

Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: July 21, 2015
 Time: 10:30 am
 Location: Denman Seniors Hall
 1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER	10:30 AM - 10:35 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	10:35 AM - 10:50 AM
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES	10:50 AM - 11:00 AM
6.1 Local Trust Committee Minutes dated May 26, 2015 – for adoption	4 - 13
6.2 Section 26 Resolutions-without-meeting Report Dated July 9, 2015	14 - 14
6.3 Advisory Planning Commission Minutes - none	
6.4 Marine Advisory Planning Commission Minutes	
7. BUSINESS ARISING FROM MINUTES	11:00 AM - 11:15 AM
7.1 Follow-up Action List Dated July 9, 2015	15 - 16
7.2 Phase 2 Local Trust Committee Input into Development of the Islands Trust Strategic Plan for 2014-2018	
7.2.1 <u>Memorandum dated June 30, 2015</u>	17 - 31
8. DELEGATIONS	
8.1 The Association for Denman Island Marine Stewards regarding Marine Issues	32 - 33
9. CORRESPONDENCE	

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

10.	APPLICATIONS AND REFERRALS	
10.1	DE-RZ-2015.1 (PANDESIGN, Hermanutz, Innes - 2100 Crescent Road)	
10.1.1	<u>Staff Report dated July, 2015</u>	34 - 50
11.	LOCAL TRUST COMMITTEE PROJECTS	11:15 AM - 12:15 PM
11.1	Riparian Areas Regulation	
11.1.1	<u>Staff Report dated June 25, 2015</u>	51 - 66
11.2	Visitor Accomodation Review	
11.2.1	<u>Staff Report dated June 29, 2015</u>	67 - 89
12.	BREAK	12:15 PM - 12:30 PM
13.	REPORTS	12:15 PM - 1:45 PM
13.1	Work Program Reports	
13.1.1	<u>Top Priorities Report Dated July 9, 2015</u>	90 - 90
13.1.2	<u>Projects List Report Dated July 9, 2015</u>	91 - 92
13.2	Applications Report Dated July 9, 2015	93 - 98
13.3	Trustee and Local Expense Report Dated June, 2015	99 - 99
13.4	Adopted Policies and Standing Resolutions	100 - 101
13.5	Local Trust Committee Webpage	
13.6	Chair's Report	
13.7	Trustee Reports	
13.8	Electoral Area Director's Report	
13.9	Trust Fund Board Report - May, 2015	102 - 102
14.	NEW BUSINESS	
14.1	LTC Budget Requests for 2016-2017	
14.1.1	<u>Memorandum dated July 9, 2015</u>	103 - 107
14.2	<i>Communications</i>	
	This item was removed from the agenda and was considered in the In Camera meeting under item 4.2	
14.3	<i>Driving on the Foreshore</i>	108 - 125
14.4	<i>Advisory Planning Commission (APC) Membership</i>	
	This item was removed from the agenda and was considered in the In Camera meeting under item 4.3	

15. UPCOMING MEETINGS

- 15.1** Next Regular Meeting Scheduled for Tuesday, September 8, 2015 at 10:30 am
at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

16. TOWN HALL 1:45 PM - 2:00 PM

17. CLOSED MEETING: 2:00 PM - 2:30 PM

17.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of Adoption of In-Camera Meeting Minutes dated May 26, 2015 and s.90(1)(g) and (i) for the purpose of litigation and receipt of advice that is subject to solicitor-client privilege AND that the recorder and staff attend the meeting.

17.2 Recall to Order

17.3 Rise and Report

18. ADJOURNMENT 2:30 PM - 2:30 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: May 26, 2015
Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

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

Staff Present Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present Approximately three (3) members of the public – am
Approximately one (1) member of the public - pm

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

14.2 Input Into Trust Council Strategic Planning

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Edi Johnston addressed the Local Trust Committee (LTC) on behalf of the Association for Denman Island Marine Stewards (ADIMS) and the Denman Island Residents Association (DIRA) Guardians of Denman Shores requesting progress updates on suggested approaches to protect Denman Island beaches and waters of Baynes Sound. She read her speaking notes and presented these notes for LTC review.

Trustees responded that these requests are being considered and that some of them may be addressed throughout the meeting today.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

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

The following amendments to the minutes were presented for consideration:

- 11.2.1: change heading to “Staff Memorandum dated April 8, 2015”;
- 11.2.1, first line, after “regarding”: delete “the”;
- 11.2.1, second line, after “Relationship”: add “Building”; and
- 12.7, second paragraph, second line: change “Cowichan” to “Comox”.

By general consent the minutes were adopted as amended.

6.2. Section 26 Resolutions-without-meeting Report Dated May 14, 2015

Received.

6.3. Advisory Planning Commission Minutes

None.

6.4. Marine Advisory Planning Commission Draft Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated May 14, 2015

Planner Milne presented the report, commenting on status of items.

Trustees requested that future reports include identifying words placed in brackets beside each application and bylaw numbers to assist in their review of the material.

8. DELEGATIONS

Harlene Holm, speaking on behalf of Denman Community Land Trust Association (DCLTA), provided an update on the status of the group’s pilot project. She reported that work is now being done on design and plans for Project 2 – affordable housing for seniors on Denman. She provided the LTC with an information sheet identifying steps completed, current work and next steps for the future. She described DCLTA’s requested Grant-In-Aid application for the Solar Power Integration Project.

Discussion followed the presentation with the following key points noted:

- Chair Morrison asked if DCLTA would like her to forward their information to Ray Lipovsky, the Project Manager for Lasqueti Island's solar electric system for their health centre and elder cottage and this offer was accepted;
- The Denman Island Fire Department and Emergency Services have been contacted to ensure that the access to the property is adequate for their purposes;
- DCLTA may consider requesting the inclusion of a right-of-first-refusal clause for the property remaining with the current landowner at the time of purchase.

Trustees expressed their appreciation for the informative presentation; and thanked DCLTA for the work they are doing and the land provider for the terms being provided.

9. CORRESPONDENCE

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

10. APPLICATIONS AND REFERRALS

10.1. DE-RZ-2015.1 (PANDESIGN, Hermanutz, Innes - 2100 Crescent Road)

10.1.1. Staff Report dated May 4, 2015

Planner Milne presented the staff report and draft bylaws for DE-RZ-2015.1. He outlined the potential next steps in the process that would include LTC consideration of giving first reading to the draft bylaws and a Community Information Meeting once the comments from the bylaw referral process and a draft restrictive covenant have been received and considered by the LTC.

10.1.2. Email dated May 7, 2015 from Peter Thomsen

Trustees acknowledged that an objection to the application raised by a neighbour is a concern; however, they welcomed the opportunity for community input on the issue that the process provides.

10.1.3. Email dated May 14, 2015 from PANDESIGN INC. (Henning Neilsen)

Trustees acknowledged that the mapping that was provided in the correspondence was helpful in their review. They indicated that the ecological value of the proposal warrants advancing the application further and noted that views from the community will be considered in the process.

DE-2015-031

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give first reading to Bylaw No. 219, cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015".

CARRIED

DE-2015-032

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give first reading to Bylaw No. 220, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015".

CARRIED

DE-2015-033

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer Bylaw Nos. 219 and 220 to the agencies, organizations and First Nations listed in the staff report for review and comment.

CARRIED

Prior to the vote, Trustees reviewed the agencies and First Nations identified for referral comments and confirmed that making a referral to the Denman Island Advisory Planning Commission (APC) is appropriate at this time and that the list of First Nations has been verified by the Ministry of Community, Sport and Cultural Development.

DE-2015-034

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee affirm that it has reviewed the Directives Only Policies and determined that Bylaw Nos. 219 and 220 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

The LTC discussed the referral to the APC and, acknowledging that it will be the initial referral, suggested that they be provided with guidance on the issue of conflict of interest and suggested that they decide by resolution how any such issues will be approached. Trustees indicated their general preference to have staff present at the APC meetings, depending on the nature of the referral before them for consideration. They discussed expense considerations and determined that staff attendance at the first meeting would be beneficial, providing clarity and input on issues including the scoping, mandate, and legislative authority.

DE-2015-035

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee recommend to the Advisory Planning Commission that their first meeting involve the participation of Planner Milne and that if possible the meeting be held at a time which will enable him to return home the same day.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Visitor Accommodation Review

11.1.1. Staff Report dated April 29, 2015

Planner Milne presented the staff report which provides a review of the current regulatory framework guiding the implementation of guest accommodation on Denman Island and suggests possible amendments to the Land Use Bylaw (LUB) to achieve the purpose and objectives of this LTC project.

Trustees discussed the report and the following key points were noted:

- they questioned the *BC Food Premises Act's* exemption of bed and breakfast establishments serving meals other than breakfast;
- the current bylaw regulations allow serving meals without limiting them to breakfast;
- Vancouver Island Health Authority will be receiving a referral and will have the opportunity to comment;
- exploration of the cooking facility size may be a tool to address concern about the guest accommodations being used for unauthorized residential uses; however, it was noted that the language in the draft bylaw addresses the necessity for the facilities to be provided in a residence which provides home-based guest accommodation and the Open House will be an opportunity for feedback from operators.

DE-2015-036

It was MOVED and SECONDED,

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

CARRIED

Discussion followed on scheduling and venue for the informal Open House.

Trustees observed that the date of the Deliverable/Milestone "LTC review of draft bylaw" should be changed from June 2, 2015 to May 26, 2015.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated May 14, 2015

Planner Milne summarized the Top Priority Report.

12.1.2. Projects List Report Dated May 7, 2015

Trustee Busheikin commented that she has two items for the LTC to consider adding to the Projects List.

She noted that the community has expressed interest in an Alternative Dispute Resolution (ADR) process and in her exploration of the possibility she has learned that Comox Valley Regional District (CVRD) and other municipalities do have the ADR process as a tool in conjunction with the Community Justice Centre. She indicated that her research indicates that this process could be customized for the Islands Trust area, funding is available, and that Bylaw Enforcement has suggested a pilot project to evaluate the program.

DE-2015-037

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add to its Projects List: Pilot Project to include Alternative Dispute Resolution as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee.

CARRIED

Trustee Busheikin proposed another addition to the Projects List, observing that she has made reference to this interest in the past.

DE-2015-038

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add to its Projects List: Downtown Village Neighbourhood Planning.

CARRIED

Trustee Busheikin spoke to her motion, remarking that some work on Denman Island downtown village planning has been done previously and although it did not move forward, she feels that the need for this project continues. She noted that possible benefits of such a plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.

12.2. Applications Report Dated May 14, 2015

Planner Milne presented the Applications Report.

A Trustee requested clarification on the Planning Status of DE-DP-2013.1 and Planner Milne responded that he would follow-up with the Planner reviewing the file and will report back.

A Trustee requested an update on the status of a Development Permit application regarding the Morning Beach Park for removal of hazard trees and their request for a possible Resolution Without Meeting (RWM) on the matter. Planner Milne explained the RWM process.

DE-2015-039

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee deal with the Development Permit application by Comox Valley Regional District pertaining to Morning Beach Park by Resolution Without Meeting.

CARRIED

12.3. Trustee and Local Expense Report Dated March, 2015

Trustees reviewed the Expense Report.

12.4. Adopted Policies and Standing Resolutions

Received.

12.5. Local Trust Committee Webpage

There were no changes, additions or deletions requested at this time.

12.6. Chair's Report

Chair Morrison explained that the rescheduling of today's LTC meeting was necessary to accommodate an all-day workshop for new Islands Trust Chairs which will be a facilitated orientation. She reported that Islands Trust Chief Administrative Officer, Linda Adams has announced her retirement and a committee is being formed to address the hiring process. She also noted that Regional Planning Manager, Courtney Simpson will be leaving for a position outside of the Islands Trust. She advised that the next Trust Council meeting will be held in June on Galiano Island and noted some of the topics that will be addressed at that meeting.

12.7. Trustee Reports

Trustee Busheikin reported on meetings that she has attended since the last LTC meeting including a DIRA meeting, a workshop on First Nations "Understanding the Village" and a Local Planning Committee meeting. She advised that she has completed her work on the Newcomers Package communications project and has begun to distribute the material.

Trustee Critchley reported on an oil spill response exercise that he attended in Nanaimo, advised that he held Trustee Office Hours and attended an Old School Committee meeting since the last LTC meeting. He commented that he attended

a meeting with CVRD Area A Director, Bruce Jolliffe and DIRA Guardians of Denman Shores to discuss driving on beaches. He noted that upcoming meetings will include a meeting with a CVRD Baynes Sound aquaculture planning group, and a scheduled meeting with local groups to continue the discussion of preventing driving on beaches in conservation areas.

12.8. Electoral Area Director's Report

None.

12.9. Trust Fund Board Report

Chair Morrison provided a Trust Fund Board report with the following noted:

- the Trust Fund Board met with the Assistant Deputy Minister of the Ministry of Community, Sport and Cultural Development to discuss the requested name change from the Trust Fund Board to the Islands Trust Conservancy;
- a meeting has been scheduled with the Qualicum First Nation to discuss the Lasqueti Island Crown Land acquisition initiative;
- the Annual Report has been filed;
- a report was presented on a workshop co-hosted by Squamish Nation and the David Suzuki Foundation attended by Kate Emmings, Ecosystem Protection Specialist; and
- the input into the Island Trust Strategic Plan was described.

13. BREAK

By general consent the meeting was recessed at 12:26 pm and reconvened at 12:45 pm.

By general consent agenda item 17.1, 17.2 and 17.3 were moved to follow item 13.

17. CLOSED MEETING

17.1. Motion to Close the Meeting

DE-2015-040

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(d) for the purpose of Adoption of In-Camera Meeting Minutes dated April 21, 2015 and s.90(1)(g) and (i) for the purpose of litigation and receipt of advice that is subject to solicitor-client privilege and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 12:46 pm.

17.2. Recall to Order

The meeting reopened to the public at 1:19 pm.

17.3. Rise and Report

Chair Morrison reported that in the closed meeting the LTC adopted minutes from the In-Camera meeting of April 21, 2015.

14. NEW BUSINESS

14.1. Annual Meeting with Comox Valley Regional District - Request for Topics

Planner Milne reported that he is awaiting possible meeting date suggestions from CVRD and he solicited input from Trustees on topics for discussion.

Trustees considered possible agenda items and the following were suggested:

- Aquaculture/Marine/Shoreline issues, including funding for marine industrial garbage clean up or addressing the source of the garbage;
- providing an update on the LTC's First Nations relationship building initiative;
- discussion of the CVRD experience of the Alternative Dispute Resolution process / bylaw enforcement; and
- an update on the Cross-Island Trail project.

14.2. Input into Trust Council Strategic Planning

Trustees discussed possible additions to the Trust Council Strategic Plan.

DE-2015-041

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee recommend to Trust Council that the potential objectives and strategies in the Discussion Draft of the Strategic Plan for 2014 to 2018 be amended as follows:

1. Under objective 2 "Protect coastal and marine areas" add the following as strategies:
 - 2.4 advocate to reduce the negative impacts of shellfish aquaculture practices;
 - 2.5 develop working relationships with governmental and private agencies having interests in shellfish aquaculture;
 - 2.6 participate in working groups and activities pertaining to shellfish aquaculture;
2. Under objective 6 add "improve organizational cost effectiveness and resilience"; and
3. Add 6.3 "increase opportunity for Trust Council to engage in in-depth discussion about its vision, goals, mandate and activities."

CARRIED

15. UPCOMING MEETINGS

15.1. Next Regular Meeting Scheduled for Tuesday, July 21, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

The LTC confirmed that the next regular meeting is scheduled for July 21, 2015 at 10:30 am at the Denman Seniors Centre.

16. TOWN HALL

Edi Johnston invited Trustees to attend the World Ocean Day events on Denman Island, an ADIMS-sponsored speaker series from May 30 – June 7, 2015. She provided information on the slide show, talks, panel discussion, community beach celebration and family picnic that will be occurring as a part of the series to celebrate and reflect on the beauty and fragility of our marine ecosystem.

