions must balance the protection of biodiversity values in accordance with the Regional Conservation Plan, with potential risks and long-term costs, such as property management challenges. TFB considered a proposal to covenant approximately half of a property to be developed as a high density affordable housing project. The small size, landscape context and complexity of eventual ownership were factors that led to a TFB decision to decline this proposal

Fairyslipper Forest Nature Reserve, Thetis Island

Negotiations are beginning with Thetis Island Nature Conservancy and Cowichan Community Land Trust to establish a conservation covenant on Fairyslipper Forest.

Medicine Beach Nature Sanctuary, North Pender Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is being finalized.

Morrison Marsh Nature Reserve, Denman Island

Public consultation for the Medicine Beach nature reserve is now complete and the management plan for this nature reserve is also being finalized.

First Nations – Regional Conservation Plan

A goal of our new Regional Conservation Plan (RCP) is to strengthen relationships with First Nations to identify and collaborate on shared conservation goals. Letters are being sent to all First Nations with traditional territory in the Trust Area to provide information about the RCP and offer available mapping for sharing. The Islands Trust Fund would like to connect with First Nations that might have an interest in the RCP. If local trust committees or Bowen Island Municipality are developing relationships with First Nations, it would be helpful to explore how ITF can use this opportunity to connect.

Regional Conservation Plan and Local Trust Committees and BIM

The RCP contains a lot of valuable information for local trust committees and Bowen Island Municipality, but it is a large, comprehensive document. Islands Trust Fund will be extracting information and maps pertinent to each local trust area and BIM that can be included on local website pages. The Trust Fund Board encourages LTCs and BIMs to identify how Official Community Plans can be updated to reflect new information contained in the RCP and associated data and mapping. ITF will also be producing a summary brochure on the RCP.

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

To:	Local Trust Committees	For the Meeting of:	Various
From:	David Marlor, LPS Karen Hurley, TAS	Date Prepared:	March 2, 2018
SUBJECT:	Land-use planning implications of Fisheries and Oceans Canada <i>Integrated Geoduck Management Framework 2017</i>		

PURPOSE: To inform local trust committees about the land-use implications of the of Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017*

BACKGROUND:

At the November 2, 2017 meeting the Executive Committee requested that:

Local Planning Services and Trust Area Services staff collaborate on the preparation of a briefing for local trust committees about the land-use planning implications of the DFO 2017 Integrated Geoduck Management Framework.

The Fisheries and Oceans Canada (DFO) *Integrated Geoduck Management Framework 2017* (IGMF) guides the management of geoduck clam aquaculture, including siting guidelines for new applications for inter-tidal and sub-tidal geoduck aquaculture, as well as for applications for size increases to existing shellfish aquaculture operations.

Currently in the Islands Trust Area, most shellfish aquaculture tenures are limited to Baynes Sound because this area has the best conditions for the raising of these types of shellfish. Wild geoduck clams are more widespread in the Islands Trust marine areas, and, under the IGMF, there is potential for geoduck clam aquaculture operations to be installed in wild geoduck habitats. As a result, staff expects that Geoduck clam aquaculture tenures could be applied for in many other locations throughout the Trust Area but would be influenced and/or limited by:

- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck clam aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework 2017, applicants are now able to apply for aquaculture licenses throughout the B.C. coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck clams among many possible species that could be implemented at this time on many Gulf Islands, including: Lasqueti, Hornby, Salt Spring, and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck clams; however, operators could apply to have them added to the license, including: Thetis (5), Gabriola (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman.

Attached are maps of the Islands Trust Area, indicating areas that currently permit aquaculture and/or limited aquaculture.

Under IGMF 2017, there is also the potential for the opening up of wild geoduck areas to DFO applications for both intertidal and subtidal geoduck clam aquaculture licenses in various sites in the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas on attached maps).

DFO staff, however, is not expecting a large number of new or amendment applications for geoduck clam aquaculture and have advised that throughout BC there “are currently 57 facilities licensed for geoduck. Of this, 25 are licensed for intertidal, of which only 6 have approved harvest plans, and only 2 have ever reported production, the last being in 2015.” DFO staff has also confirmed that “the addition of geoduck to an existing licence requires an amendment with full DFO review. Any proposed addition of non-standard infrastructure (including geoduck tubes) would also trigger a review of the application by the BC government.

Implications of the IGMF

In British Columbia, the province has responsibility for issuing tenures for aquaculture and the federal government has responsibility for issuing licenses for the operation and management of aquaculture.

Under s.479 of the *Local Government Act*, local trust committees have the authority to zone the surface of the marine areas. However, aquaculture is a federally regulated industry and local zoning cannot infringe on the federal authority. Therefore, local trust committees are limited to determining the location that it deems suitable for aquaculture operations but cannot restrict the species grown in the tenure area. Local trust committees could regulate siting and size of buildings and structures as part of its s.479 authority, provided that such regulations do not restrict the aquaculture operations as licensed by the federal government.

Any areas suitable for geoduck clam aquaculture that are already zoned for aquaculture uses could be used to grow and harvest geoduck. Operator licenses may already include geoduck clams, or they could be added to the aquaculture license, likely without a referral process.

Areas that are not zoned for aquaculture would require a rezoning application before they could be used for aquaculture (including geoduck clams).

ATTACHMENT(S):

1. 2018 Island Trust water zoning maps (with index map)
2. Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area, November 12, 2017
3. Fisheries and Oceans Canada *Integrated Geoduck Management Framework 2017* (IGMF)
4. IGMF Maps associated with Islands Trust Area -- Pacific Fisheries Management Areas: attached and at DFO website
 - a. 14 South - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - b. 16 - Denman, Hornby, Lasqueti, N. Thormanby Islands
 - c. 17 - Gabriola, Galiano, Mudge and Thetis Islands
 - d. 18 - Saturna, Salt Spring Islands (all SSI Conditional Closure)
 - e. 19 - James, Sidney Islands

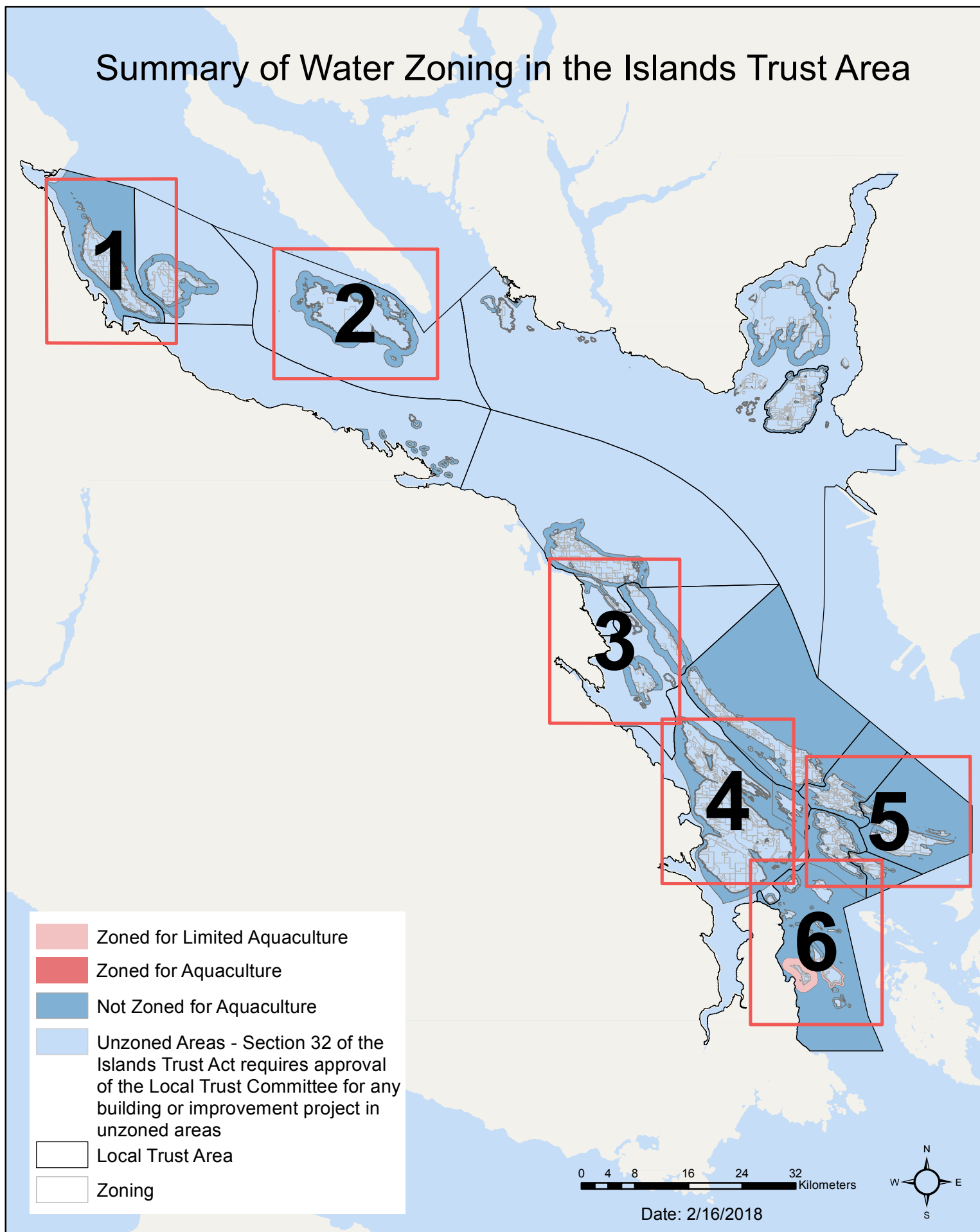
FOLLOW-UP:

TAS staff will continue to monitor any new information on geoduck clam aquaculture. Further follow-up at the direction of Local Trust Committees.

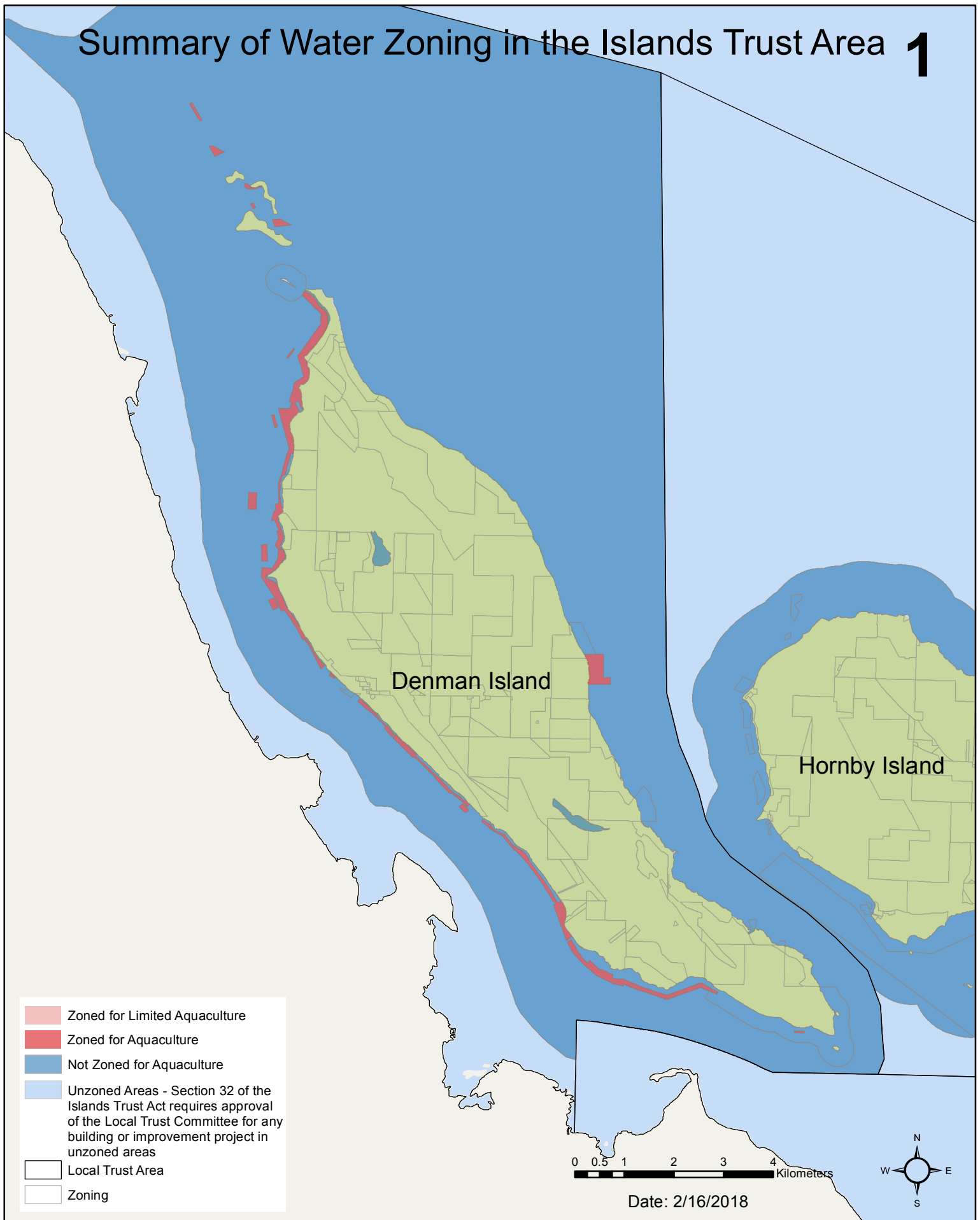
Prepared By: David Marlor, Local Planning Services
Karen Hurley, Trust Area Services

