



A NOTICE OF A BUSINESS MEETING OF **THE DENMAN ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 AM on Tuesday, February 28, 2012 at Marcus Isbister Old School Centre,
5901 Denman Road, Denman Island, BC

Revised – March 9, 2012

AGENDA

	Page No.	*Approx. Time*
1. CALL TO ORDER		10:30 am
2. APPROVAL OF AGENDA		
3. CHAIR'S REPORT		11:00 am
4. TRUSTEES' REPORT		
5. MINUTES		
5.1 Local Trust Committee Meeting Minutes of January 24, 2012 – <i>attached</i>	1-14	
5.2 Section 26 Resolutions Without Meeting - <i>none</i>		
5.3 Denman Island Advisory Planning Commission Draft Minutes - <i>none</i>		
5.4 Denman Agriculture Plan Steering Committee Minutes - <i>none</i>		
6. BUSINESS ARISING FROM MINUTES		11:15 am
6.1 Follow-up Action List dated February 16, 2012 - <i>attached</i>	15	
6.2 Marine Advisory Planning Commission and Agriculture Plan Steering Committee Staff Report dated February 2, 2012 - <i>attached</i>	16-27	
6.3 Advisory Planning Commission Appointments Memorandum dated February 15, 2012 - <i>attached</i>	28-29	
7. CLOSED MEETING: The Denman Island Local Trust Committee closes the next part of the February 28, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) of the <i>Community Charter</i> to consider appointments to the Advisory Planning Commission and the Marine Advisory Planning Commission and that Courtney Simpson, Island Planner and Vicky Bockman, Recorder be invited to attend this meeting.		11:45 am
8. RECALL TO ORDER Rise and Report from Closed Meeting		
9. APPLICATIONS AND PERMITS		
9.1 DE-SUB-2011.1 (Hoerbarger for Smith) Memorandum dated February 20, 2012 regarding Cost Recovery Agreement - <i>attached</i>		

10.	DELEGATIONS		
11.	TOWN HALL DISCUSSION		12:10 pm
12.	CORRESPONDENCE <i>Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
12.1	Letter dated January 20, 2012 to Andrew Thomson, Regional Director of Department of Fisheries and Oceans from Denman Island Marine Stewardship Committee regarding Hazards to Fish and Wildlife created by Anti-Predator Netting on the Foreshore of Baynes Sound - <i>attached</i>	30-32	
12.2	Letter dated January 23, 2012 from The Honourable Peter Kent, Minister of the Environment to Louise Bell, Vice-Chair of the Islands Trust Council and Local Trustee for Denman Island regarding the Proposed Raven Underground Coal Mine Project - <i>attached</i>	33-34	
12.3	Email dated January 25, 2012 from Ashlea Jonesmith regarding Resignation from Denman Farm Plan Group - <i>attached</i>	35	
13.	REPORTS		12:30 pm
13.1	Work Program Top Priorities Report and Projects Report dated February 16, 2012 - <i>attached</i>	36-37	
13.2	Applications Log Report dated February 16, 2012 - <i>attached</i>	38-42	
13.3	Trustee and Local Expenses Expenses posted to January 23, 2012 - <i>attached</i>	43	
14.	LOCAL TRUST COMMITTEE PROJECTS		
15.	NEW BUSINESS		
15.1	Denman WORKS! Meeting Process - <i>discussion</i>		
15.2	Strategic Plan – Marine Advocacy - <i>discussion</i>		
16.	BYLAWS		
16.1	Denman Island Local Trust Committee Proposed Bylaw No. 202 cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2011". – <i>for consideration of adoption</i>	44-45	1:00 pm
16.2	Bylaw Enforcement Notification Bylaw - <i>discussion</i>		
17.	ISLANDS TRUST WEBSITE		
17.1	Denman Page - <i>attached</i>	46-47	
18.	NEXT MEETING DATE Tuesday, April 3, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC V0R 1T0		
19.	ADJOURNMENT		1:30 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

DRAFT

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM, JANUARY 24, 2012
AT THE MARCUS ISBISTER OLD SCHOOL CENTRE
5901 DENMAN ROAD, DENMAN ISLAND, BC**

PRESENT:	Peter Luckham	Chair
	Laura Busheikin	Local Trustee
	David Graham	Local Trustee
	Courtney Simpson	Island Planner
	Chris Jackson	Regional Planning Manager
	Vicky Bockman	Minute Taker

There were eleven (11) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 am.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus.

3. CHAIR'S REPORT

Chair Luckham reported on the first Islands Trust Council meeting of the term in Victoria. He stated that the first Financial Planning Committee meeting had been held to determine the budget for the coming year and that the budget, along with the Strategic Plan, will be finalized at the March Islands Trust Council meeting. He advised that the meeting will be held on Gabriola Island and that the public is welcome to attend.

4. TRUSTEES' REPORT

Trustee Busheikin stated that she is excited to begin serving as a Trustee, thanked the community and acknowledged the group of candidates who also ran in the election. She reported that she attended Trustee and Northern Team orientations and the first Islands Trust Council meeting. She stated that she also attended the inaugural meeting of the Comox Valley Regional District and a workshop on government transparency and fair decision-making. She added that she met with the Denman Island Marine Stewardship Committee and attended meetings of the Denman Island Residents Association, Denman Island Residents Association Parks Committee and the Denman Island Community School.

Trustee Graham reported that he attended his third Islands Trust orientation meeting and the first Islands Trust Council meeting of the term. He stated that he is looking forward to this term and to working with new Trustee Busheikin.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes of October 25, 2011

The minutes were adopted by consensus with the following amendment:

- Move agenda item 7 from after item 10 to after item 6

5.2 Local Trust Committee Public Hearing Record of October 25, 2011

The Local Trust Committee Public Hearing Record of October 25, 2011 was received.

5.3 Local Trust Committee Special Meeting Minutes of November 2, 2011

The Local Trust Committee Special Meeting Minutes of November 2, 2011 were adopted by consensus.

5.4 Section 26 Resolutions Without Meeting Log dated January 9, 2012

Chair Luckham summarized the report.

5.5 Denman Island Advisory Planning Commission Minutes

There were no Advisory Planning Commission minutes.

5.6 Denman Island Transportation Advisory Planning Commission Minutes

There were no Transportation Advisory Planning Commission minutes.

5.7 Denman Agriculture Plan Steering Committee Minutes dated December 6, 2011

The Trustees extended their thanks to Danni Crenna for her excellent and informative minutes.

6. **BUSINESS ARISING FROM MINUTES**

6.1 *Follow-up Action List dated January 12, 2012*

The Local Trust Committee reviewed the Follow-up Action List dated January 12, 2012.

Regional Planning Manager Jackson and Planner Simpson responded to questions from the trustees and provided update information.

It was agreed that item No. 1 pertaining to tracking covenant registration should be removed from the Follow-up Action List.

6.2 *Email dated December 20, 2011 from Scott Whamond of Parks Canada regarding Additional Nominations for Chrome Island Lighthouse*

Planner Simpson reported that it appears from her correspondence with Parks Canada that an additional petition is not important to the protection of Chrome Island lighthouse.

Discussion followed and it was determined that it might be appropriate to encourage the Denman Island Residents Association Parks Committee's involvement. Trustee Busheikin stated that she will forward a link to the Heritage Lighthouse Program website to them with some introductory remarks.

7. **APPLICATIONS AND PERMITS**

7.1 *DE-RZ-2011.1 (Denman Community Land Trust Association – 2016 Northwest Road) - Staff Report dated January 3, 2012*

Planner Simpson presented the staff report noting a correction to the requested affordable housing lot size which will be verified by a survey, and provided an updated recommended definition of affordable housing received from the Denman Community Land Trust Association subsequent to the staff report. She added that in addition to the community information meetings listed in the staff report, the proposal had also been referred to the Advisory Planning Commission in November who recommended in favour of moving forward with the rezoning..

David Critchley, on behalf of the Denman Community Land Trust Association, stated that even though it would not add additional cost, the group considers the recommended application to the Agricultural Land Commission to extend the boundary of the Agricultural Land Reserve boundary to be unnecessary and time consuming and he provided rationale for that position. He confirmed that the next step is drafting of the housing agreement which the Denman Community Land Trust Association is happy to do. He spoke to the reasons for drafting the new affordable housing definition and for changing the income cutoff for eligibility for the housing.

Discussion followed regarding annual review and enforcement of the housing agreement and regulation of the number of occupants. The need for addition of a definition of affordable housing in the Land Use Bylaw was discussed along with the advantages and difficulties of specifics versus generic terminology in the definition. The roles of the housing agreement and Land Use Bylaw were discussed.

The recommendation to request that the applicant make an application to the Agricultural Land Commission to include the gap in the boundary between the Agricultural Land Reserve and the proposed new lot in the Agricultural Land Reserve was discussed. Planner Simpson confirmed that there would be no cost to the applicant for application for inclusion in the Agricultural Land Reserve nor would it delay the project by going with that approach.

DE-001-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to request the applicant to make an inclusion application to the Agricultural Land Commission to extend the boundary of the Agriculture Land Reserve to meet the proposed new lot line for the affordable housing lot.

CARRIED

DE-002-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to amend the draft definition of dwelling unit affordable housing to remove specific low income requirements.

CARRIED

DE-003-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee directs staff to refer DE-RZ-2011.1 (Denman Community Land Trust Association) to the K'omoks First Nation for referral.

DE-004-2012

It was **MOVED** and **SECONDED** to amend resolution DE-003-2012 to remove "the K'omoks" before "First Nation and change "Nation" to "Nations".

CARRIED

The question on the following main motion, as amended, was then called:

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee directs staff to refer DE-RZ-2011.1 (Denman Community Land Trust Association) to First Nations for referral.

CARRIED

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7.2 *DE-ALR-2011.2 (Fraser, Margaret and Stirling – 1721 Scott Road)*
Staff Report dated December 13, 2011

Planner Simpson presented the report with a summary of the issues for consideration, concluding in a recommendation to not forward the application to subdivide to the Agricultural Land Commission.

Stirling Fraser, the applicant, in favour of forwarding the application to the Agricultural Land Commission stated that he appreciates the effort staff took in preparation of the staff report however takes issue with the outcome.

There was a discussion about various positive aspects of this application, including: no change in density, a large piece of land remaining, ability to attract equity improved, no need for additional farm and worker housing, and that the proposal illustrates succession planning that has been identified as an important issue on Denman Island.

Chair Luckham noted that the Local Trust Committee is deciding whether to refer the application to the Agricultural Land Commission which will make a decision based on the merits of the proposal. Continuation of discussion on this proposal was deferred to after agenda item 9.0.

8. DELEGATIONS

8.1 *Pat McLaughlin for Denman Island Marine Stewardship*

Pat McLaughlin spoke on behalf of the Denman Island Marine Stewardship Committee about continuing concerns regarding the degradation of the marine environment around Denman Island. She urged the Denman Island Local Trust Committee to not approve any further expansion should there be an application.

She presented a request that the Local Trust Committee advocate that:

- Baynes Sound be designated a Marine Protected Area with no further expansion of the industry in Baynes Sound
- The Local Trust Committee communicate with Fisheries and Oceans Canada and British Columbia Shellfish Growers Association the immediate need to remove the netting used on the shellfish tenures
- There be a total ban of driving vehicles on the beach
- There be an end to beach modification
- The Local Trust Committee communicate with Fisheries and Oceans Canada and British Columbia Shellfish Growers Association the need to devise better methods of securing their equipment so it does not foul the beaches

She also requested a review of the Marine section of the Denman Island Official Community Plan be done to assess if bylaws or development permit

areas would facilitate these changes. In response to a question from Trustee Busheikin, she indicated that it would be difficult to prioritize the concerns as they are all important, however, removing netting from the beach and designation as a marine protected area could be considered as top priorities.

9. TOWN HALL DISCUSSION

Margie Gang, Ralph McCuaig and Sara French indicated that they wished to speak to agenda item 10.6 and it was determined that this discussion would occur at that point in the agenda.

Henning Nielson extended his welcome to the new Local Trust Committee. He expressed his hope that there can be a revisitation of an affordable housing pilot project proposal that he discussed two or three years ago consisting of large residential properties with secondary dwellings specifically for affordable housing. He suggested the value of looking at alternative land use planning to support development of affordable housing in consort with market housing and affordable rentals in an appropriate location and offered his assistance.