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:36 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Print Date: Jul-09-2015

RWM From: May 14, 2015 To: July 09, 2015

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2015-03	In Favour	"That the Denman Island Local Trust Committee response to the referral of Hornby Island Local Trust Committee Bylaw No. 151 cited as "Hornby Island Official Community Plan (Hornby Island) Bylaw 149, 2014, Amendment No. 1, 2015" and Hornby Island Local Trust Committee Bylaw No. 152 cited as "Hornby Island Land Use Bylaw 150, 2014, Amendment No. 1, 2015" is: Interests Unaffected by Bylaws."	Jun 29, 2015
2015-02	In Favour	"That the Denman Island Local Trust Committee instruct staff to issue Development Permit DE-DP-2015.2 (CVRD)"	Jun 22, 2015



Islands Trust

Print Date: Jul-09-2015

Follow Up Action Report w/ Target Date

Denman Island Jan-20-2015

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

Mar-03-2015

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

Apr-21-2015

No.	Activity	Responsibility	Target Date	Status
1	Bylaw No. 213 amended by the deletion of item 4.4.3(h) and renumbering subsequent points. Bylaws 212 and 213 given first reading and direction provided to staff to refer the bylaws out for agency and stakeholder review and comments.	Rob Milne Lisa Webster-Gibson		Done
1	First Nations relations- staff directed to prepare a draft letter for the signature of the chair.	Rob Milne		Done

May-26-2015

No.	Activity	Responsibility	Target Date	Status
1	staff are directed to schedule and conduct a public Open House in late June or early July, 2015 regarding the draft bylaw for the Review of Visitor Accommodation project	Rob Milne		Done

1	Add Alternative Dispute Resolution to projects list as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee.	Rob Milne	Done
1	Add Downtown Village Neighbourhood Planning to the projects list.	Rob Milne	Done
1	Given timelines staff were asked to address CVRD application DE-DP-2015.2 (Morning Beach Park) through the use of the RWM process.	Rob Milne	Done
1	First Reading was given to Bylaw Nos. 219 and 220. Staff were directed to refer the bylaws to the agencies, organizations, and First nations listed in the staff report. Staff were also directed to refer the bylaws to the Denman Island APC.	Becky McErlean Rob Milne	Done



Memorandum

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Date July 8, 2015

File Number: Islands Trust Strategic Plan

To Denman Local Trust Committee
From Rob Milne, Island Planner

Re PHASE 2 LOCAL TRUST COMMITTEE INPUT INTO DEVELOPMENT OF THE ISLANDS TRUST STRATEGIC PLAN FOR 2014 - 2018

At its meeting last week, Trust Council decided to have another round of consultation with Local Trust Committees (LTCs) regarding the Strategic Plan. At this stage in the process, the Executive Committee is seeking new input, or a confirmation of previous input, from LTCs with a focus on the objectives and strategies that LTCs believe to be priorities. Feedback is requested by August 7, 2015. Please find attached the Request for Decision from Linda Adams, Chief Administrative Officer.

At its regular business meeting on May 26, 2015, the Local Trust Committee passed the following resolution with regard to providing input into the Islands Trust Strategic Plan:

DE-2015-041

that the Denman Island Local Trust Committee recommend to Trust Council that the potential objectives and strategies in the Discussion Draft of the Strategic Plan for 2014 to 2018 be amended as follows:

1. Under objective 2 "Protect coastal and marine areas" add the following as strategies:
 - 2.4 advocate to reduce the negative impacts of shellfish aquaculture practices;
 - 2.5 develop working relationships with governmental and private agencies having interests in shellfish aquaculture;
 - 2.6 participate in working groups and activities pertaining to shellfish aquaculture;
2. Under objective 6 add "improve organizational cost effectiveness and resilience"; and
3. Add 6.3 "increase opportunity for Trust Council to engage in in-depth discussion about its vision, goals, mandate and activities."

pc: Aleksandra Brzozowski, A/Regional Planning Manager
Linda Adams, Chief Administrative Officer



Islands Trust Strategic Plan

Potential Objectives and Examples of Strategies and Activities for the 2014-2018 Term

Discussion Draft for Public Consultation
June 25, 2015

Policy Statement Goal A: Ecosystem Preservation and Protection...

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?
1 PROTECT the natural environment of islands	1.1 Encourage voluntary stewardship of natural environment	Promote community participation in conservation through information sharing and education about private land stewardship options.	TFB
		Share information about best practices for covenants and NAPTEP with all planning staff.	TFB
		Improve and update mapping of natural and modified environments, including terrestrial ecosystem mapping, protected area networks, nearshore mapping and areas under sustainable forestry or sustainable agricultural use.	TFB
		Research and develop a pilot landowner contact program in collaboration with a local conservancy.	TFB
		Support island-based land trusts with partnerships, funding and capacity building opportunities.	TFB
	1.2 Expand Natural Areas Protection Tax Exemption Program (NAPTEP) program to entire Islands Trust Area	Present NAPTEP program to BIM Council for consideration Finalize Letter of Understanding with BIM.	EC
		Launch NAPTEP on Bowen Island (subject to BIM approval).	TFB

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?
	1.3 Protect fish habitat by implementing Riparian Areas Regulation	Identify RAR watersheds. Improve mapping of riparian areas. Adopt new bylaws to implement RAR.	LTCs**
	1.4 Establish reliable, adequate and sustainable funding for the Islands Trust Fund	Seek legislative change regarding TFB name.	EC
		Develop and implement strategy re changes to name. Review and launch long-term funding strategy.	TFB
	1.5 Establish core conservation areas to protect biodiversity priorities identified in the Regional Conservation Plan	Map and prioritize high biodiversity areas and develop a strategy for protection. Protect land with high biodiversity, through acquisition, donation, or conservation covenant.	TFB
	1.6 Reduce greenhouse gas emissions & Encourage renewable sustainable and environmentally friendly energy systems	Use new planning tools to reduce greenhouse gas emissions (e.g. as illustrated in Council toolkit <i>Reducing Greenhouse Gases in the Islands Trust Area</i>).	LTCs**/BIM***
		Develop a Renewable Energy Tool Kit.	LPC
	1.7 Use land use planning tools and decisions to protect coastal Douglas fir and associated ecosystems	Develop a planning toolkit to illustrate how to protect coastal Douglas fir and associated ecosystems.	LPC
	1.8 Advocacy re protection of ecosystems	Advocate for a fallow deer management plan.	EC
2. PRESERVE and PROTECT coastal shorelines and marine areas	2.1 Use land use planning tools for shoreline protection	Specific activities and phases to be determined by LTCs and BIM.	LTCs**/BIM***
	2.2 Participate in planning for National Marine Conservation Area Reserve	Respond to NMCA implementation steps with complementary activities, as required.	TPC
	2.3 Advocate for protection of the Salish Sea and Howe Sound re shipping safety, derelict vessels and industrial activities	Advocacy letters from the Islands Trust Chair. 'Letter of Comment' to hearings related to Kinder Morgan tanker traffic. Continue to advocate for senior government solutions to derelict vessels .	EC

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?
		Howe Sound advocacy – specific activities and phases to be defined by TPC with input from Gambier LTC and BIM.	TPC
		Participate in the Howe Sound Forum.	EC
		(EC to identify/confirm advocacy priorities in consultation with Trust Council). (e.g. light pollution, freighter anchorage activities , bridge connections, etc).	EC
		Advocate to reduce negative impacts of shellfish aquaculture practices. Develop working relationships with government and private agencies having interests in shellfish aquaculture. Participate in working groups and activities pertaining to shellfish aquaculture.	EC
	2.4 Encourage voluntary stewardship of nearshore ecosystems	TBD	TPC
	2.5 Work with San Juan County to have a coordinated oil spill response strategy	TBD	TPC

Policy Statement Goal B: Stewardship of Island Resources...

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?
3. REDUCE our ecological footprint	3.1 Use land use planning tools to maximize resource efficiency	Amend OCPs to include new policies about resource efficiency. Amend LUBs to address resource efficiency (i.e. to make best use of existing buildings).	LTCs
	3.2 Advocate for efficient and sustainable transportation systems	TBD	EC
4. PROTECT quality and quantity of water resources	4.1 Coordinate with other agencies to protect water quality	Facilitate structured decision-making process to identify strategies for St. Mary Lake watershed management through SSIWPA (SSI). Further activities and phases to be identify by LTCs with this as a priority.	LTC
	4.2 Use land use planning tools to ensure levels of development are consistent with a sustainable water supply	TBD	LTCs

Policy Statement Goal C: Sustain Island Character and Healthy Communities...

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?	
5. ENHANCE protect/restore community socio-economic diversity and economic sustainability	5.1 Advocate for sustainable, affordable and appropriate ferry service	To be defined by decisions of EC and recommendations of TPC.	EC	TPC
	5.2 Use land use planning tools and decisions to improve the availability of affordable, accessible, appropriate housing (as described in Trust Council's Community Housing Toolkit)	Amend OCPs to include affordable housing policies.	LTCs**/ BIM***	
		Amend LUBs to improve availability of affordable housing.	LTCs**/ BIM***	
		Develop an inventory of approaches and communications materials related to secondary suites and affordable housing initiatives on each island.	LPC	
		Develop an inventory of incentives for landowners.	LPC	
	5.3 Use land use planning tools to promote economic sustainability	Amend LUB to ensure an appropriate supply of land zoned for emerging industrial and commercial needs in one LTA. Improve planning for island villages (SSI and Gabriola). Amend LUB in one or more LTAs to address the diversity of economic and employment opportunities (e.g. Galiano project re contractor yards).	LTCs**	
		Develop an inventory of approaches to short-term vacation rentals on each island.	LPC	
	5.4 Use land use planning tools to address challenges of an aging population	Develop an inventory of land use planning tools that address aging population.	LPC	
	5.5 Use land use planning tools to assist communities in adapting to future climate change and rising sea levels	Develop a toolbox of planning tools that address climate change. Amend OCPs to address future climate change and rising sea levels. Amend LUBs to address future climate change and rising sea levels.	LTCs**	
	5.6 Work with other agencies to advocate for and promote economic sustainability	Recommend an advocacy position to TC for sustainable and appropriate agricultural policies - for presentation to the Agricultural Land Commission (ALC).	TPC	
		Advocate to the ALC re sustainable and appropriate agricultural policy, based on positions approved by TC.	EC	

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?	
		Specific activities to be determined (e.g. foster reputation/attraction of the Islands Trust Area as a model of sustainability, work related to waste management).	TPC	LTCs
	5.7 Reduce or eliminate tax revenue exported out of the Islands Trust Area	Initiate study into options for Islands Trust office and/or job locations.	EC	
	5.8 Facilitate exploration of intra and inter-island transportation options	Develop a project charter.	TPC	

Goal D: Effective, efficient and collaborative governance

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?
6. STRENGTHEN relations with First Nations	6.1 Improve engagement with First Nations	Develop strategy to use funding allocated to improve FN relations.	EC
		Improve First Nations liaison at an informal political level.	LTCs
		Seek common ground with local First Nations and build on it by identifying areas of shared advocacy and by proactively proposing shared partnerships.	LTCs
	6.2. Improve protection of archaeological and First Nations cultural resources	Educational session at TC re concerns with archaeological site protection.	EC
		Advocacy with archaeology branch.	EC
		Develop toolkit for protection of archaeological sites.	LPC
7. IMPROVE organizational cost effectiveness and resilience	7.1 Improve cost effectiveness and quality of Trust Council operations	Amend TC Meeting Procedures Bylaw to enable electronic meetings.	EC
		Develop and adopt a program for review and update of Trust Council policies and procedures.	EC
		Develop and adopt an on-going performance measurement program for Trust Council operations (i.e. based on Key Performance Indicators or process analysis).	FPC
		Begin preliminary investigations into the possibility of forming a Gulf Island Regional District.	EC
		Increase opportunities for Trust Council to engage in in-depth discussion about its vision, goals, mandate and activities.	EC
		Provide for more collaboration with San Juan County representatives.	EC
	7.2 Improve cost-effectiveness and quality of local planning services	Develop an inventory of approaches and communications materials related to priority planning projects.	LPC
		Identify Key Performance Indicators for LTC operations. Develop an on-going performance measurement program for LTC operations.	LPC
		Investigate the use of Alternative Dispute Resolution and/or mediation in bylaw enforcement.	LPC

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?	
	7.3 Prepare Island Trust organization to adapt to the potential incorporation of Salt Spring Island	'Value for money' audit and benchmarking of LPS services Process review of LPS services	LPC	
		Identify Adaptation Strategy principles and objectives.	EC	
		Review existing IT-MCSCD protocol agreement regarding incorporation of municipalities in the Islands Trust Area.	EC	
		Develop detailed Islands Trust Adaptation Strategy to implement in the event of municipal incorporation of Salt Spring Island.	EC	FPC
		Finalize and adopt detailed Adaptation Strategy.	EC	
8. Improve cooperation and integration with other levels of government	8.1 Negotiate new protocol agreement and letter of understanding with the Ministry of Forests, Lands and Natural Resource Operations in regards to Crown land tenures	Revise and consolidate six agreements with the Province relating to Crown Land in the Islands Trust Area.	TPC	
	8.2 Strategies to be determined (e.g. Integrated Community Sustainability Planning)	To be determined by LTCs, or potentially by LPC and EC (e.g. improve process for development of RD/LTC protocol agreements).	LTCs LPC	
	8.3 Explore opportunities and benefits of working with UNESCO and the TFB and others in seeking nomination of the Trust Area as a UN Biosphere	Develop project charter to explore UN Biosphere designation.	TPC	
9. Improve community and agency understanding and support of the Islands Trust	9.1 Engage communities and agencies in review/update of the Islands Trust Policy Statement	Develop project charter to explore review/update of the Islands Trust Policy Statement.	TPC	
	9.2 Improve communications about the Islands Trust object and history	New communications tools, such as: website photos social media strategy video	EC	
	9.3 Engage communities and agencies in development of updated land use bylaws	To be determined by LTCs	LTCs	

POTENTIAL OBJECTIVE	EXAMPLES OF POTENTIAL STRATEGIES	EXAMPLES OF ACTIVITIES THAT COULD IMPLEMENT POTENTIAL STRATEGIES	WHO WOULD WORK ON IT?
10. IMPROVE community engagement and participation in Islands Trust work	10.1 Improve communications and availability of information about Islands Trust activities	Electronic broadcast of meetings of Islands Trust bodies.	EC
	10.2 Improve Trust Council and Executive Committee engagement of stakeholders	Develop project charter	EC
	10.3 Improve LTC engagement of stakeholders	Develop project charter	LPC
11. HAVE a vision for the Islands Trust Area	TBD	TBD	TPC

* subject to decisions of Trust Fund Board **subject to decisions of local trust committees ***subject to decisions of Bowen Island Municipality

Colour Key for Last Column:

Colour	Potential committee/unit/body taking lead for a potential strategy
	Local Planning (through Local Planning Committee, Local Planning Services staff, Local Trust Committees and/or Bowen Island Municipality)
	Trust Programs Committee and/or Trust Area Services staff
	Executive Committee
	Trust Fund Board and/or Islands Trust Fund staff
	Financial Planning Committee

Abbreviations:

AVICC – Assoc. of Vancouver Island Coastal Communities
 BIM – Bowen Island Municipality
 cDf – coastal Douglas fir
 EC – Executive Committee
 FN – First Nations
 FPC – Financial Planning Committee
 FY – Fiscal Year
 IT – Islands Trust
 ITF – Islands Trust Fund
 ITPS – Islands Trust Policy Statement
 LGA – Local Government Act
 LPC – Local Planning Committee
 LPS – Local Planning Services

LTA – Local Trust Area
 LTC – Local Trust Committee
 LUB – Land Use Bylaw
 MCSCD – Ministry of Community, Sport and Development
 MVRD – Metro Vancouver Regional District
 NA – Not Applicable
 NEB – National Energy Board
 NAPTEP – Natural Area Protection Tax Exemption Program
 NMCA – National Marine Conservation Area
 OCP – Official Community Plan

ProD – Professional Development
 RAR – Riparian Areas Regulation
 RD – Regional District
 RFD – Request for Decision
 SSI – Salt Spring Island
 TAS – Trust Area Services
 TBD – To Be Determined
 TC – Trust Council
 TFB – Trust Fund Board
 TPC – Trust Programs Committee
 UBCM – Union of BC Municipalities

NOTES

Attachment 6

Strategic Planning - General Framework



Strategic Planning -- Glossary

Strategic Plan

- A high level plan that outlines an organization's mission and key objectives for the medium to long term, and sets out strategies for achieving the goals and objectives.
- Typically, a strategic plan covers a three to ten-year timeframe. In the case of the Trust Council, it has undertaken strategic planning exercises that correspond to a term of office (three years – now changed to four as of 2014), with some on-going strategies and actions that have carried on between terms.

