



Denman Island Local Trust Committee Regular Meeting Agenda

Date: October 27, 2015
Time: 12:00 pm
Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER	10:30 AM - 10:35 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	10:35 AM - 10:50 AM
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES	10:50 AM - 11:00 AM
6.1 Local Trust Committee Minutes dated September 8, 2015 – for adoption	4 - 17
6.2 Local Trust Committee Public Hearing Record dated September 8, 2015 - for receipt	18 - 19
6.3 Section 26 Resolutions-without-meeting Report dated October 8, 2015	20 - 20
6.4 Advisory Planning Commission Minutes - none	
6.5 Marine Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	11:00 AM - 11:45 AM
7.1 Follow-up Action List dated October 8, 2015	21 - 22
7.2 Marihuana for Medical Purposes Regulation	23 - 26
7.2.1 <u>Staff Report dated September 28, 2015</u>	27 - 30
8. DELEGATIONS - none	
9. CORRESPONDENCE - none	
<i>(Correspondence received concerning current applications or projects is posted to the LTC webpage)</i>	
10. APPLICATIONS AND REFERRALS - none	

11.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:30 PM	
11.1	Riparian Areas Regulation - Public Hearing Report		
11.1.1	<u>Staff Report dated September 22, 2015</u>		31 - 38
11.2	Visitor Accomodation Review		
11.2.1	<u>Staff Report dated October 7, 2015</u>		39 - 50
12.	BREAK	12:30 PM - 12:50 PM	
13.	REPORTS	12:50 PM - 1:05 PM	
13.1	Work Program Reports		
13.1.1	<u>Top Priorities Report dated October 8, 2015</u>		51 - 51
13.1.2	<u>Projects List Report dated October 8, 2015</u>		52 - 53
13.2	Applications Report dated October 8, 2015		54 - 58
13.3	Trustee and Local Expense Report dated September, 2015		59 - 59
13.4	Adopted Policies and Standing Resolutions		60 - 61
13.5	Local Trust Committee Webpage		
13.6	Chair's Report		
13.7	Trustee Reports		
13.8	Electoral Area Director's Report		
13.9	Trust Fund Board Report - none		
14.	NEW BUSINESS	1:05 PM - 1:20 PM	
14.1	Denman Island Local Trust Committee Tentative Meeting Schedule for 2016 - To be distributed at meeting		
15.	UPCOMING MEETINGS		
	Next Regular Meeting Scheduled for Tuesday, December 1, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC		
16.	TOWN HALL	1:20 PM - 1:30 PM	

17. CLOSED MEETING

1:30 PM - 2:00 PM

17.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of Adoption of In-Camera Meeting Minutes dated June 11, 2015 and s.90(1)(f) for the purpose of law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment and staff attend the meeting.

17.2 Recall to Order

17.3 Rise and Report

18. ADJOURNMENT

2:00 PM - 2:00 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: September 8, 2015
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
Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present Approximately twenty-five (25) members of the public – am
Approximately eight (8) 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 additions to the agenda were presented for consideration:

6.4 Marine Advisory Planning Commission draft Minutes

14.4 Climate Leadership

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Comments from the public were grouped by topic as follows:

Fillongley Subdivision Marijuana Growing Operation

Scenery Slater asked for information regarding the Baikie Road marijuana growing operation including if it is licensed and if so, whether the license is for commercial, medical or for personal use.

Christine Oliver noted that 12 are present to voice their concerns that include the operation occurring in a neighbourhood of very small lots, the unsightly shipping container, potential contamination of the seasonal creek, diversion of the creek for two new ponds, traffic and security issues. She expressed her opinion that this activity should be conducted on at least a five-acre lot or situated in a manner that cannot be seen. She confirmed that both the RCMP and the Islands Trust Bylaw Enforcement have been contacted and stated that neighbours do not want this occurring in their neighbourhood.

Victor Scott expressed his concern about the effect that this operation will have on the local groundwater, already stressed from a drought, noting that a commercial use will use a large amount of water and create the possibility of pesticide and fertilizer contamination. He added that marijuana growing operations should be regulated so that they are not permitted close to schools or other inappropriate locations.

Mary Reid expressed her opposition to this operation. She stated that the grow-op property has been excavated and is using landscape fabric that causes water to run off toward her property. She stated that her lot was already overwhelmed by water last winter causing the Dalziel Road culvert to overflow. She voiced her concern with the associated noise, odors, lights and unsightly scene that this creates.

Sharon Johnston pointed out that she had flooding damage on her property this past year and does not want to see more caused by this operation.

Frank McGaffney wants Bylaw Enforcement to take action and address this issue before it is established as an on-going concern.

Planner Milne responded to the concerns by verifying that Bylaw Enforcement has been contacted and is involved. He indicated that he was unable to provide details, although it was his understanding that there is a license in process and that the use was for medical marijuana.

Trustees explained the Bylaw Enforcement process and noted that a report from Bylaw Enforcement clarifying the situation would be helpful. They indicated that agenda item 14.2 will provide an opportunity to continue consideration of these concerns.

Aquaculture Practices – Driving on the Foreshore

Edi Johnston commented that Denman Island has no designated public beaches and all foreshore areas could potentially be tenured. She remarked that Comox Valley Regional

District (CVRD) took out a 30-year lease on a beach in Royston and suggested that the Local Trust Committee (LTC) could do the same on Denman beaches. She observed that this topic was considered by the LTC four years ago and the Planner was asked to provide more information on this issue, however, as yet there has been no follow-up.

Graham Brazier commented that he has learned that the Corporation of the District of Saanich has a bylaw that prohibits driving on the foreshore. He quoted from the regulations and suggested that this information might be useful when the LTC addresses agenda item 11.1.

Riparian Areas Regulation (RAR)

Margie Gang asked questions about RAR setbacks and applicability to the Graham Lake area including where the setbacks begin, how far the setbacks extend, whether she could prune existing fruit trees close to the lake and whether a proposed boom across the lake would be permitted.

Planner Milne explained that the proposed bylaws would establish a 30-metre wide Development Permit Area where a development permit may be required, depending upon proposed activities, with a Qualified Environmental Professional establishing the Streamside Protection and Enhancement Area. He clarified that methodologies provided by the province would establish the high-water mark to be considered in the process. He confirmed that gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides within a pre-existing landscaped area, are exempt from RAR. Regarding the boom, he explained that the bottom of Graham Lake is not part of the RAR regulations and this activity would be governed by provincial regulations.

Marina Reid noted that the RAR does not specify different setbacks for different situations. She indicated that she has a house that is now being put into a RAR area as the boundaries have changed, and that the development permit process is onerous for landowners. She acknowledged that Seasonally Flooded Fields are exempted in the bylaw; however requested that the RAR map include a legend that clearly indicates this to eliminate any confusion.

Planner Milne explained the new regulations, and advised that the more accurate Global Positioning System (GPS) mapping completed for RAR has created some changes.

Pat Veness commented that if a property is in the Agricultural Land Reserve (ALR), most of these RARs would not apply.

Planner Milne confirmed that any agricultural activity is exempted, and that on ALR land the only activity that would be affected by RAR would be residential use.

Shaun White commented that there are inaccuracies in the mapping of two properties with which he is familiar, and asked how the map was generated. He also pointed out that stream courses have changed and the map shows water where no water has existed for years. He remarked that the map in Schedule E Map 2, Schedule 1 of this bylaw, and the digital map on the Trust website are all different and suggested that a map not be included with this bylaw change as it may create problems. He added that it is not possible to identify the waterway high-water marks by contour maps, as it appears to him to have been done, and asked if it would be possible to have a discussion with the consultant that completed the mapping.

Planner Milne explained that the RAR-applicable areas were mapped using GPS technology and are highly accurate, adding that the consultants also walked the areas. He commented that including the map with the bylaw is essential for determining what is RAR-applicable.

A Trustee responded that the mapping consultants addressed their work at a previous LTC meeting and were available at that time for questions.

Marina Reid commented that the Trust has been aware of inaccuracies of their maps for years and remarked that her land was not walked as she denied access to the consultant when asked for permission.