Marion Cobb suggested that it would be better if Town Hall discussions were scheduled later in the agenda or perhaps one-half at the top and another at the end.

Chair Luckham advised that there is a trend to want more inclusion of public input and to provide more opportunity for listening to views, hearing oppositions and working together. He suggested that the Local Trustees think about content and structure of Local Trust business meeting agendas. He questioned Regional Planning Manager Jackson as to the current Town Hall discussion practices around the Islands Trust area.

Regional Planning Manager Jackson responded that there is no standard principal and the decision is up to each individual Local Trust Committee. He suggested that this could be discussed at Regional Team Meetings at Islands Trust Council, however he noted that the current trend is to have one Town Hall Discussion opportunity at the beginning and one at the end of the agenda.

Sara French stated that she thinks the Town Hall discussions should be in the middle and end of the agenda.

Henning Nielson stated that he agreed that the Town Hall discussions should be in the middle and end of the agenda.

Margie Gang asked for clarification on the affordable housing proposal for Denman Community Land Trust Association. Planner Simpson and members of the Local Trust Committee provided responses.

Marion Cobb stated that she felt that affordable housing was not defined clearly enough at the last meeting and that she finds the rules about only a particular person being allowed to live there objectionable and unfair.

Chair Luckham advised that there will be opportunity for the community to respond in a public meeting.

Chair Luckham recessed the meeting at 12:30 pm and reconvened the meeting at 12:45 pm.

7. APPLICATIONS AND PERMITS - CONTINUED

- 7.2 *DE-ALR-2011.2 (Fraser, Margaret and Stirling – 1721 Scott Road)
Staff Report dated December 13, 2011 - Continued from earlier in the agenda*

DE-005-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward DE-ALR-2011.2 to the Agricultural Land Commission with the following comments: "This subdivision will clarify the historical use of this land. It has been used for over 30 years as if it was subdivided. The larger parcel created is of a size which is suitable for the agricultural practices contemplated as appropriate for Denman Island by the ongoing work of the Denman Island Agriculture Plan Steering Committee. It unencumbers both parcels from the current financial restraints which have inhibited agricultural activities to date."

CARRIED

10. CORRESPONDENCE

- 10.1 *Letter dated October 31, 2011 to Harlene Holm from Peter Luckham, Chair Denman Island Local Trust Committee regarding resignation from the Agricultural Plan Steering Committee*

The Local Trust Committee received the letter.

- 10.2 *Letter dated November 15, 2011 from Pat McLaughlin, Denman Island Marine Stewardship Committee regarding Pentlatch Seafoods Ltd. application*

The Local Trust Committee received the letter.

- 10.3 *Letter dated November 29, 2011 to The Honourable Terry Lake, Minister of the Environment, Government of BC from Louise Bell, Trustee regarding government response to public comments on the draft Application Information Requirements for the proposed Raven Underground Coal Mine Project*

The Local Trust Committee received the letter.

- 10.4 *Letter dated November 29, 2011 to The Honourable Peter Kent, Minister of the Environment, Government of Canada from Louise Bell, Trustee regarding government response to public comments on the draft Application Information Requirements for the proposed Raven Underground Coal Mine Project*

The Local Trust Committee received the letter.

- 10.5 *Letter dated December 5, 2011 to Commissioner Gordon Macatee, BC Ferry Commission from Louise Bell, Trustee regarding the Review of the Coastal Ferry Act*

The Local Trust Committee received the letter.

- 10.6 *Email dated December 16, 2011 from Simon Palmer of Denman WORKS! Regarding Bylaw Amendment Request for Denman Island Land Use Bylaw No. 186*

The Local Trust Committee reviewed the email and there was discussion regarding the need to identify specific concerns and disparity between operations and regulations in guest accommodation operations on Denman Island in a manner that is non-threatening to those involved.

Sara French suggested creating a box for anonymous comments.

Ralph McCuaig expressed concern that the current bylaws do not reflect the realities of the operations, that the complaint process is very stressful and bylaw enforcement unfair. He added that the bylaws discourage agriculture and tourism which are the biggest economic drivers on Denman Island.

Marion Cobb suggested that informing the public of the rules would be helpful.

Margie Gang spoke to the need to make Denman Island more tourist friendly, increasing the economic possibilities for local residents. She stated that she had circulated a petition and obtained 45 signatures requesting a change in the system to allow cooking in home-based guest facilities. She stated that she would provide a redacted version of the petition to the Local Trust Committee and said that Denman WORKS! is willing to work with the Local Trust Committee to assist in effecting change.

Sara French stated her opinion that stringent bylaws that do not allow cooking facilities are outdated given there is no place to have dinner on Denman Island most of the week. She added that the complaint-based system makes the Islands Trust seem intrusive.

Chair Luckham thanked everyone for their input. He advised that the Local Trust Committee must uphold the Official Community Plan and Land Use Bylaws and changes to those require an entire public process. He suggested this topic be considered as an addition to the Work Program and this option will be explored later in the agenda.

- 10.7 *Email dated December 23, 2011 from Terry Lake, Minister of the Environment regarding Raven Underground Coal Project*

The Local Trust Committee received the email.

10.8 *Email dated December 29, 2011 from Tomoe Yoshihara regarding Support of Home Wind Turbines*

The Local Trust Committee received the email and Trustee Busheikin offered to respond to the writer.

11. **REPORTS**

11.1 *Work Program*

11.1.1 *Memorandum dated December 21, 2011*

The Local Trust Committee received the memorandum dated December 21, 2011.

11.1.2 *Term Review and Discussion: Ideas from Louise Bell*

The Local Trust Committee received the Term Review and Discussion: Ideas from Louise Bell dated October 25, 2011.

11.1.3 *Top Priorities Report and Projects Report dated January 9, 2012*

There was discussion regarding the currently designated three Top Priorities.

DE-006-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to amend No. 3 of the Top Priorities List to include a review of associated Land Use Bylaw regulations and specifically to address the three following actions in the Activity section:

1. Removal of predator netting on the beach
2. Banning driving on the foreshore
3. Ban on beach modifications

CARRIED

Discussion followed on the Projects List to determine possible removal or addition of items.

DE-007-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee remove the following from the Projects List:

- Soil removal and deposit bylaw
- Conservation objectives and policies for OCP part E.3
- Review DPA 2 and 3 including mapping

CARRIED

DE-008-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to add to Regulations governing wind towers, under Activity: Monitor recommendations from Trust Council.

CARRIED

DE-009-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to add Housekeeping Projects to the Projects List and add Land Use Bylaw Definition of intensive agriculture; remove “and excluding feedlots.” to the Activity column.

CARRIED

DE-010-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to add to the Projects List the following topic: Review of Housing Policies E.1 with respect to secondary cottages and suites in residential designations.

CARRIED

Trustees Graham and Busheikin noted that they would like more time to consider the Denman WORKS! email, to clarify the problems and prioritize them before proceeding, possibly through a forum organized by Denman WORKS!, Hornby Denman Tourist Services or a similar group.

Ralph McCuaig commented that a Denman WORKS! representative had not been able to attend today’s meeting and that other interested people were not willing to attend. He asked the Local Trust Committee to encourage rather than request more information.

Trustee Busheikin stated that the Local Trust Committee needs to hear community views and clarify the issues in the Denman WORKS! email before being able to determine the next steps.

Chair Luckham suggested that an anonymous survey to determine the most important points to address might be a valuable tool.

Trustee Graham recommended reviewing the existing regulations relating to guest accommodations for everyone’s benefit and Trustee Busheikin offered to write an article for publication on this subject.

Marion Cobb asked for clarification of the Local Trust Committee’s role in bylaw enforcement as it may impact the desire of operators to discuss the regulations openly.

Trustee Graham responded that the Local Trust Committee is completely independent of bylaw enforcement.

11.2 Applications Log - Report dated January 9, 2012

Planner Simpson reported that there are no additions or corrections to the Applications Log Report dated January 9, 2012 and there was no discussion.

11.3 *Trustee and Local Expenses - Expenses posted to December 21, 2011*

The Local Trust Committee received the Trustee and Local Expenses Posted to December 21, 2011 report.

12. **LOCAL TRUST COMMITTEE PROJECTS**

12.1 *Agriculture Plan - Staff Report dated December 21, 2011*

Planner Simpson presented the Staff Report dated December 21, 2011. Discussion followed on consideration of Local Trustee appointment to the Agriculture Plan Steering Committee. Trustee Graham stated that he would like to stay on in this role.

13. **NEW BUSINESS**

13.1 *Affordable and Special Needs Housing Documents
Memorandum dated August 8, 2011 regarding Housing Agreements on Salt Spring Island and the Islands Trust Application Guide for Affordable and Special Needs Housing*

The Local Trust Committee received the memorandum

13.2 *Advisory Planning Commission and Transportation Advisory Planning Commission Appointments for 2012 - Memorandum dated January 24, 2012*

The Local Trust Committee did not find it necessary to reappoint members to the Transportation Advisory Planning Commission at this time.

Trustee Graham suggested the addition of a Marine Advisory Planning Commission.

DE-011-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to create a Marine Advisory Commission.

CARRIED

DE-012-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to advertise for the four positions of the Advisory Planning Commission and for six members of the newly formed Marine Advisory Commission.

CARRIED

DE-013-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to write thank you letters to the standing members of the Transportation Advisory Planning Commission, thanking them for their many years of hard work and community involvement.

CARRIED

13.3 *Planner On-Island Office Hours - Memorandum dated January 24, 2012*

Planner Simpson presented the memorandum, reporting that use of these hours by the community has been less than anticipated and she presented options to change the schedule for consideration.

Discussion followed and it was the consensus to change the Planner On-Island Office Hours to a quarterly schedule, supplemented in the off months by Trustee Hours. It was considered to be an important demonstration of availability to the community and regular advertising of the hours as well as monitoring of actual usage was recommended.

13.4 *Proposed Local Trust Committee Meeting Schedule 2012*

The Local Trust Committee reviewed the Proposed Local Trust Committee Meeting Schedule for 2012.

DE-014-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee approve the meeting schedule as follows:

Tuesday, February 28, 2012
Tuesday, April 3, 2012
Tuesday, May 1, 2012
Tuesday, June 5, 2012
Tuesday, July 17, 2012
Tuesday, September 25, 2012
Tuesday, October 2, 2012
Tuesday, November 6, 2012
Tuesday, December 11, 2012

CARRIED

Trustee Graham stated that he would like a change of venue for the meetings to be considered, giving the lack of handicapped access in the present location as the primary reason and also to give more visibility for community participation. Discussion followed and it was the consensus that an alternative location will be researched and if arranged, the venue may be changed beginning with the March meeting.

Trustee Graham reported that he has received information suggesting that the rental rate the Islands Trust pays for rental of their room in the Marcus Isbister

Old School Centre may be unrealistically low and an increase in the rental rate based on market rental rates might be considered. He indicated that he will follow up and report back at a future time.

13.5 Local Trustee Involvement on Denman Island Committees

The involvement of a Ferry Advisory Committee member from the Local Trust Committee was discussed and it was determined that it is important to continue this role. Trustee Busheikin stated she would be willing to fill this position. Trustee Graham stated that he will contact the Ferry Advisory Committee to advise them of Trustee Busheikin's involvement.

13.6 Local Government Consultation on Integrated Management of Aquaculture Planning by Fisheries and Oceans Canada

The Local Trust Committee did not find it necessary to discuss the Local Government Consultation on Integrated Management of Aquaculture Planning by Fisheries and Oceans Canada.

14. BYLAWS

There were no Bylaws for discussion.

15. ADVISORY PLANNING COMMISSION AND TRANSPORTATION ADVISORY PLANNING COMMISSION REFERRALS

There were no Advisory Planning Commission or Transportation Advisory Planning Commission referrals.

16. ISLANDS TRUST WEBSITE

16.1 Denman Page

The following change was requested to the website:

- Add to the Latest News Heading: "New Marine Advisory Commission – Call for Expressions of Interest"

17. NEXT MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, February 28, 2012 at 10:30 am at the Marcus Isbister Old School Centre, 5901 Denman Road, Denman Island, British Columbia.

