



# Denman Island Local Trust Committee

## Regular Meeting Agenda

**Date:** May 17, 2016  
**Time:** 10:30 am  
**Location:** Denman Seniors Hall  
1111 Northwest Rd, Denman Island, BC

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**Pages**

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

**3. TOWN HALL AND QUESTIONS**

**4. COMMUNITY INFORMATION MEETING - none**

**5. PUBLIC HEARING - none**

**6. MINUTES**

- 6.1 Local Trust Committee Minutes dated April 19, 2016 4 - 15
- 6.2 Section 26 Resolutions-Without-Meeting - none
- 6.3 Advisory Planning Commission Minutes - none
- 6.4 Marine Advisory Planning Commission Minutes - none

**7. BUSINESS ARISING FROM MINUTES**

- 7.1 Follow-up Action List dated May 4, 2016 16 - 18

**8. DELEGATIONS**

**9. CORRESPONDENCE**

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

- 9.1 Email dated April 30, 2016 fro Edina Johnston to Nicole Prichard, Ministry of Forests, Lands and Natural Resource Operations regarding Tenuring Issues 19 - 19
- 9.2 Letter dated May 1, 2016 from The Assocaiton of Denman Island Marine Stewards regarding the Referral Response Process 20 - 20

## 10. APPLICATIONS AND REFERRALS

### 10.1 DE-RZ-2015.1 (Pandesign)

- 10.1.1 Bylaw No. 219 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015". 21 - 24
- 10.1.2 Bylaw No. 220 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015" 25 - 28

## 11. LOCAL TRUST COMMITTEE PROJECTS

### 11.1 Riparian Areas Regulation

- 11.1.1 Bylaw No. 212 29 - 32  
That the Denman Island Local Trust Committee Bylaw No. 212 cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014", be adopted.
- 11.1.2 Bylaw No. 213 33 - 37  
That the Denman Island Local Trust Committee Bylaw No. 213 cited as "Denman Island Land Use Bylaw 186, Amendment No. 2, 2014", be adopted

### 11.2 Bylaw No. 207 - Marine Issues - Organization of Community Information Meeting - for discussion

## 12. REPORTS

### 12.1 Work Program Reports

- 12.1.1 Top Priorities Report dated May 4, 2016 38 - 38
- 12.1.2 Projects List Report dated May 4, 2016 39 - 40

### 12.2 Applications Report dated May 4, 2016 41 - 46

### 12.3 Trustee and Local Expense Report dated March, 2016 47 - 49

### 12.4 Adopted Policies and Standing Resolutions 50 - 51

### 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 - none

## 13. NEW BUSINESS

### 13.1 Maps for the Denman Island Office

## 14. UPCOMING MEETINGS

### 14.1 Next Regular Meeting Scheduled for Tuesday, July 5, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

## 15. TOWN HALL

16. ADJOURNMENT



# Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** April 19, 2016  
**Location:** Denman Seniors Hall  
1111 Northwest Rd, Denman Island, BC

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

**Staff Present** Ann Kjerulf, Regional Planning Manager  
Vicky Bockman, Recorder

**Others Present** Approximately ten (10) members of the public - am  
Approximately five (5) members of the public - pm

### 1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:30 am. She welcomed the public and introduced herself, Trustees, staff and recorder. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- 9.5 Email dated April 10, 2016 from Edi Johnston regarding Local Trust Committee referral and correspondence procedures
- 10.1.2 Email dated April 17, 2016 from David Innes and Luise Hermanutz
- 11.1.5 Letter dated April 8, 2016 from Dorrie Woodward, Denman Island Forage Fish Group
- 13.2 Community to Community (C2C) Funding

**By general consent** the agenda was adopted as amended.

### 3. TOWN HALL AND QUESTIONS

Edi Johnston read a submission from Barbara Mills, Co-Chair of Association of Denman Island Marine Stewards (ADIMS), sharing insights from the Salish Sea Conference, Prime Minister Trudeau’s letter Mandate to the ministers of the Department of Fisheries and Oceans, and the language in the *Fisheries Act* to support protection of the shoreline. She submitted her speaking notes for the record.

Doug Wright, speaking on behalf of the Denman Growers & Producers Alliance (GPA), supported the Local Trust Committee’s (LTC) implementation of the Denman Island Farm Plan, pointing out that new farmers need to feel supported by the Islands Trust. He offered GPA’s assistance in working with Planning staff on this project.

He identified actions to aid in the Marine Issues initiative, requesting that a full-scale map of beach substrate areas be placed in the library, as the details cannot be discerned on the online map. He suggested that ADIMS be encouraged to share their knowledge of forage fish spawning area locations and historical background by placing this information in the library for the public’s use.

David Graham suggested that the implementation of the Farm Plan could be advanced by the appointment of an Agricultural Advisory Planning Commission (AAPC) in conjunction with coordination with the GPA.

**4. COMMUNITY INFORMATION MEETING - none**

**5. PUBLIC HEARING - none**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated March 15, 2016**

By general consent the minutes were adopted.

**6.2 Local Trust Committee Public Hearing Record dated March 15, 2016 - for receipt**

Received.

**6.3 Section 26 Resolutions-Without-Meeting Report dated April 8, 2016**

Received.

**6.4 Advisory Planning Commission Minutes - none**

**6.5 Marine Advisory Planning Commission Minutes - none**

**7. DELEGATIONS**

**7.1 Simon Palmer, Denman Housing Association**

Simon Palmer, speaking on behalf of Denman Housing Association, submitted a document regarding affordable housing for working families on Denman Island dated April 19, 2016. He summarized the need, the challenge, the solution, the proposal and the conclusion for this affordable housing initiative. The proposal included several requests to facilitate the creation of affordable housing on Denman Island.

## 8. BUSINESS ARISING FROM MINUTES

### 8.1 Affordable Housing - consideration of delegation submission by Simon Palmer, Denman Housing Association

Trustees considered the Denman Housing Association delegation and discussion included the following points:

- policies supporting affordable housing projects are provided in the Denman Island Official Community Plan (OCP);
- a review of density transfer options might be initiated;
- such review might include research into how other islands are addressing this issue including Saturna Island which has completed much of the groundwork to address process and options;
- density bonuses might be explored as an option;
- while acknowledging that Trustees cannot fetter their discretion, a Trustee suggested that identifying necessary criteria to assist affordable housing projects might be a helpful framework;
- referral of the density transfer issues to the APC for comment may be considered as a part of the process; and
- consideration may be given to expanding an existing project on the Projects List to incorporate a review of supporting mechanisms for affordable housing.

The LTC opened the discussion to the public on this matter.

Simon Palmer expressed frustration with the slow pace of the process and requested that the LTC ask staff to determine necessary criteria as a framework for affordable housing groups and to bring that report back to the LTC as a next step.

Other comments from the public included the following points:

- rezoning and density transfer provisions in a recent application were considered to be confusing; a definition of what is required for the Density Bank to provide density transfers for this type of project is needed; and
- the OCP policies already include information on the Density Bank transfer mechanism and what is required for these projects; bringing what has already been vetted through the OCP to the public would make the process easier.

### 8.2 Follow-up Action List dated April 7, 2016

Regional Planning Manager Kjerulf summarized the report and provided an update on the funding for stream mapping on the Schmidt-Schweda property.

## 9. CORRESPONDENCE

### 9.1 Letter dated February 22, 2016 from Hornby Island Residents and Ratepayers' Association (HIRRA) regarding Islands Trust Signage at Buckley Bay

A Trustee suggested that this request to revise the signage to include Hornby Island might be forwarded to the Denman Works! Visitor Services Committee, as this committee has expressed interest in participating in a revision of the signage.

#### **DE-2016-020**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee agrees to the request of the Hornby Island Residents' and Ratepayers' Association regarding Islands Trust signage at Buckley Bay.

**CARRIED**

Trustee Busheikin offered to forward this request to the Denman Works! Visitor Services Committee and will advise HIRRA of this action.

### 9.2 Letter dated March 2, 2016 from Director, Bill Veenhof, Regional District of Nanaimo regarding Electoral Area H Official Community Plan Review

Trustees considered the letter and did not identify any issues requiring a response at this time. They discussed the process, and noted that staff reports accompanying these types of invitations to comment would be helpful in the future.

#### **DE-2016-021**

**It was MOVED and SECONDED,**

that staff be requested to follow the Electoral Area H Official Community Plan Review and report back to the Local Trust Committee about pertinent issues and opportunities for involvement.

**CARRIED**

#### **DE-2016-022**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to respond to the letter of March 2, 2016 indicating our wish to be kept further informed.