Reviewed By/Date: Clare Frater, Trust Area Services, March 5, 2018

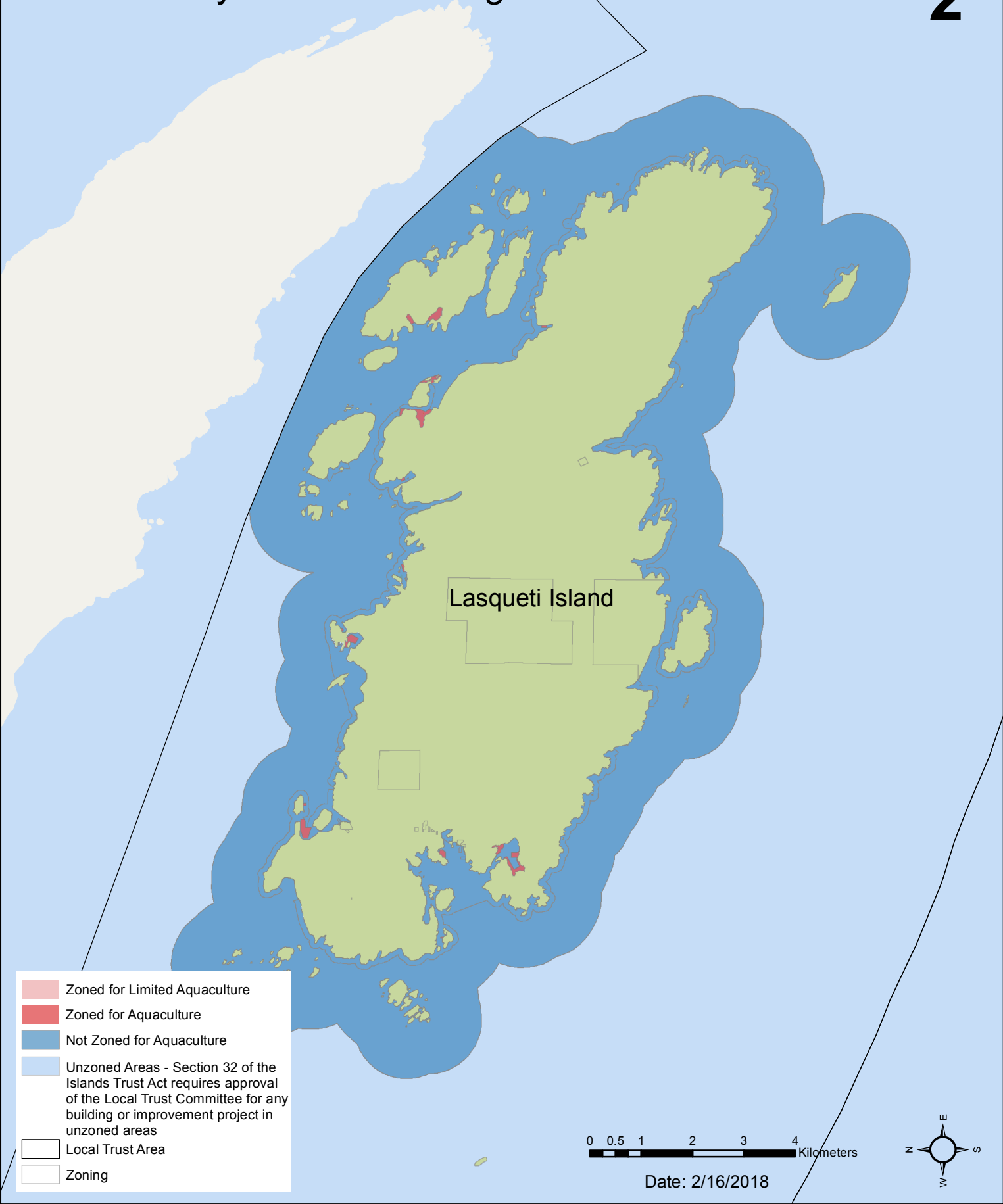
Summary of Water Zoning in the Islands Trust Area



Summary of Water Zoning in the Islands Trust Area 1



Summary of Water Zoning in the Islands Trust Area **2**



Summary of Water Zoning in the Islands Trust Area **3**

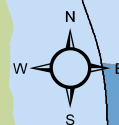
Gabriola Island

Thetis Island

- Zoned for Limited Aquaculture
- Zoned for Aquaculture
- Not Zoned for Aquaculture
- Unzoned Areas - Section 32 of the Islands Trust Act requires approval of the Local Trust Committee for any building or improvement project in unzoned areas
- Local Trust Area
- Zoning

0 0.5 1 2 3 4 Kilometers

Date: 2/16/2018



Staff report on potential impacts associated with geoduck clam aquaculture in the Islands Trust Area

**By Karen Hurley, PhD, Senior Policy Advisor
November 12, 2017**

On June 21, 2017, the Islands Trust Council requested Executive Committee to investigate the potential impacts associated with geoduck aquaculture in the Islands Trust Area and, as appropriate, initiate advocacy.

This report has been produced using review of the latest scientific peer-reviewed research on impacts from geoduck clam aquaculture, as well as conversations and meetings with staff from the Department of Fisheries and Oceans (DFO), the BC Ministry of Agriculture, the BC Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD), Vancouver Aquarium and members of the Association of Denman Island Marine Stewards. *Given the limited staff time available for this project, and the lack of definitive science, this report offers only an overview of potential impacts and highlights area worthy of further study.*

During a review of the issue, two major themes emerged: there is uncertainty as to the expected scale of the industry now that DFO's 2017 Geoduck Integrated Management Framework is in force and therefore there is uncertainty about the, scale of the potential impacts. There is also uncertainty about the extent to which geoduck aquaculture might occur in the intertidal zone.

The potential impacts discussed in this report include damage to habitat vital to other species including herring, reduced bird foraging, microplastic contamination, human health, chemical contamination, garbage and ocean acidification.

It is worth noting at the outset that, to date, there are no studies that evaluate the potential impacts of geoduck aquaculture at the ecosystem level or the cumulative impacts of an expanded industry in the Salish Sea, though most researchers call for this level of study to be done.

A description of geoduck clam aquaculture practice is attached as Appendix 1.

Geoduck aquaculture has taken place in British Columbia since the early 1990s. In that time, interest in geoduck aquaculture has continued to grow as demand for the giant clam, especially in China, has sent prices soaring. Many, including Trust Area First Nations, see the emerging geoduck aquaculture industry as a significant opportunity for economic development and long-term employment for local residents. Compared to Washington State the industry in BC is at an early stage, but with the recent approval of a DFO Integrated Geoduck Management Framework 2017 (IGMF) is poised to expand.

There are concerns in island communities that DFO has insufficiently considered ecosystem and cumulative impacts. In creating the IGMF, DFO chose to limit their consideration and scientific analysis geoduck aquaculture at the policy level to the principle of 'conservation', which was narrowly defined: "conservation and long-term sustainability of wild geoduck stocks is the first priority." No mention is made in the IGMF of protection of the marine environment, fish habitat or human health. DFO staff advises that broader ecological impacts will be assessed at the licence application level. This raises concern that assessment at the individual licence will result in insufficient consideration of cumulative impacts regionally.

Concerns about geoduck aquaculture impacts are not new. In 2007, the BC Legislature’s Special Committee on Sustainable Aquaculture [recommended](#) that:

“No new species are to be approved for commercial aquaculture without a consensus of independent peer-reviewed science demonstrating that the potential impact on the marine environment is minimal”. (7.5)

Recently approved geoduck clam tenures must be rescinded until conditions in Recommendation 7.5 are met”. (7.6)

Staff’s review of the available science did not result in an impression that there is scientific consensus that the potential impacts of intensive aquaculture in the Trust Area, including geoduck aquaculture, are certain to be minimal. Staff noted that many articles conclude with calls for additional research. As far as staff knows at this time, the 2007 recommendation to rescind the approved geoduck clam tenures was not acted on.

There are also strong feelings in island communities about aquaculture impacts generally. Residents are concerned that, in the past, aquaculture operators have not taken responsibility for lost equipment/garbage and that DFO is insufficiently monitoring and enforcing conditions of the licenses. Residents also seem to have a lack of trust in the adequacy of the federal government’s oversight of aquaculture, due to changes to the *Fisheries Act* in 2012 that significantly [weakened](#) the federal government’s role in fish habitat protection. There also appears to be a lack of clarity with members of the public regarding the respective roles and authorities of DFO, FLNRORD and Islands Trust.

Potential impacts of geoduck clam aquaculture

A summary of potential impacts identified by staff is below:

1. Potential damage to habitat vital to other species, including herring

There is limited local data available about habitat impacts associated with the geoduck industry so staff reviewed articles about impacts in Puget Sound, a nearby region that has more experience with intensive geoduck clam aquaculture. A review of the scientific literature related to geoduck aquaculture in Puget Sound reveals that there is an active debate among scientists as to the severity of the impacts or potential impacts. That said, most of the scientific reports call for additional research on ecological impacts even as geoduck aquaculture intensifies. Key among these are:

- *MacDonald et al.* (2013) report negative impacts on fish and snail habitat by geoduck aquaculture gear and suggest further research to understand impacts to forage fish populations.
- *Dethier et al.* (2007), marine scientists, raised [concerns and questions](#) about geoduck aquaculture impacts to habitat, marine species and ecosystem functions. Staff understands these questions remain unanswered.

In 2013, DFO scientists conducted a one-year study on potential impacts of geoduck clam intertidal aquaculture in a small study area (not a large commercial operation) near Nanoose, BC. This study concluded that there are limited ecologically-significant effects of intertidal geoduck aquaculture. The exceptions found were that after liquefaction of the geoduck site during harvesting the sediment structure took 123 days to recover, and that there was a lack of seasonal increase in infaunal (beings that live in the sand such as forage fish) abundance and richness after harvesting. The study recommended more research on a larger scale.

Robinson et al. (2013) describe how Pacific sand lance do not have a swim bladder, so when they are not foraging they bury into the intertidal or subtidal sand and they also aestivate in the sand (like hibernation) when food is scarce. A reduced number of forage fish and invertebrates living in the sand and finer ocean floor sediments after liquefaction from the stingers (inserted to a one metre depth) is not surprising because their habitat has been significantly changed. As *Dethier et al. (2007)* write: organisms in the intertidal zone are adapted to small scale disturbances – this large scale disturbance with stingers is not part of their evolutionary history.

Staff notes that it remains unclear whether geoduck aquaculture will occur in the intertidal zone. Although not specific to the geoduck industry's activities, a 2002 review of BC shellfish aquaculture in Baynes Sound assigned the impacts of site clearing with a rake and other harvesting activity as High Severity on forage fish intertidal habitat.

Doug Hay, PhD, who spent most of his career as a research scientist with DFO, and who continues to serve as scientist emeritus addressing issues related to herring and other forage fish, cautions that pertinent environmental impact analysis of risks to forage fish species have never been done. He suggests that nobody knows if geoduck aquaculture could jeopardize the amount and quality of spawning habitat for herring or other forage fish species such as surf smelt or sand lance, but that, the loss of vital spawning habitat could lead to declines in abundance of forage fish species, including herring, which in turn could impact other species, especially seabirds. Within the Trust Area, forage fish provide up to 50% of the diet of Chinook salmon that are the primary food of the Southern Resident orcas. Using spawning records back to 1928, Dr. Hay explains that the most important herring spawning areas occur on only 10% of the total BC coastline. *Lambert Channel, between Denman and Hornby Islands, is the largest area of herring habitat in BC with 35% of BC's total herring spawning area.* In addition, Dr. Doug Hay cautions that, collectively, we are all taking herring for granted, especially in the Strait of Georgia, and taking big risks with geoduck aquaculture in herring spawning areas. He recommends additional research on this topic.