18. **ADJOURNMENT**

The Chair adjourned the meeting at 3:08 pm.

Chair

Minute Taker



Islands Trust

Follow Up Action Report w/ Target Date

Denman Island Sep-12-2011

No.	Activity	Responsibility	Target Date	Status
1	Reschedule the meeting with the K'omoks First Nation.	Courtney Simpson	Oct-25-2011	On Going

Jan-24-2012

No.	Activity	Responsibility	Target Date	Status
1	Send early referral of DE-RZ-2011.1 (DCLTA) to First Nations	Courtney Simpson	Feb-28-2012	On Going

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1	Amend definition of dwelling unit, affordable housing in the draft LUB amendment for DE-RZ-2011.1 to remove specific low income requirements.	Courtney Simpson	Feb-28-2012	On Going
1	Forward DE-ALR-2011.2 (Fraser) to the ALC with comments as recorded in resolution.	Courtney Simpson	Feb-28-2012	On Going
1	Advertise for the 4 APC positions and for 6 members of a newly formed Marine Advisory Planning Commission.	Courtney Simpson	Feb-28-2012	Done
1	Write thank you letters to the standing members of the TAPC on their many years of hard work.	Courtney Simpson	Feb-28-2012	Done



STAFF REPORT

Date: February 2, 2012

File No.: DE/02

To: Denman Island Local Trust Committee
For meeting of February 28, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager

Re: Marine Advisory Planning Commission and Agriculture Plan Steering Committee

1. BACKGROUND:

At the January 24, 2012 meeting, the Denman Island Local Trust Committee (LTC) passed the following resolutions:

DE-011-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to create a Marine Advisory Commission.

CARRIED

DE-012-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to advertise for the four positions of the Advisory Planning Commission and for six members of the newly formed Marine Advisory Commission.

CARRIED

Upon close review of the Advisory Planning Commission (APC) Bylaw 144, staff advise that only up to three members can be appointed to the new Marine Advisory Planning Commission in this calendar year, and up to an additional three can be appointed next calendar year. As the LTC has indicated they wish to appoint up to six members this year, the purpose of this report is to provide options for revising and adopting a new APC Bylaw to allow this.

Staff would also like to take this opportunity to recommend that the current Agriculture Plan Steering Committee members be appointed to a "Special Projects Advisory Planning Commission" that is described in the APC bylaw. This Steering Committee should technically be an APC under the APC bylaw so that members receive the protection of personal liability provided by the *Local Government Act*.

2. RELEVANT LEGISLATION

Local Government Act

The authority to establish an APC is found in section 898 of the *Local Government Act*. This section of the *Act* states that the bylaw must provide for the “composition of and the manner of appointing members to” the APC. The *Act* requires that at least 2/3 of the members are residents of the electoral area, and states that trustees, and employees or officers of the local government cannot be appointed to the APC.

The types of procedures that can be directed in the APC bylaw are such things as the length of term, how quorum is defined, the roles of Chairperson and Secretary, how matters will be referred to the APC, how the APC must keep records, how meetings will be advertised, and other similar matters.

Many local governments have ad hoc committees from time to time that may operate similar to an APC but are not technically designated under the APC bylaw. While not contrary to any legislation, it is advised that any type of committee appointed by the LTC is officially appointed under the APC bylaw in order to reduce the personal liability risk of members. Section 287 of the *Local Government Act* includes members of an APC in the list of those protected from most kinds of liability that might arise in the conduct of their duties. This protection provides a basis for an APC and its members to have a lawsuit against them dismissed at an early stage.

3. DENMAN ADVISORY PLANNING COMMISSION BYLAW 144

The Denman Island Advisory Planning Commission Bylaw 144 states the following regarding a Marine Advisory Planning Commission:

(c) Marine Advisory Planning Commission

- i) The Marine Advisory Planning Commission consists of not more than six members.*
- ii) The Local Trust Committee must, by resolution, appoint not more than three members in even numbered years to serve a two-year term, and not more than three members in odd numbered years to serve a two-year term to commence February 28 of the year of the appointment.*

The bylaw states the following regarding a Special Projects Advisory Planning Commission:

(d) Special Projects Advisory Planning Commission

- i) The Special Projects Advisory Planning Commission consists of not more than six members.*
- ii) The Local Trust Committee may, by resolution, appoint not more than six members to serve a four month term to commence on the date of the appointment.*

4. RESULTS OF CIRCULATION:

No circulation or referral is required in order to amend an administrative bylaw such as the APC bylaw. However, staff will advise the Agriculture Plan Steering Committee of the recommendation to appoint them as members of a Special APC and advise the LTC on their comments.

5. STAFF COMMENTS:

With regards to the Marine APC, staff recommends that the LTC amend the APC bylaw in order to:

- allow up to six members to be appointed to the newly-formed Marine APC this calendar year; and
- allow the appointment up to three members for a one-year term and up to three members for a two-year term when there are not currently six members of the Marine APC.

For the Agriculture Plan Steering Committee members to receive the protection from liability that APC members appointed under the APC bylaw receive, staff recommends that first the APC bylaw is amended to refer to a terms of reference for a Special Projects APC. In this way, the existing terms of reference for the Steering Committee can be used with minor amendment to govern their membership and mandate.

The attached Terms of Reference for the Agriculture Plan Steering Committee has been amended from the Terms of Reference endorsed in 2009 to refer to the APC bylaw 144, and to change the role of the trustee and Regional District Director to one of an advisor rather than a member. According to the legislation, an elected trustee or Regional District Director cannot be appointed to an APC. In the opinion of staff this change to the technical role of these two positions will have no impact on the functioning of the Committee.

The draft Terms of Reference are provided for information only at this point and should only be endorsed if and when the new draft APC bylaw is adopted.

Staff has taken this opportunity to make other amendments to the APC bylaw for clarity. Amendments recommended in the attached draft of a new, revised bylaw include:

- *Removing the requirement for appointments to begin on February 28th of the year of appointment.* Staff understands that this was part of the APC bylaw in an effort to establish an annual schedule of appointing new members, perhaps in response to a history of forgetting that members' terms had expired and realizing that the APC is not complete at the time the LTC wishes to refer something to them. This requirement in the APC bylaw is problematic because if the LTC passes a resolution to appoint people even one day after February 28th, the appointment should not be made retroactively, and would have to wait until the following February 28th to take effect. Staff is in agreement that expiry of APC memberships should be tracked accurately by staff, but do not recommend that this is done via specific dates of appointment in the APC bylaw.
- *Allowing up to six members to be appointed in the same calendar year for the Transportation APC.* Given that there is not currently a Transportation APC, if the LTC wishes to appoint one in the future, under the current bylaw they can only appoint a maximum of three in one year.
- *Changing "must" to "may" when setting the number of APC members.* The current APC bylaw uses language requiring the LTC to appoint six members to the various APC's. This language has been changed to "up to six" to provide more flexibility for the LTC. If the LTC only had five people express interest, for example, this would allow the APC to be complete with only five members when technically under the current APC bylaw it would not.

- *The appointment of the secretary is made by the APC members not the LTC.* The current APC bylaw states that the LTC appoints the secretary when in practice the APC has been appointing a secretary from within its membership. The recommended draft changes the appointment of the secretary to be made from within the APC, by the APC members.

The attached draft of a new APC bylaw can be compared the current Bylaw 144 that is available on the Islands Trust website, in order to review the specific changes that are recommended. Due to the number of changes from Bylaw 144, staff recommends a new bylaw is adopted rather than simply amending the current.

RECOMMENDATIONS:

That the Denman Island Local Trust Committee:

1. give first reading to draft Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”;
2. second reading to proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”;
3. give third reading to proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”; and
4. refer proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” to the Executive Committee.

Prepared and Submitted by:

Courtney Simpson
Courtney Simpson, MCIP

February 15, 2012
Date

Concurred in by:

Chris Jackson
Chris Jackson, MCIP

February 9, 2012
Date

Attachments:

1. Draft Agriculture Plan Steering Committee Terms of Reference
2. Draft Denman Island Local Trust Committee Advisory Planning Commission Bylaw

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DENMAN ISLAND AGRICULTURE PLAN STEERING COMMITTEE TERMS OF REFERENCE

Approved by the Denman Island Local Trust Committee on _____, 2012

Section 2(d) of the Denman Island Advisory Planning Commission Bylaw No. 203 permits the appointment of Special Advisory Planning Commissions based on a Terms of Reference developed by the Denman Island Local Trust Committee. The Agriculture Plan Steering Committee is an appointed Special Advisory Planning Commission pursuant to Bylaw No. 203.

This Terms of Reference guides the scope and role of the Agriculture Plan Steering Committee and its members and provides supplementary terms of appointment specific to the Agriculture Plan Steering Committee and its members. The operations of the Agriculture Plan Steering Committee and its members, as well as general terms of appointment applicable to all planning commissions, are guided by the Denman Island Advisory Planning Commission Bylaw No. 203. Both documents should be referred to for guidance.

Background

(adapted from Denman Island Official Community Plan, 2008)

If not the greatest dollar contributor to the local economy, at least the most consistent contribution to the well being of Denman Island residents has been made by farming. In the early days, a number of farms produced commodities for export to markets in Cumberland, Courtenay, Nanaimo, Victoria and Vancouver. As early as 1903, Jersey cows were popular on Denman Island, and the rich milk they produced was shipped to the creamery in Comox. Other farm products exported were turnips, potatoes, apples, Christmas trees, corn, lamb, beef, chicken and eggs.

Today, forty-six percent of Denman Island is in the Agricultural Land Reserve, and a number of these historic farms remain. Agriculture is also considered to include diverse activities, from apple growing to bee keeping to small-scale growing of produce for sale at local farmers markets. In today's world with climate change a growing concern, many communities are looking to reduce greenhouse gas emissions, and the importance of local food production is being recognized more and more, while at the same time acknowledging the economic challenges faced by local farmers.

One of the Denman Island Local Trust Committee's top priorities is the creation of a farm plan. The process of creating this plan is envisioned to increase Islanders' understanding and appreciation of agriculture, and the final product is hoped to have numerous benefits for farmers and the community at large.

1. Roles and Responsibilities

- 1.1 The Committee shall develop goals and objectives for the Agriculture Plan, and provide input to Staff in developing a budget, timeline, and funding applications.
- 1.2 The Committee shall play a leadership role to identify and discuss community interests relating to agriculture and the Agriculture Plan.

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- 1.3 The Committee shall play a leadership role in community events relating to the Agriculture Plan.
- 1.4 The Committee will provide direction and support to Staff with, budget forecasting, preparing a Draft Plan and hiring a consultant (if desired).
- 1.5 Staff or a consultant shall provide advice on the process and content of the Plan, ensure the process is organized, and the Plan completed within the timeline and budget.
- 1.6 Staff shall be responsible for the production and copying of meeting materials, distribution of agendas, and all matters pertaining to the administration of the Committee.

2. Membership

- 2.1 The Committee shall be composed of up to 10 Denman Islanders who shall be appointed by resolution of the Local Trust Committee
- 2.2 One Trustee, and one local area director of the Comox Valley Regional District will be invited to attend Committee meetings in a supportive role.
- 2.3 An Islands Trust Staff member should attend every meeting of the Committee in a supportive role.
- 2.4 Others will be invited to attend meetings of the Steering Committee in an advisory or supportive role such as other Islands Trust staff, Ministry of Agriculture and Lands staff, Agricultural Land Commission Commissioners and staff, and others as deemed appropriate by the Local Trust Committee, Islands Trust Staff, or the Steering Committee.
- 2.5 All members of the Committee shall serve to the completion of the Agriculture Plan, as determined by the Local Trust Committee.
- 2.6 Any member of the Committee who is not in attendance at regular meetings of the Committee for three consecutive meetings, without approval of the Chair, shall be deemed to have resigned.
- 2.7 A quorum shall be established at the first meeting as 50% +1 of the membership. Quorum will be adjusted should members resign from the Committee, or members added to the Committee.

3. Conduct of Meetings

- 3.1 All meetings shall be advertised, meeting the notification requirements of the Local Trust Committee.
- 3.2 All meetings shall be open to the public.
- 3.3 At the first meeting, the Committee will elect a chair and/or co-chairs and a minute-taker from among its membership.
- 3.4 If the Chair of the Committee is not in attendance after fifteen minutes following the scheduled start of the meeting, the members present shall elect from its membership a Committee member to act as Chair for the duration of the meeting.