Mission (Object)

- A broad statement of what an organization does, why it does it and who it does it for. In the case of the Islands Trust, its 'mission' is its provincial object:
"To preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia."

Goal

- A general statement of desired results to be achieved over an unspecified period of time. A goal should answer the question of 'what' needs to be achieved, rather than 'how' to achieve it.
- For the purposes of Trust Council's current strategic planning exercise, the current plan includes the three goals from the Islands Trust Policy Statement and a fourth that responds to the statement in the object about working in cooperation with others.

Objective

- A more precise statement of specific results to be achieved over a specified time.
- Like goals, objectives should focus on 'what' needs to be achieved, rather than 'how' to achieve it.
- For the purposes of Trust Council's current strategic planning exercise, Council has previously identified some potential objectives that have been grouped according to four goals and are related to objectives identified in the Islands Trust Policy Statement
- Typically, a local government should have between **seven** and **twelve** objectives at any one time.
- While an organization's mission and goals may remain relatively constant, objectives may change more frequently as some objectives are achieved, new ones emerge and priorities change.
- For the purposes of Trust Council's current strategic planning exercise, some potential objectives have been identified without particular time frames. As discussions continue, the number of objectives should be reduced and each objective should be made more specific both in terms of what is to be achieved and when.

Strategy

- The actions that describe how objectives are to be achieved. Strategies are made up of a set or group of activities. As opposed to goals and objectives, strategies focus on 'how' to achieve things.

Activities

- The actions, steps, projects or initiatives undertaken by an organization to carry out a strategy. This is the more detailed 'break-down' of a strategy, indicating if certain activities need to take place first, before others can be undertaken.

Measurement

- A process of assessing progress in achieving objectives.

ATTACHMENT 3

Local Trust Committees and Draft Strategic Plan 2014/2018

Please indicate the Local Trust Committee's interests in addressing the topics identified as possible strategies for LTCs to implement this term:

Local Trust Committee:			Planner/date:	
	Topics included as possible strategies in the draft strategic plan	Topic is on LTC Work Program	Topic is on LTC Future Projects List	Topic may possibly be addressed by LTC this term
1.3	Protect fish habitat by implementing Riparian Areas Regulation			
1.6	Use land use planning tools to reduce greenhouse gas emissions			
1.7	Use land use planning tools and decisions to protect coastal Douglas fir and associated ecosystems			
2.1	Use land use planning tools for shoreline protection			
3.1	Use land use planning tools to maximize resource efficiency			
4.1	Coordinate with other agencies to protect water quality			
4.2	Use land use planning tools to ensure levels of development are consistent with a sustainable water supply			
5.2	Use land use planning tools and decisions to improve the availability of affordable, accessible, appropriate housing			
5.3	Use land use planning tools to promote economic sustainability			
5.4	Use land use planning tools to address challenges of an aging population			
5.5	Use land use planning tools to assist communities in adapting to future climate change and rising sea levels			
5.6	Work with other agencies to advocate for and promote economic sustainability			
6.1	Improve engagement with First Nations			
6.2	Improve protection of archaeological and First Nations cultural resources			
7.2	Improve cost-effectiveness and quality of local planning services			
8.2	Improve cooperation and integration with other levels of government			
9.3	Engage communities and agencies in development of updated land use bylaws			
10.3	Improve LTC engagement of stakeholders			

The Assoc. for Denman Island Marine Stewards
Delegation Notes for D.I. LTC meeting of July 21, 2015

I am Edi Johnston, co-chair of ADIMS and would like to thank our LTC for the opportunity to speak today on marine issues.

There are many important issues that need addressing when it comes to our beaches and surrounding waters but the one that is most in need of **immediate** attention is the issue of vehicles driving on our beaches.

Driving in the upper regions of beaches can potentially destroy spawning habitat for Pacific Sand Lance and Surf Smelt as well as crush any existing eggs (including Herring), that may be present. Marine biologist Ramona de Graaf has identified numerous Denman beaches as forage fish habitat and the DI Forage Fish Group has had many positives on these beaches. These fish are the cornerstone of the food web and are recognized by DFO as a CRA- commercial, recreational and aboriginal fishery.

When ADIMS approached DFO in 2013 with our concerns that forage fish habitat was being destroyed, DFO did their own investigation. One DFO quad went south from Denman West and one quad went north along the beach during a DFO recognized forage fish spawning window. The existing beach roadways from Denman Pt. to Repulse Pt. were then mapped by DFO.

When ADIMS asked what DFO's intention was, answers ranged from – “You can't deny growers access to their tenures”, to – their Aquaculture Environmental Operations Biologist who commented- “DFO is not seeing serious harm being done to fish habitat”, to- their Regional Manager for Aquaculture Environmental Operations who responded that- *“The purpose of the project was to map the location and extent of the intertidal road and to identify where it overlaps with sensitive/important habitats that contribute to the production of commercial, recreational and aboriginal fisheries. Once we have a better understanding of the extent of road interaction with sensitive and important habitats, we can then initiate discussion with you and industry about **whether mitigation measures are required**, and if so, what they might look like.”* Their Regional Manager for Aquaculture Resource Management commented that - *“The use of vehicles on tenures is managed through conditions of licence issued to the aquaculturalist.”* Following the link provided takes you to The Shellfish Condition of License which states under “Protection of Fish Habitat 10.3 *The licence holder shall not conduct aquaculture activities in specific Pacific Sand Lance spawning substrates (sand) in upper intertidal (above 2.6 m) during spawning windows.*” Wanting definitive answers from DFO on what they were actually proposing, ADIMS recently posed numerous questions which so far, have gone unanswered. ADIMS then requested a meeting with a DFO decision maker but all that was offered, was a meeting with Shelley Jepps, a DFO biologist from the Aquaculture Environmental Operations dept. who will do an “information session” on July 28th.

Wondering what happens elsewhere, ADIMS explored how other jurisdictions on Vancouver Island approached the issue. Apparently, beaches are considered parks whose regulations do not allow for vehicular access. The Comox Valley Regional District's bylaw 103 as well as D.I. LTC bylaw 186 are good examples. A complaint to the CVRD bylaw prevention officer of a vehicle driving on a Denman beach resulted in the driver being sent a letter. A similar complaint (different vehicle) sent to the Trust bylaw officer is still under investigation.

2.

A report to the DI LTC done by the Golder Associates in 2013 identified the driving on the beach issue as one that could be regulated through a Land Use Bylaw under the Local Government Act. Unfortunately, an attempt of the DI LTC to create a new bylaw failed to make it to first reading on the advice of staff not to proceed.

The Denman Isl. Residents Assoc. Marine Guardians (formerly known as the DIRA Guardians of Denman Shores) is currently seeking support from the CVRD and hopefully will meet soon with the Ministry of Transportation and Infrastructure. Elsewhere in the Comox Valley, the MOTI allows the CVRD to manage its beach accesses which should also be applicable here on Denman, especially with the support of the LTC.

ADIMS therefore respectfully requests a support letter from the DI LTC which can be used to further the goal of restricting all but emergency vehicles from driving on our beaches. ADIMS also respectfully requests that if the existing LTC bylaw is not capable of protecting our W1 Marine Conservation zones, then perhaps another appropriate bylaw should be created. It would appear that DFO is no longer in the business of protecting fish habitat so it is now up to communities and Local Governments like the Island's Trust to take on that role.

Thank you for your time and consideration today and as *Sylvia Earle said- "We need to respect the oceans and take care of them as if our lives depended on it. Because they do."

*Sylvia Earle

Sylvia Alice Earle is an American marine biologist, explorer, author, and lecturer. Since 1998 she has been a National Geographic explorer-in-residence. Sylvia Earle is a dedicated advocate for the world's oceans and the creatures that live in them. Earle's work has been at the frontier of deep ocean exploration for four decades. Earle has led more than 50 expeditions worldwide.

STAFF REPORT

Date: July 8, 2015

File No.: DE-RZ-2015.1
(Pandesign)

To: Denman Island Local Trust Committee
For the meeting of July 21, 2015

From: Rob Milne, Island Planner

CC: Aleksandra Brzozowski, Acting Regional Planning Manager

Re: **Application to Redesignate and Rezone Lands To Facilitate the Donation of Lands and the Transfer of Density**

Owners: Luise Anne Hermanutz & David James Innes (Donating property)

Applicant: Henning Nielsen

Location: Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)

Owners: Henning Nielsen (Receiving property)

Applicant: Henning Nielsen

Location: Lot A, Section 12, Denman Island, Nanaimo District, Plan VIP88949 (2100 Crescent Road)

Interim Report

The purpose of this staff report is to report on the outcomes of the formal referral of draft bylaw Nos. 219 and 220 which propose to facilitate the dedication of lands for a nature reserve and the transfer of density from those lands to a receiving parcel.

The Proposal

It is the objective of this application to facilitate two outcomes. In the first instance it is the intent of the owners of Lot 17 to transfer approximately 2.545 hectares of land to the Trust Fund Board to be protected as a nature reserve. In the second instance it is intended to transfer the two densities associated with the 2.545 hectares to the receiving property owned by PanDesign (Nielsen).

Background

At the April 21, 2015 regular meeting of the LTC, consideration was given to an initial staff report for the above noted application and the following resolution adopted.

DE-2015-023

that the Denman Island Local Trust Committee direct staff to prepare draft bylaws for DE-RZ-2015.1.

Subsequently, at the May 26, 2015 regular meeting of the LTC consideration was given to a staff report dated May 4, 2015. Following that consideration the LTC adopted the following resolutions.

DE-2015-031

that the Denman Island Local Trust Committee give first reading to Bylaw No. 219, cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015".

DE-2015-032

that the Denman Island Local Trust Committee give first reading to Bylaw No. 220, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015".

DE-2015-033

that the Denman Island Local Trust Committee request staff to refer Bylaw Nos. 219 and 220 to the agencies, organizations and First Nations listed in the staff report for review and comment.

STAFF COMMENTS

As directed by the LTC, the bylaws were referred out to the following agencies on June 16, 2015 with a request for comments to be forwarded in 30 days.

<u>Provincial Agencies</u> Ministry of Transportation and Infrastructure- Courtenay Vancouver Island Health Authority Ministry of Forestry Lands and Natural Resource Operations Ministry of Agriculture Agricultural Land Commission BC Assessment Authority	<u>First Nations</u> Cowichan Tribes Halalt First Nation H'ul'qumi'num Treaty Group K'omoks First Nation Laich-kwil-tach Treaty Society Lake Cowichan First Nation Lyackson First Nation Penelakut Tribe Qualicum First Nation	Sliammon First Nation Snaw'Naw'As Nation Nanwakolis First Nations Stz'uminus First Nation Te'Mexw Treaty Association We Wai Kai Nation Wei Wai Kum First Nation Xwemalhkwa (Homalco) First Nation
<u>Non-Agency Referrals</u> Denman Island Advisory Planning Commission	<u>Adjacent Local Trust Committees and Municipalities</u> Hornby Island Local Trust Committee Ballenas-Winchelsea Local Trust Committee (Executive-Committee)	

A summary of the responses received from the bylaw referral at the time this report was written are included below. The Legislative Clerk did a follow up by telephone to all agencies prior to the completion of this report.

Table 1 SUMMARY OF AGENCY REFERRAL RESPONSES and PROPOSED ACTIONS			
Agency	Response	Proposed Action	Synthesis of Agency response
Ministry of Transportation and Infrastructure	The Ministry of Transportation and Infrastructure has no objections to the proposed amendments.	No action required	Approval Recommended
Archaeology Branch, FLNRO	The Archaeology Branch has no interests that will be affected	Interests unaffected	Interests unaffected
Ministry of Agriculture	"Approval recommended subject to conditions outlined below" See attachment	No action required. The transferred densities will not affect the parcel of land within the ALR.	Approval Recommended
Hornby Island Local Trust Committee	Interests unaffected by the bylaws	No action required	Interests unaffected
Ballenas-Winchelsea Local Trust Committee (Executive-Committee)	Interests unaffected	No action required	Interests unaffected
We Wai Kai Nation	The We Wai Kai Nation has no comment regarding this application being issued.	No action required	No objections at this time

Analysis

Limited responses were received from the early referral including one response from First Nations. As noted, this report contains all responses received at the time of the writing of this report.

At this stage in the application and review process there are no known issues that would prevent the LTC from giving consideration to second reading of the proposed amendment bylaws and proceeding to a statutory public hearing.

RECOMMENDATIONS

1. Review the Directives Only Policies and confirm by resolution that Bylaw Nos. 219 and 220 are not contrary to or at variance with the Islands Trust Policy Statement;
2. That Denman Island Local Trust Committee Bylaw No. 219, cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015", be read a second time;
3. That Denman Island Local Trust Committee Bylaw No. 220, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015", be read a second time; AND

4. That Denman Island Local Trust Committee proceed to a public hearing for Bylaw Nos. 219 and 220 to be held prior to the regular meeting of the Local Trust Committee to be held on September 8, 2015 pending the completion of a draft of the required restrictive covenant for the “receiving” property available for public review.

Prepared and Submitted by:

Rob Milne

July 13, 2015

Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

July 14, 2015

Aleksandra Brzozowski,
Acting Regional Planning Manager

Date

Attachments:

1. Draft Official Community Plan Bylaw No. 219
2. Draft Land Use Bylaw No. 220
3. Policy Statement Directives Only Checklist

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That Denman Island Local Trust Committee 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, 2008, Amendment No. 2, 2015”.