**CARRIED**

### 9.3 Regional District Strategic Sustainable Water Planning - Climate Change Task Force Report dated February 17, 2016

The report was received for information.

**9.4 Letter dated April 6, 2016 from Telus regarding Denman Island Community Dock**

Received.

**9.5 Email dated April 10, 2016 from Edi Johnston regarding LTC Referral and Correspondence Procedures**

Trustees acknowledged the concern expressed in the email. Trustee Critchley offered to respond to the correspondence on behalf of the LTC.

**10. APPLICATIONS AND REFERRALS**

**10.1 DE-RZ-2015.1 (Pandesign)**

**10.1.1 Staff Report dated March 16, 2016**

Regional Planning Manager Kjerulf outlined the staff report prepared by Planner Milne.

Trustees considered the report, discussed process and timing, and asked questions for clarity regarding the densities and site specific regulations. They supported conducting a Community Information Meeting (CIM) as a separate event rather than incorporating it into an LTC meeting.

**DE-2016-023**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 219, cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015" be amended at second reading by the addition of a new item 1 as follows and the renumbering of subsequent items:

"That the Residential Density Bank table of Appendix D, "Density Banking" be amended by the addition of a new item, in sequential order, which reads as follows:

- Authorizing Bylaw: No. 219
- Date Added to or transferred from the Bank: (date of adoption)
- Legal Description: Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)
- Number of residential dwelling units added or deleted: +1
- Cumulative Total of residential dwelling units in the bank: 14"

**CARRIED**

**DE-2016-024**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 219, cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015" be read a second time as amended.

**CARRIED**

**DE-2016-025**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be amended at second reading by the addition of a new item 1 as follows and the renumbering of subsequent items:

“That Table 8 – “Site Specific Regulations” of Part 3.3, “Residential Zoning Tables” be amended by the addition of a new entry in sequential order which reads as follows:

Site Specific Zoning Code: “R2(6)

Site Specific Regulations: 1 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56 ha.”

And that renumbered item 2(b) be amended by the deletion of the text which reads:

“from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential (R2)”

And inserting the following text:

“from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential 2(6), (R2(6))”.

**CARRIED**

**DE-2016-026**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be read a second time as amended.

**CARRIED**

**DE-2016-027**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for a Saturday afternoon or weekday evening to allow for a community review of the draft bylaws and associated information.

**CARRIED**

A Trustee identified items for possible inclusion in the CIM presentation with the following points noted:

- a summary describing what is being proposed and the intention;

- clear information regarding the number of densities currently allowed on each property and the number of densities that will be allowed if the proposal goes forward;
- the size of the receiving property; and
- a map that shows the current shape and size of the receiving property.

Trustees requested that links to relevant maps, staff reports and general information on density transfers be placed on the Denman Island webpage prior to the CIM for the public's perusal.

## 10.2 DE-CL-2016.1 (Mac's Oysters LTD.)

### 10.2.1 Referral

Received.

### 10.2.2 Referral Response

Trustees expressed concern that the applicant has stated that the intended use is consistent with approved local government bylaws for land use planning and zoning, however the area is zoned as Marine Conservation.

Trustees discussed process and the referral response recommendation completed by staff.

#### **DE-2016-028**

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

that the Denman Island Local Trust Committee send a comment to the BC Ministry of Forests, Lands and Natural Resource Operations regarding the Mac's Oysters application pointing out that on Denman Island there is significant and ongoing community concern regarding aquaculture scope and intensity in the waters around the island.

Trustees considered the motion and expressed concern that the full extent of community response on this issue has not been quantified.

**DEFEATED**  
**Unanimously**

Regional Planning Manager Kjerulf advised that it would be possible for staff to follow up with the Land Officer to confirm that they have received the responding correspondence and to point out that rezoning is required.

### 10.2.3 Crown Tenure Area

Received.

10.2.4 Islands Trust Crown Lands Agreements

Received.

10.2.5 Email dated March 8, 2016 from Sharon Small

Received.

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1 Marine Issues**

11.1.1 Staff Memorandum

Trustees discussed conducting a second CIM on this subject to solicit views, share scientific information and the report produced by the Marine Advisory Planning Commission with the community and stakeholders.

Trustees requested that staff provide a link on the Denman Island webpage to the forage fish map and report, currently located on the Trust Fund Board website.

**DE-2016-029**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to arrange a Community Information Meeting with regard to Bylaw No. 207, such meeting to include information including scientific information and to include persons who can speak to the need for a regulation of driving on the beach and to specifically invite the Shellfish Growers Association and the shellfish growers who are known to currently use vehicles on the beach and encourage them to bring any documentation that might be useful and to invite the K'omoks First Nation.

Discussion followed and Trustees considered initiating a separate meeting with K'omoks First Nation, as neighbours with a particular set of interests and history, to discuss this bylaw.

**CARRIED**

**DE-2016-030**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to set up a meeting with representatives of K'omoks First Nation and the Local Trust Committee to discuss proposed Bylaw No. 207.

**CARRIED**

Discussion followed on scheduling, invitations and the involvement of a facilitator for the CIM. Regional Planning Manager Kjerulf advised that

Islands Trust has in-house staff available to support this type of project as an option.

**DE-2016-031**

**It was MOVED and SECONDED,**  
that the Denman Island Local Trust Committee request staff to engage a facilitator for this meeting.

**CARRIED**

- 11.1.2 Bylaw No. 207 cited as "Denman Island Land Use Bylaw, 2002, Amendment No 1, 2013" - for discussion

This item was discussed in agenda item 11.1.1.

- 11.1.3 Letter dated March 23, 2016 from The Association of Denman Island Marine Stewards (ADIMS) regarding Marine Issues as Top Priority

Received.

- 11.1.4 Email dated March 9, 2016 from Ralph McCuaig regarding Beach Access

Received.

- 11.1.5 Letter dated April 8, 2016 from Dorrie Woodward, Denman Island Forage Fish Group

Received.

**12. REPORTS**

**12.1 Work Program Reports**

- 12.1.1 Top Priorities Report dated April 7, 2016

Trustees requested that Top Priority No. 2 "Review of Visitor Accommodations Regulations" be removed from the list as the project has been completed. They acknowledged that the responsibility for Marine Issues may now be designated as "staff".

- 12.1.2 Projects List Report dated April 7, 2016

Trustees requested that the Project "Review of OCP/LUB regarding Implementation of Denman Island Farm Plan and ensuring food security" be removed from the Projects List as it has been moved to the Top Priorities List.

**DE-2016-032****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the last project on the list "Review effectiveness of Secondary Suites and Cottages bylaw" to read "Review regulatory mechanisms for supporting affordable, attainable, and seniors' housing."

**CARRIED**

Discussion followed on other possible additions to the Projects List, staff time, and the need to delay consideration of a referral of density transfer issues to the APC until the referral subject matter has been refined and clarified.

**12.2 Applications Report dated April 7, 2016**

Regional Planning Manager Kjerulf presented the report and provided updates.

**12.3 Trustee and Local Expense Report dated March, 2016**

Received.

**12.4 Adopted Policies and Standing Resolutions**

Trustees requested this item be removed from agendas as there are no standing resolutions at this time.

**12.5 Local Trust Committee Webpage**

Trustees requested the following additions to the Denman Island webpage:

- links to relevant maps, staff reports and general information on density transfers to be placed on the website prior to the CIM regarding DE-RZ-2015.1 (Pandesign); and
- a link to the forage fish map and report, currently located on the Trust Fund Board website.

**12.6 Chair's Report**

Chair Morrison reported on her attendance at the following:

- Gambier Island/First Nation Community to Community (C2C) session;
- Trust Fund Board/Executive Committee liaison meeting; and
- Association of Vancouver Island and Coastal Communities (AVICC) convention.

She noted that upcoming meetings will include:

- Transport Canada Canadian Coastguard Area Response Planning Initiative in Victoria;
- Engagement workshops; and
- Attendance at the Howe Sound Forum as a representative of Executive Committee.

## 12.7 Trustee Reports

Trustee Busheikin provided a report on her attendance at the following events:

- the Salish Sea Ecosystem Conference in Vancouver and
- AVICC in Nanaimo.

Trustee Critchley reported on his attendance at the following meetings:

- Trust Council on Hornby Island;
- Conducting Trustee Office Hours; and
- Denman Island Residents Association AGM.

He provided an update on the South Sewer project and noted that he produced an article for the Grapevine.