Chair Morrison responded that if the consultant was denied access, the previously known information about the property has been used.

Burt Taylor remarked that last spring he sent the Trust a detailed commentary on mapping in relation to ponds, indicating at that point that the mapping that was done was better than the previous mapping; however, he feels there is the possibility of inaccuracies that might affect property owners bordering a riparian area, mostly due to the lack of precision with respect to the high-water marks. He expressed his opinion that it is not fair to place a financial burden on the property owner in order to demonstrate that there is an inaccuracy that affects them due to the mapping.

Tony Aly asked how to understand which map to use when considering RAR. He observed that the map on the Trust website does not match the proposed bylaw map. He asked if there will be an effort in the future to align these maps and if it might be possible to audit the methodology.

Planner Milne responded by advising that the on-line map is an informational tool, gathered from many sources. He clarified that the RAR map schedule is the defining instrument on how to interpret the applicability of RAR. He added that the provincial government conducts periodic audits of RAR reports to ensure compliance and indicated that the option for a public audit may not be possible.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING

5.1 Recess for Public Hearing

5.1.1 Bylaw Nos. 212 and 213

By general consent the meeting was recessed at 11:27 am to conduct a Public Hearing on Bylaw Nos. 212 and 213.

5.2 Recall to Order

By general consent the meeting was recalled to order at 11:39 am.

6. MINUTES

6.1 Local Trust Committee Minutes dated July 21, 2015 – for adoption

By general consent the Local Trust Committee meeting minutes of July 21, 2015 were adopted.

6.2 Section 26 Resolutions-without-meeting Report dated August 27, 2015

Received for information.

6.3 Advisory Planning Commission Minutes - none

6.4 Marine Advisory Planning Commission Draft Minutes

The draft minutes of the Marine Advisory Planning Commission (MAPC) meeting of August 28, 2015 were received.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated August 27, 2015

Planner Milne presented the Follow-up Action List dated August 27, 2015 and provided updates.

Trustee Busheikin provided an update regarding the LTC request that she visit the K'omoks First Nation office with an invitation to meet, noting that the effort is on-going and she may have more to report at the next LTC meeting.

- 8. DELEGATIONS - none
- 9. CORRESPONDENCE – none
- 10. APPLICATIONS AND REFERRALS - none
- 11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Aquaculture Practices (Driving on the Foreshore)

11.1.1 Staff Report dated August 18, 2015

Planner Milne presented the staff report providing background on the issue of driving on the foreshore in W1, W3 and W4 foreshore zones, including a draft bylaw with suggested amendments for consideration. He pointed out that Bylaw Enforcement continues to caution regarding the question of enforcement of the provisions of the draft bylaw.

Trustees requested clarification on the draft bylaw's identifying number and Planner Milne responded that an amendment would be necessary in order to maintain the identifying No. 207.

DE-2015-059

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee amend draft bylaw No. 207 by deleting the previous content and substituting the part shown as Schedule 'A' in the staff report dated August 18, 2015.

CARRIED

Before the vote, Trustee Critchley spoke to the motion, pointing out that the MAPC provided a strong report in support of this action, it is important to the community, fulfills the Islands Trust mandate, and the Golder Report indicates authority to take this approach. He commented that he would like this amendment to move forward to full public consultation.

Trustee Busheikin observed that this draft amendment is intended to limit driving on the foreshore, especially aquaculture operators driving across other areas to access the licensed site. She asked for confirmation that this is within the LTC's jurisdictional authority to enforce.

Planner Milne confirmed his understanding that Fisheries and Oceans Canada (DFO) does not have authority to authorize driving on the foreshore off of the licensed area should the bylaw be adopted. He

responded to a question from the MAPC Chair by confirming that the comment attributed to Bylaw Enforcement in the staff report is current and refers to this draft bylaw amendment.

Trustees considered next steps in the process and supported holding an informal, round-table public meeting to voice concerns, discuss the implications and impacts of the draft bylaw and should include the public and key players.

DE-2015-060

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee direct staff to arrange a public meeting specifically inviting the Shellfish Growers Association, Fisheries and Oceans Canada, independent shellfish growers having tenures on Denman Island, K'omoks First Nation, the Aboriginal Aquaculture Association, Ministry of Forests, Lands & Natural Resource Operations, and a representative from the Association for Denman Island Marine Stewards to discuss the content of proposed amended Bylaw No. 207.

CARRIED

Trustees discussed the possibility of engaging a professional facilitator for the meeting and agreed on this approach, adding that the facilitator might assist in the design of the meeting process.

DE-2015-061

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee hire a facilitator for the round table meeting about proposed Bylaw No. 207 and that staff be requested to organize the meeting within the next 60 days.

CARRIED

Planner Milne confirmed that he will explore options and possible facilitator candidates and will report back to the Trustees to determine next steps.

11.2 Bylaw No. 212 and Bylaw No. 213

Bylaw No. 212 cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014" - for consideration of third reading and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

Bylaw No. 213 cited as "Denman Island Land Use Bylaw 186, Amendment No. 2, 2014" - for consideration of third reading and submission to Executive Committee for approval.

There was no action taken on this agenda item. Trustees expressed their desire to review the written submissions and consider the issues raised at the Public Hearing prior to consideration of further bylaw readings.

DE-2015-062

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee request staff to prepare a report consequent upon the Public Hearing held with respect to proposed Bylaw Nos. 212 and 213.

CARRIED

12. BREAK

By general consent the meeting was recessed at 12:24 pm and reconvened at 12:45 pm.

By general consent agenda item 14.2 was moved to follow 12.

14.2 Recent Developments in Marihuana Laws and Consideration of 2014 Staff Report

Planner Milne briefly introduced the staff report from April 28, 2014.

Trustees noted that this matter has been brought forward in response to concerns expressed in the community regarding apparent marijuana production in the Fillongley subdivision area and indicated that a review and possible bylaw changes might be in order.

Discussion followed and Trustees proposed that a report from Bylaw Enforcement might be an appropriate next step, and determined that placing the issue on the Top Priorities list would direct resources to its consideration.

DE-2015-063

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee instruct the Bylaw Enforcement Manager to provide a report on the horticulture infrastructure Bylaw Enforcement file on Baikie Road, addressing in particular, issues of licensing.

CARRIED

Dialogue followed with members of the public; and other agencies with authority, to address noise, odor, unsightliness; water and contamination issues were suggested for follow-up.

DE-2015-064

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee direct staff to:

- add to the Top Priorities list an amendment to the Denman Island Bylaw No. 186 regarding the production of marijuana;
- provide further information on limiting the use by any means available to us; and
- provide further information regarding other provisions such as minimum lot size, setbacks and screening.

CARRIED

Trustees suggested that this information might include a review of the definition of horticulture and a review of other jurisdictions' approaches including possible limitation on the amount of growth that is permitted.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report August 27, 2015

Trustees acknowledged that the number of Top Priorities is in need of refinement and discussed possible changes.

DE-2015-065

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee move item 3
"Development of a Memorandum of Understanding with K'omoks First Nation" from its Top Priority list on a temporary basis to the Projects List
and that the topic of "Marijuana Production Bylaw Amendments" be
moved to item 3 on the Top Priorities list.

CARRIED

13.1.2 Projects List Report dated August 27, 2015

Trustees reviewed the Projects List. A requested change was addressed under agenda item 13.1.1.

13.2 Applications Report dated August 27, 2015

Planner Milne presented the report and provided updates.

13.3 Trustee and Local Expense Report Dated July, 2015

The Expense Report was received for information.

13.4 Adopted Policies and Standing Resolutions

The report was received for information.

13.5 Local Trust Committee Webpage

There were no changes requested at this time.

13.6 Chair's Report

Chair Morrison reported that the Executive Committee (EC) is working on matters including the upcoming Trust Council agenda that will include a discussion of the Strategic Plan and a meeting with the Bowen Island Municipal Council with discussion of the possible extension of the Natural Area Protection Tax Exemption Program (NAPTEC) to Bowen Island. Other EC work involves forming a committee to consider the Victoria office location study and reviewing the Salt Spring Island Incorporation study. She remarked that she will be attending the Union of British Columbia Municipalities (UBCM) convention in Vancouver later this month.