READ A FIRST TIME THIS 26th DAY OF MAY, 2015

PUBLIC HEARING HELD THIS th DAY OF , 2015

READ A SECOND TIME THIS st DAY OF , 2015

READ A THIRD TIME THIS st DAY OF , 2015

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____
th DAY OF _____, 2015

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT THIS
th DAY OF , 2015

ADOPTED THIS th DAY OF , 2015

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Schedule A

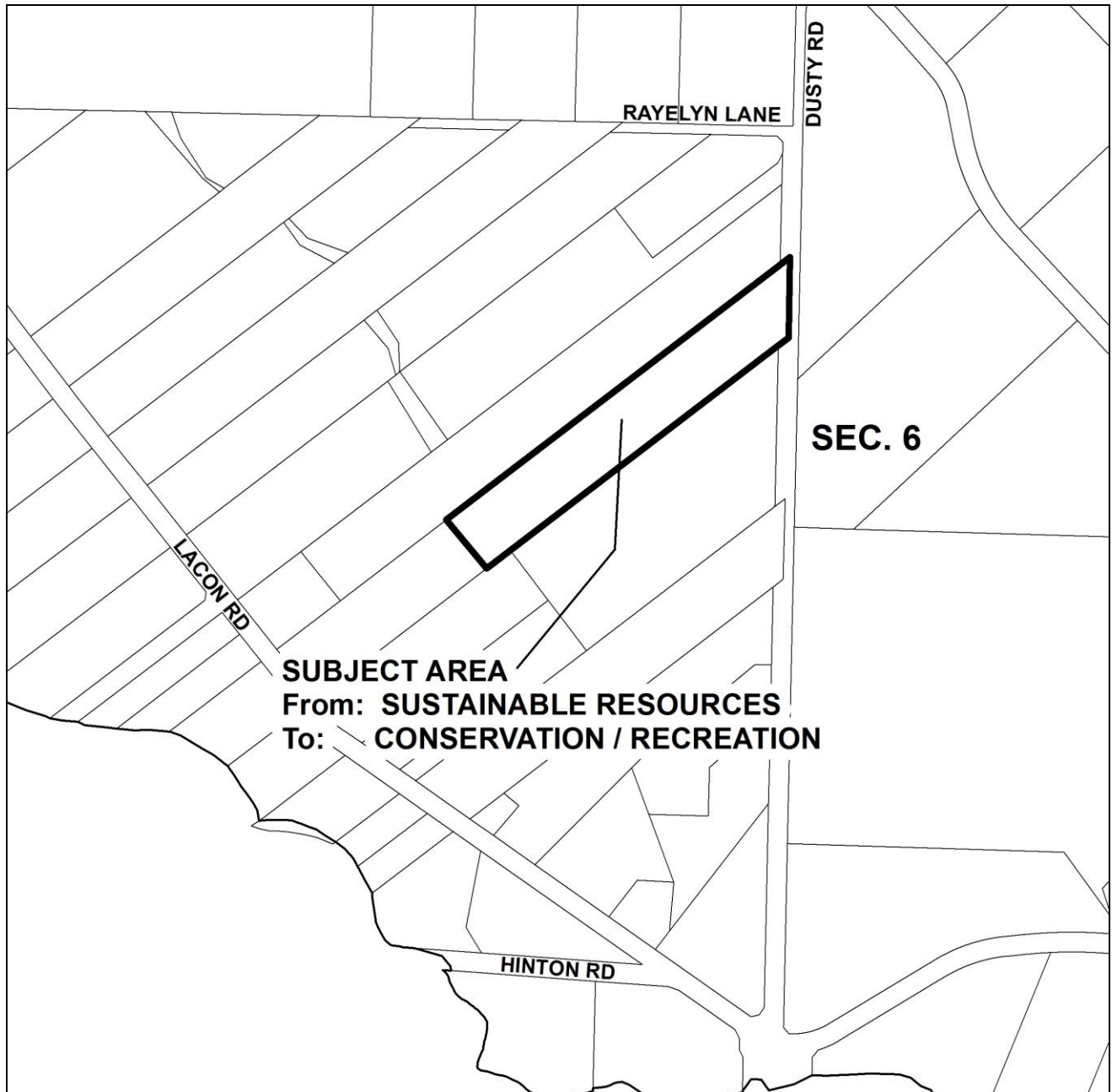
Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

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

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

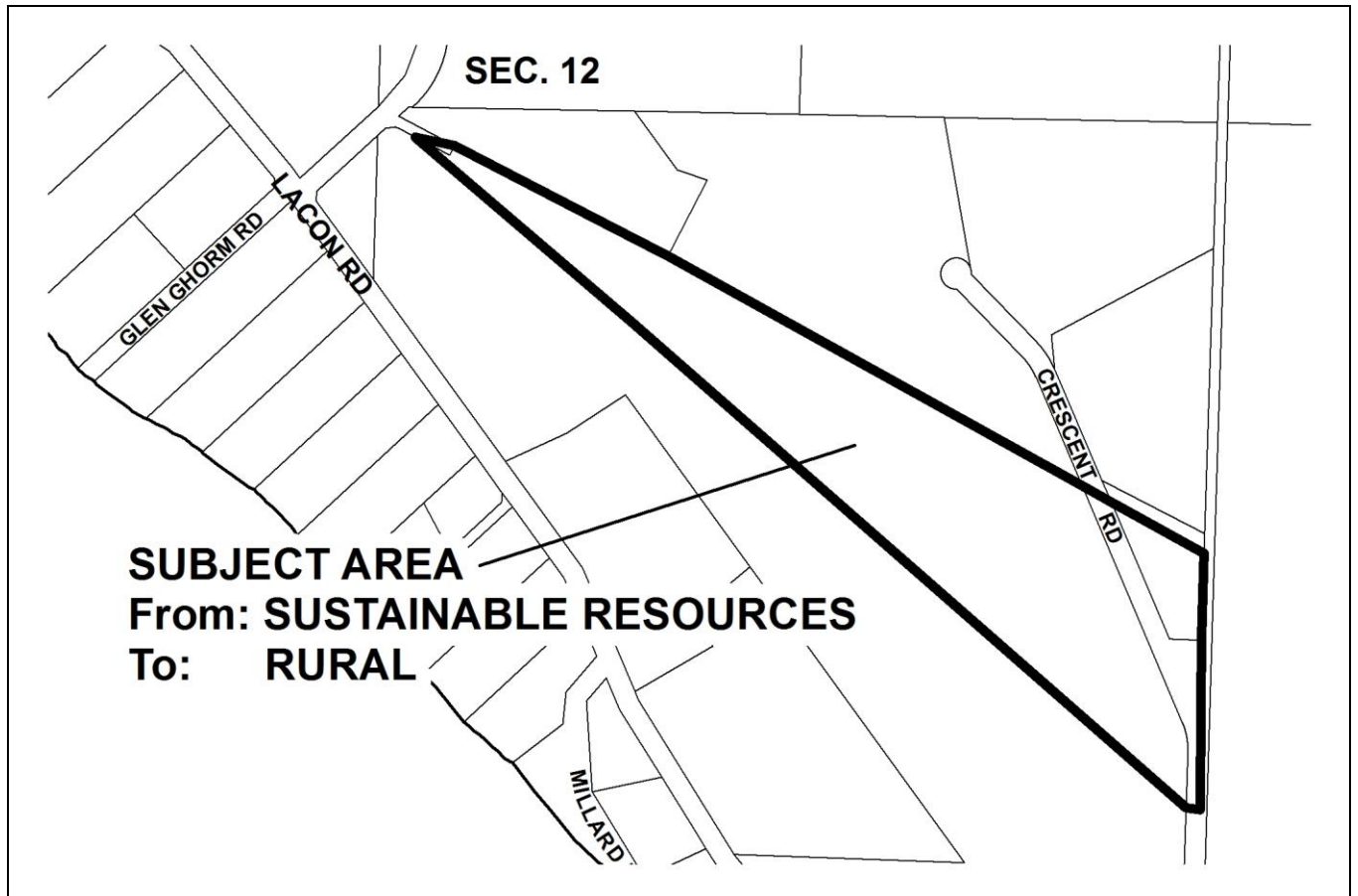
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Appendix No. 2



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is altered as shown on Schedule “A” of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015”.

READ A FIRST TIME THIS 26th DAY OF MAY, 2015

PUBLIC HEARING HELD THIS th DAY OF , 2015

READ A SECOND TIME THIS st DAY OF , 2015

READ A THIRD TIME THIS st DAY OF , 2015

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____
th DAY OF _____, 2015

ADOPTED THIS th DAY OF , 2015

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

Schedule A

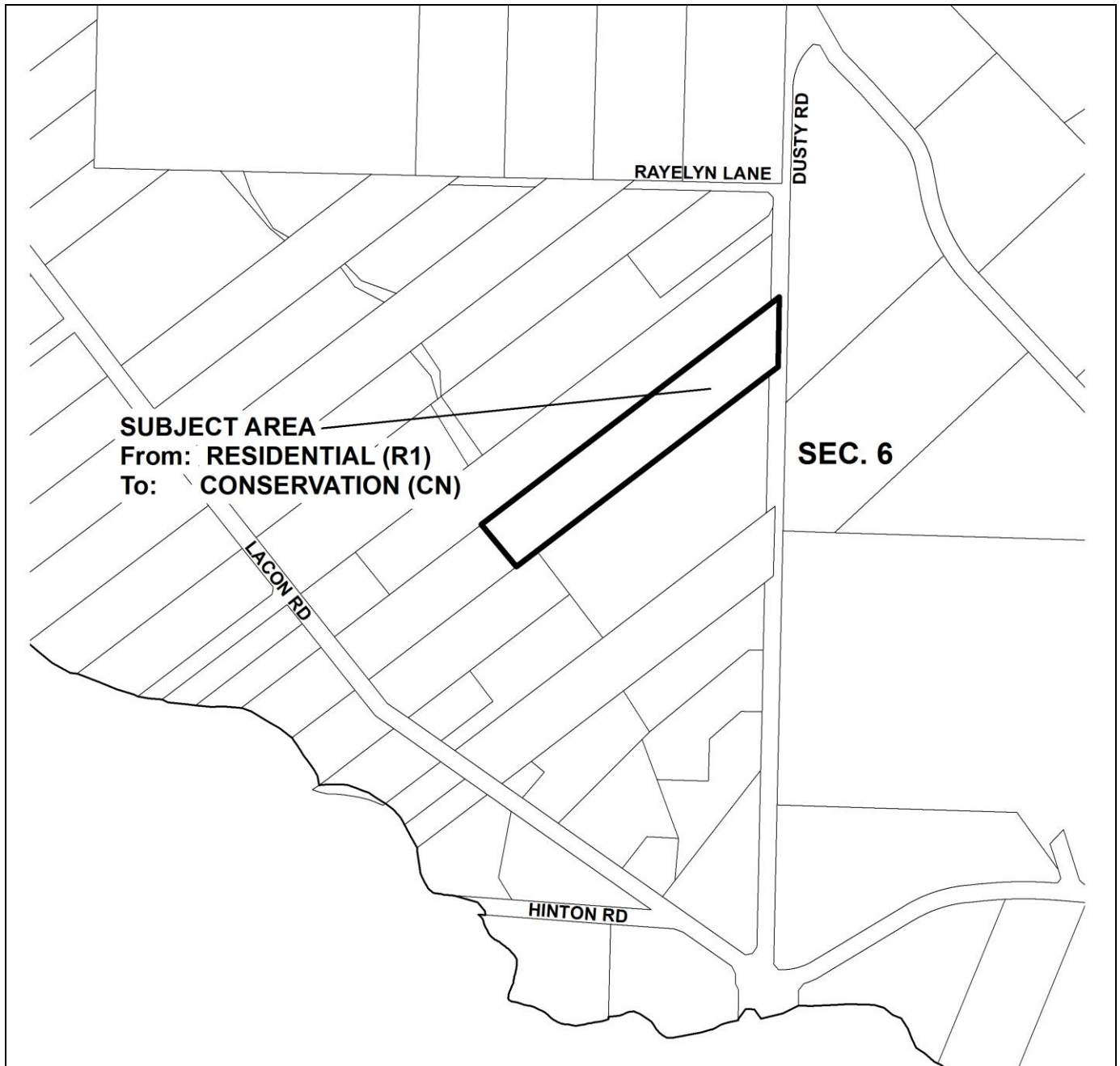
Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008” is amended as follows:

1. Schedule “B” [zoning map] is amended by changing the zoning classifications as follows:
 - a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the zoning classification is changed:
from Residential (R-1) to Conservation (CN);
as shown on Appendix No. 1 attached to and forming part of this bylaw.
 - b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the zoning classification is changed:
from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential (R2);
as shown on Appendix No. 2 attached to and forming part of this bylaw.
 - c) On portions of land legally described as SOUTH EAST 1/4 OF SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PART IN PLANS 15079, 19060, VIP60280, VIP79163 AND VIP88949 the zoning classification is changed from:
Forestry (F) to Agriculture (A)
as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

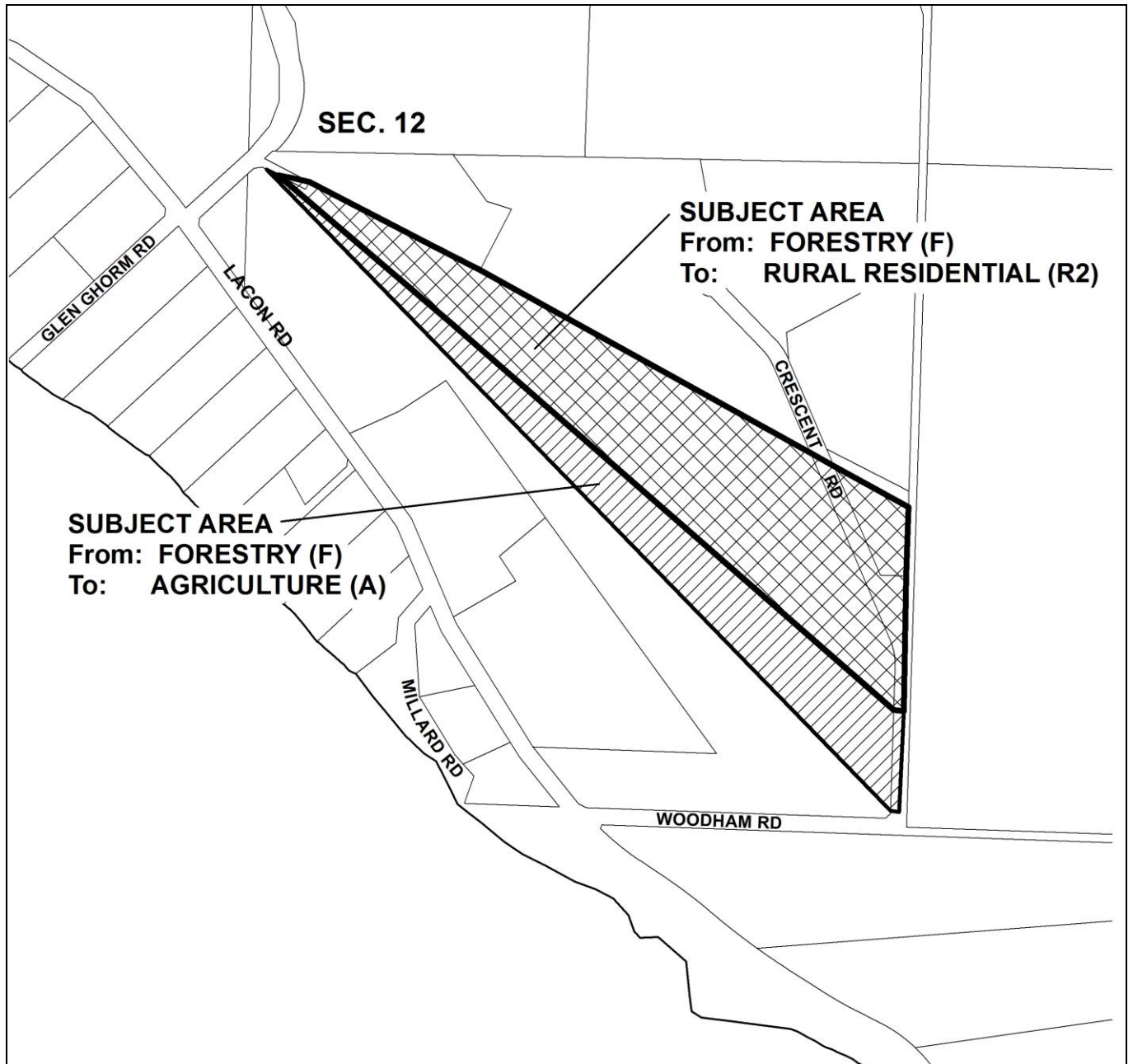
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

Appendix No. 2





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File Nos: 219 & 220 (DE-RZ-2015.1)

The following symbols in the table indicate:

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

Explanatory notes are added in bold and italics text

Part III Policies for Ecosystem Preservation and Protection

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

	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

PART IV: Policies for the Stewardship of Resources

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

	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities

N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services
POLICY STATEMENT COMPLIANCE		
✓	COMPLIANCE WITH TRUST POLICY	
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:	

Date: June 25, 2015

File No.: DE-6500-20-(RAR)

To: Denman Island Local Trust Committee
For meeting of July 21, 2015

From: Rob Milne, Island Planner

CC: Aleksandra Brzozowski, Acting Regional Planning Manager

Re: Riparian Areas Regulation Implementation

Interim Report

The purpose of this report is to report on the outcomes of the formal referral of the draft bylaws for the Riparian Areas Regulation Implementation project.