## 12.8 Electoral Area Director's Report - none

## 12.9 Trust Fund Board Report

Chair Morrison reported that there was a presentation on the local government role in protecting species at risk at the joint Trust Fund Board/Executive Committee meeting. She noted that species at risk are protected under Federal legislation and that the Islands Trust area has a high level of at risk species. She remarked that this subject will be on a future Executive Committee agenda to consider protection options that are available.

## 13. NEW BUSINESS

### 13.1 Request for Decision - 2015-2016 Annual Report

Trustees considered the suggested text for the Denman Island LTC section of the 2015-2016 Annual Report and requested the following amendments:

- First paragraph, last line: add "(RAR)" after "Riparian Areas Regulation";
- Second paragraph, third line: change "OCP" to "Official Community Plan";
- Fourth paragraph, second line: remove "contentious".

#### **DE-2016-033**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve the text as amended for inclusion in the 2015-2016 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

**CARRIED**

### 13.2 Community to Community (C2C) Funding

Trustee Busheikin suggested that the LTC apply for Community to Community (C2C) Forum Program funding to provide an opportunity for the LTC and First Nations to discuss issues, challenges and opportunities to work together. She recommended various options for the meeting agenda including a morning presentation event for the public; a lunch with representatives of K'omoks First

Nation, LTC and Staff; and an afternoon meeting that might include discussion of how to work together. Trustees supported the initiative.

**DE-2016-034**

**It was MOVED and SECONDED,**  
that the Denman Island Local Trust Committee apply for a Community to  
Community grant for an event with the K'omoks First Nation.

**CARRIED**

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Tuesday, May 17, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC**

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

**15. TOWN HALL**

Henning Nielsen commented on the following topics:

- He advised that the Denman Island website does not show the dates of Fall meetings;
- He objected to the inadequate location map that is included in the Mac's Oysters application and to the proposed location being in front of a well-used, drivable, community beach access. He expressed his opinion that a location further south might be more appropriate; and
- He remarked that he was uncomfortable with the manner in which the March 15, 2016 Public Hearing (PH) was conducted. He noted that comments were allowed that were too personal and remarks should have been restricted to addressing the issue of the application. He asked that the protocol for ensuring a respectful meeting be followed in the future CIM and PH.

Chair Morrison acknowledged the concern and expressed her intention to conduct the next CIM and PH on this application in an appropriate manner.

**16. CLOSED MEETING – none**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:43 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder

## Follow Up Action Report

### Denman Island

#### 20-Jan-2015

Activity	Responsibility	Target Date	Status
that staff work on the Housekeeping Project as their time permits	Rob Milne		On Going

#### 15-Mar-2016

Activity	Responsibility	Target Date	Status
That the Denman Island Local Trust Committee request staff to bring back a Staff Report on Bylaw Nos. 219 and 220 reflecting issues brought up in discussion by the Trustees and at the Public Hearing.; and That the Denman Island Local Trust Committee request staff to prepare a revised set of bylaws for the proposed Bylaw Nos. 219 and 220 to show the transfer of one density to the Denman Island Density Bank and to show the transfer of one density from the donor property to the receiving property.	Rob Milne		Done
that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process. Report to include comments about constituting an AAC.	Rob Milne		On Going
Staff to confirm DELTC availability for the proposed October 20, 2016 joint CVRD/IT meeting.	Rob Milne		Done



## Follow Up Action Report

Staff to make all reasonable efforts to utilize the budget money for Riparian Areas Regulation remaining in the Local Trust Committees account for the purpose of mapping the stream located on the Schmidt-Schweda property referred to in their correspondence.

Rob Milne

On Going

### 19-Apr-2016

Activity	Responsibility	Target Date	Status
Advise Hornby Island Residents and Ratepayers Association of LTC support to revise Islands Trust signage at Buckley Bay	David Critchley	17-May-2016	On Going
Monitor Regional District of Nanaimo Electoral Area H Official Community Plan Review and report to LTC about pertinent issues and opportunities to participate	Rob Milne		On Going
Staff to respond to the letter from RDN Electoral Area H Director, Bill Veenhof, conveying LTC interest in continuing to be informed as the OCP review progresses.	Ann Kjerulf	17-May-2016	On Going
Staff to schedule a CIM for a Saturday afternoon or weekday evening, prior to the regular meeting of the LTC, to allow community review of Bylaws 219 and 220.	Rob Milne	17-May-2016	Done
Add forage fish/ecosystem mapping to LTC website	Rob Milne	17-May-2016	Done
1. Hold CIM with aquaculture stakeholders respecting issue of driving on the beach 2. Staff to contact Komoks FN in regard to Bylaw 207 and participation in CIM 3. Staff to engage a facilitator for aquaculture stakeholders CIM	Rob Milne David Critchley Laura Busheikin Ann Kjerulf	05-Jul-2016	On Going
Forward text, as amended, to the Executive Committee for inclusion in the 2015-2016 Annual Report to be submitted to the Ministry of Community, Sport and Cultural Development	Ann Kjerulf	26-Apr-2016	Done
Prepare and submit grant application to UBCM for Community to Community (C2C) funding	Rob Milne Mike Richards	13-May-2016	On Going



Islands Trust

## Follow Up Action Report

Request Islands Trust GIS staff prepare a large format mapping showing forage fish/habitat maps to be housed at the Denman Public Library

Laura Busheikin

17-May-2016

On Going

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**From:** Edina Johnston <[edijohnston@gmail.com](mailto:edijohnston@gmail.com)>  
**Date:** April 30, 2016 at 10:51:01 AM PDT  
**To:** "Prichard, Nichole D FLNR:EX" <[nichole.prichard@gov.bc.ca](mailto:nichole.prichard@gov.bc.ca)>  
**Cc:** [FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca), David Critchley <[dcritchley@islandstrust.bc.ca](mailto:dcritchley@islandstrust.bc.ca)>, Laura Busheikin <[lbusheikin@islandstrust.bc.ca](mailto:lbusheikin@islandstrust.bc.ca)>, Susan Morrison <[smorrison@islandstrust.bc.ca](mailto:smorrison@islandstrust.bc.ca)>, Rob Milne <[rmilne@islandstrust.bc.ca](mailto:rmilne@islandstrust.bc.ca)>  
**Subject:** tenuring issues needing immediate attention

April 29, 2016

Nichole Prichard  
Front Counter BC  
Land Officer  
250 751-7266  
[nichole.prichard@gov.bc.ca](mailto:nichole.prichard@gov.bc.ca)

Dear Land Officer Prichard: Re Crown Land tenuring process and the ability for comments to be sent  
Firstly, I would like to submit my opposition to the Paradise Oyster Company Ltd. application of March 31, 2016 file # 1414456 at Deep Bay for 4.64 Ha DL149 Nanaimo District. The reason I am doing this through you is because on the Reasons for Decisions website, there is nowhere to comment for this application. Does this mean the time period is up for comments with not even a month to respond, or is there a problem with the process? Incidentally, this tenure had NO notice in either the Comox Valley Echo or Record which would point to another "flaw" in the process. There have been numerous requests for these legal notices to also be submitted to the weekly and monthly publications on Denman Island which I would consider, another "flaw" in the process.

I will mention yet another "flaw" in the process because when I attempted to comment on another application to which I am opposed- file # 1404396, it was WRONGLY advertised in the Tender column of the Comox Valley Record as file # 1414396. I spent quite a while trying to locate this file number and finally gave up and emailed Front Counter which advised me to go to "Gator" which did not afford me the opportunity to comment. I had hoped they could track down the application and if there was an attempt by Front Counter, (I gave the client's name along with the file number) to find it, the mistake might have been realized and steps taken to correct it.

This is not the first time wrong information has been given in a **legal** notice in regards to shellfish applications and/or notices making it impossible for people to respond. These instances along with the recent Macs application (which ticked the box saying all zoning requirements have been met when they hadn't been) are leading me to believe there are serious issues with the process that need to be rectified immediately.

It is my understanding that there is no active compliance and enforcement of tenure boundaries done for shellfish tenures which amounts to a free for all, once tenures are granted. The Comox Valley Regional District Baynes Sound Initiative identified several deep water tenures that were non compliant with their boundaries. When C&E were asked what action would be taken, the answer was- "We'll amend the boundaries". This is unacceptable! DFO no longer requires markers to be placed on intertidal tenures and deals with licensing issues only so, again the process of tenuring Crown land is seriously "flawed". To show due diligence in handling public lands entrusted to the Min. of Forests, Lands and Natural Resources, all these issues need to be rectified before handing out more tenures.

Thank you for your time and consideration.