The IGMF permits geoduck aquaculture in many parts of the herring spawning area of Baynes Sound and Lambert Channel (Denman and Hornby Islands). This is herring habitat that is defined as Vital by DFO.

2. Potential impacts to species due to reduced foraging

There is also concern that intensive intertidal geoduck aquaculture may negatively impact birds through alienation of foraging habitat in the inter-tidal zone as well as birds being caught in the predator netting. Baynes Sound and other marine areas within the Trust Area are important bird habitats. .

Ferriss et al. (2016) undertook modelling for Puget Sound that found that the gear associated with geoduck aquaculture including PVC pipes and anti- predator nets may, if the already intensive industry more that doubles in that region, have an impact on the Puget Sound food web because of changing forage opportunities including a substantial decrease of most resident birds including great blue herons and reduction in wild salmon.

There is widespread use of netting in the aquaculture industry. Given this, staff was interested to read studies that that the anti-predator nets (APN), which were created to reduce bird and crab predation of aquaculture clams, have not been effective in reducing bird foraging behavior or crab predation. In fact, the nets have increased the number of small predatory crabs in Baynes Sound to the point that Dr. Leah Bendell (2014) suggests that “it is likely that maximum bivalve productivity within Baynes Sound has been reached in that any further gains hoped to be achieved through seeding will not be realized as a consequence of predation.”

Staff also learned that in a 2015 study, also focused on Baynes Sound, Dr. Bendell, documents how the anti-predator nets degrades the sediment geochemical characteristics, are hazards to wildlife and humans, and provides a place for sea lettuce to take hold, which contributes to poor water quality and a likely loss of ecological function on the sea bed. More research is recommended by the author.

3. Microplastic contamination

The plastic anti-predator netting and PVC pipes used in inter-tidal geoduck aquaculture may impact the marine environment as they break down in the saltwater and sun exposure. A recent research paper from Washington State explains that the “contribution from larger marine plastic debris to microplastic formation is greatest on beaches where UV light and wave action can enhance degradation.” According to Feldman (2002) PVC is a poorly photostable polymer especially the matt finish PVC, like the ones used in geoduck aquaculture, and can be severely weathered in outdoor uses where weathering is caused by heat, mechanical action (waves), algae and their enzymes (biodegradation). During a visit to Baynes Sound in early August, staff observed abandoned and in-place anti-predator netting and PVC pipe sections that were exposed to wave action and sunlight and, as a result, were in various states of weathering.

A 2014 paper by Jean-Pierre Desforges, Peter Ross, Vancouver Aquarium researcher, and others, documented extremely high levels of microplastics in the Strait of Georgia, of which 80% is fibrous plastics. In a 2015 paper by the same researchers found that zooplankton are eating these microplastic particles. Dr. Ross also explained to staff that researchers have found that the type of microplastic differs according to where you are looking. For example PVC microplastic is denser than water and therefore tends to be found in the sediments, while fibres are more buoyant and are found in the water column. Dr. Bendell argues that aquaculture plastic gear including ‘oyster blue’ rope, netting, and plastic net bags are contributing to the highly fibrous composition of microplastics in Baynes Sound. All of the researchers suggest that additional research is required, especially in terms of ecological consequences.

DFO and the BC Shellfish Growers Association also recognise that aquaculture gear may be a source of microplastics. In 2016 they initiated a collaboratively funded research project to investigate: *Microplastics and Shellfish Aquaculture: Presence, Extent, Potential Impacts and Mitigation Measures* including the type of microplastics and potential sources. The research is expected to be completed by December 31, 2017.

4. Human health

If undertaken, intertidal geoduck clam installations would involve anti-predator nets to protect the juvenile geoducks. There is a human health concern associated with the rebar used to hold the anti-predator nets (APN) in place because it tends to erode quickly at the bend and then break off, forming a point. These points are hazardous if stepped or fallen on – as happened on Denman Island twice in the summer of 2017 in clam tenures.

5. Chemical contamination

Lead line is a product used to attempt to hold the netting in place. This product is used throughout the fishing industry. It is made of a loosely braided nylon with lead balls inside. In the intertidal zone, if the nylon braid erodes there is a risk of [animals or birds ingesting](#) the lead balls. Future research is warranted.

6. Garbage

Garbage and gear abandonment is a long standing aquaculture issue, acknowledged by provincial staff and addressed in the BC Shellfish Growers *Environmental Code of Practice*. Staff observed an unsuccessful geoduck operation intertidal zone on the south end of Denman Island where the gear was obviously abandoned and causing potential danger to humans, marine species and birds.



Abandoned geoduck aquaculture gear in the intertidal zone of Denman Island.



Lead line with anti-predator netting (APN)



APN: a hazard to humans and other species

All images Denman Island. Photo credit: Karen Hurley

7. Ocean Acidification

Marine research by *Bendell et al.* (2014) in Baynes Sound suggests that increased number of clams, including geoduck clams, could further increase acidification of the ocean. Climate change is increasing the [acidification of the ocean](#). Lower pH levels in the ocean threaten sea life, including shellfish, and in turn, acidification of the ocean may speed up climate change.

Emerging activities that will increase understanding of impacts:

On August 10th, 2017 the US Center for Food Safety launched a [lawsuit](#) against the US Army Corp of Engineers for approving a massive expansion of aquaculture, predominantly geoduck aquaculture, in Puget Sound without fully considering cumulative impacts across the state, including the use of pesticides.

As an outcome of the Herring forum hosted in February 2017 by the Association for Denman Island Marine Stewards, various stakeholders are considering possible methods to investigate the cumulative impacts of aquaculture on Baynes Sound. In November 2017, the Trust Programs Committee approved a project charter for a Baynes Sound/Lambert Channel forum project charter. It is expected that geoduck aquaculture will be one of the topics discussed.

There are upcoming opportunities for those involved in geoduck and other aquaculture to work in partnership for the health of marine ecosystems. These include a DFO working group on use of plastics in aquaculture and a planned 2018 Islands Trust/World Wildlife Fund Baynes Sound/Lambert Channel Forum that will bring together First Nations and other governments as well as industry and community stakeholders to identify issues and recommend solutions that will contribute to improving the health of the marine ecosystem.(Project charter attached).

It is possible that new research on this topic may be presented at the 2017 Salish Sea Ecosystem Conference in Seattle in April 2017.

Conclusion:

Staff's initial review of this topic reveals that, although as in any scientific topic there is ongoing debate, there are potential impacts associated with an expanded geoduck industry worthy of further study, particularly if there is to be farming in the inter-tidal zone. These include: negative impacts to herring spawning habitat, bird forage opportunities, contributions to the microplastics load, human health, contamination and garbage. There are also many long-standing requests for research into the potential ecosystem level and cumulative effects of geoduck clam aquaculture.

Attachments:

1. Appendix 1: How does geoduck clam aquaculture work?
2. Appendix 2: What part of the Trust is, or could be, available for geoduck aquaculture?
3. Appendix 3: Baynes Sound/Lambert Channel 2018 forum project charter
4. Link: [Integrated Geoduck Management Framework 2017](#)
5. Link: [Maps: Integrated Geoduck Management Framework](#)
6. Link: [Herring Spawning Map Lambert Channel and Baynes Sound](#)
7. Link: [April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework](#)

Appendix 1

How does geoduck clam aquaculture work?

The geoduck is the world's largest burrowing clam and one of the longest lived species: maximum age recorded is over 140 year. It is now a lucrative wild fishery in the luxury food market. It is generally not consumed locally, but predominantly flown to consumers in China, and therefore, is expected to have a very high carbon footprint.

Aquaculture trials have been underway in BC for 18 years and geoduck hatcheries exist in BC, including Baynes Sound. It is unknown at this time what type of geoduck aquaculture will be conducted within the Islands Trust Area. DFO and FLNRO staff have indicated that there will likely not be much intertidal geoduck aquaculture, especially on the large scale conducted in Puget Sound but that small intertidal areas are possible, and subtidal aquaculture could be conducted. Both are untried methods in the Islands Trust Area and staff observed a failed and abandoned geoduck intertidal installation on Denman Island.

Geoduck aquaculture in the intertidal zone involves placing hatchery-raised juvenile geoduck clams into PVC pipes (that have been inserted into the sand with an auger), sometimes each PVC pipe is covered with a fine net under a rubber band, and then the entire area is covered with anti-predator nets (APN). Attempts are made to hold the APN in place with bent rebar and sometimes with lead line. The intertidal PVC pipes and predator nets are kept in place for 18 months to two years. Subtidal geoduck aquaculture, involves divers placing the hatchery juvenile geoducks in the sand and then installing a mesh 'canopy net' over the area. Industry standards do not exist yet for subtidal geoduck aquaculture as it is a new method.

The geoducks are then left to grow for five to seven years. During this time the site should be maintained to ensure that the netting is intact and not covered with algae or seaweed. In both intertidal and subtidal geoduck aquaculture (and similar to wild geoduck), once they reach suitable maturity the geoducks are removed by liquefying the sand with high pressure water from a 'wand' or 'stinger' and then removing the geoducks alive by hand. Adult geoducks may be buried to a depth of 1m and sediment liquefaction may occur down to such depths.

In Puget Sound, Washington geoduck clam aquaculture has been financially successful resulting in large areas of the intertidal zone being used by aquaculture companies.



Puget Sound geoduck aquaculture. Photo from *Aquaculture North America* magazine. February 4, 2014

At this time, BC does not have a large geoduck aquaculture industry and according to staff at DFO and in the geoduck industry, most geoduck aquaculture trials in BC have not been successful. A 2012 report prepared for DFO includes a profitability ratio that indicates a -2.5% rate of return after 10 years and 1.7% rate of return after 15 years. A BC Ministry of Agriculture and Lands 2005 report assessed the economics of subtidal geoduck aquaculture and concluded that because of the high costs of the juvenile geoducks and the placement and removals by divers "the results could range from highly successful businesses to unfortunate business failures. Prospective geoduck farmers [operators] will need to carefully consider the opportunities and risks associated with developing a sub-tidal geoduck enterprise."

Appendix 2

What part of the Trust Area is, or could be, available for geoduck aquaculture?

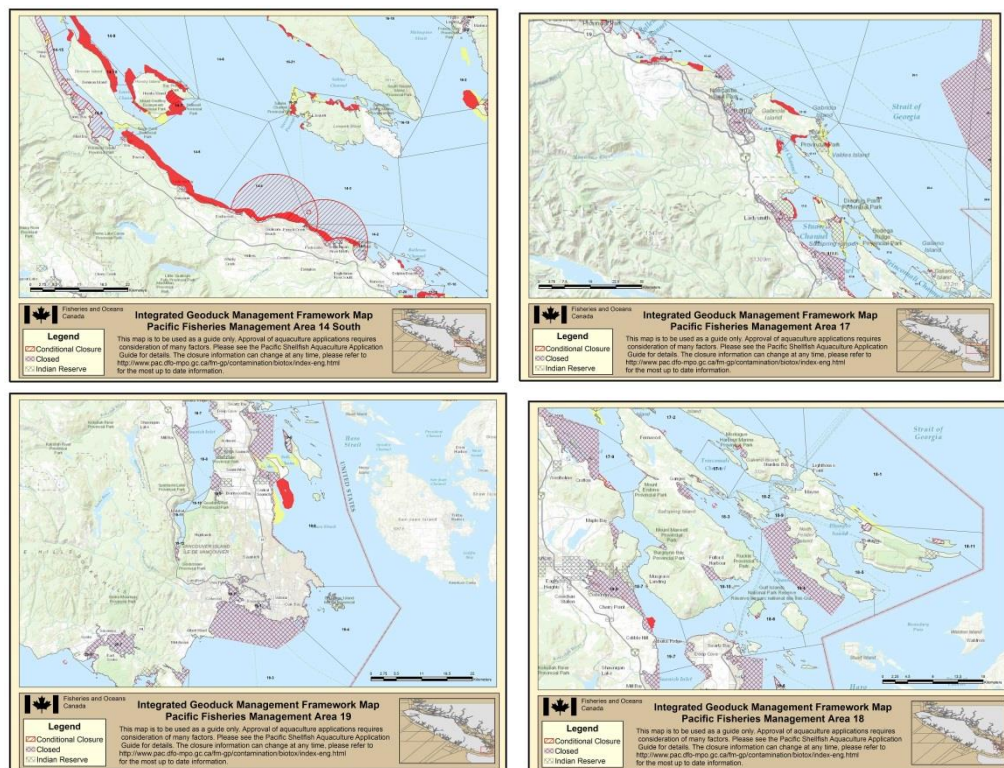
Although aquaculture impacts are now felt most strongly on Denman Island, geoduck aquaculture has the potential to be more prevalent Trust Area wide. Geoduck aquaculture could occur in various places throughout the Trust Area but would be influenced and/or limited by:

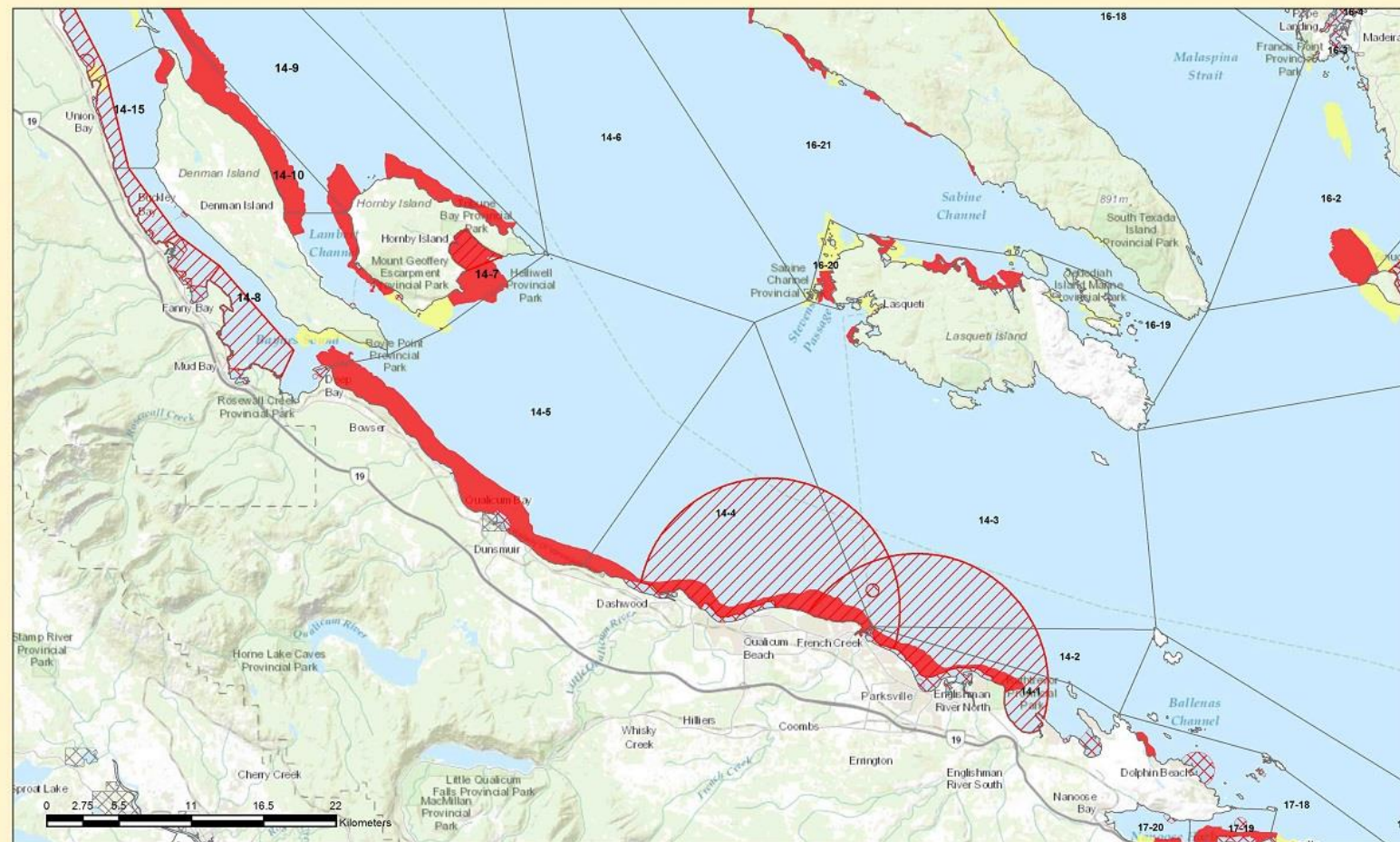
- appropriate ecological/substrate conditions;
- zoning; and
- the DFO IGMF 2017, which identifies areas available for geoduck aquaculture applications.

With release of the DFO Integrated Geoduck Management Framework (IGMF) 2017, applicants are now able to apply for aquaculture licenses throughout the BC coast, including the Trust Area. Shellfish aquaculture is now under the exclusive jurisdiction of DFO to manage the fishery and provide licenses to operators. The Province issues tenures for the sites and manages the harmonized application process.

There are existing aquaculture licenses that include geoduck among many possible species that could be implemented at this time on many Gulf Islands, including Lasqueti, Hornby, Salt Spring and Denman. There are also many islands that have existing aquaculture licenses that do not currently include geoduck; however, operators could apply to have them added to the license. These islands include Thetis (5), Gabriola, (1), Salt Spring (4 including one at Burgoyne Bay) and many near Denman. April 2014 letter from Islands Trust Chair to DFO re draft Integrated Geoduck Management Framework (attached) includes mapping Islands Trust Area that indicates current zoning in the permits aquaculture and/or limited aquaculture.

Under DFO's IGMF 2017 there is also the potential for the opening up of wild geoduck areas for both intertidal and subtidal geoduck aquaculture zones throughout the Trust Area by First Nations (red zones) and all operators (yellow and non-colour areas). [IGMF maps](#).





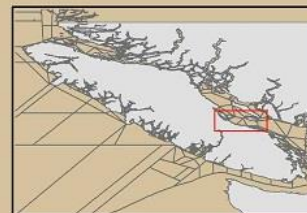
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Canada

Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 14 South

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





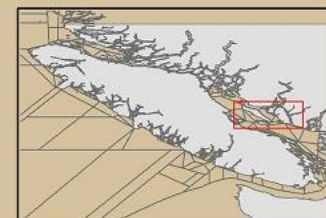
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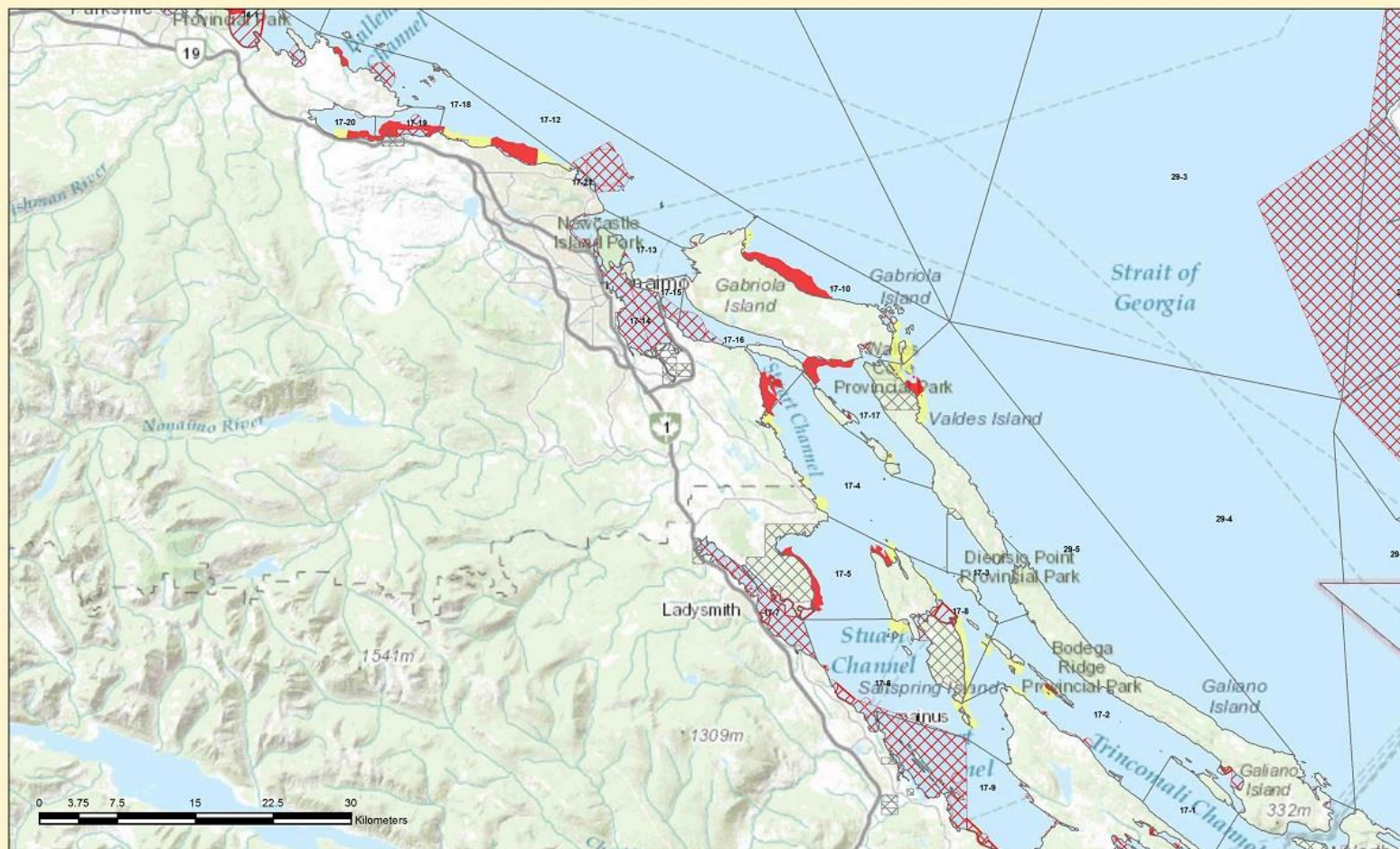
Legend

- Conditional Closure
- Closed
- Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 16

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.