Project Objectives

The objective of this project is the implementation of the Riparian Areas Regulation on Denman Island.

Project Background

A staff report was presented at the May 7, 2014 meeting of the LTC where a discussion took place on the timing and implementation of the provincial Riparian Areas Regulation (RAR). Subsequent to that discussion the LTC adopted the following resolution:

DE-2014-035

that the Denman Island Local Trust Committee request staff to bring draft amendments to Development Permit Area No. 4 which incorporates Riparian Areas Regulation including exemptions as included in Gabriola Island's Riparian Areas Regulation proposed Bylaw No. 266 for consideration by this Committee.

A further staff report, which included draft bylaws, was presented at the July 15, 2014 meeting of the LTC regarding the implementation of the RAR, and which contained a discussion on differentiating between RAR and non-RAR watersheds and the appropriate professional assessments required for the two classes of watersheds. The LTC supported the suggested approach and an informal open house was scheduled for September 6, 2014.

At the September 16, 2014 meeting of the LTC, staff provided a summary and assessment of the open house. The LTC subsequently adopted the following resolution:

DE-2014-062

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

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

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

Following that direction, the bylaws were referred out to seven agencies and 17 First Nations on November 12, 2014. As well, the bylaws were referred to the Hornby Island Local Trust Committee, Islands Trust Bylaw Enforcement and the Trust Fund Board.

At the March 3, 2015 regular meeting the LTC gave consideration to a staff report dated February 12, 2015 that reviewed the responses from the early referral of the RAR bylaws. Following consideration of the staff report the LTC adopted the following motion.

DE-2015-012

that the Denman Island Local Trust Committee request staff to schedule the Community Information Meeting for Riparian Areas Regulation for April 7, 2015 with doors opening at 6:00 pm and presentation at 7:00 pm.

The Community Information Meeting (CIM) was held on April 7, 2015 and was attended by approximately seven members of the public. No written submissions were received.

At the April 21, 2015 meeting of the LTC the RAR bylaws and the CIM were discussed. The LTC subsequently adopted the following motions.

DE-2015-020

that the Denman Island Local Trust Committee amend draft Bylaw No. 213 Schedule 1 by removing 4.4.2 h) and renumbering subsequent items and request staff to proceed with statutory referrals on the amended bylaw.

DE-2015-021

that the Denman Island Local Trust Committee give first reading to Bylaw No. 212 cited as “Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2015”.

DE-2015-022

that the Denman Island Local Trust Committee give first reading to Bylaw No. 213 cited as “Denman Island Land Use Bylaw 213, Amendment No. 2, 2015”.

As directed by the LTC, the bylaws were referred out to the following agencies on June 1, 2015 with a request for comments to be forwarded in 30 days.

Federal Agencies

Department of Fisheries and Oceans

Provincial Agencies

Agricultural Land Commission
 BC Assessment Authority
 Ministry of Agriculture
 Ministry of Community, Sport and Cultural Development
 Ministry of Environment
 Ministry of Forests, Lands and Natural Resource Operations
 - Resource Management Branch, Ecosystems
 Ministry of Transportation and Infrastructure - Courtenay

Islands Trust Bylaw Enforcement

Islands Trust - Trust Fund Board

Non-Agency Referrals

School District #71

Regional Agencies

Comox Valley Regional District

First Nations

Halalt First Nation	shishalh (Sechelt) First Nation
H'ul'qumi'num Treaty Group	Snaw'Naw'As Nation
K'omoks First Nation	Nanwakolas First Nations
Laich-kwil-tach Treaty Society	Stz'uminus First Nation
Lake Cowichan First Nation	Te'Mexw Treaty Association
Lyackson First Nation	We Wai Kai Nation
Qualicum First Nation	Wei Wai Kum First Nation
Sliammon First Nation	Xwemalhkwa (Homalko) First Nation

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee

A summary of the responses received from the bylaw referral at the time this report was written are included below. The Legislative Clerk did a follow up by telephone to all agencies prior to the completion of this report.

Table 1 SUMMARY OF AGENCY REFERRAL RESPONSES and PROPOSED ACTIONS			
Agency	Response	Proposed Action	Synthesis of Agency response
Ministry of Transportation and Infrastructure	The Ministry of Transportation and Infrastructure has no objections to the proposed amendments.	No action required	Approval Recommended
Ministry of Agriculture	Approval recommended	No action required	Approval Recommended
We Wai Kai Nation	The We Wai Kai Nation has no comment regarding this application being issued.	No action required	No objections at this time

Relevant Policy and Land Use Considerations**Trust Council Strategic Plan**

The Islands Trust Council Strategic Plan contains the following relevant policy:

- 1.3.6 Adopt new bylaws to implement RAR on all islands where still required (Ballenas/Winchelsea, Denman, Denman, and Salt Spring)

Islands Trust Policy Statement

The Islands Trust Policy Statement contains the following relevant Directive Policy:

- 3..1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and

protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Analysis

Limited responses were received from the early referral including one response from First Nations. However, the referral did result in a detailed review response from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). Resolution DE-2014-035, which was adopted by the LTC at the May 7, 2014 regular meeting, directed that the draft bylaws include the exemptions that formed part of the Gabriola LTC proposed RAR bylaws. Those exemptions were the focus of the FLNRO comments.

At the CIM, attendees were specifically requested to provide feedback on the changes requested by FLNRO but none was received. At the April 21, 2015 LTC meeting, specific consideration was given to the FLNRO response and the proposed LUB bylaw was amended as per resolution DE-2015-20, noted earlier in this report, prior to the formal referral which is the subject of this report.

As noted, this report contains all responses which had been received at the time of the writing of this report.

Project Scope and Timeline

The project is slightly behind the proposed schedule but is on track for adoption this fall.

Resources and Roles

It is the view of staff that the financial and staff resources currently allocated for this project are adequate.

Communications

A Community Information Meeting was held on April 7, 2015. The CIM included a presentation by staff on the Riparian Areas Regulation, the watershed assessments and the draft bylaws under consideration. The purpose of that meeting was to both inform the Island residents of the status of the RAR implementation process as well as to seek feedback from the community on the draft bylaws and their implementation with a specific focus upon the comments from FLNRO.

Going forward, the next step in the public consultation/communication process is conducting a statutory public hearing.

Project Charter

It is the view of staff that the project charter does not require amendment or revision at this time.

Next Steps

The proposed RAR implementation bylaws have been referred out for comment two times. Comments from the initial referral process and from the Community Information Meeting have been reviewed and, where considered appropriate by the LTC, those comments and suggestions have been incorporated into the proposed bylaws. Once the LTC has assessed the results of the latest referral, which are the subject of this report, the next step in the process would be to give the proposed bylaws third reading and hold a public hearing.

RECOMMENDATIONS:

It is the recommendation of staff:

1. That Bylaw No. 212, cited as "Denman Island Official Community Plan No. 185, 2008, Amendment No. 2, 2015, be considered for second reading;
2. That Bylaw No. 213, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 2, 2015, be considered for second reading; and
3. That a public hearing be scheduled for September 8, 2015 for the proposed bylaws.

Prepared and Submitted by:

Rob Milne

June 25, 2015

Rob Milne, M.A., RPP, MCIP
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

June 29, 2015

Aleksandra Brzozowski
Acting Regional Planning Manager

Date

Attachments:

1. Proposed OCP RAR bylaw
2. Proposed LUB RAR bylaw

PROPOSED

Denman Island Local Trust Committee

BYLAW NO. 212

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

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

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

READ A FIRST TIME THIS	21 st	DAY OF	APRIL	, 2015
PUBLIC HEARING HELD THIS		DAY OF		, 2015
READ A SECOND TIME THIS		DAY OF		, 2015
READ A THIRD TIME THIS		DAY OF		, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2015
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT				
THIS		DAY OF		, 2015
ADOPTED THIS		DAY OF		, 2015

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 212

Schedule 1

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

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

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

Category

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

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

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

Area:

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

Justification:

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

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

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

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

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

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

Objectives:

The objectives of this development permit area are as follows:

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

Measurement of RAR and Non-RAR Development Permit Areas

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

and consisting of the surface of the water body and:

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

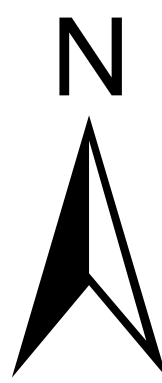
and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area No. 4 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be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

Development Approval Information

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

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 4: Streams, Lakes and Wetlands are in the Land Use Bylaw.

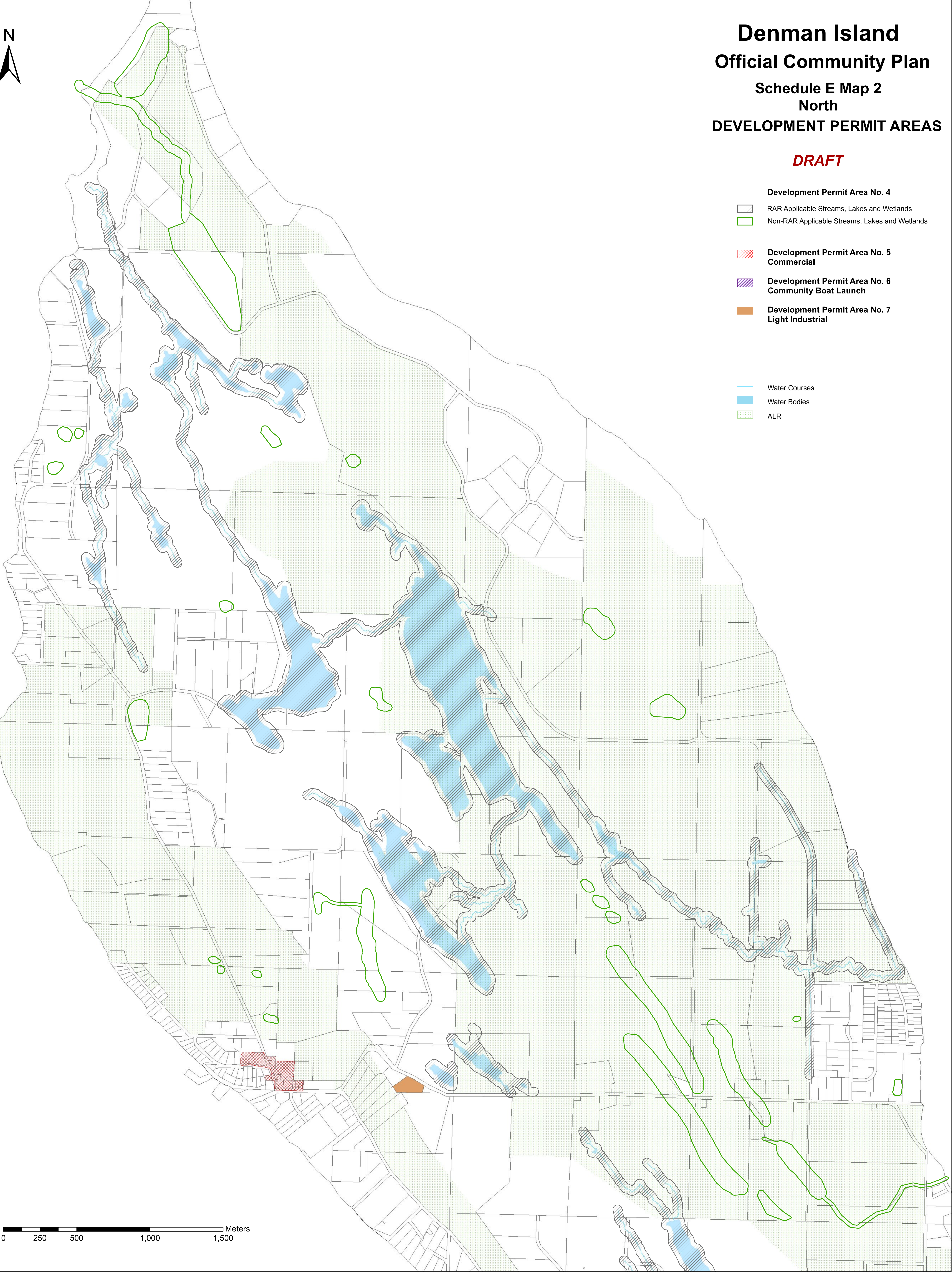
2. Schedule E, Map 2 is deleted and replaced by Attachment “1” attached to and forming part of this bylaw.



Denman Island
Official Community Plan
Schedule E Map 2
North
DEVELOPMENT PERMIT AREAS

DRAFT

- Development Permit Area No. 4**
-  RAR Applicable Streams, Lakes and Wetlands
 -  Non-RAR Applicable Streams, Lakes and Wetlands
- Development Permit Area No. 5**
Commercial
-  **Development Permit Area No. 6**
Community Boat Launch
-  **Development Permit Area No. 7**
Light Industrial
- 
-  Water Courses
-  Water Bodies
-  ALR



0 250 500 1,000 1,500 Meters

Denman Island

Official Community Plan

Schedule E Map 2

South

DEVELOPMENT PERMIT AREAS

DRAFT

- Development Permit Area No. 4**
- RAR Applicable Streams, Lakes and Wetlands
 - Non-RAR Applicable Streams, Lakes and Wetlands
- Development Permit Area No. 5**
Commercial
- Development Permit Area No. 6**
Community Boat Launch
- Development Permit Area No. 7**
Light Industrial
- Water Courses
- Water Bodies
- ALR

0 250 500 1,000 1,500 2,000 Meters

PROPOSED

Denman Island Local Trust Committee

BYLAW NO. 213

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

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

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

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

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 213

Schedule 1

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

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

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

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

4.4.1 Applicability

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

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

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

4.4.2 Exemptions

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

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

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

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

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

The South East $\frac{1}{4}$ of Section 26, Denman Island, Nanaimo District;

The North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of Section 22, Denman Island, Nanaimo District; and

The South West $\frac{1}{4}$ of Section 13, Denman Island, Nanaimo District;

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

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

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

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

4.4.3 Guidelines

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

Guideline 1

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

Guideline 2

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

Guideline 3

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

Guideline 4

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

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

Guideline 5

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

Guideline 6

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

Date: June 29, 2015

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

To: Denman Island Local Trust Committee
For the meeting of July 21, 2015

From: Rob Milne, Island Planner

CC: Aleksandra Brzozowski, Acting Regional Planning Manager

Re: Review of Visitor Accommodation Regulations

Interim Report: Introduction of Draft Bylaw

The purpose of this report is to review the outcomes of the public open house held on June 30, 2015 and discuss the next steps in the adoption process for Bylaw No. 216 (Attachment 1).

Project Objectives

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

Project Background

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

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

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

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

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

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

Following that consideration the LTC adopted the following resolution.

DE-2015-036

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

As noted earlier in this report that open house was held on June 30th and the information derived from that open house is discussed later in this report.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan:

Goal “C”, Sustain Island Character and healthy Communities, includes the objective:

4. Enhance community economic sustainability and security; to be achieved in part through strategy 4.5:

- Use Land use planning tools to promote socio-economic diversity.

Trust Policy Statement:

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with the conservation of resources and protection of community character.

Official Community Plan:

Section E.2- “Economic Activities” of the Denman Island Official Community Plan, 2008 contains the following relevant Objectives:

- Objective 1 To encourage a variety of economic activities to support a diverse community and to provide an environment that supports creation and manufacture of local products and opportunities for self-employment and self-reliance
- Objective 5 To promote and support types and tourism that are low impact, environmentally sensitive and educational and that provide local employment

Section E.2 also provides the following relevant policy under the heading of “Tourism”:

- Policy 14 Tourist accommodation should be provided primarily in home-based guest accommodation.