13.7 Trustee Reports

Trustee Critchley reported that he attended an Old School Committee meeting and provided updates on the window and bench upgrades. He commented on the meeting he attended in July with the Association for Denman Island Marine Stewards (ADIMS) and Guardians of Denman's Shores with Shelley Jepps from DFO. He advised that he participated in the Baynes Sound Initiative organized by CVRD and noted that the next meeting of this group is scheduled to include DFO. Additionally, Trustee Critchley attended a Strategic Plan discussion, a Trust Programs Committee meeting and, along with Trustee Busheikin, attended a meeting with the CVRD Bylaw Enforcement Manager to discuss enforcement and mediation.

Trustee Busheikin reported that she attended a Local Planning Committee meeting and commented on the Strategic Plan work and discussion of a potential project that addresses housing in the Islands Trust area. She commented that

she attended a Financial Planning Committee meeting and noted that the budget history briefing was very useful. Trustee Busheikin reported that she held Trustee Office Hours and attended the CVRD meeting where alternative methods of dispute resolution were discussed. She commented that she will be attending the UBCM convention in Vancouver later this month.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - August, 2015

Chair Morrison provided an update of some of the Trust Fund Board projects noting that meeting with Qualicum First Nation is part of a continuing project. She commented that discussion of the realtor outreach program on Pender Island has resulted in the decision to ensure that local Trustees are informed of these activities. She noted that the Trust Fund Board is working on establishing a gate in the Mt. Trematon Nature Reserve and will be remediating a creek there.

14. NEW BUSINESS

14.1 Hornby Island Local Trust Committee Request by Resolution Regarding Ferry Terminal Signage

That the Hornby Island Local Trust Committee request the Denman Island Local Trust Committee give consideration to mentioning Hornby Island in the signage being renewed at Buckley Bay and also to mention that the islands are in the traditional territory of the Coast Salish First Nations.

Planner Milne provided the background on the request.

Trustees discussed the request and acknowledged that this might be addressed by the Denman Island community group that is currently interested in updating that sign.

DE-2015-066

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee write a letter to the representative of the organization working on welcome signage, passing the request from the Hornby Island Local Trust Committee regarding ferry terminal signage.

CARRIED

Trustee Busheikin offered to draft a letter for Trustees' review.

14.3 Meeting with San Juan County Council Regarding Economic Development on Islands

The draft agenda includes potential collaboration over joint business and tourism, farmers markets, product branding, marine Nexus passes for private and commercial boats, a Free Trade Zone, shared access to broadband, the ETGI project and an international Tour des Isle. There is also an oil spill response initiative scheduled the same day at the same location. For consideration: should the LTC send a delegate?

Trustee Critchley outlined the proposal to meet with San Juan County Council and reported that the travel portion would be sponsored by Trust Council to support attendance of the oil spill response initiative scheduled there. Trustees discussed the value of a Trustee's participation and Trustee Critchley indicated that he would consider attending.

14.4 Climate Leadership

Trustee Critchley summarized the provincial Climate Leadership Plan Discussion Paper which has been soliciting submissions from the public on priorities in the climate change initiative. He suggested that even though the formal submission period has ended, that a demonstration of support might be warranted. Trustees discussed the proposal, however, determined that given the time and limited resource availability, advocacy at a higher level might be more effective.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, October 27, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed that the next regular LTC meeting is scheduled for Tuesday, October 27, 2015 at 10:30 am.

Planner Milne advised that the joint meeting with Islands Trust and CVRD is tentatively scheduled for October 15, 2015 at the Royston Hall and encouraged submission of topics for discussion.

16. TOWN HALL

Barbara Mills noted that the Parks Committee, upland property owners, eco-tourism operators and scientists were not mentioned as being invited to the proposed round-table meeting to discuss driving on the foreshore with stakeholders. She requested clarity on the intended purpose of the meeting.

Trustees responded that it will be a public meeting in the consultation process with the invitations going to those who may not be aware of the opportunity. They suggested that it will be a forum to listen to concerns, inform, educate and perhaps engage in potential problem solving discussions.

Shelley McKeachie expressed her opinion that scientists, Denman Island's Park Committee and the Gulf Island Alliance would be important elements to include by invitation.

Chair Morrison responded that the LTC has been informed with scientific reports and this could be shared with shellfish growers who may not be familiar with the science. She indicated that this meeting might add a balance and an educational element to the consideration of the issues.

Edi Johnston commented that the BC Shellfish Growers Association's membership is declining and inviting individual growers on Denman Island would be more productive. She suggested that a letter on the Climate Leadership initiative might include the information that salt marshes could be supported as they are a critical carbon dioxide sequester.

Barbara Mills suggested that a letter on the Climate Leadership initiative might include the information that Baynes Sound is an Ecologically and Biologically Significant Area (EBSA) and should be protected.

Shelley McKeachie asked about the structure of the proposed meeting on the issue of driving on the foreshore and if the public will be participating.

Trustees suggested that the facilitator might assist in the designing of the meeting process with the intention of providing an opportunity for input from all sources to create a balance in the public consultation process.

Liz Johnston commented that there are many upland property owners who are summer residents and will not be able to attend this meeting.

Planner Milne responded that there will be additional meetings for public comments and there will be ample opportunity for everyone to be heard.

17. CLOSED MEETING - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:10 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



**Denman Island
Local Trust Committee
Public Hearing Record**

**REGARDING PROPOSED BYLAW NOS. 212 AND 213 TO FACILITATE THE IMPLEMENTATION OF THE
PROVINCIAL RIPARIAN AREAS REGULATION**

DATE OF PUBLIC HEARING: Tuesday, September 8, 2015

LOCATION: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

MEMBERS PRESENT: Susan Morrison, Chair
Laura Busheikin, Local Trustee
David Critchley, Local Trustee

STAFF PRESENT: Ann Kjerulf, Regional Planning Manager
Rob Milne, Island Planner
Vicky Bockman Recorder

OTHERS PRESENT: Approximately twenty (20) members of the public

1. CALL TO ORDER

Chair Morrison called the Public Hearing to order at 11:27 am. She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw Nos. 212 and 213. She explained that the intent and purpose of these bylaws is to facilitate the implementation of the provincial Riparian Areas Regulation (RAR).

2. PROPOSED BYLAW NOS. 212 AND 213

Planner Milne pointed out the location of the Public Hearing reference binder, copies of the bylaws for the public's perusal and location of the Public Hearing submission box.

Chair Morrison opened the floor for public comments on proposed Bylaw Nos. 212 and 213.

Edi Johnston, 5271 Chrisman Road expressed support for the attempt to protect wetlands, however, expressed disappointment that the marine components have been ignored. She commented that the salt marshes and estuaries deserve protection and hoped that if these are not

included in RAR that regulations be created to specifically protect the marine ecosystem wetlands as well.

Shaun White, 1480 Dalziel presented a paper with five recommended changes to the proposed bylaws with rationale provided for those suggested changes. He read the paper and subsequently submitted it into the Public Hearing submission box, for the record. A summary of the submission follows:

1. Bylaw No. 212, Schedule 1, Development Approval Information: remove “or another professional”;
2. Bylaw No. 212, Schedule 1, Objectives 1: supplement with the additional text “While ALR lands are considered non-RAR, the landowner should ensure the otherwise riparian setbacks are least affected by farming practice.”;
3. Proposed a new paragraph in Bylaw No. 213 Exemptions to address his belief that someone should not be excluded from producing a RAR technical report because the project has been approved by a governmental body;
4. Propose the removal of Attachment 1 map; and
5. Bylaw No. 213: expressed concern with the grandfathering clause concerning landscaping and gardening and suggested alternative approaches to consider.

Doug Wright, 2961 Northwest Road would like the mapping to clearly identify the exemption of Seasonally Flooded Fields from RAR. He feels that showing the Seasonally Flooded Fields in a RAR area without this clarity would hamper any farmer’s ability to sell their property should they wish to do so.