Respectfully, Edina Johnston  
40 yr. resident and retired shellfish grower  
5271 Chrisman Rd.  
Denman Island, BC  
V0R 1T0

cc Denman Island Local Trust  
[FLNR.Minister@gov.bc.ca](mailto:FLNR.Minister@gov.bc.ca)

**The Association of Denman Island Marine Stewards (ADIMS)**

[bcmills45@gmail.com](mailto:bcmills45@gmail.com), Phone: 250-335-0775  
[shelleymckeachie@gmail.com](mailto:shelleymckeachie@gmail.com), Phone: 250-335-2558

May 1, 2016

Denman Island Local Trust Council – Via Email  
LTC Chair Morrison: [smorrison@islandstrust.bc.ca](mailto:smorrison@islandstrust.bc.ca)  
Trustee Busheikin: [lbusheikin@islandstrust.bc.ca](mailto:lbusheikin@islandstrust.bc.ca)  
Trustee Critchley: [dcritchley@islandstrust.bc.ca](mailto:dcritchley@islandstrust.bc.ca)

Dear LTC: Re. Referral response process

The Association for Denman Island Marine Stewards (ADIMS) is writing to register our concerns with the LTC referral response process; specifically, the LTC response to the recent Mac's Oyster shellfish application, **File: #1414389**. We ask that this letter be included as Correspondence for the next LTC meeting on May 17, 2016.

We understand that the LTC was not made aware of this application until late in the process due to a Trust email problem. At the March 15, 2016 LTC meeting, Planner Milne stated he would ask for an extension to give ample time to respond. It was also mentioned during the Town Hall that it was crucial that our elected representatives have an opportunity to have input before referral responses are sent.

At the LTC meeting of April 19, 2016, Trustee Critchley noted that the applicant wrongly answered “Yes” to the question - “***Is the intended use consistent with approved local government bylaws for land use planning and zoning?***” As well, the question of whether the Riparian Rights of upland owners would be infringed on was also answered incorrectly by the applicant when a “No” answer was indicated. Not only would the upland owners have issues with this tenure, but it would also negatively impact an actively used public beach access area used for sailing. The tenure plans also include a work (product handling) shelter 4-7 m X 7-12 m and 2-3 m high which would spoil the aesthetics of the area when sitting on the beach.

The referral response sent from the Trust Area Planner on March 31, 2016 did not deal with any of the serious issues above and merely stated that the Trust Recommendation was “***No objection to approval of project subject to a successful application for rezoning.***” We are concerned that had this referral never been brought to the attention of our Trustees, it could have been approved due to the misinformation cited on the application and an inaccurate response from our planner indicating that there is no objection.

Most importantly, we feel strongly that it is time for our LTC to assert to both FLNRO and DFO that no further applications will be considered in areas zoned W1 Marine Conservation in the Denman Trust area. The extent of this industry, occupying over 90% of our coastline with tenures, is already inappropriate for a Trust island. The remaining area is zoned W1 Marine Conservation. The Denman Island community has repeatedly voiced, and clearly demonstrated through the rezoning process in the past, that they are opposed to further expansion of this industry in the remaining W1 Marine Conservation areas. This should be respected and defended by our Local Trustees. It is not reasonable or fair to ignore this and to put our community through the time and energy consuming rezoning process in response to each new tenure application, having to demonstrate over and over again that they don't support further expansion of this industry. W1 Marine Conservation zoning should mean just that and a permanent moratorium should be announced for any applications for new or expanded aquaculture tenures.

We look forward to your response and hope that this will be addressed at the next LTC meeting on May 17<sup>th</sup>.

Respectfully,

Shelley McKeachie & Barbara Mills, Co-Chairs, ADIMS

Cc:

Planner Milne - [rmilne@islandstrust.bc.ca](mailto:rmilne@islandstrust.bc.ca)  
Denman Island Sailing and Paddling Club, Alex White, Director – [aaawhite@icloud.com](mailto:aaawhite@icloud.com)



**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 219**

**Schedule A**

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

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:

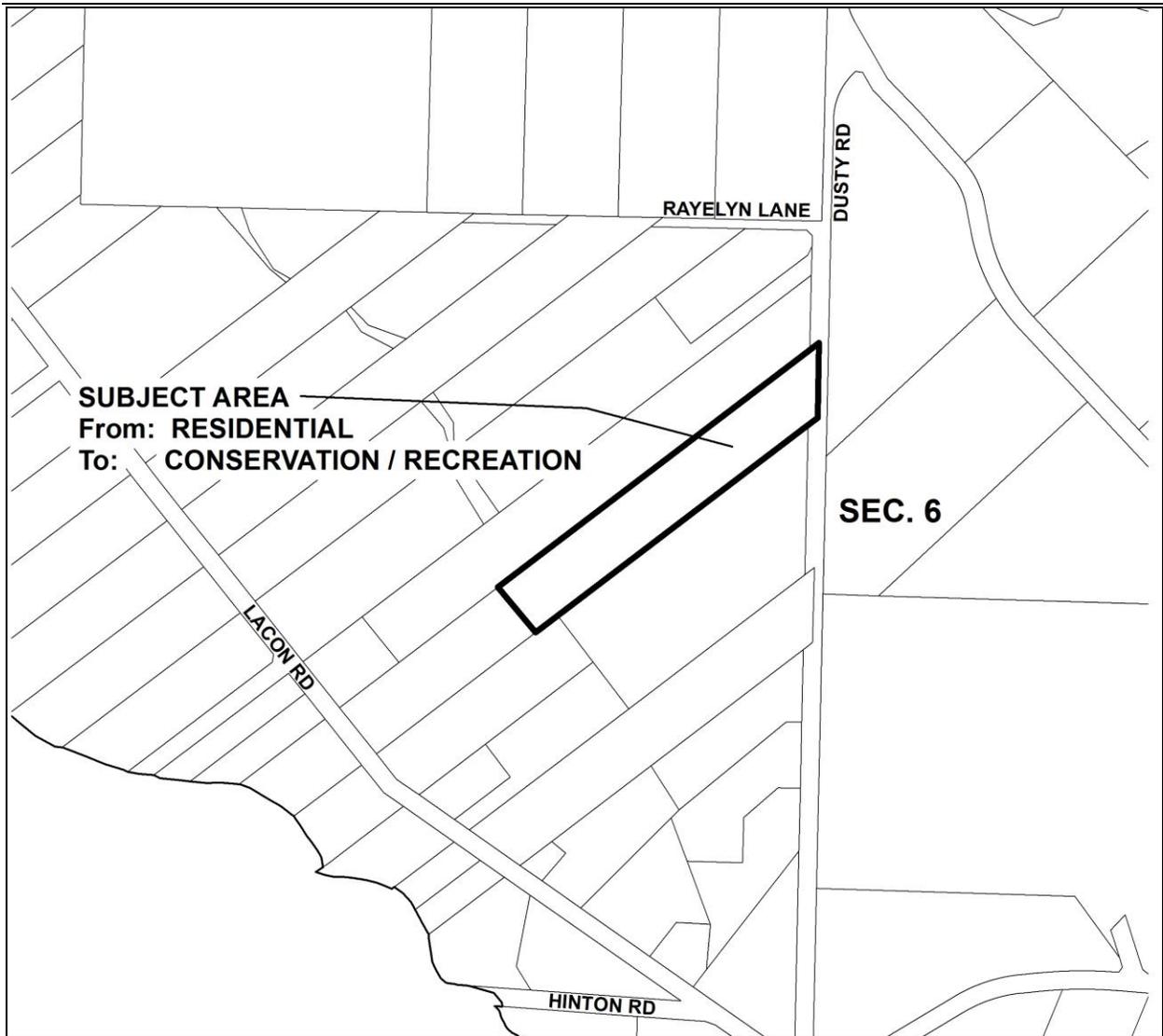
Authorizing Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative Total of residential dwelling units in the bank
219	[date of adoption]	Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)	+1	14

2. Schedule C [Land Use Designations] is amended by changing the land use designations as follows:
  - a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the land use designation is changed:  
from “Residential” to “Conservation/Recreation”;  
as shown on Appendix No. 1 attached to and forming part of this bylaw.
  - b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the land use designation is changed:  
from a split “Sustainable Resources” and “Rural” designation to “Rural”;  
as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