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- 3.5 The minutes of Committee meetings shall be prepared by staff or the elected minute-taker, and adopted at the next meeting of the Committee. Draft and adopted copies of all Committee meetings are to be forwarded to the Local Trust Committee for inclusion on the next available agenda.

4. Finance

- 4.1 Members of the Committee shall serve without remuneration.
- 4.2 No expenditure shall be made in relationship to this Committee that is not provided for in the Financial Plan of the Islands Trust.

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DENMAN ISLAND TRUST COMMITTEE
BYLAW NO. 203

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

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

1. Continuation and Establishment

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

2. Appointment of Members

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

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- b) Transportation Advisory Planning Commission
 - i) The Transportation Advisory Planning Commission consists of up to six members.
 - ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
 - iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.
- c) Marine Advisory Planning Commission
 - i) The Marine Advisory Planning Commission consists of up to six members.
 - ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
 - iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.
- d) Special Projects Advisory Planning Commissions
 - i) The Local Trust Committee may, from time to time, establish advisory planning commissions to provide advice to the Local Trust Committee on specific topics or for special projects.
 - ii) Special Projects Advisory Planning Commissions will be appointed based on a terms of reference endorsed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission.
- e) The Local Trust Committee may, by resolution, remove a member of an advisory planning commission at any time.
- f) Where a member resigns or an appointment is otherwise terminated, the Local Trust Committee may appoint a member to serve the balance of the term of the appointment.
- g) The members must, during the first meeting of a term, from among the members elect a Chairperson, a Deputy Chairperson, and a Secretary.
- h) The Deputy Chairperson shall, in the absence of the Chairperson, serve as described in Section 3(b).
- i) In the event that the Chairperson resigns from the position of Chairperson but remains on the advisory planning commission, the advisory planning commission shall write the Local Trust Committee to advise them and the Local Trust Committee shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(g).
- j) An individual may serve concurrently on the Advisory Planning Commission, Transportation Advisory Planning Commission, Marine Advisory Planning Commission, a Special Projects Advisory Planning Commission, or any number of them.

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3. Roles

a) Secretary

i) The Secretary is to:

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

b) Chairperson

i) The Chairperson is to:

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

4. Referrals

a) The Local Trust Committee may by resolution:

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

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

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

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

e) A meeting on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.

f) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members to deal with any matter for which a quick response is requested from the Local Trust Committee.

g) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

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5. Notice of Meeting

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

6. Conduct of Meeting

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

7. Notice of Recommendation

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

8. Transition

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

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9. Citation

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

READ A FIRST TIME THIS ____ DAY OF _____ , 20__

READ A SECOND TIME THIS ____ DAY OF _____ , 20__

READ A THIRD TIME THIS ____ DAY OF _____ , 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
____ DAY OF _____ , 20__

ADOPTED THIS ____ DAY OF _____ , 20__

SECRETARY

CHAIRPERSON



Memorandum

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date February 15, 2012

File Number DE/02

For meeting of February 28, 2012

To Denman Island Local Trust Committee

From Courtney Simpson
Island Planner

Re Advisory Planning Commission appointments

In accordance with Denman Island Local Trust Committee Bylaw No. 144, the Advisory Planning Commission (APC) Bylaw, the Local Trust Committee (LTC) should appoint three members to the APC for a two-year term to commence on February 28, 2012. As of this date three current members' terms will expire.

An advertisement asking for expressions of interest for the APC and for a new Marine APC was published in the Grapevine. At the time of writing this memorandum the following expressions of interest have been received by staff:

Advisory Planning Commission:

Barry Landeen (current member)
Margie Gang
Ralph McQuaig

Marine Advisory Planning Commission:

Liz Johnstone (formal expression of interest attached)

The Local Trust Committee should pass a resolution to appoint three members to the APC, for their two-year term to begin on February 28, 2012. The LTC also has the option of extending the deadline for expressions of interest.

For the Marine APC, the LTC can appoint up to three members to begin on February 28, 2012, but cannot appoint more than three members in this calendar year without amending the APC bylaw.

Courtney Simpson

From: lizji@telus.net
Sent: February-03-12 11:15 PM
To: Courtney Simpson
Subject: DI Marine Advisory Planning Commission

Follow Up Flag: Follow up
Flag Status: Flagged

Island Trust

Dear Courtenay Simpson

Further to Island Trust announcement re creation of a Marine Advisory Planning Commission:

I respectfully request to be considered as a member of this Marine Advisory Planning Commission committee. I have been involved in Marine Stewardship for many years and am a current member of the DIMSC (Denman Island Marine Stewardship Committee).

I currently live on Denman Island (9 years) and recently finished a four year term on the Executive Board for the Denman Island Residents Association (DIRA) .

As DIRA Chair for the past two years and vice chair prior to 2010, I am very comfortable with meeting format and protocol required.

I have been involved in Denman Island Marine Stewardship as the acting coordinator for the Annual Beach Clean up for the past 7 years co-sponsored by the Vancouver Aquarium.

Prior to living on Denman I lived on the West Coast of Vancouver Island in Barclay Sound where I also volunteered on numerous boards, including the local Coast Guard Auxillary.

and also worked with DFO as the Barclay Sound Representative for Rock Fish Protection Areas and also as the DFO Area representative for the Sports fishing Advisory Board.

I am very excited about such an Islands Trust initiative for the Marine environment to preserve and protect this important aspect of our Trust Islands.

Many thanks for your consideration,

Liz Johnston lizji@telus.net
250 335 3266
2621 Northwest Rd.
Denman Island
BC VOR 1T0



Memorandum

700 North Road Gabriola Island, BC BC V0R 1X3

Telephone (250) 247-2063 FAX: (250) 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date February 20, 2012 File Number DE-SUB-2011.1
(Hoerbuerger for Smith)

For February 28, 2012 meeting (late item)

To Denman Island Local Trust Committee

From Marnie Eggen
Planner 1
Local Planning Services

Re Cost Recovery Agreement for legal review of statutory right of way and easement to satisfy the Denman Island subdivision regulations for a 946 subdivision on the North East ¼ of Section 10, Denman Island, Nanaimo District (PID 006-639-275).

The owner of the above noted property has obtained a water licence that permits the withdrawal of potable water from Graham Lake for the purposes of subdivision. The owner is required to register a statutory right of way and an easement as per Sections 2.8.14 and 1.2.4 of the Denman Island Land Use Bylaw No. 186, 2008:

2.8.14 If the applicant proposes to provide potable water from a well or surface water supply on another lot, the applicant must concurrently with the registration of the subdivision plan, register against title on the lot on which the well is located an easement in favour of each lot to which water is provided, and a statutory right of way complying with Regulation 4 of Section 1.2 for water supply purposes.

1.2.4 Where under this Bylaw an owner of land is required or authorised to grant any covenant or statutory right of way, the covenant or statutory right of way must be granted to the Denman Island Local Trust Committee in priority to all financial charges and delivered in registerable form satisfactory to the Denman Island Local Trust Committee prior to the granting of any approval or authorisation in respect of which the covenant or statutory right of way is required. The covenant must indemnify the Denman Island Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.

In order to draft/review a statutory right of way and easement for these purposes, the Denman Island Local Trust Committee must enter into a Cost Recovery Agreement with the owner of the property to recover costs not covered in the standard fees for a subdivision referral. For the Islands Trust to enter into a Cost Recovery Agreement with the owner, a Local Trust Committee resolution is required.

A copy of the subdivision referral review is attached for reference. The Denman Local Trust Committee has previously entered into a Cost Recovery Agreement with the owner of this property for the drafting and/or review of a covenant under Section 946 of the Local Government Act.

RECOMMENDATION

THAT the Denman Island Local Trust Committee enter into a Cost Recovery Agreement allowing Islands Trust legal counsel to draft and/or review a statutory right of way and easement as per the requirements of Sections 2.8.14 and 1.2.4 of the Denman Island Land Use Bylaw No. 186, 2008 for the proposed 946 subdivision on the North East $\frac{1}{4}$ of Section 10, Denman Island, Nanaimo District (PID 006-639-275), application DE-SUB-2011.1 (Hoerbuerger for Smith).

pc Courtney Simpson, Island Planner

Attachment: Subdivision Referral Report

SUBDIVISION REFERRAL REPORT

TO: Jerry Leet **DATE:** April 29, 2011
TITLE: District Development Technician **I.T. FILE NO:** DE-SUB-2011.1 (Smith)
District Office: Courtenay, BC **FILE NUMBER:** 2010-06494

Applicant: Steven Hoerbuerger
Owner: Robert and Yolanda Smith
Legal Description: North East ¼ of Section 10, Denman Island, Nanaimo District
Site Size: PID 006-639-275
Proposal: Approximately 59.8 ha (147.7 Ac)
 Two lot subdivision under Section 946 of the *Local Government Act*

Report Summary:

Islands Trust requests that the following be made conditions of Preliminary Layout Approval. These requests are made pursuant to *Denman Island Land Use Bylaw No. 186* and relevant sections of the *Islands Trust Act*, *Local Government Act*, and *Riparian Area Regulation*:

1. That the applicant apply for a Development Permit #4: Lakes and Major Wetlands and Major Streams or provide confirmation in writing that the proposed subdivision does not include development of the land that would require a Development Permit #4: Lakes and Major Wetlands and Major Streams, as per Section 4.4 of the *Denman Island Land Use Bylaw No. 186*, see Section 1 below;
2. That the applicant apply for a Development Permit #2: Steep Slopes or provide confirmation in writing that the proposed subdivision does not include development of the land that would require a Development Permit #2: Steep Slopes, as per Section 4.2 of the *Denman Island Land Use Bylaw No. 186*, see Section 1 below;
3. That the applicant provides an Assessment Report prepared by a qualified environmental professional as per the *Riparian Areas Regulation*;
4. Under Section 946 of the *Local Government Act*, the following provisions should be received before the Approving Officer considers final approval:
 - (a) The applicant must provide a written statement indicating that the purpose of a separate residence is for the owner or for the owner's mother, father, mother-in-law, father-in-law, daughter, son, daughter-in-law, son-in-law or grandchild;
 - (b) The applicant covenant with the Denman Island Local Trust Committee, in respect of each of the parcels being created by the subdivision, that the parcel:
 - (i) will be used as required by item (c) below; and
 - (ii) will not be subdivided under Section 946; and the covenants be registered at the same time that application is made to deposit the subdivision plan;
 - (c) Pursuant to subsection 946 (8) of the *Local Government Act*, the covenant in item (b) above must state:

SUBDIVISION REFERRAL REPORT

- that the parcel subdivided for the purpose of providing a residence as stated in item (a) above is for residential use only, and
 - that the remainder of the original parcel is not to be changed from the use of the original parcel, unless the use is changed by bylaw. This covenant applies for 5 years after subdivision.
- (d) If this subdivision application is approved, the approving officer must state on the note of approval required by section 88 of the *Land Title Act* that the approval is subject to conditions established by item (b) above.
5. That the applicant obtains written approval from a certified engineer that there is a minimum of 1200 litres of potable water a day for each permitted principal residential dwelling. The land use bylaw allows for 1 single family unit per 15 ha in the A zone and 1 single family unit per 64 ha in the F zone. See Attachment 3 for details of regulation;
 6. That for any lot created by subdivision, the applicant demonstrates the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewage System Regulation under the Health Act;
 7. That any road construction meet the road standards agreed to in the Ministry of Transportation/Islands Trust Letter of Agreement. Accordingly, the road standard for this subdivision should be Residential Rural/Local. If the roads proposed are designed to exceed these standards the applicant is required to submit the proposed road design to the Islands Trust for review; and
 8. That the applicant obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Denman Island Local Trust Committee bylaws, prior to final approval.

Please quote the above file number in all correspondence related to this file.

Attachment 1: Proposed Site Plan of Subdivision

Attachment 2: Sections 4.2 and 4.4 of the *Denman Island Land Use Bylaw No. 186*

Attachment 3: Subdivision regulations of the *Denman Island Land Use Bylaw No. 186*

Name: Marnie Eggen
Title: Planner 1

Date: May 20, 2011
Signature:



cc: Denman Island Local Trust Committee
Courtney Campbell, Island Planner
Chris Jackson, Regional Planning Manager
Steven Hoerburger, Applicant

Robert & Yolanda Smith, Owner

1. Denman Island Official Community Bylaw No. 185, 2009:

OCP Designation
Development Permit
Area

Sustainable Resources

☒

Yes

DP Area No.