4. ADJOURNMENT

Chair Morrison asked three times if there were any in the audience who wished to comment or provide written submissions and hearing none, the meeting was closed at 11:39 am.

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

Vicky Bockman, Recorder



RWM From: August 28, 2015 To: October 08, 2015

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2015-05	In Favour	"THAT the Denman Island Local Trust Committee send a letter, signed by the chair, to former Denman resident Thelma Bernice Grant, nee Swan, congratulating her on her 100th birthday."	Oct 05, 2015
2015-04	In Favour	THAT the Denman Island Local Trust Committee authorizes staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a restrictive covenant under Section 219 of the Land Title Act for rezoning application DE-RZ-2015.1(Pandesign).	Sep 21, 2015



Follow Up Action Report w/ Target Date

Denman Island Jan-20-2015

No.	Activity	Responsibility	Target Date	Status
1	that staff work on the Housekeeping Project as their time permits	Rob Milne		On Going

Mar-03-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff were directed to advertise for membership in a Board Of Variance appointed jointly with other local trust committees in the Northern Region.	Lisa Webster-Gibson		On Going

Jul-21-2015

No.	Activity	Responsibility	Target Date	Status
1	Bylaw Nos. 219 and 220 (Pandesign) received second reading and a public hearing was delegated for September 8th to be held if the statutory restrictive covenant is available for public review	Rob Milne		On Going
1	Bylaw Nos. 212 and 213 (RAR) received third reading and are to be considered at a public hearing to be held at the September 8, 2015 regular meeting of the LTC.	Rob Milne		Done
1	Bylaw No. 216 (Visitor Accommodation) was given first reading and staff were directed to refer the bylaw to the BC Assessment authority and VIHA.	Rob Milne		Done

Sep-08-2015

No.	Activity	Responsibility	Target Date	Status
1	That draft bylaw No. 207 be amended by deleting the previous content and substituting the part shown as Schedule 'A' in the staff report dated August 18, 2015.			Done

1	Staff were directed to arrange a public meeting specifically inviting the Shellfish Growers Association, Fisheries and Oceans Canada, independent shellfish growers having tenures on Denman Island, K'omoks First Nation, the Aboriginal Aquaculture Association, Ministry of Forests, Lands & Natural Resource Operations, and a representative from the Association for Denman Island Marine Stewards to discuss the content of proposed amended Bylaw No. 207.	Rob Milne	On Going
1	That the Denman Island Local Trust Committee hire a facilitator for the round table meeting about proposed Bylaw No. 207 and that staff be requested to organize the meeting within the next 60 days.	Rob Milne	On Going
1	Staff were requested to prepare a report summarizing the public hearing held with respect to Bylaw Nos. 212 and 213	Rob Milne	Done
1	The Denman Island Local Trust Committee instructed the Bylaw Enforcement Manager to provide a report on the horticulture infrastructure Bylaw Enforcement file on Baikie Road, addressing in particular issues of licensing.	Miles Drew	On Going
1	Staff were directed to: • add to the Top Priorities list an amendment to the Denman Island Bylaw No. 186 regarding the production of marijuana; • provide further information on limiting the use by any means available to us; and • provide further information regarding other provisions such as minimum lot size, setbacks and screening.	Rob Milne	Done

STAFF REPORT

Date: September 28, 2015
File No.: DE-6500-20-(Medical Marihuana)
To: Denman Island Local Trust Committee
For meeting of October 27, 2015
From: Rob Milne, Island Planner
CC: Ann Kjerulf, Regional Planning Manager

Re: New Federal *Marihuana for Medical Purposes Regulation*

PROBLEM/ISSUE:

The purpose of this report is to respond to the direction to staff provided at the September 8, 2015 meeting of the Local Trust Committee (LTC) on the matter of the production of medical marihuana on Denman Island.

BACKGROUND:

At the September 8, 2015 meeting of the LTC, consideration was given to the matter of the production of marihuana licensed under the *Marihuana for Medical Purposes Regulations* (MMPR) on Denman Island. Present for that meeting were a number of residents from the Fillongley neighbourhood, six of whom spoke during the initial town hall portion of the meeting. The speakers shared their concerns regarding a licensed marihuana operation in the process of relocating to their neighbourhood. A review of the current land use bylaw (LUB) shows that it does not contain regulations which would prohibit the proposed use in its current or proposed locations. A copy of a staff report dated April 28, 2014, previously provided to all northern LTCs of the Islands Trust, was also on the agenda and available for review and consideration. The April 28, 2014 staff report was originally considered at the June 10, 2014 meeting of the LTC. Subsequent to that consideration the LTC adopted the following motion:

DE-2014-039

That with regard to the production of medical marihuana under the new *Marihuana for Medical Purposes Regulation*, the Denman Island Local Trust Committee not amend Denman Island Bylaw No. 186 at this time.

At the recent September 8th meeting, and subsequent to consideration of the subject matter and concerns heard during the town hall segment of the meeting, the LTC adopted the following motions:

DE-2015-063

That the Denman Island Local Trust Committee instruct the Bylaw Enforcement Manager to provide a report on the horticulture infrastructure Bylaw Enforcement file on Baikie Road, addressing in particular, issues of licensing.

DE-2015-064

That the Denman Island Local Trust Committee direct staff to:

- add to the Top Priorities list an amendment to the Denman Island Bylaw No. 186 regarding the production of marihuana;
- provide further information on limiting the use by any means available to us; and
- provide further information regarding other provisions such as minimum lot size, setbacks and screening.

This report responds to the direction of the latter of the two motions.

ANALYSIS

Item one of resolution DE-2015-064 has been addressed and the topic of the production of medical marihuana is now included in the Denman LTC list of Top Priorities.

The April 28, 2014 staff report which was considered at both the June 10, 2015 and September 8, 2015 meetings of the LTC provided a brief analysis of the regulatory frames work for each Local Trust Area (LTA) in the northern region of the Islands Trust. For the Denman LTA, the following information was provided:

The current Denman Island LUB No. 186 permits the production of medical marihuana licensed under the MMPR in the following zones because “agriculture” and “horticulture” are permitted uses, and “agriculture” and “horticulture” as defined in the bylaw would encompass such a use (see Table 2 in Attachments):

- | | |
|--------------------------|--------------------|
| • Residential (R1) | • Agriculture (AG) |
| • Rural Residential (R2) | • Forest (F) |
| • Cohousing (R3) | • Resource (RE) |

Denman Island has a light industrial zone, but it does not permit medical marihuana production as currently written. Staff suggest that the LTC should consider amending the LUB to further limit the zones in which the activity can be conducted, but consider allowing the use in the light industrial zone.

Table 2, referenced in the report extract above, is attached to this report (Attachment 1). This table contains the current definitions of “Agriculture” and “Horticulture” as well as the zone-specific regulations within the six zones listed above, which currently allow for the production of medical marihuana licensed under the MMPR.

With respect to the latter two points identified in resolution DE-2015-064, production of medical marihuana is a land use issue which can be regulated or prohibited as deemed appropriate by the LTC, with the exception of lands within the ALR, subsequent to the required public process. The use could be limited to specific zones subject to conditions such as lot size and targeted setback provisions or the use could be prohibited in all areas within the LTA, with the noted exception of ALR lands. The LTC could also consider implementing the recommendation of the April 28, 2014 report and limit the production of medical marihuana to the (modified) light industrial zone only. For staff to provide contextual advice and viable solutions on the matter there is a need to better understand the full range of concerns related to the use.

With respect to the Fillongley neighbourhood situation, lot size seems to be an aggravating issue. That being said, it should be noted that retroactive changes to the regulations may not provide a solution to that situation as the impacts of the provisions of Section 911 of the *Local Government Act*, which deals with non-conformance, would have to be assessed.

SUMMARY

It is the view of staff that there are a number of tools and approaches which are available to address the production of medical marihuana under the MMPR on Denman Island. These include, but are not limited to: limiting the zones within which the use is permitted, identifying a threshold minimum lot size for the use, reclassifying the use to an “industrial” use or prohibiting the use altogether.