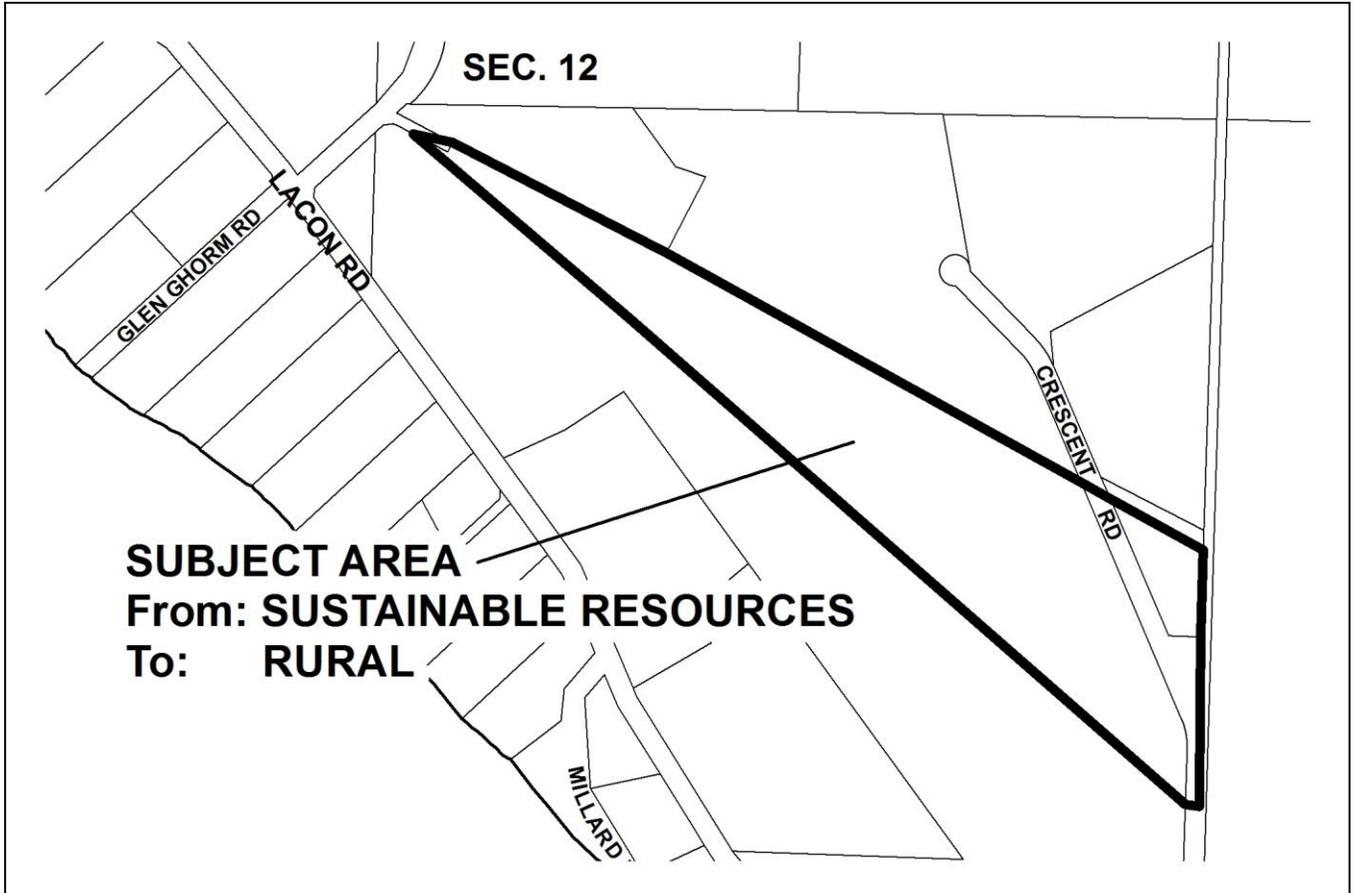
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Appendix No. 2





**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 220**

**Schedule A**

Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008” is amended as follows:

1. That Table 8 – “Site Specific Regulations” of Part 3.3, “Residential Zoning Tables” be amended by the addition of a new entry in sequential order which reads as follows:

<b>Site Specific Zoning Code</b>	<b>Site Specific Regulations</b>
“R2(6)”	1 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56ha.”

2. Schedule “B” [zoning map] is amended by changing the zoning classifications as follows:

- a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the zoning classification is changed:

from Residential (R-1) to Conservation (CN);

as shown on Appendix No. 1 attached to and forming part of this bylaw.

- b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the zoning classification is changed:

from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential 2(6), (R2(6));

as shown on Appendix No. 2 attached to and forming part of this bylaw.

- c) On portions of land legally described as SOUTH EAST 1/4 OF SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PART IN PLANS 15079, 19060, VIP60280, VIP79163 AND VIP88949 the zoning classification is changed from:

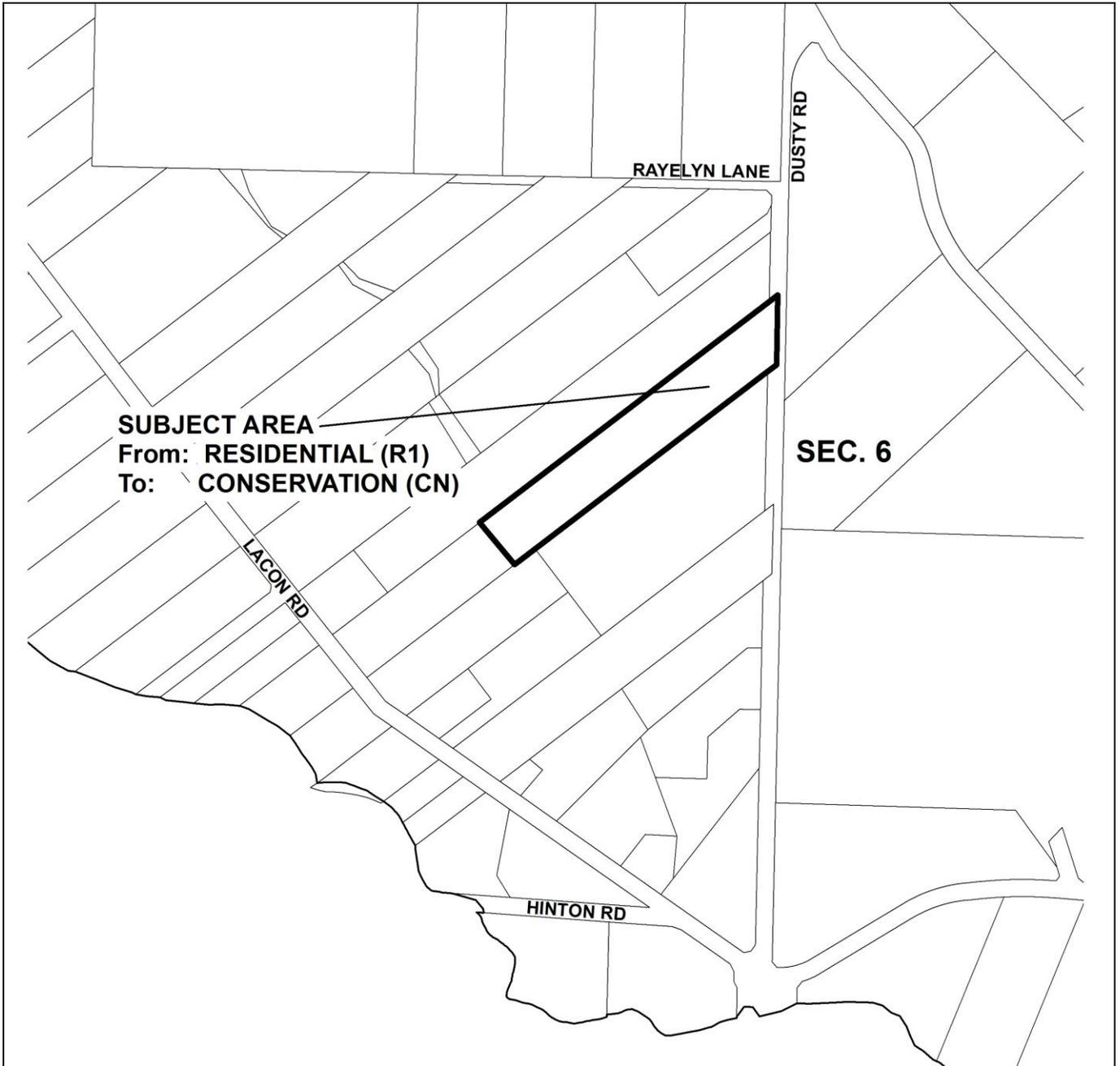
Forestry (F) to Agriculture (A)