2: Steep Slopes and

#4: Lakes and Major Wetlands,
Major Streams

☐

No

Comments

DP #2 Steep Slopes: Exempt, unless subdivision includes the alteration of land within the mapped Development Permit Area by the cutting or removing of trees, the development of impervious surfaces, or the construction of buildings or structures as per Section 4.2 of the *Denman Island Land Use Bylaw No. 186*, see Attachment 2.

DP #4 Lakes and Major Wetlands, Major Streams: Exempt, unless subdivision includes any of the following within 30 m of the natural boundary of a major stream, lake or major wetland:

- the alteration of land by the removal of vegetation, by the construction of skid trails, roads, or stream crossings;
- development of impervious surfaces;
- construction of a building or structure; or
- the installation of any structures within a stream or lake

As per Section 4.4 of the *Denman Island Land Use Bylaw No. 186*, see Attachment 2.

2. Denman Island Land Use Bylaw No. 186, 2009:

Property is zoned

Agriculture, A(1): approx. 15.7 ha (38.83 ac)

Forestry, F: approx. 43.73 ha (108.07 ac)

Minimum permitted
lot size is

Agriculture, A (1): 64 ha

Forestry, F: 64 ha

Permitted average lot
size is

None

Comments

3. Community Input:

Comments received?

☐

Yes

☒

No

Comments

4. Property Title Information: Covenant/Easement/Right-of-Way/Permits

Legal Notations:

EJ49175 Undersurface Rights

EM21738 Undersurface Rights

Comments:

5. Lot Sizes and Density:

SUBDIVISION REFERRAL REPORT

Proposed lot sizes	Proposed Lot 1: 4.1 ha (10.1 acres) Proposed Remainder: 60 ha (148.26 acres); (F: approx. 39.63; A: no change)
compliance with lot size and density	☒ Complies ☐ Does Not Comply
Comments	The proposed subdivision is compliant with Section 21 of the <i>Denman Island Land Use Bylaw No. 186</i> that stipulates the minimum area of lot eligible for subdivision under Section 946 of the <i>Local Government Act</i> outside the Agricultural Land Reserve is 8 ha. (see also Section 9 below)
Covenant required to restrict subdivision	☒ Yes ☐ No
Comments	A covenant will be required under Section 946(8) of the <i>Local Government Act</i> .

6. Depth/Width Ratio:

Permitted minimum depth/width ratio	Pursuant to Section 2.8.6 of the <i>Denman Island Land Use Bylaw No. 186</i> , for any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines.
compliance with depth/width ratio	☒ Complies ☐ Does Not Comply
Comments	

7. Park Dedication:

Park dedication required	☐ Yes ☒ No	Amount required
Comments		

8. Frontage Waiver:

Frontage waiver required	☐ Yes ☒ No
Comments	

9. Land Status:

Property is in the ALR	☒ Yes ☐ No
Comments	The portion that is being subdivided is NOT within ALR.

10. Servicing Requirements:

Proof of Potable Water	Yes. In Residential and Resource zones (includes A and F zones), the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this section, is provided, in which case the
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	minimum is 1000 litres for each permitted principal residential dwelling unit.
	The land use bylaw allows for 1 single family unit per 15 ha in the A zone and 1 single family unit per 64 ha in the F zone.
Waste disposal	For any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the <i>Health Act</i> .
Drainage	There are no Denman Island Local Trust Committee bylaws regarding drainage system standards.

11. Road Standards:

Roads to be constructed	☒ Yes ☐ No
Road Classification:	Residential Rural/Local
Comments	As a condition of PLA, Islands Trust requires that any road construction meet the road standards agreed to in the Ministry of Transportation/Islands Trust Letter of Agreement. Accordingly, the road standard for this subdivision should be Residential Rural/Local. If the roads proposed are designed to exceed these standards the applicant is required to submit the proposed road design to the Islands Trust for review.

12. Buildings and Structures:

Are there existing buildings and structures:	No
Does subdivision create non-conformity with Bylaws:	n/a

13. Environmental and Cultural Features:

Sensitive Environmental Features	☒ Yes ☐ No
Archaeological Sites	☐ Yes ☒ No

Comments	Polygon 4332: Primary Mature Forest Polygon 4409: Primary Wetland A Wetland Sensitive Ecosystem is mapped on the SE corner of the property. Mature Forest Ecosystem is mapped along the NW portion of along Graham Lake. According to the Provincial's Remote Access to Archaeological Data (RAAD), there are no known archaeological sites on or within 50m of the subject property.
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14. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:	N/A
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15. Boundary Adjustments Only:

Complies with boundary adjustment regulations	☐ Yes	☐ No
Comments	N/A	

16. Panhandle Lots Only:

Complies with panhandle regulations	☐ Yes	☐ No
Comments	N/A	

17. Split (Hooked) Lots Only:

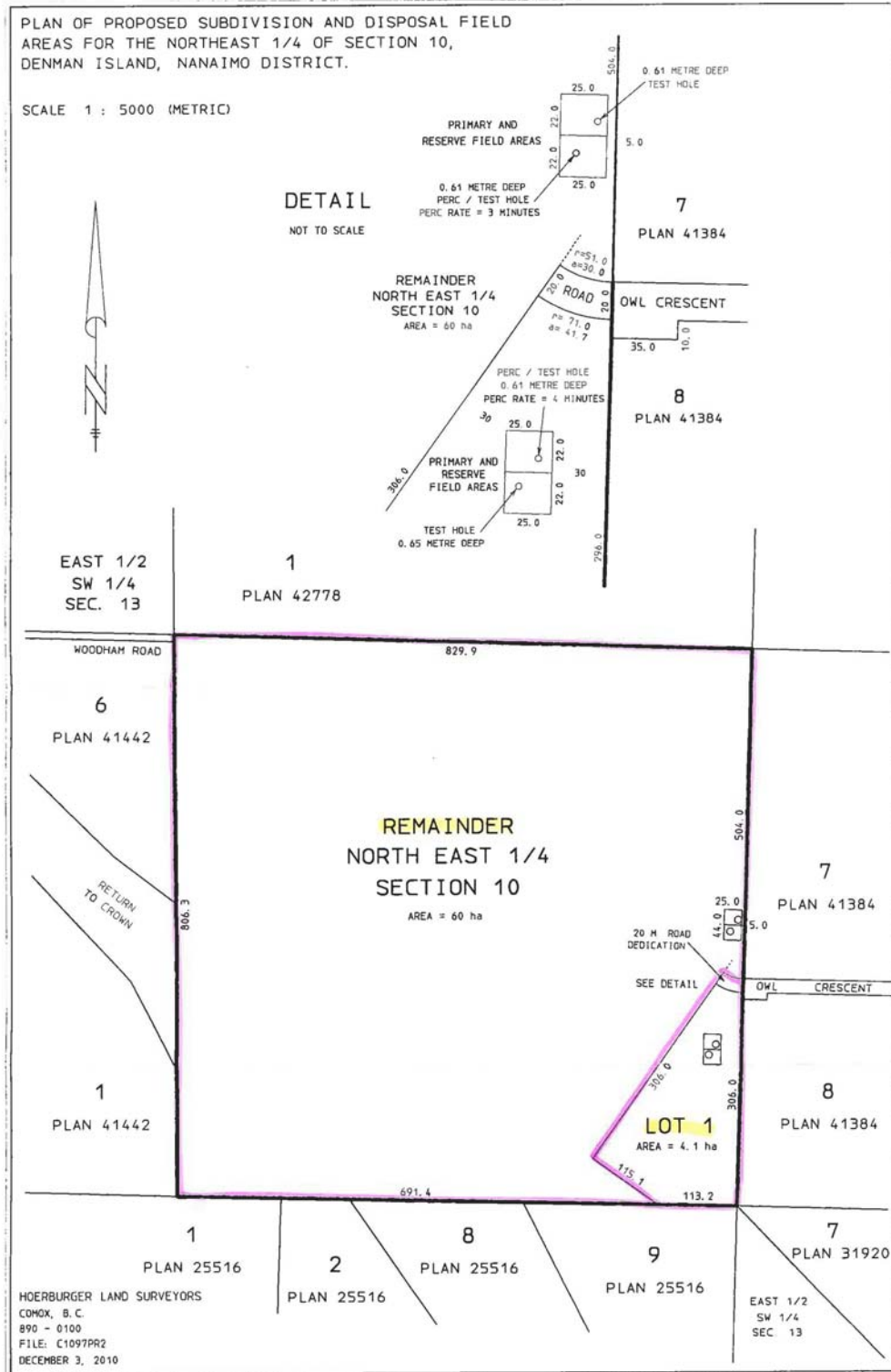
Complies with split lot regulations	☐ Yes	☐ No
Comments	N/A	

18. Riparian Area Regulation:

Within RAR designated watershed?	☒ Yes	☐ No
Partially or wholly Related to a Riparian Assessment Area?	☒ Yes	☐ No
Comments		

The applicant is required to have an assessment report prepared by a qualified environmental professional as per the *Riparian Areas Regulation*.

**Attachment 1:
Proposed Site Plan of Subdivision**



Attachment 2:

Denman Island Land Use Bylaw No. 186, Sections 4.2 Development Permit Area # 2: Steep Slopes and Section 4.4: Streams, Lakes and Wetlands

4.2 Development Permit Area No. 2: Steep Slopes – Guidelines

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

Guideline 1 A development permit is required as follows:

1. Alteration of land by the cutting or removing of trees:
 - i. on land that:
 - is not classified as managed forest land under the *Assessment Act*; and
 - is not the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*; and
 - ii. where the quantity cut or removed from the land is to exceed four trees smaller than 30 cm dbh and one tree equal to or larger than 30 cm dbh per parcel in any period of five consecutive calendar years.
2. Development of any impervious surfaces.
3. Construction of buildings or structures.

All other land alteration or development is exempt from the requirements of this development permit area.

Guideline 2 Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.

Guideline 3 No cutting or removal of trees shall be permitted in this development permit area unless development approval information in the form of an environmental impact assessment is provided by the applicant which indicates that the impact of the cutting or removal of trees is unlikely to have harmful effects on adjacent marine areas, surface drainage and groundwater, watercourses, uncommon or endangered plants or plant communities, and high value wildlife habitats.

Guideline 4 Cutting or removing of trees should be done in accordance with a plan certified by a Registered Professional Forester or Registered Professional Biologist to maintain, enhance, or restore a well-developed forest ecosystem that includes:

- a diversity of native tree species,
- presence of large old trees,
- diverse community of native understory plants,

- any uncommon or endangered plants or plant communities that may be present, and
- other features that contribute to high value wildlife habitat.

Guideline 5 Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.

Guideline 6 On receipt of a final report or written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the natural environment caused by a contravention of a condition in the development permit (see Appendix B).

Guideline 7 Development permits issued in Development Permit Area No. 2: Steep Slopes should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.

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

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

Guideline 1 A development permit is required for the following:

1. Alteration of land by the removal of vegetation, by the construction of skid trails, roads, or stream crossings within 30 metres of the natural boundary of a major stream, lake, or major wetland or within 10 m of the natural boundary of a minor stream or minor wetland on land that:

- is not classified as managed forest land under the *Assessment Act*; and
- is not the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*.

2. Development of impervious surfaces within 30 m of the natural boundary of a major stream, lake, or major wetland or within 10 m of the natural boundary of a minor stream or minor wetland.

3. Construction of a building or structure within 30 m of the natural boundary of a major stream, lake, or major wetland or within 10 m of the natural boundary of a minor stream or minor wetland.

4. Installation of any structures within a stream or within the natural boundary of a lake.

Despite the requirements of subsection 1 above, a development permit is not required for the emergency removal of a dangerous tree if a qualified wildlife/danger tree assessor has assessed the tree as dangerous.

All other land alteration or development is exempt from the requirements of this development permit area.