In the absence of a clear determination of the nature and scale of community concerns related to this use, it is difficult for staff to provide a clear recommendation at this time. The situation in the Fillongley neighbourhood highlights one aspect of the concern, but it is important to clarify the problem recognizing that a solution to that situation may not be appropriate in other circumstances where the same R1 zoning applies. It should also be recognized that, as noted earlier in this report, an amendment to the existing provisions of the land use bylaw may not be successful in addressing the concerns related to the current attempt to relocate a licensed MMPR facility.

Staff sees three general options for moving this issue forward:

1. To prevent the establishment of licensed medical marihuana production facilities in the LTA, identify medical marihuana production as a prohibited use on all lands with the exception of lands within the ALR where local governments may regulate but not prohibit the activity.
2. To limit the establishment of licensed medical marihuana production facilities in the LTA, include medical marihuana production as a permitted use in a modified light industrial zone.
3. To consider the potential for licensed medical marihuana production facilities within a variety of zones, undertake a consultation process to clarify community concerns.

RECOMMENDATION

It is recommended that the Denman Island Local Trust Committee provide staff with specific direction on how they would like staff to proceed with developing potential amendments to the land use bylaw to address the matter of the licensed production of medical marihuana within the Denman Island LTA.

Prepared and Submitted by:

Rob Milne
Rob Milne, MCIP, RPP
Island Planner

October 7, 2105
Date

Concurred in by:

Ann Kjerulf
Ann Kjerulf, MCIP, RPP
Regional Planning Manager

October 8, 2015
Date

Attachments:

1. Table 2 of April 28, 2014 staff report

Attachment 2

Table 2: Denman Island LUB No. 186

AGRICULTURE means the use of land, buildings or structures for any of the following activities: growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
Storage, processing or direct marketing by a farmer of farm products

And

HORTICULTURE means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the land owners on their lot.

Zones Where Permitted Provisions limiting the extent of the use

Residential (R1) Rural Residential (R2) Cohousing (R3)	• 25% lot coverage in R1 and R2, and not applicable in R3; • 8m setback in R1 and R2 zones; • Setbacks: • from the front lot line – R1 and R2=7.5m / R3=30m; • from the rear or side lot line – R1 and R2=3m / R3 = 30m; • from the exterior side lot line – R1 and R2=4.5m / R3 = 30m.
Agriculture (AG) Forest (F) Resource (RE)	• Lot coverage including greenhouses: • Agriculture = 75%; • Forest = 5%; • Resource = 10%; • Lot coverage excluding greenhouses: • Agriculture = 35%; • Forest = 5%; • Resource = 10%; • Setbacks for buildings and structures other than residential: • Front or exterior = A= 10m; F and RE = 30m; • Rear or side = A = 4.5m; F and RE = 15m.

The indoor production of medical marihuana is not permitted in the following zones on Denman Island:

- Commercial (C)
- Light Industrial (L)
- Institutional (IN)
- Conservation (CN)
- Park (P)

STAFF REPORT

Date: September 28, 2015
File No.: DE-6500-20-(Medical Marihuana)
To: Denman Island Local Trust Committee
For meeting of October 27, 2015
From: Rob Milne, Island Planner
CC: Ann Kjerulf, Regional Planning Manager

Re: New Federal *Marihuana for Medical Purposes Regulation*

PROBLEM/ISSUE:

The purpose of this report is to respond to the direction to staff provided at the September 8, 2015 meeting of the Local Trust Committee (LTC) on the matter of the production of medical marihuana on Denman Island.

BACKGROUND:

At the September 8, 2015 meeting of the LTC, consideration was given to the matter of the production of marihuana licensed under the *Marihuana for Medical Purposes Regulations* (MMPR) on Denman Island. Present for that meeting were a number of residents from the Fillongley neighbourhood, six of whom spoke during the initial town hall portion of the meeting. The speakers shared their concerns regarding a licensed marihuana operation in the process of relocating to their neighbourhood. A review of the current land use bylaw (LUB) shows that it does not contain regulations which would prohibit the proposed use in its current or proposed locations. A copy of a staff report dated April 28, 2014, previously provided to all northern LTCs of the Islands Trust, was also on the agenda and available for review and consideration. The April 28, 2014 staff report was originally considered at the June 10, 2014 meeting of the LTC. Subsequent to that consideration the LTC adopted the following motion:

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DE-2015-063

That the Denman Island Local Trust Committee instruct the Bylaw Enforcement Manager to provide a report on the horticulture infrastructure Bylaw Enforcement file on Baikie Road, addressing in particular, issues of licensing.

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That the Denman Island Local Trust Committee direct staff to:

- add to the Top Priorities list an amendment to the Denman Island Bylaw No. 186 regarding the production of marihuana;
- provide further information on limiting the use by any means available to us; and
- provide further information regarding other provisions such as minimum lot size, setbacks and screening.

This report responds to the direction of the latter of the two motions.

ANALYSIS

Item one of resolution DE-2015-064 has been addressed and the topic of the production of medical marihuana is now included in the Denman LTC list of Top Priorities.

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Table 2, referenced in the report extract above, is attached to this report (Attachment 1). This table contains the current definitions of “Agriculture” and “Horticulture” as well as the zone-specific regulations within the six zones listed above, which currently allow for the production of medical marihuana licensed under the MMPR.

With respect to the latter two points identified in resolution DE-2015-064, production of medical marihuana is a land use issue which can be regulated or prohibited as deemed appropriate by the LTC, with the exception of lands within the ALR, subsequent to the required public process. The use could be limited to specific zones subject to conditions such as lot size and targeted setback provisions or the use could be prohibited in all areas within the LTA, with the noted exception of ALR lands. The LTC could also consider implementing the recommendation of the April 28, 2014 report and limit the production of medical marihuana to the (modified) light industrial zone only. For staff to provide contextual advice and viable solutions on the matter there is a need to better understand the full range of concerns related to the use.

With respect to the Fillongley neighbourhood situation, lot size seems to be an aggravating issue. That being said, it should be noted that retroactive changes to the regulations may not provide a solution to that situation as the impacts of the provisions of Section 911 of the *Local Government Act*, which deals with non-conformance, would have to be assessed.

SUMMARY

It is the view of staff that there are a number of tools and approaches which are available to address the production of medical marihuana under the MMPR on Denman Island. These include, but are not limited to: limiting the zones within which the use is permitted, identifying a threshold minimum lot size for the use, reclassifying the use to an “industrial” use or prohibiting the use altogether.

In the absence of a clear determination of the nature and scale of community concerns related to this use, it is difficult for staff to provide a clear recommendation at this time. The situation in the Fillongley neighbourhood highlights one aspect of the concern, but it is important to clarify the problem recognizing that a solution to that situation may not be appropriate in other circumstances where the same R1 zoning applies. It should also be recognized that, as noted earlier in this report, an amendment to the existing provisions of the land use bylaw may not be successful in addressing the concerns related to the current attempt to relocate a licensed MMPR facility.

Staff sees three general options for moving this issue forward:

1. To prevent the establishment of licensed medical marihuana production facilities in the LTA, identify medical marihuana production as a prohibited use on all lands with the exception of lands within the ALR where local governments may regulate but not prohibit the activity.
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3. To consider the potential for licensed medical marihuana production facilities within a variety of zones, undertake a consultation process to clarify community concerns.

RECOMMENDATION

It is recommended that the Denman Island Local Trust Committee provide staff with specific direction on how they would like staff to proceed with developing potential amendments to the land use bylaw to address the matter of the licensed production of medical marihuana within the Denman Island LTA.

Prepared and Submitted by:

Rob Milne
Rob Milne, MCIP, RPP
Island Planner

October 7, 2105
Date

Concurred in by:

Ann Kjerulf
Ann Kjerulf, MCIP, RPP
Regional Planning Manager

October 8, 2015
Date

Attachments:

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The indoor production of medical marihuana is not permitted in the following zones on Denman Island:

- Commercial (C)
- Light Industrial (L)
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- Conservation (CN)
- Park (P)

STAFF REPORT

Date: September 22, 2015 **File No.:** DE-6500-20-(RAR)

To: Denman Island Local Trust Committee
For meeting of October 27, 2015

From: Rob Milne, Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: **Riparian Areas Regulation Implementation - Public Hearing Report**

PROBLEM/ISSUE:

The purpose of this report is to summarize the results of the September 8, 2015 public hearing held to consider Bylaw Nos. 212 and 213.