as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

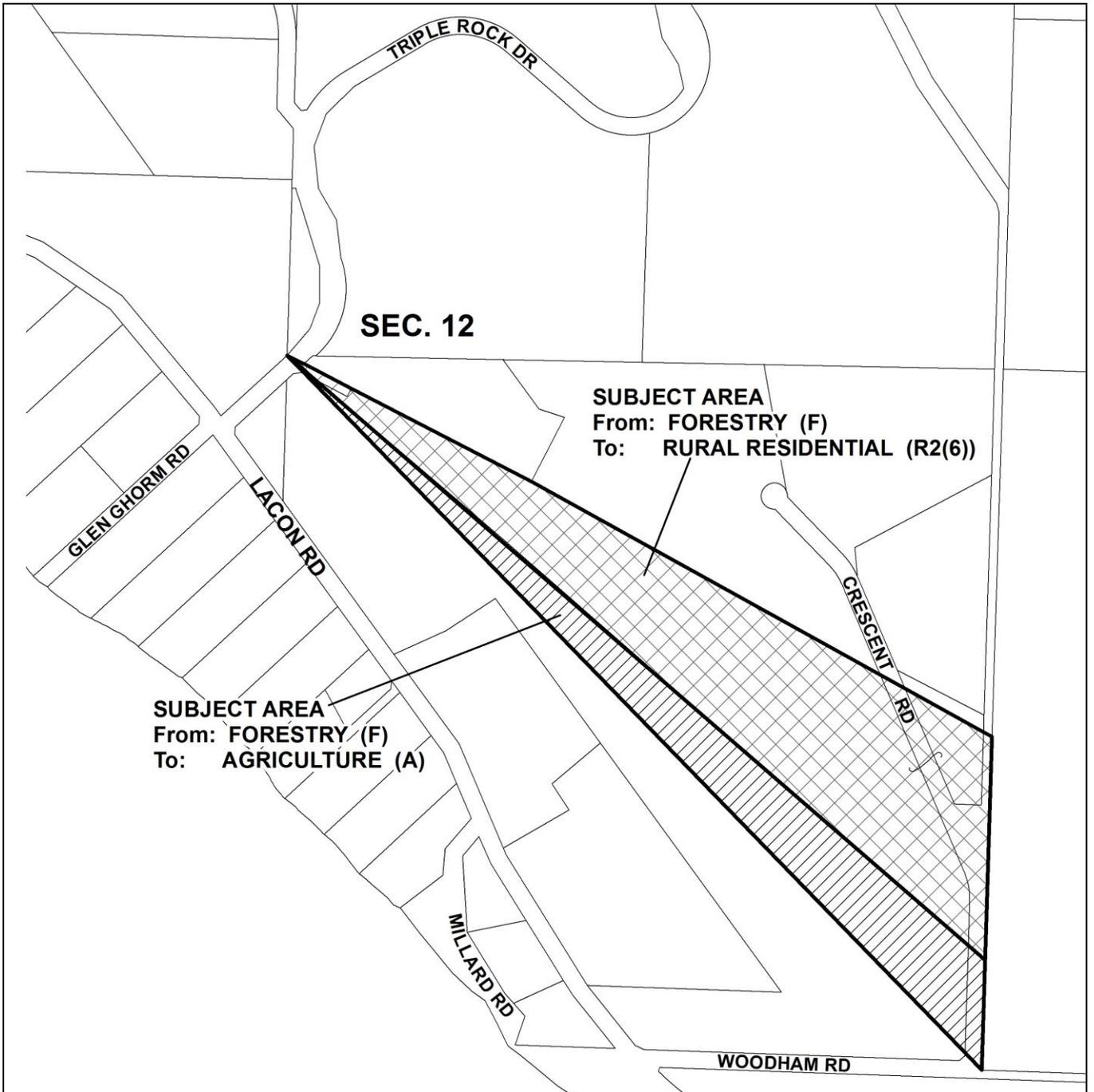
Appendix No. 1



**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 220**

**Appendix No. 2**



# PROPOSED

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## Denman Island Local Trust Committee

### BYLAW NO. 212

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#### A BYLAW TO AMEND THE DENMAN ISLAND OFFICIAL COMMUNITY PLAN, NO. 185

\*\*\*\*\*

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. Bylaw No 185, cited as "Denman Island Official Community Plan (Denman Island) Bylaw No. 185, 2008" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014"

READ A FIRST TIME THIS	21 <sup>st</sup>	DAY OF	APRIL	, 2015
READ A SECOND TIME THIS	27 <sup>th</sup>	DAY OF	JULY	, 2015
PUBLIC HEARING HELD THIS	8 <sup>th</sup>	DAY OF	SEPTEMBER	, 2015
READ A THIRD TIME THIS	27 <sup>th</sup>	DAY OF	OCTOBER	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS	25 <sup>th</sup>	DAY OF	NOVEMBER	, 2015
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT				
THIS	2 <sup>nd</sup>	DAY OF	MAY	, 2016
ADOPTED THIS		DAY OF		, 201x

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SECRETARY

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CHAIRPERSON

## Denman Island Local Trust Committee

### Bylaw No. 212

#### Schedule 1

The Denman Island Official Community Plan Bylaw No. 185 cited as “Denman Island Official Community Plan (Denman Island) Bylaw No. 185, 2008”, is amended as follows:

1. “Development Permit Area No. 4: Streams, Lakes and Wetlands” of Part “F”;;  
Development Permit Areas” of Schedule “A” is deleted in its entirety and replaced with the following:

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

##### **Category**

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

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

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

##### **Area:**

Development Permit Area No. 4 includes all land designated on Schedule E of this plan as being within the Stream, Lakes and Wetlands DPA. This DPA includes minor and major streams and wetlands, and watercourses and lakes designated as “RAR applicable” and “Non-RAR”. See ‘Measurement of RAR and Non-RAR Development Permit Areas’ below for explanation of the differentiation between RAR and non-RAR applicable areas.

##### **Justification:**

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

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and

animals. Land use practices including land clearing, logging, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Denman Island.

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

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

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

**Objectives:**

The objectives of this development permit area are as follows:

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

**Measurement of RAR and Non-RAR Development Permit Areas**

The Streams, Lakes and Wetlands Development Permit Area includes the following:

1. All riparian assessment areas related to the areas identified on schedule E as “RAR-applicable” streams, major wetlands, and lakes, as the term “streams” is defined in the Riparian Areas Regulation, which include any of the following that provide fish habitat:
  - a watercourse, whether it usually contains water or not;
  - a pond, lake, river, creek or brook; and
  - a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

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

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

#### **Development Approval Information**

Development Permit Area No. 4 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the Local Government Act. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to special conditions and the objectives described above.

<b>INFORMATION NOTE:</b> Development Permit Area Guidelines for Development Permit Area No. 4: Streams, Lakes and Wetlands are in the Land Use Bylaw.
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2. Schedule E, Map 2 is deleted and replaced by Attachment “1” attached to and forming part of this bylaw.

# PROPOSED

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**Denman Island Local Trust Committee**

**BYLAW NO. 213**

\*\*\*\*\*

**A BYLAW TO AMEND THE DENMAN ISLAND LAND USE BYLAW, NO. 186**

\*\*\*\*\*

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. Bylaw No. 186, cited as “Denman Island Land Use Bylaw No. 186, 2008” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Denman Island Land Use Bylaw 186, Amendment No. 2, 2014”

READ A FIRST TIME THIS	21 <sup>ST</sup>	DAY OF	APRIL	, 2015
READ A SECOND TIME THIS	27 <sup>TH</sup>	DAY OF	JULY	, 2015
PUBLIC HEARING HELD THIS	8 <sup>TH</sup>	DAY OF	SEPTEMBER	, 2015
READ A THIRD TIME THIS	27 <sup>TH</sup>	DAY OF	OCTOBER	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
	THIS	25 <sup>TH</sup>	DAY OF	NOVEMBER ,2015
ADOPTED THIS		DAY OF		

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**SECRETARY**

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**CHAIRPERSON**

## Denman Island Local Trust Committee

### Bylaw No. 213

#### Schedule 1

Schedule "A" of Denman Island Land Use Bylaw No. 186 cited as "Denman Island Land Use Bylaw No. 186, 2008" is amended by:

1. Deleting "Part 4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands – Guidelines" in its entirety and replacing it with the following text:

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

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

##### **4.4.1 Applicability**

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

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land;
- d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*, and
- e) Installation of any structures within a stream or within the natural boundary of a lake.