Guideline 2 Conformity with Riparian Area Regulations

1. When an application is made for a Streams, Lakes and Wetlands development permit for residential, commercial or industrial development, the applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense a copy to the Denman Island Local Trust Committee of the assessment report from a Qualified Environmental Professional (QEP) in accordance with the British Columbia Riparian Area Regulations under the *Fish Protection Act*.
2. Despite Guideline 2.1 above, a report from a Qualified Environmental Professional is not required if the proposed work is authorized by Fisheries and Oceans Canada under Section 4 of the Riparian Areas Regulation.
3. In general, all development in Streams, Lakes and Wetlands development permit area should be undertaken in a manner that minimizes impact on the riparian area. It is anticipated that a QEP may make recommendations for mitigation measures and designing subdivision proposals in order to lessen the impact on the riparian area. The LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas during construction and land development phases. Conditions may include construction phase requirements for fencing, signs, timing of work and siting of fuelling facilities.

Guideline 3 Clearing for Farm Operation

1. On lands in the Agricultural Land Reserve, removal of vegetation for agricultural purposes is permitted to within 15 metres of the natural boundary of a major stream, lake, or major wetland, providing the removal of vegetation is for a normal farm practice as defined in the *Farm Practices Protection (Right to Farm) Act*.
2. A signed letter from the applicant, stating that the clearing is for expansion of a farm operation or creation of a new farm operation on land in the Agricultural Land Reserve, shall be required as a condition of the issuance of a permit under guideline 3(1).
3. The letter referred to in guideline 3(2) shall describe in general terms, the farm operation, the soils and agricultural capability of the area to be cleared, and the expected time period for preparing the site for the proposed farm operation. It is recommended that a Professional Agrologist be consulted in the preparation of this information.
4. The requirements of guidelines 4 through 6 inclusive do not apply to development permits issued under guideline 3.

Guideline 4 Riparian Reserve and Retention Areas

Subject to Guideline 2, the following guidelines apply to all riparian reserve and retention areas, except for development permits issued under guideline 2.

1. Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply.

2. On lots greater than 10 ha the size of riparian reserve and retention areas described in the rest of this guideline and guidelines 4 through 7 inclusive may be reduced, and/or a limited amount of vegetation may be removed from the riparian reserve and retention areas described in the rest of this guideline and guidelines 4 through 7 inclusive, or both, if development approval information in the form of an environmental impact assessment provided by the applicant on the impact of the proposed activity or development discloses that to do so could not reasonably be expected to result in harm to the environment of the area affected in accordance with the objectives of this development permit area. An impact assessment provided under this guideline should include a report prepared by a Registered Professional Biologist that includes the following information:
 - detailed mapping identifying environmentally sensitive areas;
 - criteria used to identify the boundaries of environmentally sensitive areas;
 - inventory of fish species and related habitat classification within the site;
 - impact assessment describing affects of the proposed development on the natural environment, ecosystems and biological diversity;
 - guidelines for mitigating habitat degradation, including limits on proposed leave areas; and
 - design details of the proposed mitigating measures.
3. Roads or skid trails should not be constructed in riparian reserve areas or riparian retention areas, except as needed for crossing a stream or wetland. The number of places where roads or skid trails cross a stream or wetland should be minimised.
4. A culvert or bridge must be installed wherever a road or skid trail crosses a major stream.
5. A culvert, bridge, or armoured ford should be installed wherever a road or skid trail crosses a minor stream, including intermittent or ephemeral streams.
6. An armoured ford should only be used for a temporary crossing of a minor stream and only during the dry season, which is June through September inclusive.
7. There should be no operation of ground-based machinery in the riparian reserve or retention areas, except at stream crossings designated in the permit.
8. Ground-based machinery should not cross:
9. a major stream, except at a place where a bridge or culvert has been constructed or installed, or
10. a minor stream, except at a place where a bridge, culvert, or armoured ford has been constructed or installed.

Logs should not be yarded across a stream, except at a stream crossing designated in the permit, and should be yarded in a way that does not contribute to de-stabilization of the stream bank or mobilization of sediment into the stream.

There should be no deposition of slash, debris, or erodible soil into the stream, lake or wetland.

Alterations of the natural drainage or areas within the designated permit area should be minimized.

Trees or other vegetation should be retained or replanted in order to control erosion or protect banks and fish habitat.

Guideline 5. Riparian Areas - Major Streams:

Subject to Guideline 2, In addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to the streams shown on Schedule E as major streams:

1. A riparian reserve area shall be maintained, in accordance with the rest of this guideline, from the outermost of:
 - the natural boundary of the stream,
 - the outer edge of any active floodplain adjacent to the stream, or
 - the natural boundary of any wetland adjacent to the stream to the greater of:
 - the top of the inner gorge of the stream, or
 - 30 m measured up the slope.
2. Except as permitted in guideline 4(3), there should be no removal of vegetation within the riparian reserve area, except for stream crossings or construction of footpaths.
3. On lots less than or equal to 10 ha the riparian reserve area may be reduced in consideration of site constraints providing the relaxation is necessary and is not reasonably expected to have a harmful effect on fish or fish habitat or the stream environment. Applications that do not meet the criteria set out in the *Land Development Guidelines for the Protection of Aquatic Habitat* (see Appendix C) should be accompanied by letters of support from the Department of Fisheries and Oceans and the Ministry of Environment, Lands and Parks.

Guideline 6. Riparian Areas - Lakes and Major Wetlands

Subject to Guideline 2, In addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to those lakes and major wetlands shown on Schedule E as lakes and major wetlands:

1. A riparian reserve area shall be maintained for 30 m from:
 - i. the natural boundary of the lake or major wetland, or
 - ii. the natural boundary of any wetland that is adjacent to a lake
2. Except as permitted in Guideline 4(3), there should be no removal of vegetation within the riparian reserve area, except for the construction of footpaths.
3. On lots less than or equal to 10 ha the riparian reserve area may be reduced in consideration of site constraints providing the relaxation is necessary and is not reasonably expected to have a harmful affect on the natural environment. Applications that do not meet the criteria set out in the *Land Development Guidelines for the Protection of Aquatic Habitat* (see appendix C) should be accompanied by letters of support from the Department of Fisheries and Oceans and the Ministry of Environment, Lands and Parks.

Guideline 7. Riparian Areas - Minor Streams

Subject to Guideline 2, In addition to the Farm Operation requirements in guideline 1, and in addition to the riparian reserve and retention area

requirements in guideline 4, the following guidelines apply to the streams shown on Schedule E as minor streams:

1. A riparian retention area shall be maintained from the outermost of:
 - the natural boundary of the stream, or
 - the outer edge of any active floodplain adjacent to the stream, or
 - the natural boundary of any wetland adjacent to the stream to the greater of:
 - the top of the inner gorge of the stream, or
 - 10 m measured up the slope.
2. Shrubs, herbs, deciduous trees, wildlife trees, and any tree with roots in the stream bank should be retained.
3. For every 100 m of bank length, at least 20 trees larger than 30 cm dbh (if not available, the 20 largest trees) should be retained on both sides.

Guideline 8. Riparian Areas - Minor Wetlands

Subject to Guideline 2, In addition to the Farm Operation requirements in guideline 1, and in addition to the riparian reserve and retention area requirements in guideline 4, the following guidelines apply to wetlands shown on Schedule E as minor wetland:

1. A riparian retention area shall be maintained for 10 m from the natural boundary of the minor wetland.
2. For every 100 m of bank length, at least 20 trees greater than 30 cm dbh (if not available, the 20 largest trees) should be retained within 10 m of the wetland.
3. Shrubs, herbs, deciduous trees, and wildlife trees should be retained.

Guideline 9. Wetlands

Subject to Guideline 2, the following guidelines apply to all wetlands shown on Schedule E as major wetlands and minor wetlands:

1. There should be no operation of ground-based machinery in the wetland.
2. There should be no cutting of live or dead trees within the wetland, except as required for an approved stream crossing.

Guideline 10. Security

1. Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.
2. On receipt of a written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any damage to the environment caused by a contravention of a condition in the development permit (see Appendix B).
3. Development permits issued in Development Permit Area No. 4: Streams, Lakes, and Wetlands should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.

Attachment 3:

Denman Island Land Use Bylaw No. 186, Section 2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

- 1 Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- 2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.
- 3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

Total area of all proposed lots including the remainder

divided by

Number of Proposed lots including the remainder.

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum lot Area.

- 4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

Parcels Divided by a Zone Boundary

- 5 Where a lot to be subdivided is split by one or more zone boundaries, a separate calculation of the number of lots permitted shall be made for each portion, and no lot may be created in respect of any fractional areas resulting from such calculation.

Lot Configuration Regulations

- 6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act.
- 7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

INFORMATION NOTE: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation, dated October 20, 1992 and amended July 18, 1996.

INFORMATION NOTE: For information on park dedication requirements of a subdivision see Section 941 of the *Local Government Act*, and for information on the 10 per cent frontage requirements see Section 944 of the *Local Government Act*.

Proof of Potable Water - Amounts

- 8 Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 9 to 11 of this section.
- 9 In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this

section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit

- 10 In the Commercial zone, the minimum amount of potable water that must be provided per day is 3600 litres for each one hectare of lot area.
- 11 In Public zones, the minimum amount of potable water that must be provided per day is:
 - 50 litres for each classroom in a school; and
 - 1200 litres per lot for all other institutional uses.

Proof of Potable Water – Well and Surface Water Certification

- 12 Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a **qualified professional**:
 - that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of **potable** water on a continuous basis; and
 - that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.
- 13 Where a surface water supply is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide proof of a water license that permits the withdrawal of the required amount of water.
- 14 If the applicant proposes to provide potable water from a well or surface water supply on another lot, the applicant must concurrently with the registration of the subdivision plan, register against title on the lot on which the well is located an easement in favour of each lot to which water is provided, and a statutory right-of-way complying with Regulation 4 of Section 1.2 for water supply purposes.
- 15 If the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Regulation 12 of this section cannot be made, the applicant must:
 - provide a community water system complying with the requirements of Regulation 18 of this section, or
 - grant a covenant complying with Regulation 4 of Section 1.2 restricting the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied in accordance with regulations 9 through 11 and a certification has been made under Regulation 12 of this section.

Proof of Potable Water - Cisterns

- 16 Where a cistern is required by this Bylaw, the landowner must:
 - provide one or more cisterns with a combined capacity of 8400 litres of potable water; and
 - provide a covenant complying with Regulation 4 of Section 1.2 prohibiting use of the property for which proof of potable water is required until cisterns are in place capable of holding the required amount of water.

Community Water System

- 17 Where a community water system is proposed to serve a subdivision:
 - the community water system must comply in all respects with applicable provincial enactments;
 - the water supply for the community water system must be obtained on Denman Island; and
 - if the water system is to be supplied by a well, the immediate catchment area of the well, as defined by an Engineer, is to be protected from pollution by a covenant in accordance with Regulation 4 of Section 1.2 prohibiting the installation of sewage disposal fields or other sanitary facilities.

Waste Disposal

- 18 For any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the *Health Act*.

Exceptions

19 Regulations 2 to 19 of this section do not apply:

- to a lot being created solely for the purpose of locating unattended equipment necessary for the operation of a community water or sewerage system, an automatic telephone exchange, an electrical substation, or a similar public service facility or utility, and where no sewage would be generated, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
- to a lot being created for park purposes where such parcel is to be shown as park on the plan of subdivision or for an ecological reserve that does not contain buildings, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
- to a lot being created solely for the purpose of sale or dedication to a conservation agency for conservation purposes, provided a covenant complying with Regulation 4 of Section 1.2 restricts the use of the lot to conservation.

20 Minimum lot areas permitted by subdivision in Part 3 do not apply:

- to a lot resulting from a consolidation of two or more lots; or
- to a lot resulting from a boundary adjustment between two or more lots, provided that no additional lots are created and no lot is increased in area such that it could be subdivided into more lots than would be permitted under this Bylaw, without the boundary adjustment.

INFORMATION NOTE: A lot created by subdivision for the provision of a residence for a relative under Section 946 of the Local Government Act is exempt from the minimum lot areas in Part 3 of this Bylaw.

21 The minimum area of a lot eligible for subdivision under Section 946 of the Local Government Act outside the Agricultural Land Reserve is 8.0 hectares.