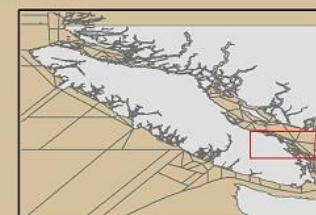
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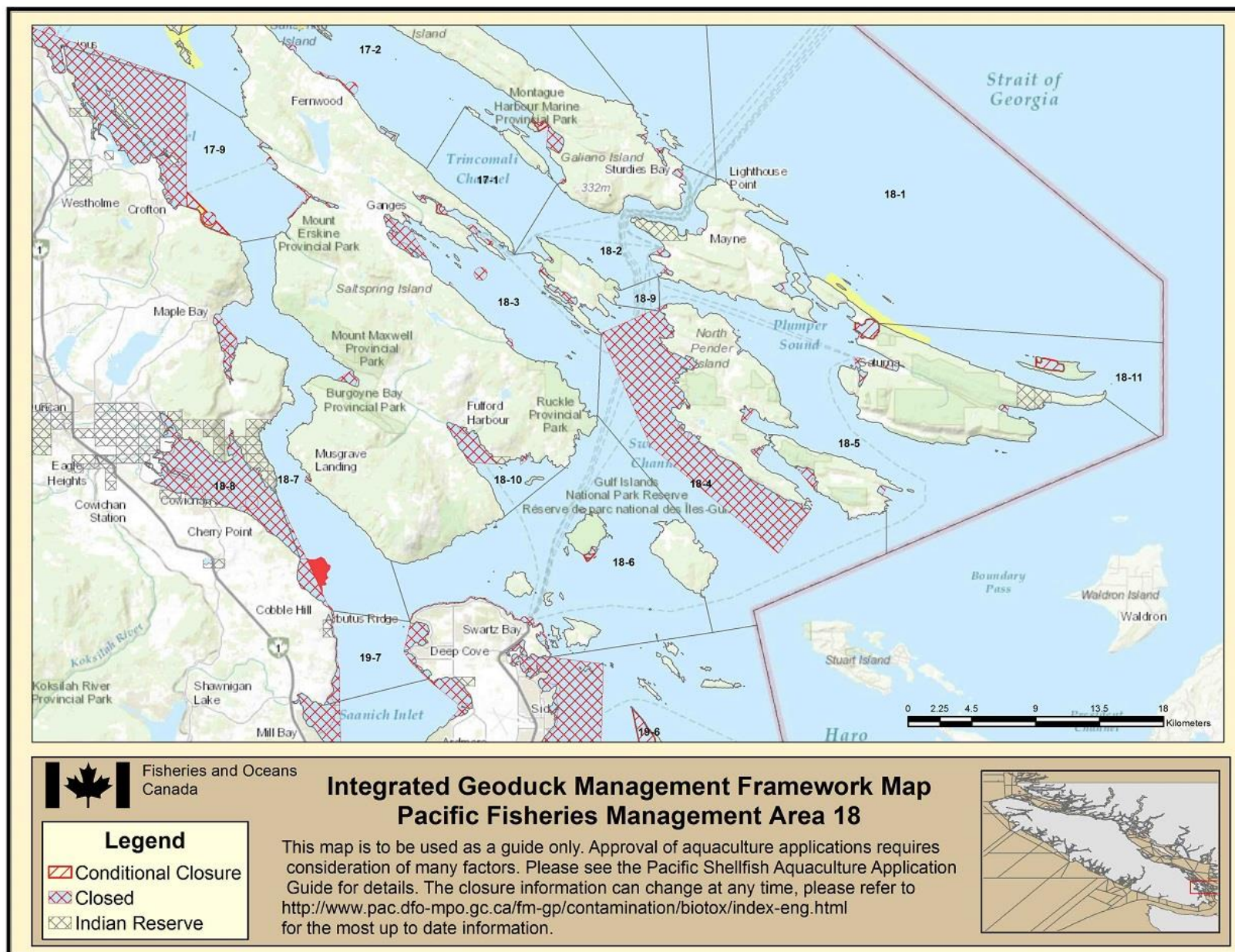
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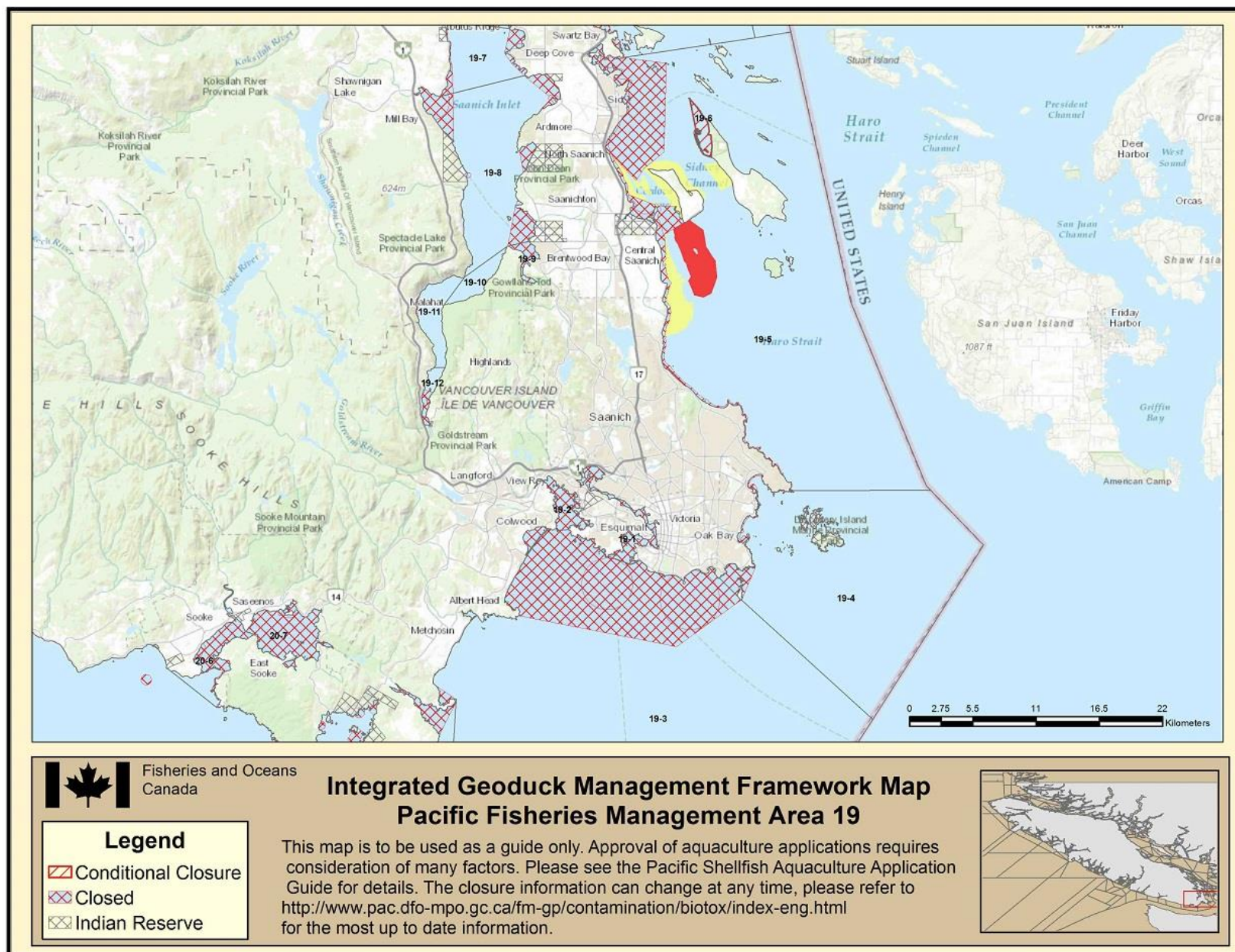
-  Conditional Closure
-  Closed
-  Indian Reserve

Integrated Geoduck Management Framework Map Pacific Fisheries Management Area 17

This map is to be used as a guide only. Approval of aquaculture applications requires consideration of many factors. Please see the Pacific Shellfish Aquaculture Application Guide for details. The closure information can change at any time, please refer to <http://www.pac.dfo-mpo.gc.ca/fm-gp/contamination/biotox/index-eng.html> for the most up to date information.









File No.:

DATE OF MEETING: May 1, 2018 Denman Local Trust Committee
TO: Local Trust Committees and Bowen Island Municipality
FROM: David Marlor, Director of Local Planning Services
SUBJECT: Approval Process for Water Supply Systems on Salt Spring Island

PURPOSE

At its regular business meeting on February 7, 2018, the Executive Committee received the report “Approval Process for Water Supply Systems on Salt Spring” from the Salt Spring Island Local Trust Committee. The Executive Committee passed the following resolution:

that staff forward the report on approval processes for water supply systems on Salt Spring Island to local trust committees and Bowen Island Municipality.

ATTACHMENTS

1. Attachment 1: Approval Process for Community Water Systems on Salt Spring Island

BRIEFING

To: Executive Committee **For the Meeting of:** February 7, 2018

From: Susan Palmer, MCIP, RPP **Date Prepared:** January 11, 2018
SLP Consulting
Salt Spring Island Team

SUBJECT: Issue Paper: Approval Processes for Water Supply Systems on Salt Spring Island, January 11, 2018, amended

PURPOSE:

Salt Spring Island Local Trust Committee (SSI LTC) referred the attached report (*Approval Processes for Water Supply Systems on Salt Spring Island*) at its meeting on January 18, 2018 to the Executive Committee for information. The key purpose of the report was to inform the SSI LTC of the agencies involved in approving water supply systems and to propose options for implementing Official Community Plan policy regarding water supply and the following Islands Trust Policy Statement policy that:

neither the density or intensity of land use is increased in areas known to have a problem with the quality or quantity of the supply of freshwater.

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee forward the “Approval Process for Water Supply Systems on Salt Spring Island” report to Executive Committee for information.

ATTACHMENT(S):

1. Report: Approval Process for Water Supply Systems on Salt Spring Island

Prepared By: Susan Palmer

Reviewed By/Date: David Marlor, Director of Local Planning Services/Jan 31, 2018

V3 Water Paper.docx

SLP Consulting

1/18/2018 – including amendment submitted at the Salt Spring Island Local Trust Committee Meeting

EXECUTIVE SUMMARY

In response to an application to rezone land to allow for a multi-family residential project, the Salt Spring Island Local Trust Committee (LTC) directed staff at its meeting on October 5, 2017 to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

Key findings of the investigation are:

- Islands Trust Policy Statement Policy 4.4.2 stipulates the importance of ensuring an adequate supply of water prior to increasing the density or intensity of land use ('neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater')
- the Salt Spring Island Official Community Plan (OCP) reinforces the importance of ensuring an adequate supply of water to support proposed increases in density; the OCP supports the use of alternative water sources such as groundwater, rainwater and greywater
- Islands Trust does not have a role in approving water supply systems
- the approval process(es) for water supply systems involves several provincial and local government agencies (Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD), Vancouver Island Health Authority (VIHA) and Capital Regional District Building Inspections (CRD))
- different sources of water may be used to meet demand for different types of water use (e.g., rainwater may be used for irrigation)
- indoor water use (potable water) may be met through groundwater or surface water sources approved by VIH
- demand for indoor water use is calculated on a per capita basis and the approving agencies (VIHA and CRD) have guidelines and/or regulations that stipulate the occupancy rates used to calculate water demand. Both agencies have the ability to exercise discretion in the application of the guidelines and/or regulations to address situations where the occupancy rates may not be typical
- generally, approval of a water supply system would occur after zoning is in place due to the level of detail needed and the high cost of preparing the application (e.g., engineered design of the water supply system)
- housing for special needs populations may have different occupancy rates than those set out in provincial guidelines and may require VIHA to exercise discretion in determining an appropriate occupancy rate from which to assess the proposed water supply system.

Six options for implementing Islands Trust and Salt Spring Island Official Community Plan policy regarding land use and water supply were evaluated. Five options are consistent with Islands Trust

mandate (land use planning) and the tools available to implement policy and enforce bylaws. All five options require that the water supply system be capable of supporting the proposed number of dwelling units prior to adoption of the rezoning bylaw. An option to cap occupancy rates through a legal mechanism such as an affordable housing agreement or a restrictive covenant is not recommended because Islands Trust does not have a legislative tool to enforce occupancy. That is, occupancy cannot be enforced through the land use bylaw.

APPROVAL PROCESSES FOR COMMUNITY WATER SYSTEMS ON SALT SPRING ISLAND

Due to the moratorium placed by North Salt Spring Water District (NSSWD) on adding new connections to their water system, the Salt Spring Island Local Trust Committee (LTC) has received numerous rezoning applications for multi-unit housing projects that rely on alternative water sources to service the proposed developments. All of the proposed projects include affordable housing either for the entire project or as an amenity bonus. The LTC has identified provision of affordable housing as a priority issue and therefore has indicated its desire to give serious consideration to these proposals.

Providing water to multi-unit housing developments using alternative water sources (groundwater, rainwater and water conservation) is treading into new territory for the LTC and raises numerous questions about how such applications should be assessed. In addition to Trust and OCP policies, there are numerous provincial guidelines and regulations that regulate water source and the design, construction, operation and maintenance of a water supply system.

On October 5, 2017, the LTC directed staff to:

Report back regarding the findings of an investigation of the approval process for water supply and water quantity requirements for multi-unit residential developments.

The purpose of this report is to:

- clarify the approval process for an independent water supply system and the approval agencies involved
- review Official Community Plan (OCP) policy regarding the use of groundwater, rainwater and water conservation (e.g. greywater) as it relates to the determination of density
- identify the criteria used by approval agencies to determine demand for water for multi-unit residential developments
- propose options for implementing OCP water supply policy
- assess proposed options
- make recommendations for a consistent approach to assessing rezoning applications based on new water supply systems and the use of alternative water sources
- test the proposed approach using the Croftonbrook rezoning application (SS-RZ-2017.4) as an example.

1. APPROVING AGENCIES AND SEQUENCE OF WATER SUPPLY SYSTEM APPROVALS

Development proposals that require rezoning based on a community water supply system using groundwater must receive approval from four different agencies before they can proceed to the construction phase. First, approval of a groundwater license from the Ministry of Forest, Lands Natural Resource Operations and Rural Development (MFLNRORD) is required to support the rezoning application. Rezoning is the next phase of the approval process and decisions on rezonings are made by the LTC. The third phase involves Vancouver Island Health Authority (VIHA) which is responsible for issuing construction and operating permits for water supply systems. The final phase of a project requires issuance of a building permit from CRD Building. Table 1 elaborates on the mandate for each

agency and provides an overview of the criteria and conditions considered before a license or permit is approved. Figure 1 illustrates the approval sequence for rezoning based on a rural residential community water supply system and the approving agencies involved.