Land Use Bylaw

The Definitions section 1.1 and the Home Occupations section 2.4 contain the following relevant information:

Guest accommodation means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year.

2.4 Home-based Guest Accommodation

- 15 Despite Regulation 11 of this section, home-based guest accommodation must be contained within the principal dwelling.
- 16 Unless otherwise permitted in Part 3 of this bylaw, a home occupation providing home-based guest accommodation shall have no more than three bedrooms, with a maximum of two beds each, which may be rented to transient paying guests.
- 17 Meals may be served to transient paying guests in a home occupation providing home-based guest accommodation.

Information Note: The provisions of meals, other than breakfast as part of a Bed and Breakfast operation, must comply with the British Columbia Food Premises Regulation under the *Public Health Act*.

Other

BC Food Premises Act

"food premises" means any place where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed;

Application

2 This regulation applies to every food premises other than:

- (a) a bed and breakfast establishment operated in a private residence,

Bylaw Enforcement:

In discussions with the Bylaw Enforcement Manager regarding the implementation of this project, concerns were received about the potential need for future enforcement actions. These concerns related to the possible use of cooking facilities permitted in association with a visitor accommodation use should the home occupation cease. The concern is understood to relate to the potential for creating unauthorized residential uses.

Analysis

The LTC gave consideration to the regulations governing tourist accommodation at their May 26, 2015 meeting.

Subsequent to a review of the "Home-based Guest Accommodation" provisions of Section 2.4, "Home Occupation Regulations", it was determined that the intent of the Project Charter (Attachment 2) can be achieved by the addition of a new Point 18 which would allow for a second set of cooking facilities for the use of transient paying guests for the purposes of preparing their own meals while a guest of a B&B as that use is currently permitted by the Land

Use Bylaw. Staff was directed to conduct an open house to allow for public review and input of the proposed amendment prior to first reading and agency referral.

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

A review of the comments sheets (Attachment 3) indicates an extremely high level of support for the proposed bylaw amendment amongst those who attended the open house. Given this high level of support it is the view of staff that the LTC should feel comfortable about moving this project forward by giving the bylaw first reading and referring the bylaw out for comments. Given the focused nature of this proposed minor amendment a limited referral of this bylaw would seem appropriate. Therefore, staff would suggest limiting the referral to the BC Assessment Authority and the Vancouver Island Health Authority.

Communications

An open house was held on June 30, 2015 to obtain comments and feedback on the draft land use Bylaw No. 216. That open house is the subject of this report.

Project Charter

As may be seen from the attached copy of the Project Charter this project is currently on schedule. The Project Charter envisions the draft bylaw receiving first reading and direction to refer the bylaw to agencies at the July 21, 2015 meeting.

Next Steps

Should it be the decision of the LTC to accept the recommendation of staff included in this report the next step in the process, as per the Project Charter, would be to give the draft bylaw first reading and direct staff to refer bylaw out to the for review and comment.

Recommendations

It is the recommendation of staff:

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

Prepared and Submitted by:

Rob Milne

July 6, 2015

Rob Milne, RPP, MCIP
Island Planner

Date

Concurred in by:

Aleksandra Brzozowski

July 7, 2015

Aleksandra Brzozowski
Acting Regional Planning Manager

Date

Attachments:

1. Draft Bylaw No. 216
2. Project Charter
3. Open House comment sheets

Denman Island Local Trust Committee

BYLAW NO. 216

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

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

1. Bylaw No. 186, cited as “Denman Island Land Use Bylaw No. 186, 2008” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Denman Island Land Use Bylaw 186, Amendment No. 1, 2015”

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

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 216

Schedule 1

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

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

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

Review of Visitor Accommodation Regulations- Charter v1.0

Denman Island

Date: March 17, 2015

Purpose *The purpose of this project is to create the conditions which will allow for a second set of cooking facilities for the use of customers in association with a Bed and Breakfast operation as permitted by the Denman Island Land Use Bylaw.*

Background *There has been ongoing community interest in moving this project forward; including a 200 signature petition; for some time. The lack of such cooking facilities has had a significant impact on the viability of such operations given the relative absence of dining alternatives on Denman Island. The provision of this option has the potential to provide a general stimulus for the Island economy.*

Objectives

- Effectively communicate the process and outcome to the community
- Engage the community and stakeholders and solicit feedback
- To provide a stimulus for the Island economy

In Scope

- Changes which are necessary to allow for a second set of cooking facilities in association with a visitor accommodation operation as permitted by the Land Use Bylaw.
- One open house

Out of Scope

- Expanding the scope of Bed and Breakfast operations to include accessory buildings.
- Amendments beyond the addition of secondary cooking facilities.
- Consultation beyond an open house

Workplan Overview

Deliverable/Milestone	Date
Adoption of Project charter	April 21, 2015
LTC review of draft bylaw	June 2, 2015
Public Open House	Late June/early July, 2015
First reading of LUB amending bylaw and referrals	July 21, 2015
Second reading	September 8, 2015
Public hearing and third reading	October 27, 2015
Executive Committee review and approval	November 25, 2015
Bylaw adoption	December 1, 2015
Development of communication materials to highlight implementation	January-February 2016

Project Team

Rob Milne, Island Planner	Project Manager
Lisa Webster-Gibson, Legislative Clerk	Referrals and PH

RPM Approval:

Courtney Simpson

Date: March 31, 2015

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source: LTC local expenses

Fiscal	Item	Cost
15/16	Advertising for open house and public hearing	\$500
15/16	Public hearing venue rental, recorder and additional advertising	\$1500
	Total	\$2000



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Denman Island Local Trust Area - RAR Community Information Meeting
Denman Island Senior's Lounge

June 30, 2015

Bylaw No. 216 – Tourist
Accommodation

Comments

NAME (Optional)

Reyn Jones. Treasurer of Denman Visitors
Countryside & Farm. Committee

I am in favour of changing this bylaw.
I would further like to see other
restrictions on B+B raised up on
Reyn Jones 30 June 2015



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Accommodation

Comments

NAME (Optional)

I support the changes –

I wonder why the need to have to restrict
and extra room has to be attached –



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Accommodation

Comments

NAME (Optional)

Veronica Timmons

~~Veron~~

Well, it's a good start in enabling our guests/
visitors to eat after 6pm!

For those who have a separate building
it needs to be included in another
bylaw change.



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Bylaw No. 216 – Tourist
Accommodation

Comments

NAME (Optional)

Wind Rombough

- Denman Landowner for 13 years
- Resource Centre Coordinator

Thank you for addressing this matter of importance. I believe the community will benefit from the amendment to this bylaw. I work for the local economic enhancement society, and for 5 years have seen the effects of visitors and entrepreneurs suffering from the constriction of the currently existing Bylaw 216.



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Accommodation

Comments

NAME (Optional)

D. FAIRBAIN.

I am in favour of the
proposed amendment to
bylaw #216.



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Accommodation

Comments

NAME (Optional)

Ralph McCuaig

I am in favour of the proposed changes
to the regulations concerning a second
set of cooking facilities in guest
accommodations.

Denman Island has an absence of dining
alternatives for visitors.



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Accommodation

Comments

NAME (Optional)

Margie Gang. - support this bylaw amendment.
Bylaws 210 and 211 made it legal for us to have
a secondary suite with full-time residents on our
R2 property. This destroys the only argument
we've ever been given by the Trust for not
having the secondary cooking facilities.



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Accommodation

Comments

NAME (Optional)

Marion Cobb

Cookings facilities in our B+B's on Denman are long overdue. Families can't afford to always eat out 3 times a day. Ferry crew like to bring their own food as they aren't able to go out to eat in restaurants here most of the time because most often rest. are closed when they get off a night (P.M.) shift. There have been winters here where there were NO restaurants and a store that use to close

Preserving Island communities, culture and environment

82

long before tourists caught the last ferry over. Our ferry crew come from other places to work here on shifts. They often have cooking facilities on other Islands where they work. Islanders want family weddings, funerals, reunions, etc but don't want to have everyone stay and eat at their house. It isn't practical. The conservancy wants tourists for the Christmas fair, garden tours, etc but don't want them overnight in their homes. Other groups like the Reader's + Writers fest. or pottery / studio tours want the tourists to spend \$ at their places, but don't want them eating or sleeping in their houses. Let's make it comfortable + affordable for visitors, friends or relatives who come here.

Denman Island Local Trust Area - RAR Community Information Meeting
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Bylaw No. 216 – Tourist
Accommodation

Comments

NAME (Optional)

Yes I support the proposed
Bylaw change; to provide
cooking facilities in order
to give quality + comfortable
accommodations for paying
guests visiting Denman Island.
which fuels a major part of
our economy. 😊



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Accommodation

Comments

NAME (Optional)

Would like to see
B&B allowed in land
that is not attached to
personal homes.

Yes I am in favour
of having their own cooking
facilities. Denman Island has
too small of an opportunity to be
able to go out & buy food or dinner.
The store closes early. I have seen
B&B people wandering around town
looking for food. Being able to
facilitate their own cooking & know
before they come.

Denman Island Local Trust Area - RAR Community Information Meeting
Denman Island Senior's Lounge

June 30, 2015

Bylaw No. 216 – Tourist
Accommodation

Comments

NAME (Optional)

WENDY NELSON (ARTISTS KHAN)

necessary to have cooking facilities
for the people who come, not knowing
nothing is available.

most of my guests are family of
island residents.

This is not lucrative / it is
necessary for remaining on an island
I've been on for 35 yrs.



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Bylaw No. 216 – Tourist
Accommodation

Comments

NAME (Optional)

Annie Corddry

I am not directly affected, but I
have no objections to this.



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Accommodation

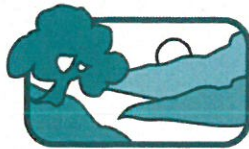
Comments

NAME (Optional)

Simon Palmer

SUPPORT THIS LOGICAL STEP WHICH
HELPS DENMAN'S ECONOMY BY
MAKING IT MORE ATTRACTIVE TO
THE VISITORS TO THE ISLAND.

THANKS TO THE LTC FOR BRINGING
THIS FORWARD.



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Bylaw No. 216 – Tourist
Accommodation

Comments

NAME (Optional)

OLIVER COBB - CHINA MOON B+B

In the interest of Denman's economy as a whole, we support the notion of B+B-based cooking facilities being allowed under the OCP. Visitors to Denman are not impressed when they discover that the two restaurants are closed and they must go hungry til morning. We need to provide a more robust infrastructure in order to attract visitors on the way. Guest who can cook some meals for themselves would provide synergy for other island businesses – specifically arts + crafts sales – paying guests will buy locally produced crafts!

Preserving Island communities, culture and environment

Bowen Denman Hornby Gabriola Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis



Islands Trust

Print Date: Jul-09-2015

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Implementing Riparian Areas Regulation	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR. RFP re-issued October 8th	Aug-03-2010	Rob Milne	Sep-01-2015	On Going
2	Review of visitor accommodations regulations	Proposed focus of review is on allowing the provision of cooking facilities for guests.		Rob Milne		On Going
3	Development of a Memorandum of Understanding with K'omoks First Nation.		Sep-16-2014	Rob Milne		On Going
4	Marine Issues		Mar-03-2015	Laura Busheikin David Critchley		On Going



Projects

Denman Island

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

1 Downtown Village Neighbourhood Planning

The plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.

May-26-2015

On Going



Applications w/ Status - Denman Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2014.1	Selwyn and Patricia Jones Planner: Teresa Ritemann	Nov-12-2014	Application for vineyard and farm to be included in the ALR

Planning Status

Status Date: Jun-29-2015

No change in status.

Status Date: May-07-2015

No change in status.

Status Date: Apr-02-2015

No change in status.

Development Permit

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

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

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

Planning Status

Status Date: Jul-29-2013

File passed on to Bylaw enforcement

Status Date: Oct-05-2012

Letter sent to applicant re: further info required

Status Date: Nov-01-2011

Awaiting info from applicant

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

Planning Status

Status Date: Jul-16-2013

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

Status Date: Jul-16-2013

Staff preparing development permit amendment

Status Date: Jun-24-2013

Planner Reviewing File

Development Variance Permit

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

Planning Status

Status Date: Jul-29-2013

no change; file passed on to bylaw enforcement

Status Date: Nov-09-2012

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

Status Date: Oct-05-2012

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

Rezoning

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

Planner: Rob Milne

Planning Status

Status Date: Apr-21-2015

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

Subdivision

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

Planning Status

Status Date: Jun-17-2014

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

Status Date: Jan-14-2014

PLA with conditions received January 14, 2014

Status Date: Dec-23-2013

Subdivision referral report sent to DILTC, MOTI and applicant.

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

Planning Status

Status Date: Jan-05-2015

Final letter sent to MOTI.

Status Date: Mar-18-2014

Referral response emailed to MOTI

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

Planner: Teresa Rittermann

Planning Status

Status Date: Jun-29-2015

No change in status.

Status Date: Jun-15-2015

Phone conversation with MOTI. MOTI will wait for IT to process DP application. Once DP is resolved, Planner TR will revise the subdivision referral report and re-submit to MOTI.

Status Date: Jun-10-2015

Discussions via phone and follow up with email, with QEP regarding assessment for associated DP application. Assessment scheduled for 12-Jun-2015

Siting and use Permit

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

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day	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-2014.10	Daniel & Debra Stoneman	Sep-29-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed

Planner: Rob Milne

Planning Status

Status Date: Nov-03-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2015.2	Denman Island Memorial Society Planner: Teresa Rittermann	Apr-15-2015	To build five structures for a natural burial cemetery: one Kiosk, two Memorial Walls, one Main Entrance Gate, and one Secondary Entrance Gate

Planning Status

Status Date: May-21-2015

Planner TR finished planner checklist. Gave file to Planning Team Assistant to issue the permit and close file.

Status Date: May-20-2015

More information on possible species at risk occurrences requested from GIS mapping department. Confirmed via email there are none for this property.

Status Date: Apr-30-2015

Additional covenant information received from applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2015.4	Patrick Fraser Planner: Lisa Webster-Gibson	Jun-02-2015	PID: 002-938-928 1495 Baikie Road single family residence

Planning Status

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2015.6	David STEELE Planner: Lisa Webster-Gibson	May-29-2015	Accessory building (car port/boat house) NOTE: I am trying to contact the applicant to see if we can include the pre-existing buildings in this SUP application. (Linda Prowse

Planning Status

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2015.8	VICTORIA FOE Planner: Aleksandra Brzozowski	Jun-15-2015	PID: 000-635-421 6625 East Road. Currently a vacation cabin residence. Addition to increase living space.

Planning Status

Islands Trust
LTC EXP SUMMARY REPORT F2016
Invoices posted to Month ending June 2015

615 Denman	Invoices posted to Month ending June 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	335.34	414.66
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	1,216.54	1,283.46
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	49.50	700.50
65220-615	LTC - Local Exp - Communications	300.00	75.00	225.00
65230-615	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>1,341.04</u>	<u>2,958.96</u>
Projects				
73001-615-3001	Denman RAR	2,500.00	0.00	2,500.00
73001-615-4048	Denman Memo of Understanding with K'omoks FN	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,500.00</u>	<u>0.00</u>	<u>4,500.00</u>

Denman Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED: 1. That as the Denman Island Local Trust Committee intends to review the home based guest accommodation regulations in Bylaw No. 186 bylaw enforcement activity is restricted where the guest accommodation provides the following unlawful facilities: 1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests; 2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total; 2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if: 1. there are issues related to health, safety, or environmental damage; 2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation; 3. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Denman Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time without notice; 4. That unless the Denman Island Local Trust Committee extends the effective period on this enforcement policy it expires on December 31, 2012 or when the guest accommodation regulation review is complete, whichever is the sooner.
2.	October 22, 2013	DE-065-2013	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.