INFORMATION NOTE: For land outside the ALR, section 946 of the Local Government Act requires that the landowner enter into a covenant with the local trust committee limiting the use of the newly created lot to a residence for a relative and prohibiting further subdivision of the lot.

Covenant Against Further Subdivision and Development

22 Where:

- a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
- one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area

the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every such lot prohibiting further subdivision of the lot.

23 Where:

- a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
- one or more of the lots being created have areas equal to or greater than twice the applicable minimum average lot area

the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every proposed lot prohibiting further subdivision of the lot so that the potential number of lots is no greater than the number of lots that would have been created if the previous subdivision had created the maximum number of lots permitted by the applicable minimum or average lot area specified in Part 3.

24 Where the approval of a bare land strata plan creates common property on which this Bylaw would permit construction of a principal building, if the common property were a lot, the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of the common property prohibiting the further subdivision of the common property, the construction of any principal buildings on the common property, and the disposition of the common property separately from the strata lots.

Denman Island Marine stewardship Committee
 7161 Komas Road
 Denman Island, B.C., V0R 1T0
 e-mail - patmclaughn@gmail.com
dmsave@telus.net

January 20, 2012

Andrew Thomson, Regional Director,
 DFO Aquaculture Division
 #200 – 401 Burrard Street
 Vancouver, B.C., V6C 3S4

**RE – HAZARDS TO FISH AND WILDLIFE CREATED BY ANTI-PREDATOR NETTING ON THE
 FORESHORE OF BAYNES SOUND.**

**WE REQUEST THAT DFO IMPLEMENT THE REMOVAL OF ALL SHELLFISH AQUACULTURE
 INDUSTRY ANTI-PREDATOR NETS ON THE DENMAN ISLAND FORESHORE PRIOR TO THE
 2012 HERRING SPAWN ANTICIPATED FEBRUARY TO MAY.**

Dear Sir;

DFO was alerted to the large kill-off of herring during the March 2009 Herring Spawn Season in Baynes Sound. This was documented by numerous Denman Island witnesses, including DFO attendees who responded to reports filed by the Denman Island Marine Stewardship Committee (DIMSC).

Thousands of herring were trapped under the nets, then suffocated when the tide went out and the fish were exposed under the netting. The fish were estimated in the thousands and DIMSC received consistent reports from all sectors of the west shores of Denman Island for approximately a week from all locations where industry tenures were utilizing anti-predator netting over clam beds. (see attached photos).

For the past five years DIMSC has sent MAL, then DFO, ongoing reports and complaints regarding the hazardous nature of these nets on Denman shores. Aerial views show massive areas that are now covered with nets, despite Baynes Sound being recognized as a critical feeding area of "Global Significance" for migratory birds. Many of these nets are poorly

secured, poorly maintained and often found washed ashore or fouled in deep water. During the spring to summer these nets are covered in heavy seaweed growth which makes them buoyant and hard to secure. The floating nets are impossible to see just below the surface and cause a serious entanglement hazard for fish, animals, birds, boats and swimmers year round.

Despite DIMSC bulging files of reports, photos and ongoing complaints about this netting, nothing has been done to address this environmental hazard by any group or agency. We appreciate that in the last six months we have had two visits and meetings with DFO representatives to look at this and other concerns. While we applaud DFO for starting to examine the conflict issues that we have raised, it is now time for preventive action before the next disaster.

Currently the shellfish industry covers over 90% of the coastline of west Denman shoreline, and over 61% of critical bird habitat feeding grounds in Baynes Sound. The Baynes Sound Coastal Plan for Shellfish Aquaculture 2002 clearly states that the use of anti-predator netting should not be implemented without a monitoring program. This has not happened. It states "There is some uncertainty as to severity of potential effects on birds related to use of predator netting, although duration of impact is likely to be low upon removal of netting. The Plan recommends that any approval of new predator netting be subject to a monitoring program that meets MAFF requirements".

In addition, in a published study by Simon Fraser University; Whiteley, J., and L.I. Bendell-Young 2007, Ecological Implications of Intertidal Mariculture: Observed differences in Bivalve Community Structure Between Farm and Reference Sites. Journal of Applied Ecology 44:495-505, the data concludes that aquaculture shellfish clam netting does not necessarily increase productivity of the site. "Farmed sites showed no difference in mid-intertidal areas, nor in density of the other 25 bivalve species, although an increase would be expected if netting excluded important predators."

The purpose of this letter is to request the shellfish industry netting be removed from the Denman Island Trust foreshore area prior to the 2012 herring spawning season.

Thank you for your attention to this request. We look forward to your response.

Yours truly

**Patricia J. McLaughlin, Chair
Denman Island Marine Stewardship Committee**

c.c – Shelley Jepps, - DFO, Senior Shellfish Biologist
Brian Atagi – DFO, Area Aquaculture Director
David Graham – Denman Island Trustee
Laura Busheikin – Denman Island Trustee
Courtney Simpson – Planner Local Trust Committee
J. Werring – Aquatic Habitat Specialist, David Suzuki Foundation
Bruce Jolliffe – Regional Director
Don McRae – MLA Comox Valley
Hon. John Duncan – MP Vancouver Island North

Minister of the Environment



Ministre de l'Environnement

Ottawa, Canada K1A 0H3

JAN 23 2012



Ms. Louise Bell
 Vice-Chair of the Islands Trust Council
 Local Trustee for Denman Island
 Islands Trust
 700 North Road
 Gabriola Island BC V0R 1X3

Dear Ms. Bell:

Thank you for your letter of November 29, 2011, in which you express concerns regarding the proposed Raven Underground Coal Mine Project (the Project) near Courtenay, British Columbia, as well as the joint Canada – British Columbia environmental assessment process. In addition, I would like to thank you for the information you provided regarding the objective of the Islands Trust and the views of Denman Island residents.

The Project is undergoing an environmental assessment pursuant to the *Canadian Environmental Assessment Act* (the Act). While we are currently in the planning phase of the environmental assessment, the technical review stage of the comprehensive study process will thoroughly examine the environmental effects associated with the Project. The outcome will be a high quality environmental assessment well informed by public and Aboriginal group participation, which will enable subsequent government decisions to be based on a thorough understanding of the environmental effects of the Project.

You noted that some members of the public have questioned whether the comprehensive study process is appropriate for the Project. Under the Act, I have the discretion to refer a project to a review panel if I determine, at any time during the environmental assessment process, that the potential of the Project to cause significant adverse environmental effects, or public concerns warrants such a referral. Based on the information currently available about the projects and their potential environmental effects, a referral to a review panel is not warranted at this time. It is important to keep in mind that both comprehensive studies and review panels consider the same factors under the Act, deliver high quality environmental assessments, involve the same level of rigour and require extensive public and Aboriginal consultation.

.../2

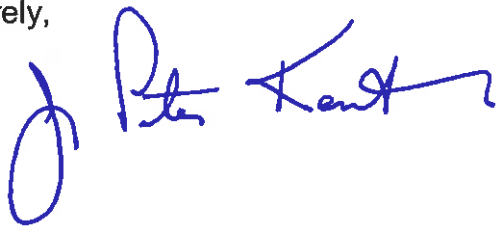
As you noted, the working group was established to advise the federal and provincial governments during the environmental assessment process. The Application Information Requirements/Environmental Impact Statement Guidelines for the environmental assessment is normally provided to the public for review in a draft form. In this case, the document was reviewed several times by the working group prior to public review. The Canadian Environmental Assessment Agency (the Agency) and British Columbia's Environmental Assessment Office will use the input from the working group and public review to ensure all relevant issues raised are adequately addressed.

With respect to the Government of Canada's consultation efforts with the K'omoks First Nation, the Agency is acting as the Crown consultation coordinator during the environmental assessment of the Project. The K'omoks First Nation is one of twenty Aboriginal groups that are currently participating in the cooperative federal-provincial environmental assessment process. The Agency has made funding available to the K'omoks for participation in the environmental assessment, and continues to work collaboratively with them to identify any potential impacts from the Project on their Aboriginal rights.

As a member of the working group participating in the federal environmental assessment, the Islands Trust will have many opportunities to participate as the comprehensive study progresses. I encourage the Islands Trust to continue participating in the environmental assessment to assist the federal government in understanding its unique perspective so that the planning of the Project occurs in a way that avoids or mitigates any adverse environmental impacts, including those affecting your community.

In addition to Denman Island Trustees participating as working group members, there will be additional opportunities for Denman Island residents to participate as the comprehensive study process progresses. I encourage you and your fellow Denman Island citizens to continue your involvement in the environmental assessment process. For further information on this project, including opportunities for public involvement, please visit the Canadian Environmental Assessment Registry website at www.ceaa-acee.gc.ca/050/index-eng.cfm.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Kent", with a large stylized initial "P" and "K".

The Honourable Peter Kent, P.C., M.P.

From: Ashlea-Elizabeth Jonesmith [<mailto:ashleasmith@gmail.com>]

Sent: January-25-12 8:28 PM

To: Courtney Simpson

Cc: Anne de Cosson; Bruce Jolliffe; Danni Crenna; Dave Neidermoser; David Graham; Doug Wright; Hatfield, Jill AL:EX; Marina Reid; Laura Busheikin

Subject: Re: Denman Farm Plan Draft Recommendations

Hello Courtenay and everyone.

Thanks for keeping me in the loop. I'm sorry that I haven't been able to attend any meetings in the last long while. Oliver and I just got back from our 6-week trip east. I am afraid, however, that I won't be able to attend the next meeting. I am working most days of the week now (not on our land, unfortunately) and these day time meetings won't work for me.

I am going to officially resign from the committee now. It was very nice to be pursued for the Farm Plan Group. I wish my schedule would allow me to be as involved in the community as I was when I first started with Transition Denman Island, but life has gotten very busy and scheduled. If there's anything I can do for you in the midnight hours when I find a little spare time, please let me know.

Sorry about this, and thanks so much!

Ashlea.



Islands Trust

Print Date: Feb-16-2012

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Agriculture Plan	Agriculture Strategy complete. For phase 2, hire consultant to prepare Agriculture Area Plan with Steering Committee.	Apr-15-2008	Courtney Simpson	Dec-31-2012	On Going
2	Implementing Riparian Areas Regulation	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR.	Aug-03-2010	Courtney Simpson	Dec-31-2012	On Going
3	Review of OCP section C3 with a view to addressing the impacts of shellfish farming on the natural marine environment and residential properties, and review of associated LUB regulations.	Specifically to address: 1. Removal of predator netting from beach 2. Banning driving on the foreshore 3. Banning beach modification.	Oct-25-2011	Courtney Simpson	Oct-31-2014	On Going



Islands Trust

Print Date: Feb-16-2012

Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	Bylaw amendments to address food security	Consider amendments based on "Exploring Food Security in the Islands Trust Area" final report dated November 16, 2010.	Mar-15-2011	On Going
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".	Aug-15-2011	On Going
1	Regulations governing wind towers	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Affordable Housing Strategy		Oct-25-2011	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



Islands Trust

Print Date: Feb-16-2012

Applications w/ Status - Denman Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2011.2	Margaret & Stirling Fraser	Oct-27-2011	Subdivision under s. 946

Planner: Courtney Simpson

Planning Status

Status Date: Jan-24-2012

LTC passed resolution to forward to ALC

Status Date: Dec-19-2011

Staff report complete

Status Date: Dec-13-2011

Planner preparing staff report

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2011.3	Bruce, Lee, Aaron Holden, Jacobs, Aronson	Nov-16-2011	2 LOT SUBDIVISION

Planner: Marnie Eggen

Planning Status

Status Date: Nov-22-2011

Planner reviewing

Development Permit

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

Planner: Courtney Campbell

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-2011.1	Denman Community Land Trust Association (Brons)	Mar-15-2011	2016 Northwest Road, Construction of affordable housing dwelling and associated land alteration in DP 2 Steep Slopes. Joint with SUP application DE-SUP-2011.10.
Planner: Courtney Campbell			

Planning Status

Status Date: May-26-2011

On hold until outcome of forthcoming rezoning application is known.

Status Date: Apr-04-2011

Planner Reviewing

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

Planning Status

Status Date: Nov-01-2011

Awaiting info from applicant

Status Date: Jun-15-2011

On hold until DVP out come.

Status Date: May-27-2011

Barn sited over lot line into owners adjacent property. Applicant will be applying for a variance.