A. Well Water License (MFLNRORD)

Application to the Water Authorization Section of the MFLNRORD for a well water license is a first step for approval of a water supply system. This determines the amount of groundwater that may be withdrawn without impacting long-term sustainability of the water supply for the proposed development as well as supply to neighbouring wells and water sources that support fish habitat. The SSI OCP also requires that agricultural activities not be impacted.

Water quality is also determined at this stage and any measures required to ensure the water supply meets Canadian drinking water guidelines are identified.

B. Zoning (LTC)

The rezoning phase is a preliminary design phase that sets the basic parameters for the development – primarily land use, density and/or intensity of use, built form, access and traffic circulation among other things. The rezoning application is assessed in terms of how well it addresses Trust Policy Statement directives and OCP policy. Applicants must demonstrate that there is sufficient water to support the proposed development based on provincial regulations. As well, community input is invited and the LTC considers all of the relevant information at a public hearing before proceeding with third reading of a bylaw. A schematic plan is often provided at this stage to assess whether the site is suitable for the proposed land use.

C. Community Water Supply System (VIHA)

VIHA defines a water supply system as a system which services more than one dwelling unit.

Water supply systems must be designed and operated to ensure that there is sufficient water to service the proposed development and that the quality of water meets the Guidelines for Canadian Drinking Water Quality. The focus is on ensuring a safe drinking water supply.

There are two main considerations regarding water supply systems – water demand and water source.

i. Water Supply System Construction Permit

The Drinking Water Protection Regulation requires that a construction permit be obtained from a Public Health Engineer or Drinking Water Officer prior to construction of the water supply system (VIHA). The Guidelines for the Approval of Water Supply Systems recommend that application for a construction permit should be made at least 60 days before construction is anticipated to begin. Applicants are advised to refer to the

MFLNRORD Design Guidelines for Rural Residential Community Water Systems, 2012 (Design Guidelines) prior to designing the system and applying for a construction permit.

ii. **Water Supply System Operating Permit**

The Drinking Water Protection Regulation requires that an operating permit be obtained from a local Environmental Health Officer or the Drinking Water Officer before the water source(s) can be used. This permit would be issued after a water supply system has been constructed.

D. Building Permit (CRD Building)

Before the Building Inspector can issue a building permit they must ensure a sufficient supply of water to meet all water demand requirements of the specific project. This includes water for indoor use, irrigation and fire protection. If a community water supply system is proposed, issuance of a construction permit by VIHA must be confirmed. In the event that water for fire protection is being provided by a water district, confirmation from the relevant agency (i.e., North Salt Spring Water District – NSSWD) must also be received.

The BC Building Code makes provision for consideration of alternative solutions including:

- the use of greywater for toilet flushing
- the use of rainwater for irrigation
- alternative occupancy rates for determining indoor use water demand
- enhanced water conservation features.

Alternative solutions must be supported by evidence provided by a code consultant and/or a report from a professional engineer certifying that the alternative proposal is appropriate for the specific situation.

2. TRUST AND OCP POLICY

Broad land use policy is established in the entire Trust area in the Islands Trust Policy Statement. Policy (4.4.2) requires that Official Community Plans (OCP) and regulatory bylaws (e.g. zoning bylaws) ensure that:

‘neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater’.

This statement is reinforced by OCP objectives and policies aimed at protection of water resources (Policy A.4.2.2) and ensuring that proposed developments have an adequate supply of potable water and water for fire protection (Policy B.2.2.3.b). The SSI Official Community Plan (OCP) supports the use of rainwater and water conservation programs to supplement the use of groundwater to meet the demand for water for proposed projects (Policies C.3.2.2.1 and C.3.3.2.2). (See Attachment 1 for OCP

Policies) That is, the policy supports using greywater and rainwater catchment in order to achieve higher densities than would otherwise be possible.

3. CRITERIA USED BY APPROVING AGENCIES FOR ASSESSING WATER SUPPLY

Criteria used in determining water demand for a project varies dependent on the mandate of each agency and the stage of the proposal. Different agencies also have different roles in evaluating the appropriateness and capacity of the proposed supply. Following is an overview of agency mandate, evaluation criteria and conditions.

A. Water Demand

i. LTC

Land Use Bylaw 355 does not specifically address standards for water supply unless a subdivision is involved. In that context, it notes that a proposed water supply system is subject to provisions of VIHA regulations (LUB Sec 5.5.2) (See Attachment 2). Trust and SSI OCP policy require that the SSI LTC ensure an adequate supply of water at the rezoning stage. Options for establishing criteria for a rezoning application are provided in the following section (Section 4).

ii. VIHA (Water Supply System – Construction)

MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems* (2012) identify four basic demand parameters for the design of a new water system:

- a. Average Day Demand (ADD) is used *"to verify source capacity in form of license limitations; to derive peak demands from metering data"*
- b. Maximum Day Demand (MDD) is a *"critical design parameter for sizing reservoirs, pumps and treatment works between source and balancing storage..."*
- c. Peak Hour Demand is used to size *"pipes, pumps and treatment works between balancing storage and customers"*
- d. Fire Flow Demand is a *"critical design parameter for determining maximum network flows, verifying minimum system pressures, sizing pipes/pumps/treatment works between fire storage and customers/fire hydrants."*

MDD is the *"single highest total 24 hour daily consumption occurring over a one year period"* and is comprised of the following components:

- a. Indoor demand – is calculated based on a **per capita demand of 230 Litre/day and occupancy rates based on the BC census (e.g., 2.5 persons per multi-family dwelling)**

Indoor water demand is further broken down as follows:

- Drinking
 - Sanitary
 - Toilets
 - Showers/bathwater
 - Dishwashing, household cleaning
 - Laundry
- b. Irrigation demand – is dependent on a number of factors such as climatic zone, evapotranspiration, size of area, soil type, type of crop, etc.
- c. Water loss allowance- is calculated based on physical design parameters such as length of mains, number of service connections, average operating pressure
- d. Fire flow demand - is based on the Fire Underwriters Survey.

The *Design Guidelines* state that when groundwater is the proposed source, the **Maximum Day Demand (MDD) must not exceed total developed groundwater capacity or the dependable yield of the well**. Total water demand for a project is determined in accordance with Table 2: Water Demand.

iii. CRD Building

BC Building Code bases all design parameters on two persons per bedroom. An applicant can propose alternative solutions (e.g., different occupancy rates per bedroom) under seal of a professional engineer (civil).

B. Water Source

If not connected to a public water utility, groundwater is typically the major source for supplying water to service a development. A well water license is issued by MFLNRORD which will specify how much water may be withdrawn on a daily basis. If the availability of groundwater is not sufficient to meet the needs of the development, supply may be supplemented by water from a water district for fire protection and/or the use of rainwater and/or greywater as allowed by provincial regulations. However, use of these latter two water sources is limited as follows:

- Rainwater – irrigation
- Greywater – toilet flushing.

Demand for water can also be reduced through other water conservation measures such as metering, low- flush toilets, composting toilets, low-flow plumbing fixtures, and water efficient appliances (washing machines and dishwashers).

Highlights of the approval process for the use of a water source are outlined in Table 3: Water Source.

4. OPTIONS FOR IMPLEMENTING OCP POLICY

Islands Trust mandate is land use planning and Trust policy is clear that proposals must have sufficient water to support proposed density and intensity of land use. Tools available to Islands Trust for managing density and intensity relate to the built form and include factors such as number of dwelling units, floor area, site coverage, building height, and building envelope. Proposals that require more water than is available through groundwater sources alone (e.g., rainwater, greywater, etc.), pose a dilemma at the zoning stage since approval of a water supply system is granted by other agencies after zoning is in place. It is generally not feasible to design a water supply system until zoning is secured due to the level of detail the design entails and the costs involved in engineering the design of the system.

VIHA and CRD Building play important roles in ensuring a sufficient supply of water for developments that propose to service the development through a community water supply system. At a minimum, an approved water construction permit will take into account indoor use based on the number of dwelling units and water loss allowance. A building permit cannot be issued unless there is a proven supply of water sufficient to meet all water demands generated by a specific project design (e.g. indoor use, water loss allowance, irrigation and fire protection). Both agencies use occupancy rates as the basis for determining water demand for indoor use for residential projects. Occupancy rate refers to the number of people per dwelling unit or bedroom.

If the well water license authorizes daily withdrawal that is less than that required in the Subdivision Regulations for dwelling units, submission of a preliminary water study by a civil engineer is needed in order to confirm that the Maximum Day Demand (MFLNRORD *Design Guidelines*) will not exceed the dependable yield of the well. The content recommended for the water report is outlined in Section 6 (Recommendations for Implementing Trust and OCP Policy).

5. ASSESSMENT OF OPTIONS

Assessment of rezoning applications that rely on alternative water sources requires the following information in addition to a hydrogeological report:

- Confirmation that a well water license has been issued from MFLNRORD
- submission of a preliminary water study prepared by a civil engineer that:
 - confirms there is sufficient groundwater available to support all water demand types for the proposal (i.e., Maximum Day Demand does not exceed the licensed daily withdrawal amounts), or
 - where MDD would exceed the sustainable yield as set out in the well water license, the preliminary water study shall:
 - identify all proposed water sources

- identify how each type of water demand will be serviced (i.e., which water source will service which water demand type)
- estimate the total number of residents the available groundwater will support based on the sustainable yield of the well (as approved in the well water license) and use of supplementary water sources (e.g., greywater, rainwater)
- estimate how many dwelling units the proposed water supply system would service based on occupancy rates set out in MFLNRORD's *Design Guidelines for Rural Residential Community Water Systems*.

Six options were developed to test how Trust and OCP policy regarding density and the adequacy of water supply could be satisfied under different conditions (Table 4: Assessing Alternative Options for Implementing Trust and OCP Water Policy). The options were developed during discussions with the applicant for the Croftonbrook proposal. Analysis of the options was prepared by SSI Islands Trust staff and planning consultant. Two key situations were tested:

- occupancy rates are based on those set out in provincial guidelines and regulations
- occupancy rates are lower than those set out in provincial guidelines and regulations.

Options One to Three rely on occupancy rates set out in provincial guidelines and regulations (MFLNRORD Design Guidelines and BC Building Code) as the basis for determining how many dwelling units (density) the supply of water can support. **These options are all consistent with the Trust mandate, the number of dwelling units there is sufficient water for would be known or confirmed prior to bylaw adoption.** All of these options can be enforced through the bylaw. Options Four to Six are based on occupancy rates that relate to a specific project design and/or target occupant type (e.g., those at risk of homelessness).

Options Four and Five are proposed in order to allow consideration of proposals that have unique household and water supply characteristics (e.g., small household size and use of alternative water sources). Option Four sets density based on built form parameters (e.g. dwelling unit size) intended to limit total occupancy. The number of dwelling units there is sufficient water for would be known at the public hearing stage.

Option Five proposes that third reading be given to the bylaw and that final bylaw adoption be withheld until confirmation has been received from VIHA that a water supply system construction permit has been issued that would support the proposed density. This option has the advantage of providing the applicant with the comfort that the rezoning will proceed provided the condition for proof of sufficient water supply has been met. It further ensures that density would not be increased unless the water supply system construction permit verifies a sufficient supply of water to service the proposed development. If a permit is issued for a lower density, the applicant would need to request that third reading be rescinded and re-read with the lower density consistent with the approved water supply system construction permit.

6. RECOMMENDATIONS FOR IMPLEMENTING OCP POLICY

Trust and OCP policy require the applicant to demonstrate there is sufficient water for the density (number of dwelling units) they are seeking approval for. In situations where there is insufficient groundwater to meet all water demand types in accordance with the Subdivision Regulations, then consideration of the use of rainwater for irrigation and greywater for toilet flushing would be consistent with OCP policy. As well, water for fire protection purposes may, subject to their approval, be supplied by NSSWD for proposals that are within the service area. Use of these other water sources reduces the demand for groundwater so that only drinking water and sanitary requirements (except potentially for toilet flushing) need be provided for.