3.	September 16, 2014	DE-2014-054	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED , that the Denman Island Local Trust Committee renew Standing Resolution No. DE-065-2013 to be extended to December 31, 2015.
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Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2015

ITF Name Change – Meeting with Assistant Deputy Minister

Trust Fund Board Chair Tony Law joined the Executive Committee for a meeting with Jay Schlosar, an Assistant Deputy Minister with the Ministry of Community, Sport and Cultural Development. The main topic was the long-standing request for a legislative amendment to the *Islands Trust Act* to re-name the Islands Trust Fund to Islands Trust Conservancy. Mr. Schlosar agreed that the existing name presents a barrier to fundraising and marketing and that a new name that reflects what we do could make a significant difference for us. Although the proposed change is minor, Mr. Schlosar cautioned those attending that there are always many competing priorities for the legislative agenda. The ADM indicated his willingness to move our request forward and will keep us informed about timelines and process. The Trust Fund Board appreciates the support of Trust Council and the Executive Committee in advancing the name change request, something that has been on the Board's agenda for several terms.

Lasqueti Crown Land Acquisition

Representatives of TFB and staff will be meeting with the Chief and Councillors of Qualicum First Nation to begin discussing a possible Sponsored Crown Grant application on Lasqueti Island. The parcel in question is north of Mount Trematon, an existing Islands Trust Fund nature reserve encompassing the highest point on Lasqueti. The acquisition would contribute to a significant network of protected areas for the island.

Islands Trust Fund Annual Report – A good read!

TFB has approved our annual report for 2014-15 to be included as a section in the Islands Trust Council's annual report to the Minister. While this report meets a statutory requirement, it also offers a good read that provides interesting information about our work. We encourage trustees who want to be more familiar with our activities to read our section when the draft comes to Trust Council's meeting for approval in June 2015.

Conservation Covenants on Salt Spring Island

In February we registered a conservation covenant on 0.3 hectares of a private Salt Spring Island property, providing legal protection to a First Nations burial site, as well as forest ecosystem values. A covenant has also been registered on our Cyril Cunningham Nature Reserve by the Habitat Acquisition Trust and the Salt Spring Island Conservancy, adding a new layer of protection.

Howe Sound Science and Knowledge Workshop

Kate Emmings, Ecosystem Protection Specialist, attended a workshop co-hosted by the Squamish Nation, Vancouver Aquarium, and David Suzuki Foundation to "bring knowledge holders together to identify and share observations, information, experiences, and future knowledge priorities related to the aquatic biophysical features of Howe Sound." Kate shared eelgrass and forage fish data for the area and identified potential resources for the Gambier Island Local Trust Committee.

Strategic Plan

Trust Fund Board has submitted its input for the Islands Trust Strategic Plan. All our suggestions relate to the Policy Statement goal of Ecosystem Preservation and Protection and to achieving objectives of the Regional Conservation Plan. Our input supports activities to protect coastal and marine areas, including utilizing land use planning tools for shoreline protection.

More information?

Please contact any of the three trustees who are members of the Board – Tony Law, Susan Morrison and Kate-Louise Stamford – who will be glad to help answer any questions you may have.



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 June 30, 2015 File Number 6500-01

To Denman Island Local Trust Committee
Hornby Island Local Trust Committee
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Lasqueti Island Local Trust Committee
Thetis Island Local Trust Committee
Ballenas – Winchelsea Islands Local Trust Committee (Executive Committee)

From Aleksandra Brzozowski
Acting Regional Planning Manager, Local Planning Services

Re **2016-17 Budget Submissions**

Local trust committees (LTCs) are asked to submit their budget requests for the next fiscal year (2016-17) in advance of the Financial Planning Committee's consideration of LTC budgets in October. Staff requests LTCs to review and revise the attached preliminary LTC budget requests for the 2016-2017 fiscal year.

There are two components to LTC budgets – expense budgets and program budgets.

Local Trust Committee Expense Budgets

Local Trust Committee Expense budgets include the following:

- LTC meeting expenses
- APC meeting expenses
- Communications
- Special Projects
- Miscellaneous

A budget for Local Expenses has been developed based on the historical spending, and is shown in Attachment 2.

LTC meeting expenses: The presented budget requests are the same as those requested for the 2015/2016 fiscal year. No changes are recommended for the LTC meeting expense account budgets as presented in Attachment 2.

Advisory Planning Commission Budgets: The presented budget requests are the same as those requested for the 2015/2016 fiscal year. No changes are recommended for the LTC meeting expense account budgets as presented in Attachment 2.

Communications Budgets: A small amount of funding is included in the Communications line item in the LTC Expense Account. Significant communication projects should be priority projects and are to be included in the requests for program budget. No changes are recommended to the communications budgets as presented in Attachment 2.

Special Projects Budgets: A small amount of funding is included in the Special Projects line item in the LTC Expense Account. This funding is intended to support local planning initiatives at the discretion of the local trust committee (a local trust committee resolution is required to use these funds).

LTC Projects Budgets

Local trust committees should make a funding request to support anticipated 2016-2017 priority project work, including OCP and LUB work that cannot be achieved with the money available in the Expense Account Special Projects line. Recommended projects budgets are presented in Attachment 1.

The preliminary project requests have been drafted based on all Top Priority work program items which are currently anticipated to commence in, or to carry, into the next fiscal year. Items from the Projects List which the planners anticipate commencing in the coming year and requiring dedicated funding are also included. These draft requests are preliminary recommendations and are to be reviewed and revised by the LTCs.

When reviewing the draft program budget requests, LTCs are asked to consider the following:

- Projects planned for the current fiscal (2015/16) which are not completed should be considered as a new project for the 2016/17 fiscal year with resources allocated to support that work.
- For projects that would begin in 2016-2017, LTCs should consider the type of work anticipated for the 2016-2017 year specifically and what the related budget request should realistically entail. For example, a new project may require only in-house staff work for the first year, or it could require a costly technical study at the outset.
- LTCs should review their Projects List for possible 2016-2017 project work.
- LTCs may wish to review their long-term 2014-2018 goals should the LTC not identify any anticipated projects from the Projects List.
- Although the Northern Office will be back to full staffing levels by the 2016-2017 fiscal year, LTCs should still consider cumulative staff workload when identifying projects.

Riparian Areas Regulation Budgets:

Those local trust committees that have bylaws not compliant with the Provincial Riparian Areas Regulation should discuss their requirements for RAR funding in the 2016-2017 fiscal year to assist the regional planning managers and the Director in developing a budget for RAR.

First Nations Relationship Building Budgets:

A number of LTCs have on their Priorities and Projects Lists protocol agreements or similar relationship building with First Nations in their local trust areas. Please note that the \$50,000 budget set by Trust Council for First Nations relationship building is a budget item for the 2015-2016 fiscal only, and is not a budget item expected to roll over into the 2016-2017 fiscal.

Budget Request Timeline:

June 2015 Regional Planning Managers develop budget estimates for consideration by LTCs

July to Sept LTCs review and approve budget requests at LTC meetings

Aug 26, 2015 FPC reviews draft budget principles

Sept 15, 2015 All budget requests forwarded to Director of Local Planning Services

Oct 21, 2015 FPC reviews and discusses first draft of budget

Nov 18, 2015 FPC approves the draft budget

Dec 9, 2015 Trust Council reviews draft budget

Direction from LTC regarding Budget Requests

Attachment 1 is a table with all draft project submissions recommended to Northern LTCs. LTCs should review the attached worksheet and identify any other projects it is currently considering and add them to the budget request (and the work program if necessary) noting the associated anticipated expenses.

Resolution Wording

1. THAT the ____ Island Local Trust Committee approve and forward the draft 2016-17 LTC Project Budget submission to Financial Planning Committee as presented; or
2. THAT the ____ Island Local Trust Committee revise the draft 2016-17 LTC Project Budget submission and forward to Financial Planning Committee as revised.

Attachments:

1. Summary table of Northern LTC project budget requests
2. Table of Local Trust Committee Expense Budgets

pc Island Planners and Planner 2

Attachment 1: Preliminary LTC Project Budget Requests for 2016-2017 Fiscal

LTC	Project Request	Cost (\$)	Description	Notes
Denman	Protocol Agreement with K'omoks First Nation	\$ 1,500.00		
	Engagement on Downtown Village Vision	\$ 6,500.00		Engagement to be conducted by third party facilitator
Hornby	Communications	\$ 2,000.00	Communications and outreach to Hornby community re: completed LUB review and changes	
Lasqueti	RAR (completion)	\$ 2,500.00	Bylaw commenced in 2014-15	1 public hearing (\$2000) stand-alone, communications material (\$500)
	OCP/LUB Review	\$ 2,000.00	Review of possible changes to OCP/LUB.	Scope of work will focus on in-house staff work and communications.
Executive	Relationship building with Snaw-Naw-As (Nanoose) First Nation	\$ 1,500.00		
Gabriola	Protocol Agreement with Snuneymuxw First Nation	\$ 1,500.00		
	Affordable Housing (completion)	\$ 3,500.00	Review of possible changes to OCP/LUB provisions to improve housing affordability.	Communication materials (\$500), CIMs (\$3000)
Gambier	RAR (completion)	\$ 2,500.00	Mapping to be completed in 2015-16, bylaw commenced in 2015-16	1 public hearing (\$2000) stand-alone, communications material (\$500)
	Gambier OCP Review (continuation)	\$ 5,000.00	Major OCP review commenced in 2015-16 fiscal	
Thetis	Memorandum of Understanding with Stz'uminus First Nation	\$ 1,500.00		
TOTAL		\$ 30,000.00		

2016/17 LTC EXPENSE BUDGET

Total 2016/17

	615-Denman	620-Gabriola	625-Galiano	630-Gambier	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pender	655-Salt Spring	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	LPC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372			22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%			
LTC EXPENSES **															
LTC Meeting Expenses	2,500	4,250	2,500	2,500	2,500	500	1,500	2,750	8,000	1,000	1,000	1,000			30,000
APC Meeting Expenses	750	750	500	750	750	500	750	750	2,000	500	500	500			9,000
Communications	300	750	300	300	300	300	300	300	1,250	300	300	300			5,000
Special Projects	750	2,250	750	750	750	750	750	750	4,500	750	750	750	750		15,000
SUB-TOTAL EXPENSES	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750		59,000
Program	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	4,300	8,000	4,050	4,300	4,300	2,050	3,300	4,550	15,750	2,550	2,550	2,550	750	0	59,000
	7%	14%	7%	7%	7%	3%	6%	8%	27%	4%	4%	4%			

The Assoc. for Denman Island Marine Stewards
Delegation Notes for D.I. LTC meeting of July 21, 2015

I am Edi Johnston, co-chair of ADIMS and would like to thank our LTC for the opportunity to speak today on marine issues.

There are many important issues that need addressing when it comes to our beaches and surrounding waters but the one that is most in need of **immediate** attention is the issue of vehicles driving on our beaches.

Driving in the upper regions of beaches can potentially destroy spawning habitat for Pacific Sand Lance and Surf Smelt as well as crush any existing eggs (including Herring), that may be present. Marine biologist Ramona de Graaf has identified numerous Denman beaches as forage fish habitat and the DI Forage Fish Group has had many positives on these beaches. These fish are the cornerstone of the food web and are recognized by DFO as a CRA- commercial, recreational and aboriginal fishery.

When ADIMS approached DFO in 2013 with our concerns that forage fish habitat was being destroyed, DFO did their own investigation. One DFO quad went south from Denman West and one quad went north along the beach during a DFO recognized forage fish spawning window. The existing beach roadways from Denman Pt. To Repulse Pt. were then mapped by DFO.

When ADIMS asked what DFO's intention was, answers ranged from – “You can't deny growers access to their tenures”, to – their Aquaculture Environmental Operations Biologist who commented- “DFO is not seeing serious harm being done to fish habitat”, to- their Regional Manager for Aquaculture Environmental Operations who responded that- *“The purpose of the project was to map the location and extent of the intertidal road and to identify where it overlaps with sensitive/important habitats that contribute to the production of commercial, recreational and aboriginal fisheries. Once we have a better understanding of the extent of road interaction with sensitive and important habitats, we can then initiate discussion with you and industry about **whether mitigation measures are required**, and if so, what they might look like.”* Their Regional Manager for Aquaculture Resource Management commented that - *“The use of vehicles on tenures is managed through conditions of licence issued to the aquaculturalist.”* Following the link provided takes you to The Shellfish Condition of License which states under “Protection of Fish Habitat 10.3 *The licence holder shall not conduct aquaculture activities in specific Pacific Sand Lance spawning substrates (sand) in upper intertidal (above 2.6 m) during spawning windows.*” Wanting definitive answers from DFO on what they were actually proposing, ADIMS recently posed numerous questions which so far, have gone unanswered. ADIMS then requested a meeting with a DFO decision maker but all that was offered, was a meeting with Shelley Jepps, a DFO biologist from the Aquaculture Environmental Operations dept. who will do an “information session” on July 28th.

Wondering what happens elsewhere, ADIMS explored how other jurisdictions on Vancouver Island approached the issue. Apparently, beaches are considered parks whose regulations do not allow for vehicular access. The Comox Valley Regional District's bylaw 103 as well as D.I. LTC bylaw 186 are good examples. A complaint to the CVRD bylaw prevention officer of a vehicle driving on a Denman beach resulted in the driver being sent a letter. A similar complaint (different vehicle) sent to the Trust bylaw officer is still under investigation.

2.

A report to the DI LTC done by the Golder Associates in 2013 identified the driving on the beach issue as one that could be regulated through a Land Use Bylaw under the Local Government Act. Unfortunately, an attempt of the DI LTC to create a new bylaw failed to make it to first reading on the advice of staff not to proceed.

The Denman Isl. Residents Assoc. Marine Guardians (formerly known as the DIRA Guardians of Denman Shores) is currently seeking support from the CVRD and hopefully will meet soon with the Ministry of Transportation and Infrastructure. Elsewhere in the Comox Valley, the MOTI allows the CVRD to manage its beach accesses which should also be applicable here on Denman, especially with the support of the LTC.

ADIMS therefore respectfully requests a support letter from the DI LTC which can be used to further the goal of restricting all but emergency vehicles from driving on our beaches. ADIMS also respectfully requests that if the existing LTC bylaw is not capable of protecting our W1 Marine Conservation zones, then perhaps another appropriate bylaw should be created. It would appear that DFO is no longer in the business of protecting fish habitat so it is now up to communities and Local Governments like the Island's Trust to take on that role.

Thank you for your time and consideration today and as *Sylvia Earle said- "We need to respect the oceans and take care of them as if our lives depended on it. Because they do."

*Sylvia Earle

Sylvia Alice Earle is an American marine biologist, explorer, author, and lecturer. Since 1998 she has been a National Geographic explorer-in-residence. Sylvia Earle is a dedicated advocate for the world's oceans and the creatures that live in them. Earle's work has been at the frontier of deep ocean exploration for four decades. Earle has led more than 50 expeditions worldwide.

Motion re. Driving On The Foreshore

Motion:

That the Denman Island Local Trust Committee amend Bylaw 186, cited as "Denman Island Land Use Bylaw, 2008" as follows:

- 1) By adding to Part 3.7, "Water Zoning Tables" a new "Table 5 – Prohibited Uses" as shown below:

Table 5 – Prohibited Uses

The regulations in this table are intended to be applied in conjunction with the provisions of Table 1 "Permitted Uses" in order to provide additional guidance and clarity on acceptable implementation actions and practices associated with the permitted uses.

Zoning Code	Regulations
W1, W4	- despite Table 1 of this section, the use of vehicles and ground based machinery on the foreshore is prohibited.
W3	- despite Table 1 of this section, the use of vehicles and ground based machinery on the foreshore is prohibited except where specifically authorized by an aquaculture license issued by the Department of Fisheries and Oceans.