BACKGROUND:

The Denman Island *Riparian Areas Regulation* (RAR) implementation process began in 2012 when initial reports addressing the implementation process were considered by the Denman Island Local Trust Committee (LTC). Three watershed studies which assessed the Morrison Marsh system as well as the Chicadee Lake, Valens Brook, Beadnell Creek, Graham Lake and Gladstone Creek watersheds were completed between 2012 and 2014. These studies, which employed GPS technology, were utilized to ground truth and refine the mapping utilized to differentiate between RAR and non-RAR applicable features on Denman Island.

At the regular meeting held July 15, 2014 the LTC gave consideration to a staff report dated July 7, 2014 which presented draft bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw. Those materials were subsequently presented to the community at an open house held on September 6, 2014.

At the September 16, 2014 meeting of the LTC, staff provided a summary and assessment of the open house. Subsequent to a discussion of that report the LTC adopted the following motion:

DE-2014-062

That the Denman Island Local Trust Committee request staff to initiate a Resolutions Without Meeting to give first reading to Riparian Areas Regulation draft bylaws.

On October 8, 2014 the LTC adopted the following Resolution Without Meeting:

DE-RWM-2014.3

That the Denman Island Local Trust Committee give First Reading to Bylaw No. 212, cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014" and Bylaw No. 213, cited as "Denman Island Land Use Bylaw 186, Amendment No. 2, 2014", and that, the Denman Island Local Trust Committee direct staff to refer Bylaw Nos. 212 and 213 to public agencies and First Nations.

At the March 3, 2015 meeting of the LTC, consideration was given to a staff report dated February 12, 2015, which summarized agency and First Nation responses. Following discussion, the LTC passed a motion directing staff to schedule a Community Information Meeting (CIM) on April 7, 2015.

At the July 21, 2015 meeting of the LTC, consideration was given to the findings of the April CIM and the statutory referral process. Subsequently, a minor amendment was made to Bylaw No. 212, both Bylaw 212 and 213 were given second reading, and direction was provided to staff to schedule a public hearing for September 8, 2015. The purpose of this report is to summarize the public hearing proceedings.

SUMMARY

The public hearing commenced at 11:27am with approximately 20 members of the public in attendance.

The first speaker expressed support for the attempt to protect wetlands but felt that salt marshes and estuaries deserved protection as well. The second speaker presented a paper with five recommended changes to the proposed bylaws providing a verbal rationale for those changes and submitted a written copy of his presentation, which is attached to this report. The third speaker recommended that the mapping clearly identify seasonally flooded fields, which are exempt from RAR, with the underlying rationale being that without this clarity it would hamper a farmer's ability to sell their property.

No other comments or submissions were given or received prior to the close of the public hearing at 11:39am.

ANALYSIS

With respect to the matter of salt marshes and estuaries mentioned by the first speaker, it should be noted that the RAR applies only to the riparian areas associated with "streams" as defined by the regulation. The regulation does not apply to salt water features or estuaries. As such their protection cannot be addressed through the implementation of the RAR.

As noted, the second speaker provided a written submission which expanded upon his oral presentation. The five points contained within the submission attached to this report are discussed below.

1. The proposed amendments to Development Permit Area No. 4: "Streams, Lakes and Wetlands" include the differentiation between "RAR" applicable and "Non-RAR" applicable features within the development permit area (DPA). The RAR clearly requires that all reports for RAR applicable features must be prepared and filed by a Qualified Environmental Professional" (QEP) who may not necessarily be a R.P.bio. However, for non-RAR features it is not proposed that this be a mandatory requirement and the services of a R.P.bio. who has not sought certification as a QEP under the regulation would be considered to be qualified to conduct any necessary environmental assessment for those features. This is intended to simplify the approval process for non-RAR development permits and reduce costs for property owners.

As such staff do not consider it necessary or desirable to remove the reference to "another professional" as suggested. However, it may be of value to insert the word "qualified" between the words "another" and "professional" for additional clarity.

2. The DPA established by the current and proposed Official Community Plan (OCP) wordings is not a "setback" as characterized in the submission. Rather, a DPA is an area within which certain activities may require a permit. Pursuant to the language contained

within the RAR, the regulation does not apply to lands within the Agricultural Land Reserve (ALR) other than for residential activities. For those uses within the ALR which are RAR applicable, it will be necessary to hire a QEP to identify a Streamside Protection and Enhancement Area (SPEA) within which no activities can take place. What is being proposed is the inclusion of an advocacy policy within an “objective” statement. Staff does not consider this to be an appropriate location for such statements.

3. This point suggests the addition of a paragraph titled, “Exemptions” but does not specify which bylaw it is to be added to. In terms of the function of the two amending bylaws it is deemed most appropriate that any language dealing with exemptions should be located in Bylaw No. 213 which already contains an “Exemptions” section. However, it is not clear that the proposed exemption wording provides any clarity on the application of the RAR and may in fact foster some confusion. The current list of exclusions addresses seasonally flooded agricultural lands, as well as uses that are not residential, commercial or industrial in nature among a variety of other circumstances. No need is seen for the inclusion of the suggested wording.
4. This point in the submission states that the proposed mapping, which identifies those areas designated as DPAs, is both “subjective” and “irrelevant” and should be removed. What this position does not recognize is that, in the absence of such mapping, there is no instrument or tool that would allow the LTC, residents, property owners or staff to accurately determine whether properties are RAR or non-RAR applicable or even subject to the DPA regulations. Such an approach would effectively render the DPA meaningless and unenforceable.

The submission also states that the revised mapping, “...differs greatly from the maps of sensitive watercourse on the Islands Trust digital records and it differs greatly from the Schedule E Map 2 for which it is supposed to replace”. This is not surprising or unexpected as the original mapping utilized aerial photography interpolation and low tech information sources such as anecdotal information to establish the location and existence of features shown on the current DPA map schedule. It seems counter-intuitive to suggest that the mapping should be removed because its increased accuracy provided by GPS technology does not match information which is on the order of 20 years old.

5. The issue of “grandfathering” is addressed by the RAR. The provincial Information Note for RAR states that:

“Existing permanent structures, roads and other development within riparian protection areas are “grand parented”. Landowners can continue to use their property as they always have even if a streamside protection and enhancement area is designated on it”.

It should be noted that the term “development” in this context includes much more than just the gardening and landscaping activities noted in the submission. It should also be noted that the concept of grandfathering in land use matters is not based upon ownership as suggested by the proposed wordings. As such, no need is seen for the inclusion of the suggested wordings.

The third and last speaker to address the proposed bylaws suggested that the mapping for RAR implementation should identify seasonally flooded agricultural fields. Section 4.4.2, “Exemptions” of Bylaw No. 213 identifies five applicable areas. Staff does not see any difficulty or issues with the identification of these areas on the mapping.

RECOMMENDATIONS

It is the recommendation of staff:

1. That Schedule 1 of Bylaw No. 212 be amended by the insertion of the word, “qualified” between the words, “another professional” in the last sentence of the second paragraph of the “Category” section of the bylaw.
2. That Attachment 1 of Bylaw No. 212 be amended to graphically represent the ALR portions of the following properties which are identified in Section 4.4.2, “Exemptions” of Schedule 1 of Bylaw No. 213 as, “seasonally flooded agricultural fields”:
 - 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 $\frac{1}{4}$ of Section 26, Denman Island, Nanaimo District;
 - The North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of Section 22, Denman Island, Nanaimo District; and
 - The South West $\frac{1}{4}$ of Section 13, Denman Island, Nanaimo District;
3. That the Denman Island Local Trust Committee give third reading to Bylaw No. 212, cited as the “Denman Island Official Community (Denman Island) Plan Bylaw No. 185, Amendment No. 2, 2014”, and Bylaw No.213, cited as the “Denman Island Land Use Bylaw No. 186, Amendment No. 2, 2014”.
4. That the Denman Island Local Trust Committee submit Bylaw No. 212, cited as the “Denman Island Official Community (Denman Island) Plan Bylaw No. 185, Amendment No. 2, 2014”, and Bylaw No.213, cited as the “Denman Island Land Use Bylaw No. 186, Amendment No. 2, 2014”, to Executive Committee for approval.
5. That the Denman Island Local Trust Committee submit Bylaw No. 212, cited as the “Denman Island Official Community (Denman Island) Plan Bylaw No. 185, Amendment No. 2, 2014”, to the Minister of Community, Sport and Cultural Development for approval.