It is *recommended* that rezoning proposals that rely on alternative water sources be assessed based on information that can be confirmed at the time of public hearing (Options 1-4). Alternatively, LTC could consider giving third reading of a bylaw and withhold final adoption pending confirmation from VIHA that there is a sufficient supply of water to support the proposed development. In all cases, information required prior to public hearing would include a preliminary water study submitted by a professional engineer (civil). The study should:

- identify all proposed water supply sources
- identify the amount of water available from each water supply source
 - if the proposal relies on NSSWD to supply water for fire protection purposes, written confirmation of the agreement is required from the District
- identify which water source will supply each type of water demand
- estimate how much water is required to service each type of water demand
- estimate how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day)
- calculate how many dwelling units the proposed water supply system would support based on occupancy rates set out in MFNLRORD Design Guidelines.

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

It is noted that preparation of a preliminary water study by a professional engineer does not guarantee that the approving agencies would accept it without modification. However, SSI Islands Trust staff is comfortable that it is reasonable to rely on the conclusions of such a report at the public hearing stage based on reliance on professional standards. If the LTC wants to consider situations where there is insufficient water to meet MDD based on MFLNRORD occupancy rates, there are two recommended options for advancing a bylaw.

- i. The bylaw would be drafted with specific parameters defining the maximum number of dwelling units, maximum floor areas for specific unit types and the maximum number of dwelling units based on floor area (Option 4). The number and size of units should be calculated based on an occupancy rate of 2 persons per bedroom as per the BC Building Code. This approach is consistent with the Trust mandate for land use and would be enforceable through the bylaw. It poses a slight risk that overcrowding may occur that may lead to overuse of the groundwater. This approach limits the applicant's flexibility to vary the design of the project as they get into the more detailed design phases of the project.
- ii. Final adoption of the bylaw is withheld until a water supply system construction permit has been issued by VIHA (Option 5). This option has the advantage of providing assurance to the applicant that the rezoning will be finalized pending confirmation from VIHA that the water supply system is sufficient to meet the water demands of the proposal. It also gives LTC the tools to implement ITPS and OCP policy by withholding final bylaw adoption if confirmation of sufficient water supply for the proposed density is not confirmed through the VIHA approval process. In this event, LTC has the option to rescind third reading of the bylaw and, subject to the applicant's consent, to re-read it with a density consistent with that set out in the VIHA water supply construction permit.

7. CROFTONBROOK: HOW MUCH DENSITY CAN THE WATER SUPPLY SUPPORT

The Croftonbrook proposal for the provision of water is relatively complex – it relies on a combination of groundwater, greywater, and rainwater to meet water needs for indoor use, toilet flushing and irrigation respectively. NSSWD has confirmed that they will provide water for fire fighting and suppression – i.e., a sprinkler system as well as fire hydrants. With respect to supply, the MFLNRORD *Design Guidelines for Rural Residential Community Water Systems* stipulate that the “total developed groundwater capacity or dependable yield of well(s) must equal or exceed the Maximum Day Demand”.

A. Supply:

A preliminary water study prepared by Stantec is based on the following information and assumptions for water supply:

- A maximum of 19.2 cubic metres of water per day or 19,180 litres per day may be withdrawn per day in accordance with the well water license issued by MFLNRORD
- Greywater use for toilet flushing based on LEED Canada data
- Rainwater use for irrigation.

B. Demand:

The Stantec study calculates water demand based on assumptions provided by the applicant (78 residents in 54 dwelling units) and applies MFLNRORD Operations Design Guidelines design parameters to determine Maximum Day Demand (MDD). The calculation for MDD is based on:

- Estimate of water loss allowance based on project design assumptions (e.g., number of connections, pipe length, etc.)
- Groundwater use for all indoor uses except for toilet flushing (assuming 78 residents)
- Greywater use for toilet flushing
- Irrigation demand is met solely through rainwater catchment
- NSSWD provides water for sprinklers and fire hydrants (NSSWD has confirmed they will provide the necessary hook-ups).

Accordingly, the MDD for the project equals 18,240 litres per day. Based on these assumptions, the Stantec preliminary report indicates that there is sufficient water to support 78 residents assuming that greywater is used for toilet flushing.

C. Analysis

The occupancy rates assumed in the Stantec study were provided by the applicant based on the housing director's experience to date managing Salt Spring subsidized housing and the small size of the proposed dwelling units.

These rates are not consistent with those set out in the MFLNRORD's *Design Guidelines* (e.g., 2.5 persons per multi-family dwelling).

i. MFLNRORD's *Design Guidelines*

Using MFLNRORD's occupancy rates, 78 residents would result in the equivalent of 31 dwelling units. Conversely, 54 dwelling units would be assumed to support 135 people.

The Stantec study did not consider how many residents there is sufficient water for if greywater is not used. The following calculations indicate that 71 residents could be supported if greywater is not used for toilet flushing:

Total amount of groundwater available (approved groundwater license): 19,180 L/day
Estimate of water loss (Stantec study): 2,640 L/day

Amount of water available for indoor use: 16,540 L/day

VIHA per capita demand for indoor use: 230 L/day

There is enough water for (16,540/230): 71 residents

ii. CRD Building Code Requirements

The BC Building Code establishes an occupancy rate of 2 persons per bedroom for all design parameters. Based on this criterion, the unit mix in the Croftonbrook proposal would require water for 144 residents.

iii. Alternatives

VIHA and CRD Building both have discretion in applying design parameters related to occupancy rates. With respect to VIHA approvals for a water supply construction permit, it is feasible that the applicant may receive approval for more dwelling units than the usual occupancy rates would yield based on small unit sizes proposed (especially for units less than 400 sq.ft.) and submission of supporting information acceptable to the agency. In this event, the actual number of dwelling units VIHA deems the water system is suitable for would not be determined until after third reading has occurred— when the water construction permit is approved.

Similarly, the applicant can submit an alternative solutions report to CRD Building to support the proposal for a reduced occupancy rate based on the relatively small unit sizes. It would not be known at the public hearing stage whether or not the Building Inspector would approve a building permit based on alternative occupancy rates since a permit cannot be applied for until zoning is in place.

A proposal based on land use planning tools that LTC can employ for converting occupancy rates into dwelling unit density is set out in Attachment 1.

8. CONCLUSIONS

This paper provides an overview of the approval process for water supply systems and examines the various methods for addressing Trust and SSI OCP policy aimed at ensuring there is a sufficient supply of freshwater to support proposed land use density. The tools available to the Trust and LTC to ensure this policy is addressed appropriately are limited to land use and built form parameters and do not include the ability to control occupancy rates. VIHA and CRD Building both play important roles in ensuring that proposed projects have a sufficient supply of water to meet demand. Further, VIHA is also charged with ensuring that water supply systems comply with limits on the amount of groundwater that may be withdrawn on a daily basis.

Six options were assessed for addressing Trust and OCP water policy when a new water supply system is proposed types (Table 4: Assessment of Options for Implementing Trust and OCP Water Policy). Five options explore the situation when there is insufficient groundwater to meet all water demand types. The assessment indicates that there are five viable options (Options 1-5) under the Trust mandate – all rely on submission of a preliminary water study by a professional engineer (civil) that estimates how many residents that water supply will support and converts that number into dwelling units.

The fact that both VIHA and CRD Building must also ensure the sufficiency of water supply for a specific project, does not relieve the Trust and LTC from the obligation to address the Trust Policy Statement directive that:

‘neither the density or intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater’.

As previously identified in this paper, these agencies have specific mandates to fulfill that are distinct from land use planning. They use design parameters suitable to their mandate, such as occupancy rates, for ensuring that water supply is sufficient. The Trust and LTC must rely on the tools available to them under the *Islands Trust* and *Local Government Acts* for implementing the mandate and policies of the Trust (land use, density, built form, etc.). This has implications for how rezoning proposals that rely on the approval of a water supply system by VIHA can be evaluated by the Trust and LTC. In summary, this means that either:

- the proposal demonstrates a sufficient supply of water for the proposed number of dwelling units based on provincial occupancy rates, or
- final adoption of the bylaw is withheld pending issuance of a water supply system construction permit from VIHA confirming sufficient water supply to service the proposed development.

Figure 1: Sequence of Water Supply Approvals and Approving Agencies

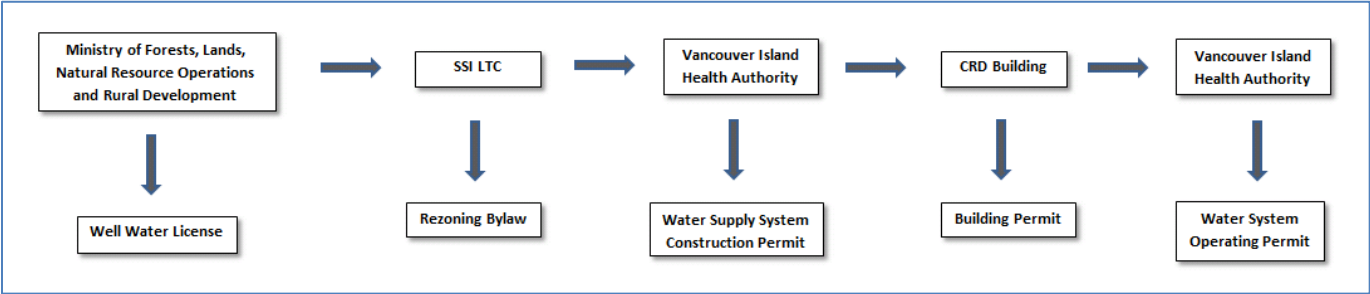


Table 1: Water Supply Systems Approval Process

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Well Water License	MFNRORD – Water Authorization Branch	1. Protect quality and quantity of groundwater source 2. Approve groundwater use for drinking water, irrigation, firefighting, water loss allowance, agriculture, industry, etc.	1. Results of hydrogeological report and drill tests 2. Specifies how much water may be withdrawn on a daily basis 3. Specifies treatment to make water potable (if necessary)
Water Supply System Construction Permit	VIHA-Water Supply Systems Construction	1. Ensure safety of drinking water supply from source to tap	1. Water Quantity: Based on Maximum Day Demand (MDD) a. Indoor Use: Based on per capita demand for drinking water, showers, laundry, household cleaning, toilet flushing b. Average Day Demand (ADD): Used to derive peak demands and to verify source capacity for lake sources c. Water Loss Allowance: Based on specifics of system design and construction d. Irrigation: Based on specifics of land area, climatic zone, soil type, etc. e. Firefighting: Fire Underwriters Survey <i>Note: MDD cannot exceed dependable yield of well.</i> 2. Water Quality: Treatment based on Canadian guidelines for safe drinking water 3. Other: a. Must approve water source b. VIHA requires confirmation from a water district that it will agree to independent system w/l their service area before moving ahead with the application

License/Permit	Approving Agency	Mandate	Considerations and Conditions
Building Permit	CRD	Ensures building code requirements are met for drinking water quality and water quantity needs for indoor, irrigation, and firefighting purposes	1. Requires confirmation from VIHA re water system construction permit. 2. Requires confirmation from NSSWD that water will be provided for firefighting purposes. 3. Determines if greywater can be used for toilet flushing.
Water System Operating Permit	VIHA-Water System Operations	Ensures water supply system is operated according to provincial regulations for safe drinking water	1. Certifies operator – annual renewal required 2. Monitors system operation

Table 2: Water Demand

Water Demand Type	Approval Authority	Permit	Legislation, Regulations and Guidelines	Water Quantity
Indoor Use • Drinking • Sanitary ○ Showers/bathwater ○ Toilet Laundry, dishwashing, etc.	VIHA -Water Supply System	Construction permit for water supply system	Drinking Water Protection Act and Regulations	230L/person/day
	CRD – Building Permit	Building permit	BC Building Code	230 L/day based on 2 persons /bedroom
Water Loss Allowance	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable*
Irrigation	Water Supply System – VIHA	Construction permit for water supply system	Drinking Water Protection Act and Regulations	Variable**
	CRD Building	Building permit	BC Building Code	
Fire Protection	CRD Building	Building permit	BC Building Code	NSSWD***
Total	MOTI		Subdivision Regulations	1600L/DU/day

*Factors that determine the water loss allowance relate to specifics of water system design and construction – length of pipes, etc.

**Factors that determine water demand for irrigation include area of land to be irrigated, climatic zone and evapotranspiration rates, crop or planting types, etc.

*** NSSWD has confirmed a commitment to provide water for fire protection purposes (sprinklers and fire hydrant for the Croftonbrook proposal).