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

##### **4.4.2 Exemptions**

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

- a) works undertaken by a local government or a body established by a local government;
- b) agricultural activities within a seasonally flooded agricultural field that is in the Agricultural Land Reserve as long as it can be determined by site inspection and/or by current orthophoto interpretation that it has been previously modified for agriculture. If it is not possible to make the determination by these means, other historical evidence that agricultural activities have occurred in the subject area within the last 50 years from the date of the application may be acceptable;
- c) the following properties are recognized as containing seasonally flooded agricultural fields and are exempt from requiring a development permit for agricultural activities as long as they remain in the Agricultural Land Reserve:

Lot A, Section 32, Denman Island, Nanaimo District, Plan VIP 61295;

Lot 1, Section 17, Denman Island, Nanaimo District, Plan 43576;

Lot 2, Section 17, Denman Island, Nanaimo District, Plan 43576;

The South East ¼ of Section 26, Denman Island, Nanaimo District;

The North West ¼ of the North West ¼ of Section 22, Denman Island, Nanaimo District; and

The South West ¼ of Section 13, Denman Island, Nanaimo District;

- d) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- e) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- f) repair or replacement of a septic field on the same spot;
- g) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- h) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- i) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- j) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- k) ecological restoration or enhancement projects undertaken or authorized by a public body;
- l) changes in or about a stream authorized under Section 9 of the Water Act;
- m) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- n) emergency procedures to prevent, control or reduce immediate threats to life or property including:
  - i. emergency actions for flood-protection and erosion protection,
  - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
  - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- o) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Denman Island Land Use Bylaw 177;
- p) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- q) The construction of a private trail if all of the following apply:
  - i. The trail is 1 meter wide or less;
  - ii. No native trees are removed;

- iii. The surface of the trail is pervious (for example, soil, gravel or wood chips)
- iv. The trail is designed to prevent soil erosion where slopes occur; and
- v. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- r) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and
- s) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared.

*Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.*

*Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.*

#### **4.4.3 Guidelines**

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

##### **Guideline 1**

In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

##### **Guideline 2**

The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.

##### **Guideline 3**

Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

##### **Guideline 4**

The following guidelines are applicable to floats and associated structures within the development permit area:

- i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;
- ii) a ramp or float should not rest on the bed of the water body;
- iii) the use of treated wood in the water body should be avoided;
- iv) floatation material should be contained within a durable shell to prevent disintegration;
- v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
- vi) any areas disturbed during installation should be restored;
- vii) where a float is being replaced, all old materials should be removed from the riparian area.

**Guideline 5**

If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.

**Guideline 6**

The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."



### Top Priorities

#### Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation	April 19, 2016: LTC to seek UBCM funding for a Community to Community (C2C) Forum		Rob Milne Mike Richards	
2	Denman Island Farm Plan Implementation	Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods.		Rob Milne	
3	Marine Issues	April 19, 2016: LTC to continue stakeholder consultation to discuss beach/driving access to aquaculture facilities	03-Mar-2015	Laura Busheikin Rob Milne David Critchley	



### Projects

#### Denman Island

Description	Activity	R/Initiated
A Protected Area Network on Denman Island		15-Mar-2011
Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	15-Aug-2011
Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	15-Aug-2011
Regulation limiting the gross floor area of a dwelling		25-Oct-2011
Regulations to promote greenhouse gas emissions reduction.		25-Oct-2011
Review and Update of Development Procedures Bylaw No. 71		11-Dec-2012
DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	22-Oct-2013
Review of LUB in consideration of the new Federal Marihuana for Medical Purposes Regulation	Review the 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
Downtown Village Neighbourhood Planning	The plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.	26-May-2015
Riparian Area Regulation (RAR) Implementation		01-Dec-2015
Review effectiveness of Secondary Suites and Cottages bylaw.		12-Jan-2016



Islands Trust

## Projects

### Denman Island

Description	Activity	R/Initiated
Review regulatory mechanisms for supporting affordable, attainable and seniors housing		19-Apr-2016



**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2015.1	Denman Community Land Trust Association <b>Planner:</b> Rob Milne	17-Dec-2015	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR
<b>Planning Status</b>			
<b><u>Status Date:</u></b>			

**Development Permit**

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Stoneman, Daniel/Debra <b>Planner:</b> Courtney Simpson	31-Aug-2006	The use of presently cleared areas within the Komasa Bluff permit area for agricultural use.
<b>Planning Status</b>			
<b><u>Status Date:</u></b> 04-Apr-2011 No change: waiting for info from applicant.			
<b><u>Status Date:</u></b> 04-Feb-2010 No change			
<b><u>Status Date:</u></b> 01-May-2009 No change			

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella <b>Planner:</b> Marnie Eggen	21-Mar-2011	For barn sited within DP #1: Komasa Bluff
<b>Planning Status</b>			
<b><u>Status Date:</u></b> 29-Jul-2013 File passed on to Bylaw enforcement			



## Applications

**Status Date:** 05-Oct-2012

Letter sent to applicant re: further info required

**Status Date:** 01-Nov-2011

Awaiting info from applicant

File Number	Applicant Name	Date Received	Purpose
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DE-DP-2013.1	Stoneman, Daniel & Debra	17-Jun-2013	
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**Planner:** Courtney Simpson

### Planning Status

**Status Date:** 16-Jul-2013

Staff report to July 16 LTC meeting. LTC resolved to not issue permit but to amend 1999 development permit.

**Status Date:** 16-Jul-2013

Staff preparing development permit amendment

**Status Date:** 24-Jun-2013

Planner Reviewing File

## Development Variance Permit

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

### Planning Status

**Status Date:** 29-Jul-2013

no change; file passed on to bylaw enforcement

**Status Date:** 09-Nov-2012

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

**Status Date:** 05-Oct-2012

Letter sent to applicant requesting further information otherwise issue will be transferred over to bylaw enforcement

File Number	Applicant Name	Date Received	Purpose
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### Applications

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

**Planner:** Marnie Eggen

**Planning Status**

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**Status Date:** 04-May-2016

Planner reviewing

### Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2015.1	Neilsen, Henning	12-Jan-1900	To change Land Use Designation of a portion of the subject property from Residential to Conservation/recreation and that portion to be transferred to Islands Trust Fund - remainder to be used for residential

**Planner:** Rob Milne

**Planning Status**

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**Status Date:** 21-Apr-2015

LTC consideration of staff report. Resolution for staff to prepare draft bylaws for May 26, 2015 LTC meeting.

### Siting and use Permit

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

**Planner:** Courtney Simpson

**Planning Status**

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**Status Date:** 08-Jan-2009

On hold pending outcome of court case

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:** Marnie Eggen



## Applications

### Planning Status

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**Status Date:** 30-Jun-2011

On hold until outcome of DP and DVP.

**Status Date:** 03-Mar-2011

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

**Status Date:** 20-Jan-2011

Applicant submitted partial application

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

### Planning Status

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**Status Date:** 03-Nov-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.2	HARRISON, Terrence	23-Feb-2016	PID: 000-409-669 Building a garage, gazebo and storage shed - seasonal use.
	<b>Planner:</b> Lisa Webster-Gibson		

### Planning Status

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**Status Date:**

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.3	Citizen Design Build Inc.	21-Mar-2016	1 proposed Single Family Dwelling to replace existing 1 Home office 1 Workshop to replace existing shed 1 Temporary Use Secondary Dwelling (Guest House)

**Planner:** Marnie Eggen

### Planning Status

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**Status Date:** 04-May-2016

On hold until LTC consideration of DVP and TUP applications



**Subdivision**

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise <b>Planner:</b> Teresa Rittemann	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)
<b>Planning Status</b>			
<b>Status Date:</b> 03-May-2016 No change in status			
<b>Status Date:</b> 15-Mar-2016 Associated DP application was approved at the regular LTC meeting. Planner waiting for updated site plan from applicant before revising referral report to MOTI			
<b>Status Date:</b> 06-Jan-2016 Applicant has submitted a DP application. Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.			