Prepared and Submitted by:

Rob Milne, MCIP, RPP Island Planner	Date
Concurred in by:	
<i>Ann Kjerulf</i>	<i>September 25, 2015</i>
Ann Kjerulf, MCIP, RPP Regional Planning Manager	Date

Attachments:

1. Copy of public hearing submission

RECEIVED

SEP 08 2015

**ISLAND TRUST
NORTHERN OFFICE**

Proposed Bylaw 212.

The following proposals for the public hearing and Islands Trustees to consider are made by Shaun M White, Denman island.

Seconded by Tony Aly and others, Denman Island.

1.

Schedule 1. Category, Second Para: Propose the words "or another professional" be deleted. (Main concern: By leaving the loose term in there will always be room for litigation on either side of a dispute.)

2.

Schedule 1. Objectives, Item 1. Propose the words are supplemented with an additional term "While ALR lands are considered Non RAR the landowner should ensure the otherwise Riparian Setbacks are least affected by farming practice" (Main Concern: In public documents printed by the Islands Trust representatives it is highlighted that "farming activities" are not subject to RAR and in the proposed Bylaw it states its own objective as "to honour ---- agricultural purposes, then lets make it clear what is exempt to reduce the need for litigation to clarify the document.

3.

Propose the following Paragraph is added, headed EXEMPTIONS.

"Activities exempt from the RAR and not subject to RAR include but may not be limited to, Existing Permanent structures and roads and their repair, Farming on ALR land and Emergencies. All other activities must be applied for either for continuance of detrimental activities in the otherwise RAR or for approval regardless of which body technically agrees the project.

4.

Propose the Attachment 1 be removed from the document. It is a subjective map or sketch of the RAR area's and is irrelevant to the terms of the bylaw (Main Concern: The map called Attachment 1 differs greatly from the maps of sensitive watercourses on the Islands Trust digital records and it differs greatly from Schedule E Map 2 for which it is supposed to replace. Attachment 1 is incorrect in both the only two areas I am personally familiar with and therefore I challenge it. To include a map in the bylaw provides an overtone that the public are supporting the map when actually they are supporting the contract words of the bylaw and are not easily capable of ascertaining the correctness of the survey itself. If retained it serves no purpose other than to instigate disputes and eventual litigation.

5.

Propose the following Paragraph is added, Grandfathering Lands or Activities. Grandfathering of gardening or landscaping is accepted as an exemption and correspondingly Land Ownership prior to the bylaw coming into affect will render the owners land exempt from the RAR as dictated in this or subsequent bylaws. OR

Grandfathering of gardening or landscaping is not accepted as an exemption and correspondingly Land Ownership prior to the bylaw coming into affect will not render the owners land exempt from the RAR.

If gardening and landscaping has previously been carried out in RAR zones then why should they be exempt as they must be causing the damage over time that the bylaw is attempting to avoid.

Date: October 7, 2015

File No.: 6500-20-[Visitor
Accommodation]

To: Denman Island Local Trust Committee
For the meeting of October 27, 2015

From: Rob Milne, Island Planner

CC: Ann Kjerulf, Regional Planning Manager

Re: Review of Visitor Accommodation Regulations

Interim Report: Visitor Accommodation Bylaw

The purpose of this report is to review the outcomes of the agency referral for Bylaw No. 216 (Attachment 1).

Project Objectives

The objective of this project is to create the conditions which will allow for a second set of cooking facilities for the use of customers in association with a Home-based Guest Accommodation operation (often referred to as a bed and breakfast home occupation) as permitted by the Denman Land Use Bylaw.

Project Background

The LTC first gave consideration to the implementation of this project at their March 3, 2015 meeting where they reviewed a staff memorandum dated January 29, 2015. Trustees discussed the scope of the project and concluded that keeping the focus on how to legalize cooking facilities in guest accommodations, within the context of existing bylaws, would be the preferred approach.

At the next LTC meeting, which occurred on April 21, 2015, the LTC received a staff report dated April 1, 2015. Attached to that report was a draft project charter for the review of the LTC. In-scope activities were proposed to be limited to:

Changes which are necessary to allow for a second set of cooking facilities in association with a Bed and Breakfast operation as permitted by the Land Use Bylaw.

Upon conclusion of their consideration of the staff report, the LTC adopted the following motion:

That the Denman Island Local Trust Committee endorse the Project Charter for the "Review of Visitor Accommodation Regulations" project; and that staff be requested to prepare a staff report and draft bylaw for the consideration of the Denman Island Local Trust Committee at their next meeting.

At the May 26, 2015 regular meeting, the LTC gave consideration to a staff report dated April 29, 2015. Attached to that report was a draft bylaw to amend the land use bylaw (LUB) by incorporating the necessary changes to allow for a second set of cooking facilities in association with a visitor accommodation operation.

Following consideration, the LTC adopted the following resolution:

DE-2015-036

that the Denman Island Local Trust Committee direct staff to schedule and conduct a public Open House in late June or early July, 2015 regarding the draft bylaw for the Review of Visitor Accommodation project.

The open house was held at the Denman Seniors Lounge on June 30, 2015 from 2-4pm. The event was attended by approximately 19 people. Copies of the Project Charter and draft Bylaw No. 216 were available for the public. As well, a summary of current bylaw regulations relating to tourist accommodation were available for view on a large poster board along with the draft bylaw. Also available to the public were comment sheets for submission. A total of 14 comment sheets were submitted by the close of the open house.

The LTC gave consideration to the findings of the open house at their July 21, 2015 meeting. Following the discussion of those findings the LTC adopted the following motions:

DE-2015-053

that Bylaw No. 216 being the Denman Island Land Use Bylaw 186, Amendment No. 1, 2015 be given first reading.

DE-2015-054

that Bylaw No. 216 being the Denman Island Land Use Bylaw 186, Amendment No. 1, 2015 be referred out for review and comment to the BC Assessment Authority and the Vancouver Island Health Authority.

The Bylaws were subsequently referred both of those agencies on September 10, 2015. The responses to those referrals are discussed below.

Analysis

Given the focused nature of this proposed minor amendment, it was deemed that a limited referral of this bylaw would be appropriate and as noted the bylaw was referred to the BC Assessment Authority (BCAA) and the Vancouver Island Health Authority (VIHA).

A response was received from the VIHA on October 1, 2015 advising that their interests were unaffected by the bylaw (Attachment 2). No response had been received from BCAA at the time of the writing of this report.

Whereas VIHA is considered to be the most important stakeholder in the referral process due to their duty to ensure public health safety, and their indication is that they have no concerns related to this proposed bylaw amendment, staff see no reason not to proceed with the bylaw to a statutory public hearing.

Recommendations

It is the recommendation of staff:

1. Review the Directives Only Policies and confirm by resolution that Bylaw No. 216 is not contrary to or at variance with the Islands Trust Policy Statement.
2. That Denman Island Local Trust Committee Bylaw No. 216, cited as "Denman Island Land Use Bylaw 186, Amendment No. 1, 2015", be read a second time; AND
3. That Denman Island Local Trust Committee proceed to a public hearing for Bylaw No. 216 to be held prior to the regular meeting of the Local Trust Committee to be held on December 1, 2015.