Development Variance Permit

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

Planner: Marnie Eggen

Planning Status

Status Date: Nov-01-2011

Waiting info from applicant

Status Date: Jun-24-2011

Planner reviewing

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2011.1	Denman Community Land Trust Association	Aug-10-2011	Density transfer from density bank or density increase for one unit of affordable housing.
Planner: Courtney Simpson			

Planning Status

Status Date: Jan-24-2012

Waiting for draft housing agreement from applicant

Status Date: Dec-14-2011

Planner completed third staff report

Status Date: Sep-01-2011

Preliminary Staff Report Complete

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2010.5	Kalevi and Marilyn Holsti and Wan	Aug-27-2010	to create 2 lots
Planner: Marnie Eggen			

Planning Status

Status Date: Jul-27-2011

Islands Trust Fund approved proposal to donate land

Status Date: May-24-2011

applicant working with Islands Trust Fund to donate a parcel

Status Date: May-20-2011

PLA rcv'd

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2011.1	Steve Hoerbuerger (for Robert S. & Irma Y. Smith) Planner: Marnie Eggen	Jan-10-2011	to create 2 parcels under s. 946 of the Local Government Act
Planning Status			
Status Date: Jan-06-2012			
Awaiting water licence			
Status Date: Oct-25-2011			
Frontage exemption approved by LTC			
Status Date: Oct-04-2011			
PLA received			
File Number	Applicant Name	Date Received	Purpose
DE-SUB-2011.5	Steven Carballeira (Graeb/Charles King Medical Inc. (1691 Lacon Rd) Planner: Linda Prowse	Mar-28-2011	to create 2 lots
Planning Status			
Status Date: Nov-24-2011			
Preliminary Layout Approval received			
Status Date: May-05-2011			
Referral Response sent to MOTI, LTC and applicant			
Siting and use Permit			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2006.7	Daniel/Debra Stoneman Planner: Courtney Campbell	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	Nov-02-2009	2900 SWAN RD One 26 foot high barn.

Planner: Marnie Eggen

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-2011.10	Denman Community Land Trust Association (Brons)	Mar-15-2011	2016 NORTHWEST RD one Residence, garage/workshop, wood shed, pump shed, and one wind turbine. Joint DP application DE-DP-2011.1

Planner:

Planning Status

Status Date: May-26-2011

On hold until outcome of rezoning applicaiton is known.

Status Date: Mar-21-2011

Planner Reviewing File

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2012.1	2331 Chickadee Road (Dumas & Hodson)	Jan-05-2012	House, Studio x 2, Garage, Greenhouse

Planner: Marnie Eggen

Planning Status

Status Date: Jan-16-2012

Site Plan lacking information. Requested further information from applicant.

From: Nancy Rogers
Sent: January-24-12 11:58 AM
To: Courtney Simpson; David Graham; Laura Busheikin; Peter Luckham; Becky McErlean
Cc: Craig Elder; Cindy Shelest
Subject: Denman Expense Report - Jan/12

		Budget	Spent	Balance
Invoices posted to JAN 23, 2012				
615 Denman	65000 Trustee Expense	1,000.00	241.79	758.21
615 Denman	65200 LTC Meetings	2,300.00	1,680.85	619.15
	65210 APC Meetings	200.00	141.68	58.32
	65220 Communications	300.00	331.16	(31.16)
	65230 Special Projects	500.00	247.25	252.75
	65240 Miscellaneous			-
	TOTAL LTC Local Expense	3,300.00	2,400.94	899.06
615 Denman	72300 OCP/LUB Expense	8,000.00	4,895.66	3,104.34

Thanks!

Nancy Rogers
 Finance Officer

Islands Trust
 #200 1627 Fort Street
 Victoria, B.C. V8R 1H8
 Phone: (250) 405-5154
 Fax: (250) 405-5155
www.islandstrust.bc.ca

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 202

 A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

WHEREAS the Denman Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the Denman Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS the Denman Island Local Trust Committee wishes to amend Official Community Plan 185, 2008 to amend the boundary of Development Permit Area No. 4;

AND WHEREAS the Denman Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the Denman Island Local Trust Committee enacts in open meeting assembled as follows:

1. Denman Island Bylaw No. 185 cited as "Denman Island Official Community Plan, 2008" is altered as shown on Schedule "A" of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2011".

READ A FIRST TIME THIS 12th DAY OF September , 2011

READ A SECOND TIME THIS 12th DAY OF September , 2011

PUBLIC HEARING HELD THIS 25th DAY OF October , 2011

READ A THIRD TIME THIS 2nd DAY OF November , 2011

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 22nd DAY OF November , 2011

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL
 DEVELOPMENT THIS
 27th DAY OF January , 2012

ADOPTED THIS __th DAY OF _____ , 201__

 SECRETARY

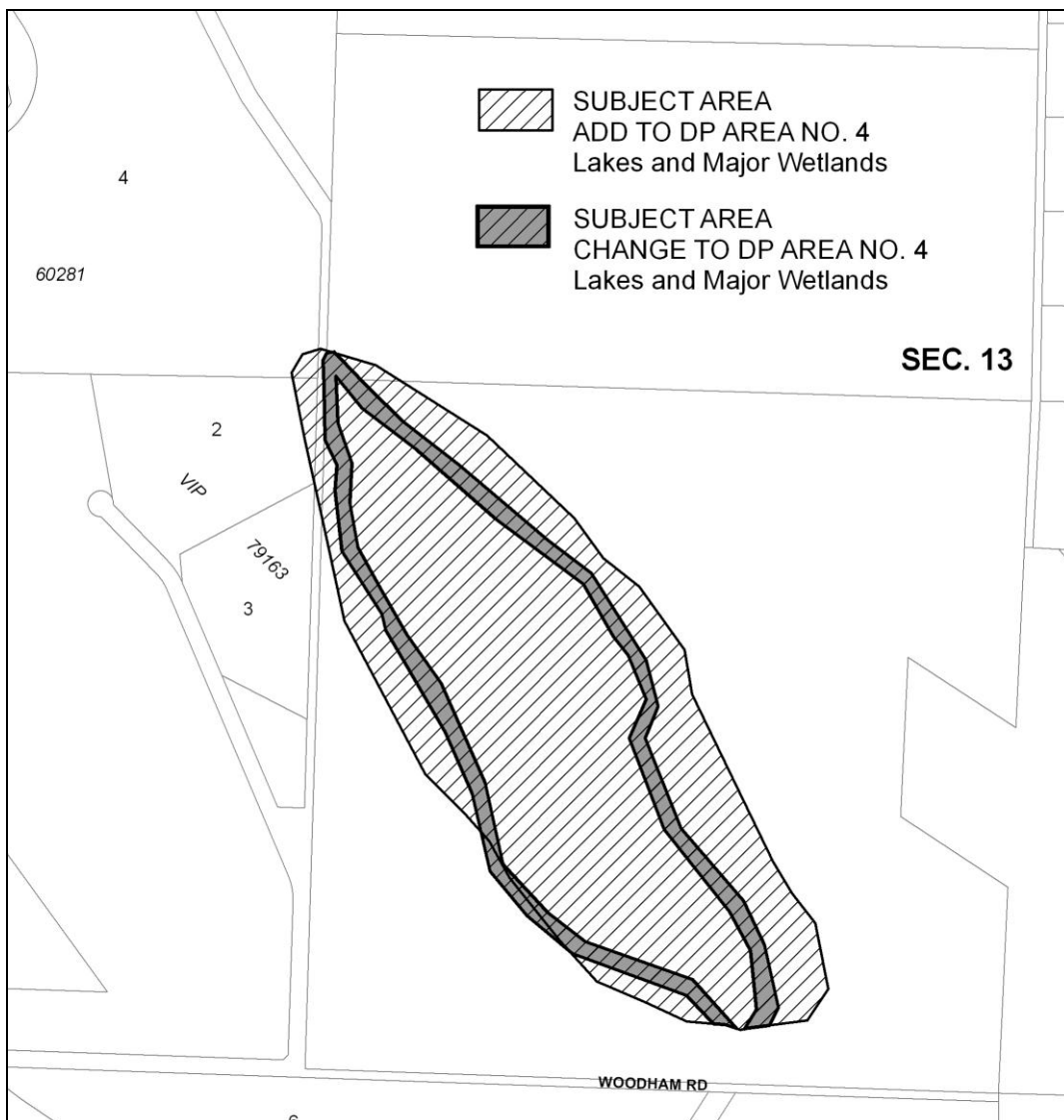
 CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 202
SCHEDULE A

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

1. Schedule “E, Map 2”, [Development Permit Areas] be amended by adding land to Development Permit Area No. 4: Streams, Lakes and Wetlands, and changing land within Development Permit Area No. 4: Streams, Lakes and Wetlands from the minor streams classification to the lakes and major wetlands classification as shown on Plan No. 1 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 202
PLAN NO. 1





Islands Trust

Preserving **island** communities, culture and environment.

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Population:

Approximately 1,095

Size:

5,108 hectares (12,622 acres)

Location:

22 kilometres south-east of Courtenay on Vancouver Island.

[Land Use Planning](#)
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[Related Resources](#)
[Trust Area Mapping](#)
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Denman Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Denman Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

February 2012

- [The Denman Island Local Trust Committee is requesting expressions of interest from individuals for four positions on the Advisory Planning Commission and up to six positions on a new Marine Advisory Planning Commission](#)

January 2012

- [Denman Island Farm Plan Blog is launched as a way of sharing information and gather feedback from the community on the farm plan currently being developed](#)

November 2011

- [Denman Island Community Heritage Register has been adopted, commemorating the Denman Island Community Hall and the Marcus Isbister Old School Centre](#)

October 2011

- [Food and Farming on Denman Island: Consumer and Producer Perspectives - Report now available](#)

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Denman Island Local Trust Committee Projects

Denman Island Farm Plan

- [Farm Plan Blog](#)
- [Denman Island Farm Plan Public Consultation Brief - November 30th, 2011](#)
- [Food and Farming on Denman Island: Consumer and Producer Perspectives - Report](#)
- Next Agriculture Plan Steering Committee meeting: Tuesday, February 14, 2012 from 9:30 a.m. to 12:30 p.m., at the Marcus Isbister Old School. The public is welcome to attend.
- [Terms of Reference for Agriculture Plan Steering Committee](#)
- [Agriculture Plan Steering Committee Minutes](#)
- [Denman Island Agriculture Strategy](#) | [Land Use Inventory Map](#) | [Crop Map](#) | [Pasture/Forage and Livestock Map](#) | [Soils Map](#)
- [Islands Trust Report: Exploring Food Security In the Islands Trust Area](#)

Rezoning Application for Affordable Housing from Denman Community Land Trust Association (DE-RZ-2011.1)

- [Staff Report for meeting of January 24, 2012](#)
- [Staff Report for meeting of October 13, 2011](#)
- [Staff Report for meeting of September 12, 2011](#)
- [DCLTA Tenant Selection Criteria](#)
- [Application form and package](#)
- [Mapping and Preliminary Biological Description of DCLTA Keystone Project Property](#)

Committee Links

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[Associated Islands](#)
[Land Use Application Forms](#)

Watercourse Mapping

- [Riparian Areas Regulation Implementation on Denman Island - Fact Sheet January 2012](#)

Ecosystem Mapping

- [Denman Island Local Trust Area ecosystem maps and feedback form](#)

Land Use and Development Information

- [Denman Island Development Permit Brochure](#)
- [Regulation of Land Use on Denman Island](#)
- [Denman Island Siting and Use Permit Brochure](#)

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Denman Island Density Potential Mapping

- [Density Potential Map - October 2010](#)

Seasonally Flooded Agricultural Fields

- [Staff Report - January 7, 2010](#)
- [Memorandum- February 8, 2010](#)
- [Staff Report - July 22, 2010](#)
- [Staff Report - October 8, 2010](#)
- [Staff Report - May 17, 2011](#)

Relevant Research and Reports

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)

Map of New Ministry of Environment Protected Area showing the North Denman Lands

- [Denman Island Protected Area Acquisitions 2010](#)

Shoreline Management Resources

- [Coastal Shores Stewardship](#)
- [Caring for our Shores](#)
- [Greenhores](#)

Denman Island Community Profile

Denman Island Community Heritage Register

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