Table 3: Potential Water Sources

Water Source	Approval Authority	Legislation, Regulations and Guidelines	Water Demand Type	License/Permit Required
Groundwater	MFLNRORD - Water Authorizations Section	Water Sustainability Act and Regulations	Potentially all	Well water license
Rainwater	Drinking Water Protection Act and Regulations	Drinking Water Protection Act and Regulations	Irrigation	Construction permit for water supply system
	CRD Building	BC Building Code		
Greywater	CRD Building Inspections	BC Building Code	Toilet flushing	Building permit
Water Conservation	Water Supply System – VIHA	Drinking Water Protection Act and Regulations	All	Construction permit for water supply system
	Water Supply Operating – VIHA	Drinking Water Protection Act and Regulations	All	Operating permit for water supply system
	CRD Building Inspections	BC Building Code		Building Permit
Water District	NSSWD	Letters patent	Fire Protection	N/A

Table 4: Assessment of Options for Implementing Trust and OCP Water Policy

All options are for proposals that require construction of a new water supply system in order to provide sufficient water to service a proposed development. In all cases, the proposal would require submission of a preliminary water study prepared by a civil engineer. The options were developed in consultation with the applicant for the Croftonbrook application. The analysis was conducted by SSI Islands Trust staff and planning consultant.

Option 1: There is sufficient groundwater to meet all water demand types – the exception may be that NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant).

Occupancy rates are as set out in MFLRORD *Design Guidelines for Rural Residential Community Water Systems*.

Option 2: Greywater use is needed in order to supplement groundwater use for indoor water demand. Rainwater is used for irrigation. NSSWD has confirmed they will supply water for fire protection (sprinklers and hydrant) Occupancy rates are as set out in MFLRORD *Design Guidelines*.

Option 3: The engineer's preliminary water study indicates there is not sufficient water (groundwater with or without greywater) available to support the proposed number of dwelling units. The applicant chooses to either drill for more water and/or reduce the density so that there is sufficient water to support the proposed number of dwelling units. If another well is drilled, the new proposal shall be supported by issuance of another well water license and a revised preliminary water study.

Options 5-6: Occupancy rates are lower than those set out in provincial guidelines and regulations. This scenario can be adapted to include the potential use of greywater, rainwater and water from NSSWD for fire protection.

Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 1: Proposed bylaw establishes maximum number of DUs based on preliminary water study	The number or dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report.	Islands Trust would enforce any land use violations. VIHA would enforce regulations regarding water supply.	N/A	Fits well with Trust mandate Clear and transparent with respect to density considered at third reading
Option 2: Proposed bylaw establishes maximum number of DUs based on water supplied with and without use of greywater as per preliminary water study	The number of dwelling units there is sufficient water for would be known at PH stage as per professional engineer's report. Two densities would be proposed based on whether greywater was used.	As above. The number of DUs built would be confirmed at the building permit stage depending on whether greywater was used or not.	Provides flexibility to applicant.	As above.
Option 3: Drill another well and/or reduce the density to align with the supply of water	Application for a wellwater license takes 6-8 months. This may affect project funding.	As above for Islands Trust and VIHA.	This provides another option for applicants to consider.	As above.
Occupancy Rates are Lower than set out in Provincial Guidelines and Regulations				
Option	Timeliness	Enforceability	Flexibility	Feasibility
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 4: Convert occupancy rates to DUs* (as per Attachment 3)	The number of dwelling units the proposed development is for would be known at public hearing stage.	As above.	Limited – the applicant needs to be confident of the size and type of units they intend to build	As above
Option 5: Withhold final adoption of bylaw pending VIHA confirmation there is	Confirmation that there is there is sufficient water for the proposed number of dwelling units would not be known at the PH	As above. The construction permit for the water system should clearly indicate the number of dwelling	Reduces risk for the applicant to undertake detailed design of water supply system.	A conditional approval of the bylaw is consistent with normal practice provided the condition is

Option	Timeliness	Enforceability	Flexibility	Feasibility
sufficient water** if VIHA approval is for a lesser density, third reading could be rescinded and re-read with a density consistent with VIHA permit.	stage.	units the approval is for.		identified at the public hearing stage.
Option 6: Occupancy caps written into housing agreement or restrictive covenant	The number of dwelling units there is sufficient water for would not be confirmed at the public hearing stage. Occupancy would be determined by public hearing stage based on the preliminary water study.	Islands Trust does not have a mandate to enforce occupancy. Enforcement would require court action. CRD Building would be required to enforce any Building Code violations.	Islands Trust enforcement options would be limited to court action.	This is not feasible for Islands Trust as it extends beyond the land use planning mandate.

*Converting occupancy rates to dwelling units: This option provides a method for converting the number of occupants into physical design parameters that can be written in a land use bylaw – i.e., maximum number of total units, maximum floor areas per unit type (e.g., studio, one bedroom, 2 bedroom), and the maximum number for each unit type (Attachment 3). The purpose of capping dwelling unit size is to place a zoning bylaw control on the number of occupants each dwelling unit can accommodate.

**After third reading of the bylaw, the applicant would submit an application for a water supply system construction permit based on occupancy rates that are lower than those set out in MFLNRORD's *Design Guidelines*. VIHA would exercise their discretion in determining if the water supply was adequate to meet the water demand for the proposed number of dwelling units.

Final adoption of the bylaw would be withheld until confirmation is received from VIHA that a water supply system construction permit has been issued and that the number of dwelling units serviced is consistent with the proposed bylaw. This process is based on the premise that the Trust and OCP water policy would be satisfied because final adoption of the bylaw would not occur until after the project has been approved for a water construction permit and building permit.

Attachment 1: SSI Official Community Plan Policies

A.4.2.2 To maintain and restore the community's natural capital as represented by such items as our agricultural and forest land base, our potable water supplies, and primary value of our natural and unspoiled rural character.

B.2.2.2.3.b All rezoning applications for affordable housing projects should include evidence of

- a. need for housing
- b. an adequate water supply for potability and fire protection
- c. means of sewage disposal
- d. energy and water efficient building design
- e. not degrading a sensitive ecosystem
- f. not being sited in an area subject to hazardous conditions.

C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land use inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will ask if water could be supplied to the new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water supply system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or underdeveloped properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to supplant other water supplies so that the application should be considered. Examples are rainwater catchment, groundwater use or a water conservation program.

The Local Trust Committee should make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or affordable housing projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.

C.3.3.2.2 In addition to Policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority):

- a. essential services such as hospitals and schools needed within the district to serve the island's projected population
- b. special needs and affordable housing needed in the community.

Attachment 2: SSI Land Use Bylaw Excerpt

Section 5.5.2 Each lot in a proposed subdivision must be supplied with sufficient water to supply all uses, buildings, and structures permitted on the lot by this Bylaw according to the standards set out in Table 1. Where more than one use is permitted on a lot, the amount of water to be supplied is the sum of the amounts required for each permitted use, calculated separately.

Information Note: If more than one dwelling unit is connected to the same source of water, the water system is subject to Vancouver Island Health Authority regulations of water supply systems, the Drinking water Protection Act, and may be subject to the Water Utility Act.

Attachment 3: Converting Occupancy Rates into Dwelling Units

Use of this method requires submission of a preliminary water study by a professional engineer (civil) that:

1. Identifies all proposed water supply sources
2. Identifies the amount of water available from each water supply source
3. Identifies which water source will supply each type of water demand (indoor use, water loss allowance, irrigation, fire protection)
4. Estimates how much water is required to service each type of water demand (Maximum Day Demand (MDD))
5. Estimates how many residents the net water supply will support based on demand for indoor use (VIHA standards - 230 l/person/day).

Note: The MDD must not exceed total developed groundwater capacity as set out in the well water license.

Determination of Maximum Density:

Prepare a proposal based on the maximum number of residents that the water supply system can service:

1. Establish maximum floor areas based on BC Building Code occupancy rates of two persons /bedroom (e.g., two bedroom units would be a maximum of XX m²)
2. Establish the distribution of unit sizes
3. Calculate total occupancy based on the number of units and unit size
4. Total occupancy is not to exceed the number of residents there is sufficient water for as estimated in the engineer's preliminary water study.

Croftonbrook Example

The following calculations are based on the Croftonbrook rezoning proposal in order to test a method for converting occupancy rates into dwelling unit density. The application proposes a maximum of dwelling 54 units and 78 residents. The Stantec preliminary water study provides an estimate of water loss allowance and how much greywater would be used for toilet flushing (Scenario 2).

Scenario 1: Without Greywater

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Estimate of water loss:	<u>2,640 L/day</u>
Amount of water available for indoor use:	16,540 L/day

VIHA per capita demand for indoor use:	230 L/day
There is enough water for (16,540/225):	71 residents

Average occupancy rate for 54 dwelling units (71/54): residents/DU	1.31
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*Single occupant units: Maximum floor area - 400 sq ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 37 single occupant units – 37 residents

17 double occupant units – 34 residents

Total Occupants: 71

Total Dwelling Units: 54

*These unit sizes need to be confirmed as being appropriate for one and two person occupancies.

Scenario 2: With Greywater (Stantec Study)

Total amount of groundwater available (approved groundwater license):	19,180 L/day
Indoor use (based on 230 L/day for 78 residents):	17,940 L/day
Greywater:	-2,340 L/day
Water Loss Allowance:	<u>+2,640 L/day</u>
Maximum Day Demand:	18,240 L/day

Average occupancy rate for 54 dwelling units (78/54): residents/DU	1.44
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*Single occupant units: Maximum floor area - 400 sq. ft.

*Double occupancy units: Maximum floor area – 600 sq.ft.

Distribution: 36 single occupant units – 36 residents

21 double occupant units – 42 residents

Total Occupants: 78

Total Dwelling Units: 54

*As noted above.

Sources

1. Bahman Sheikh; White Paper on Graywater, 2010
2. <http://www.env.gov.bc.ca/wat/wq/reference/glossary>
3. <http://www.frontcounterbc.gov.bc.ca/pdf/WaterPurposeUses.pdf>
4. Ministry of Forests, Lands, Natural Resource Operations and Rural Development; Design Guidelines for Rural Residential Community Water System, 2012
5. National Collaborating Centre for Environmental Health; Small Drinking Water Systems: Who Does What in British Columbia?, 2014
6. Vancouver Island Health Authority; Guidelines for Approval of Water Supply Systems

REQUEST FOR DECISION

To: Denman Island Local Trust Committee
For the Meeting of: May 1, 2018
From: Marnie Eggen, Island Planner
Date Prepared: April 19, 2018
SUBJECT: 2017-2018 ANNUAL REPORT

RECOMMENDATION: That the Denman Island Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs & Housing.

- 1 PURPOSE:** Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2018 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). The Executive Committee approved the format and outline of the 2017-2018 Annual Report at its meeting on April 9, 2018.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 19-21 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee on June 6 and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about activities with First Nations may be included within committee reports.

OTHER: N/A

- 3 RELEVANT POLICY(S):** Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

RESPONSE OPTIONS

Recommendation: That the Denman Local Trust Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

Alternative: That the Denman Local Trust Committee Committee approves the attached text for inclusion in the 2017-2018 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs & Housing.

Prepared By: Marnie Eggen, Island Planner

Reviewed By/Date: Ann Kjerulf, Regional Planning Manager (Northern)/April 24, 2018

Denman Island Local Trust Committee

The Denman Island Local Trust Committee (DE LTC) held nine regular business meetings in the 2017–2018 fiscal year, as well as two Community Information Meetings, and two public hearings.

Work for this period focused on advancing the DE LTC priorities to address protection of the marine environment by restricting driving on the foreshore, implementing the Denman Island Farm Plan, and building relationships with First Nations. For the latter, the DE LTC applied for, jointly with the Hornby Local Trust Committee, and received, a Union of British Columbia Municipalities 2017/18 grant to hold a Community to Community Forum with K'omoks First Nation. During the forum, the DE LTC and K'omoks participants visited Denman Island by boat and discussed the First Nations' presence and interests on the islands and ways in which the DE LTC and the K'omoks First Nation can work together into the future.

The DE LTC also initiated projects including the Denman Community Design Charrette in collaboration with Vancouver Island University Community Planning students and faculty, which included an intensive multi-day design process with island residents. The DE LTC also updated their Meeting Procedure Bylaw to allow for electronic meetings, and amended their Fees Bylaw to reduce the rezoning application fee to \$1,000 for not-for-profit affordable housing projects.

The DE LTC received and considered applications for one development variance permit, three development permits, one rezoning, one crown land referral, and sixteen siting and use permits.