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY <b>Planner:</b> Rob Milne	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
<b>Planning Status</b>			
<b>Status Date:</b>			

**Temporary and Industrial Use Permit**

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2016.1	Citizen Design Build Inc. <b>Planner:</b> Marnie Eggen	21-Mar-2016	for secondary dwelling for potential accommodation for the owner's relatives currently residing on Denman. Designed with to suit special needs housing.
<b>Planning Status</b>			



## Applications

**Status Date:** 04-May-2016  
Planner reviewing

# Islands Trust

LTC EXP SUMMARY REPORT F2016  
Invoices posted to Month ending March 2016

615 Denman	Invoices posted to Month ending March 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	1,354.89	-604.89
<b>LTC Local</b>				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	3,875.58	-1,375.58
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	688.29	61.71
65220-615	LTC - Local Exp - Communications	300.00	123.74	176.26
65230-615	LTC - Local Exp - Special Projects	750.00	1,609.08	-859.08
<b>TOTAL LTC Local Expense</b>		<u>4,300.00</u>	<u>6,296.69</u>	<u>-1,996.69</u>
<b>Projects</b>				
73001-615-3001	Denman RAR	2,500.00	769.10	1,730.90
73001-615-4048	Denman Memo of Understanding with K'omoks FN	2,000.00	0.00	2,000.00
<b>TOTAL Project Expenses</b>		<u>4,500.00</u>	<u>769.10</u>	<u>3,730.90</u>

Prd.	Source	Date	Description	Reference	Amount	
65000-615		LTC "Trustee Expenses"				
01	AP	4/21/2015	LAURA BUSHEKIN	3842	161.72	
01	AP	4/22/2015	LAURA BUSHEKIN	3885	150.20	
02	AP	5/21/2015	LAURA BUSHEKIN	3914	23.42	
03	AP	6/30/2015	DAVID CRITCHLEY	4066	29.73	
03	AP	6/30/2015	DAVID CRITCHLEY	4064	144.88	
05	AP	8/31/2015	LAURA BUSHEKIN	4095	5.00	
06	AP	9/21/2015	LAURA BUSHEKIN	4156	51.30	
09	AP	12/1/2015	LAURA BUSHEKIN	4273	70.36	
09	AP	12/31/2015	DAVID CRITCHLEY	4420	24.96	
09	AP	12/1/2015	DAVID CRITCHLEY	4419	299.34	
09	AP	12/1/2015	DAVID CRITCHLEY	4418	147.76	
10	AP	1/8/2016	ABRAXAS BOOKS AND GIFTS	1433	8.52	
10	AP	1/1/2016	DAVID CRITCHLEY	4446	45.52	
11	AP	2/2/2016	ANN KJERULF	4447	13.29	
11	AP	2/16/2016	LAURA BUSHEKIN	4456	27.73	
12	AP	3/22/2016	DAVID CRITCHLEY	4445	151.16	
					<b>1,354.89</b>	
65200-615		LTC - Local Exp - LTC Meeting Expenses				
01	AP	4/2/2015	HORNBY-DENMAN ISLAND GRAPEVINE	8292-2	94.53	
01	AP	4/7/2015	VICKY BOCKMAN	VB-78 2015-0001	131.21	
01	AP	4/21/2015	VICKY BOCKMAN	VB-80 2015-0001	275.15	
01	GL	4/30/2015	Denman Seniors hall rental for LTC Meeting - April 21-15 fro	BA1-1	75.00	
02	AP	5/26/2015	VICKY BOCKMAN	VB-82-2015-0001	226.59	
03	AP	6/18/2015	DENMAN SENIORS AND MUSEUM SOCIETY	87	150.00	
03	AP	6/16/2015	DENMAN ISLAND SENIORS AND MUSE	93	75.00	
03	AP	6/16/2015	HORNBY-DENMAN ISLAND GRAPEVINE	8510	189.06	
04	AP	7/30/2015	LAURA BUSHEKIN	4011	25.55	
04	AP	7/21/2015	VICKY BOCKMAN	VB-86	264.36	
06	AP	9/14/2015	VICKY BOCKMAN	VB-91 2015-0001	275.15	
07	AP	10/24/2015	VICKY BOCKMAN	VB-94 2015-0001	12.88	
07	AP	10/24/2015	DENMAN ISLAND SENIORS AND MUSE	127	50.00	
07	AP	10/27/2015	VICKY BOCKMAN	VB-93 2015-0001	258.96	
07	AP	10/1/2015	DENMAN SENIORS AND MUSEUM SOCIETY	118	225.00	
08	AP	11/9/2015	VICKY BOCKMAN	NOVEMBER 3, 2015	161.85	
08	AP	11/3/2015	MAGDALENA BRYZGALSKI	13	62.50	
08	AP	11/19/2015	VICKY BOCKMAN	VB-96 2015-0001	12.88	
09	AP	12/1/2015	VICKY BOCKMAN	VB-98 2015-0001	302.13	
09	AP	12/8/2015	VICKY BOCKMAN	VB-99 2015-0001	12.88	
09	AP	12/8/2015	GALLERY PRESS	2466	147.66	
10	AP	1/11/2016	HORNBY-DENMAN ISLAND GRAPEVINE	8966	63.02	
10	AP	1/15/2016	VICKY BOCKMAN	VB-101 2015-0001	167.25	
10	AP	1/19/2016	DENMAN SENIORS AND MUSEUM SOCIETY	148	150.00	

11	GL	2/29/2016	REAL HORN/DEN GRAPEVINE INV 8510 TO SP PROJ	BA3-4	-189.06
12	AP	3/3/2016	KATHERINE VOGT	MARCH 3, 2016	118.92
12	AP	3/4/2016	VICKY BOCKMAN	VB-103 2015-0001	12.88
12	AP	3/21/2016	VICKY BOCKMAN	VB-104 2015-0001	399.23
12	AP	3/31/2016	ARTS DENMAN PHONE DIRECTORY	PHONE DIRECTORY 2016	125.00
					<hr/>
					<b>3,875.58</b>

**65210-615**                      **LTC - Local Exp - APC Meeting Expenses**

03	AP	6/16/2015	PENNY HAWLEY	4013	49.50
04	AP	7/16/2015	VICKY BOCKMAN	JULY 16, 2015	70.14
05	AP	8/28/2015	VICKY BOCKMAN	AUGUST 28, 2015	178.04
08	AP	11/2/2015	HORNBY-DENMAN ISLAND GRAPEVINE	8845	315.08
10	AP	1/7/2016	VICKY BOCKMAN	VB-100 2015-0001	75.53
					<hr/>
					<b>688.29</b>

**65220-615**                      **LTC - Local Exp - Communications**

03	AP	6/11/2015	ARTS DENMAN PHONE DIRECTORY	2015 PHONE DIR	75.00
12	AP	3/31/2016	BLACK PRESS GROUP LTD	32841016	18.82
12	AP	3/8/2016	GABRIOLA SOUNDER MEDIA INC	24403	29.92
					<hr/>
					<b>123.74</b>

**65230-615**                      **LTC - Local Exp - Special Projects**

08	AP	11/15/2015	HORNBY-DENMAN ISLAND GRAPEVINE	8871	756.22
09	AP	12/1/2015	INSIGHT FACILITATION	NOVEMBER 4, 2015	663.80
11	GL	2/29/2016	REAL HORN/DEN GRAPEVINE INV 8510 TO SP PROJ	BA3-4	189.06
					<hr/>
					<b>1,609.08</b>

**73001-615-3001**                      **Denman RAR**

05	AP	8/20/2015	VICKY BOCKMAN	VB-89 2015-0001	12.88
05	AP	8/11/2015	HORNBY-DENMAN ISLAND GRAPEVINE	8654	756.22
					<hr/>
					<b>769.10</b>

## Denman Island Local Trust Committee

### POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Enforcement Policy on Guest accommodation	<p>It was <b>MOVED</b> and <b>SECONDED</b>:</p> <ol style="list-style-type: none"> <li>1. That as the Denman Island Local Trust Committee intends to review the home based guest accommodation regulations in Bylaw No. 186 bylaw enforcement activity is restricted where the guest accommodation provides the following unlawful facilities:               <ol style="list-style-type: none"> <li>1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests;</li> <li>2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total;</li> </ol> </li> <li>2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if:               <ol style="list-style-type: none"> <li>1. there are issues related to health, safety, or environmental damage;</li> <li>2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation;</li> </ol> </li> <li>3. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Denman Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time without notice;</li> <li>4. That unless the Denman Island Local Trust Committee extends the effective period on this enforcement policy it expires on December 31, 2012 or when the guest accommodation regulation review is complete, whichever is the sooner.</li> </ol>
2.	October 22, 2013	DE-065-2013	Enforcement Policy on Guest accommodation	<p>It was <b>MOVED</b> and <b>SECONDED</b>,</p> <p>that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.</p>

3.	September 16, 2014	DE-2014-054	Enforcement Policy on Guest accommodation	It was <b>MOVED</b> and <b>SECONDED</b> , that the Denman Island Local Trust Committee renew Standing Resolution No. DE-065-2013 to be extended to December 31, 2015.
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