Prepared and Submitted by:

Rob Milne

October 7, 2015

Rob Milne, RPP, MCIP
Island Planner

Date

Concurred in by:

Ann Kjerulf

October 14, 2015

Ann Kjerulf
Regional Planning Manager

Date

Attachments:

1. Proposed Bylaw No. 216
2. VIHA referral response
3. Directives Only Policy Statement Checklist

PROPOSED

Denman Island Local Trust Committee

BYLAW NO. 216

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. 1, 2015”

READ A FIRST TIME THIS	21 st	DAY OF	JULY	, 2015
READ A SECOND TIME THIS		DAY OF		, 2015
PUBLIC HEARING HELD THIS		DAY OF		, 2015
READ A THIRD TIME THIS		DAY OF		, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2015
ADOPTED THIS		DAY OF		, 2015

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

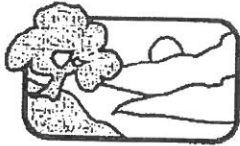
Bylaw No. 216

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. The addition a new point "18" to the "Home-based Guest Accommodation" provisions of Section 2.4, "Home Occupation Regulations" which reads as follows:

"18 A second set of cooking facilities may be provided in a residence which provides home-based guest accommodation, in accordance with the provisions of this bylaw, to allow for transient paying guests to prepare their own meals."
2. The deletion of the Information Note in the "Home-based Guest Accommodation" provisions of Section 2.4, "Home Occupation Regulations".



Islands Trust

BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Denman Island Trust Area Bylaw No.: 216 Date: September 10, 2015

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaw may be held in April, 2011.

APPLICANTS NAME / ADDRESS:

Local Trust Committee initiated bylaw

PURPOSE OF BYLAW:

The proposed bylaw would amend the Home Occupation Provisions of Land Use Bylaw No. 186, 2008 as follows:

Section 2.4 [Home Occupation Regulations, subsection -- Home-based Guest Accommodation]

- 18 A second set of cooking facilities may be provided in a residence which provides home-based guest accommodation, in accordance with the provisions of this bylaw, to allow for transient paying guests to prepare their own meals is added.
- Information Note is deleted

The intent of these changes is to allow a second set of cooking facilities in association with a bed and breakfast home occupation.

GENERAL LOCATION:

Denman Island

LEGAL DESCRIPTION:

n/a

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

various

OTHER INFORMATION:

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Rob Milne

(Signature)

Name:

Rob Milne

Title:

Island Planner

This referral has been sent to the following agencies:

Federal Agencies

n/a

Provincial Agencies

BC Assessment Authority

Non-Agency Referrals

n/a

Regional Agencies

Vancouver Island Health Authority

Adjacent Local Trust Committees and Municipalities

n/a

First Nations

n/a

PLEASE TURN OVER →

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Denman Island
(Island)

(Signature)

(Date)

Bylaw 216
(Bylaw Number)

(Title)

Approved by:

(Agency)

David Cherry, C.P.H.I.(C)
Environmental Health Officer
Vancouver Island Health Authority

Date:



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No:

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and 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 CHECK LIST

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
	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.
	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.
	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
	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
	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
	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.
	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
	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.
	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.
	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.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
	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.
	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
	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.
	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.
	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.
	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
	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
	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
	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.
	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.
	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
	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.
	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.
	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.
	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
	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
	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.
	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.
	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.
	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
	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.
	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	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Implementing Riparian Areas Regulation	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR. RFP re-issued October 8th	Aug-03-2010	Rob Milne	Sep-01-2015	On Going
2	Review of visitor accommodations regulations	Proposed focus of review is on allowing the provision of cooking facilities for guests.		Rob Milne		On Going
3	Development of a Memorandum of Understanding with K'omoks First Nation.		Sep-16-2014	Rob Milne		On Going
4	Marine Issues		Mar-03-2015	Laura Busheikin David Critchley		On Going
5	Review of Bylaw No. 186 regarding an amendment to regulate the production of medical marijuana on Denman Island.	-provide further information on the means available to limit the use; and -provide further information regarding other provisions such as minimum lot size, setbacks and screening.	Sep-08-2015	Rob Milne		On Going

**Projects****Denman Island**

No.	Description	Activity	Received/Initiated	Status
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	Aug-15-2011	On Going
1	Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review and Update of Development Procedures Bylaw No. 71		Dec-11-2012	On Going
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan and ensuring food security.	Include consideration of Exploring Food Security in the Islands Trust Area in the final report	Apr-02-2013	On Going
1	DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	Oct-22-2013	On Going
1	Review of LUB in consideration of the new Federal <i>Marihuana for Medical Purposes Regulation</i>	Review the Staff Report dated April 28, 2014.	Jul-15-2014	Done
1	Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	May-26-2015	On Going

1 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.

May-26-2015

On Going



Applications w/ Status - Denman Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	The use of presently cleared areas within the Komass Bluff permit area for agricultural use.

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Ella Day Planner: Marnie Eggen	Mar-21-2011	For barn sited within DP #1: Komass Bluff

Planning Status

Status Date: Jul-29-2013

File passed on to Bylaw enforcement

Status Date: Oct-05-2012

Letter sent to applicant re: further info required

Status Date: Nov-01-2011

Awaiting info from applicant

File Number	Applicant Name	Date Received	Purpose
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DE-DP-2013.1

Daniel & Debra Jun-17-2013
Stoneman
Planner: Courtney Simpson

Planning Status

Status Date: Jul-16-2013

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

Status Date: Jul-16-2013

Staff preparing development permit amendment

Status Date: Jun-24-2013

Planner Reviewing File

Development Variance Permit

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

Planning Status

Status Date: Jul-29-2013

no change; file passed on to bylaw enforcement

Status Date: Nov-09-2012

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

Status Date: Oct-05-2012

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

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2015.2	EDWARD HOEPPNER Planner: Rob Milne	Oct-06-2015	5621 Lacon Road To reduce the setback requirement from marine shoreline from 30 meters for sewage disposal field to 19.3 meters.

Planning Status

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2015.1	Henning Neilsen	Jan-12-1900	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

Status Date: Apr-21-2015

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

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.2	Henning Nielsen Planner: Marnie Eggen	Dec-12-2013	

Planning Status

Status Date: Jun-17-2014

Received final subdivisino plan and water reports. Final signoff sent to MOTI and applicant on June 17, 2014

Status Date: Jan-14-2014

PLA with conditions received January 14, 2014

Status Date: Dec-23-2013

Subdivision referral report sent to DILTC, MOTI and applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2014.1	Henning Nielsen Planner: Marnie Eggen	Feb-04-2014	Davidson Road 2 Lot subdivision

Planning Status

Status Date: Jan-05-2015

Final letter sent to MOTI.

Status Date: Mar-18-2014

Referral response emailed to MOTI

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

Planning Status

Status Date: Aug-27-2015

No change in status. Planner TR emailed applicant on Aug 4 to check in on progress and to see if applicant had questions. No response from applicant.

Status Date: Jul-28-2015

IT received notice from the RAR Notification System that an assessment has been created (for the DP that is required in association with this file)

Status Date: Jun-29-2015

No change in status.

Siting and use Permit

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

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day Planner: Marnie Eggen	Nov-02-2009	2900 SWAN RD One 26 foot high barn.

Planning Status

Status Date: Jun-30-2011

On hold until outcome of DP and DVP.

Status Date: Mar-03-2011

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

Status Date: Jan-20-2011

Applicant submitted partial application

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

Planning Status

Status Date: Nov-03-2014

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

Islands Trust

LTC EXP SUMMARY REPORT F2016

Invoices posted to Month ending September 2015

615 Denman	Invoices posted to Month ending September 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	514.95	235.05
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	1,781.60	718.40
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	297.68	452.32
65220-615	LTC - Local Exp - Communications	300.00	75.00	225.00
65230-615	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>2,154.28</u>	<u>2,145.72</u>
Projects				
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
TOTAL Project Expenses		<u>4,500.00</u>	<u>769.10</u>	<u>3,730.90</u>

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	It was MOVED and SECONDED: 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: 1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests; 2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total; 2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if: 1. there are issues related to health, safety, or environmental damage; 2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation; 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; 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.
2.	October 22, 2013	DE-065-2013	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.

3.	September 16, 2014	DE-2014-054	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED , 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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