Islands Trust

12.1

STAFF REPORT

Date: March 13, 2012

File No.: DE/15-1

To: Denman Island Local Trust Committee
For meeting of April 3, 2012

From: Courtney Simpson, Island Planner

CC: Chris Jackson, Regional Planning Manager

Re: Review policies and regulations regarding impacts of shellfish farming on the marine environment

Owner: Local Trust Committee initiated project

THE PROPOSAL:

The third priority on the Denman Island Local Trust Committee (LTC) work program is a review of policies and regulations regarding impacts of shellfish farming on the marine environment. The Denman Island Marine Stewardship Committee (DIMSC) has advocated for the LTC to review the Official Community Plan (OCP) in order to amend policies to better protect the marine environment from the impacts of shellfish farming. The LTC has further identified that Land Use Bylaw (LUB) amendments would be required as well. DIMSC has identified the following three actions as the highest priorities:

- Removal of predator netting from the beach
- Banning driving on the foreshore
- Banning beach modification

The purpose of this staff report is to explore what authority the LTC has to require the removal of predator netting from the beach and to restrict or regulate driving on the foreshore and beach modification.

Although there is an extensive history of the evolution of LTC policies and regulations regarding aquaculture, this information is reserved for a later staff report if necessary and is also available on request.

SITE CONTEXT:

Shellfish aquaculture activity in the Denman Local Trust Area is located in Baynes Sound, between Vancouver Island and Denman Island bordered to the north by Comox Harbour and to the South by Deep Bay. Baynes Sound is one of the most significant commercial shellfish farming areas in the Province, and is also an ecologically diverse and important area; it is the most important waterfowl habitat in British Columbia after the Fraser River estuary, is an

important rearing habitat for salmonids and other fish species, and is a highly productive herring spawning area.¹

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

Part III Ecosystem Preservation and Protection:

- 3.4.2 *It is Trust Council's policy that marine areas be protected and coastal zone management principles be defined in the consultation with agents of the Government of British Columbia, the Government of Canada, Crown corporations, municipalities, regional districts, non-governmental organizations, property owners and occupiers.*
- 3.4.4 *Local Trust Committees... shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.*
- 3.4.5 *Local Trust Committees shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes*

Part IV Stewardship of Resources

- 4.5.1 *It is Trust Council's policy that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character*
- 4.5.3 *It is the position of Trust Council that development, activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.*
- 4.5.4 *It is the position of Trust Council that development, activity, buildings or structures should not restrict public access to, from or along the marine shoreline.*
- 4.5.6 *It is Trust Council's policy that aquaculture should be directed to sites away from:*
 - *Areas of recreational significance,*
 - *Areas where an aquaculture operation would conflict with established or designated upland uses, and*
 - *Areas where an aquaculture operation would conflict with established or designated anchorage or moorage.*
- 4.5.7 *It is the position of Trust Council that aquaculture related development, activity, buildings or structures should not result in site alteration*

Official Community Plan (OCP)

Section C.3 of the OCP includes background text, objectives and policies related to marine environment. This entire section is relevant to the topic, but particularly relevant sections include:

¹ Baynes Sound Coastal Plan for Shellfish Aquaculture, 2002 available at:
http://www.ilmb.gov.bc.ca/slrp/marine/south_island/baynes/index.htm

Objective 8 To recognise that aquaculture is a valuable activity in the Trust Area if compatible with maintenance of ecosystems and community character, to support shellfish aquaculture when practiced in a low-impact, environmentally sound manner and to encourage the employment of Island residents in the industry.

Policy 3 In the Water designation, zoning regulations should: ...

- protect environmentally sensitive marine sites from development;*
- promote conservation, with the exception of areas used for shellfish aquaculture or transportation as of the date of adoption of this Plan and any areas rezoned for shellfish aquaculture purposes under Policies 14 and 15 of this section;*

Policies 4 and 5 were added in 2010 to address shoreline management including potential future adoption of a marine shorelands development permit area:

Policy 4 The LTC should, through the use of zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas:

- Protect the remaining integrity of the foreshore, shoreline, and natural coastal and intertidal processes;*
- Discourage uses that disrupt natural features and processes;*
- Allow for natural erosion and accretion processes, without endangering structures;*
- Encourage owners of shoreline properties to retain, whenever possible, natural vegetation and natural features on areas adjacent to the foreshore; and*
- Discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.*

Policy 5 The LTC should only give consideration to permitting structural modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline protection measures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, anchor trees, and gravel placement. Shoreline stabilization that interrupts natural processes is discouraged. Native vegetation which helps stabilize banks, reduce erosion and provide habitat should be retained or enhanced.

Advocacy Policy 2 Fisheries and Oceans Canada is encouraged:

- to monitor aquaculture practices to ensure compliance with regulations intended to protect the marine environment;*
- to protect herring spawning areas; and*
- to prohibit discharge of sewage from private and commercial vessels travelling in Baynes Sound or Lambert Channel.*

Advocacy Policy 3 The Ministry of Agriculture and Lands is encouraged:

- to give prior notification to the Local Trust Committee and adjacent upland owners when existing aquaculture tenures come up for renewal;*
- to develop, in cooperation with the Denman Island community and the shellfish industry, provincial standards for the guidance of local government for shellfish aquaculture through the Farm Practices Protection (Right to Farm) Act that encompass aquaculture structures, motor vehicles, noise, lighting, beach litter, and toilet facilities for workers;*
- to minimise the excavating, removal or moving of sand, gravel, rock or other natural deposit from the foreshore or the addition of these or other materials to the foreshore; and*
- to increase dialogue on aquaculture practices and community interests with the Local Trust Committee through a community engagement program.*

Advocacy Policy 4 The British Columbia Shellfish Growers Association is encouraged to develop an educational brochure to inform the public and residents about the shellfish aquaculture industry and the vulnerability of coastal water to pollution.

Advocacy Policy 5 The Comox Valley Regional District is encouraged to require sewage pump-out stations for marinas.

Land Use Bylaw

Under Denman Island Land Use Bylaw (LUB), 2008, the Water 1 zone covers most of the water area where public utilities, non-commercial boat anchorage and moorage, and marine parks are the only permitted uses.

The Water 3 zone covers the area of aquaculture leases current at the date of adoption of the bylaw. The intent of this type of zoning is to require that any new or expanded aquaculture operations apply for rezoning.

The LUB is silent on driving on the foreshore and the use of predator netting, however structures such as seawalls are not permitted within the setback area (section 2.3(3)). A variance would be required for a seawall to be lawfully constructed.

Islands Trust Fund:

According to the 1996 Memorandum of Agreement between the Denman Island Local Trust Committee and the Islands Trust Fund Board, any proposed bylaws will be referred to the Islands Trust Fund.

Regional Conservation Plan:

The Regional Conservation Plan, 2011-2015, does not identify any conservation goals for Baynes Sound.

Sensitive Ecosystems and Hazard Areas:

As described in the Site Context section of this report, Baynes Sound is a sensitive marine ecosystem.

Archaeological Sites:

According to the provincial archaeological database, there are numerous First Nations archaeological sites on the Denman Island coastline.

Other:

The authority for permitting shellfish aquaculture in British Columbia has recently changed from being solely held by the Integrated Land Management Bureau (ILMB) of the Province to now being divided between the Province and Fisheries and Oceans Canada (DFO). ILMB remains responsible for issuing a lease for use of Crown land, but DFO is now responsible for issuing a permit with respect to fish and fish habitat considerations that were previously taken into account by the Province in their consideration of the Crown lease.

Predator netting is a plastic netting used to cover clam beds to protect them from predators such as crabs, snails, and birds. The typical practice is to remove this netting for harvest, however DIMSC has documented a significant amount of predator netting that is unmaintained, poorly secured, and found balled up on shore or fouled in deep water. The Baynes Sound Coastal Plan for Shellfish Aquaculture, 2002, identifies a low to moderate potential for negative impacts from the use of predator netting, but notes that there is some uncertainty with this, that further study is required, and that approval for any predator netting would be contingent on a site-specific monitoring program.

DIMSC is concerned about the use of predator netting at all, and cites a study that questions its effectiveness². However DIMSC identifies the more immediate concern of the discarded predator netting that is a hazard for fish, animals, birds, boats and swimmers. The authority to regulate use of predator netting by aquaculture operators appears to currently be with DFO rather than with ILMB. Regulation would be through conditions on licenses to operate the aquaculture operations from DFO, and enforcement of these conditions.

Driving on the foreshore is a convenient way for aquaculture operators to reach their intertidal leases and deliver equipment and supplies directly to the site. Without road access, intertidal leases would be reached by boat. The Baynes Sound Coastal Plan for Shellfish Aquaculture, 2002 identifies that driving on the beach has the potential for significant environmental impacts in some cases, and that mitigation may be required. The LTC may have zoning authority to regulating driving on the foreshore.

The **beach modification** activities that DIMSC has raised concerns about include channeling of streams, creating rock walls, fencing, and installing metal structures. The Baynes Sound Coastal Plan for Shellfish Aquaculture, 2002, calls for an immediate stop of stream channeling, and it is unclear if this continues to be practised on Denman Island. Creating rock walls to

² Letter dated January 20, 2012 from DIMSC to Andrew Thompson, Regional Director, DFO Aquaculture Division. Available in February 28, 2012 Denman Island Local Trust Committee agenda package.

contain shellfish beds, installing fencing and installing metal structures are undertaken as part of the shellfish operation, could be regulated by the LTC through zoning.

COMMUNITY INFORMATION MEETING(S):

As this project proceeds, at least one community information meeting (CIM) will be recommended. Staff does not recommend scheduling a CIM before this project is moved higher on the top priorities list and staff can dedicate more time to properly prepare for one and following up afterwards.

STAFF COMMENTS:

The Local Trust Committee has the authority to zone areas of land and water for different uses and densities. The installation of structures such as predator netting, rock walls, fences, and metal structures falls under the LTC's authority to regulate use. Regulating an activity such as driving on the beach is also possible through zoning.

While it is possible for the LTC to enact a bylaw that prohibits driving on the beach and does not allow predator netting, rock walls, fences and metal structures, it is unlikely that the shellfish aquaculture industry, ILMB, or DFO would support any of these regulations. While they may support improving industry practices in these areas in general, they would likely be opposed to the local government imposing the regulations. The support of other government agencies is an important step in the adoption of a bylaw amendment. Further, if the LTC were somehow able to enact these prohibitions, bylaw enforcement of non-compliance would be difficult if not impossible given the predicted pressures by ILMB and DFO.

Although it may seem tempting to attempt to effect change on the practices of the aquaculture industry through zoning given that years of advocacy work from DIMSC and the LTC has not been effective, staff cannot recommend this approach due to its small chance of success and high chance of creating conflict with other government agencies. If the LTC does wish to take this approach knowing that there could be significant conflict, staff can provide advice on a strategy in a further staff report.

Staff recommends that the LTC can continue to advocate for ILMB and DFO to enforce best operational practices on the shellfish industry that address the concerns discussed in this report. Currently an advocacy opportunity exists through the meetings organized by the Association of Vancouver Island Coastal Communities (AVICC) for consultation with DFO on the new aquaculture management framework. The first meeting was held in November, 2011, and the next meeting will be held at the AVICC conference in Ucluelet on April 14, 2012.

The LTC could continue with this project as an advocacy project, asking staff to conduct further research into the issues, researching contacts at ILMB and DFO, and liaising with DIMSC. Or, the LTC could remove this project from the top priorities list and continue to support DIMSC in their advocacy efforts. DIMSC may be more experienced and better positioned than staff to advise the LTC on when and where their advocacy efforts will have the most effect.

Staff would like to suggest that as an alternative to pursuing the specific aquaculture-related concerns of DIMSC where the LTC has limited authority and limited chance of success, the LTC could instead focus a project on marine shorelands planning pursuant to OCP policies 4 and 5 in section C.3 the Marine Environment. The project would be supported by strategy 2.3.2 of the 2008-2011 Islands Trust Council Strategic Plan: "develop and implement new land use planning

tools for shoreline and marine protection". Such a project could involve reviewing the new shoreline classification mapping for Denman, organizing public education and consultation events on the importance of protecting the shoreline area, and potentially adopting a development permit area for marine shorelands. Given that mapping is already available, and a development permit area has recently been drafted and undergone peer and legal review for another local trust committee, the cost beyond use of staff time and regular public meeting costs would likely be low.

RECOMMENDATIONS:

Based on the above considerations, staff recommends that the Denman Island Local Trust Committee:

1. remove "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" from the work program; and
2. add "Marine Shorelands Planning" to the work program with the activity column reading "review of shoreline mapping, public education, and consideration of development permit area".

Prepared and Submitted by:

Courtney Simpson

March 19, 2012

Courtney Simpson, MCIP, Island Planner

Date

Concurred in by:

Chris Jackson

March 19, 2012

Chris Jackson, MCIP, Regional Planning
Manager

Date



STAFF REPORT

Date: May 27, 2013

File No.: DE 6500-02

To: Denman Island Local Trust Committee
For meeting of June 4, 2013

From: Aleksandra Brzozowski
Island Planner

CC: Courtney Simpson, Regional Planning Manager
Rob Milne, Island Planner

Re: Review of policies and regulations regarding impacts of shellfish farming on the marine environment

Owner: Local Trust Committee initiated project

THE PROPOSAL:

The first priority on the Denman Island Local Trust Committee (LTC) work program is a review of policies and regulations regarding impacts of shellfish farming on the marine environment. The Association of Denman Island Marine Stewards (ADIMS) has advocated for the LTC to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) in order to amend policies to better protect the marine environment from the impacts of shellfish farming. ADIMS has identified the following three actions as the highest priorities:

- Removal of predator netting from the beach
- Banning driving on the foreshore
- Banning beach modification

A preliminary report at the April 3, 2012 LTC meeting provided background information. A second report at the February 26, 2013 meeting presented further information on the extent of the LTC's authority to regulate activities that negatively impact the marine environment in Baynes Sound.

At its regular business meeting of February 26, 2013, the LTC passed the following resolution:

DE-009-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to draft amendments to Bylaw No. 186 which would restrict all structures in the W3 Zone and to add amendments which ban vehicular driving on the foreshore in the W3 Zone.

The purpose of this staff report is to provide discussion on draft language for potential amendments to Bylaw No. 186, the Denman Island Land Use Bylaw.

SITE CONTEXT:

Shellfish aquaculture activity in the Denman Local Trust Area is located in Baynes Sound, between Vancouver Island and Denman Island bordered to the north by Comox Harbour and to the South by Deep Bay.

Aquaculture tenures in the Denman Island Planning Area are designated in the LUB as Water 3 – Aquaculture zones. Shellfish Aquaculture licenses are granted by the Department of Fisheries and Oceans.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

The Denman Island Land Use Bylaw is currently silent on vehicular use on the foreshore and the use of predator netting. Please refer to the staff report presented at the April 3, 2012 LTC meeting for further information on other relevant current planning policy.

DISCUSSION ON A PROPOSED AMENDMENT REGARDING PREDATOR NETTING

Predator netting is a plastic netting used to cover clam beds to protect them from predators such as crabs, snails, and birds. The typical practice is to remove this netting for harvest, however a significant amount of predator netting is unmaintained, poorly secured, and discarded, creating a hazard for fish, animals, birds, boats and swimmers.

As predator nets are typically staked into the ocean floor, it was suggested that predator netting could be regulated as a structure. Staff drafted language for an amendment to the Denman Island Land Use Bylaw that would exclude structures accessory to permitted uses in the Water 3 zone.

Based on legal advice, it is the position of staff that it is unlikely that the definition of *structure* could encompass predator netting and that if the LTC wished to pursue regulation relating to predator netting, it would be necessary to regulate it through the definition of permitted use rather than as a structure. In this case, shellfish aquaculture use would be re-defined as excluding the use of predator netting. However, enforcing such a re-definition would meet with difficulties once matters of jurisdiction were considered, as explained below.

Permitted Use of Predator Netting in Aquaculture Tenures

The Department of Fisheries and Oceans grants Shellfish Aquaculture licenses, and licensees are required to abide by the agency's Pacific Aquaculture Regulations. These regulations include a section on the use of predator netting, as follows:

Shellfish Aquaculture Licence Under the Pacific Aquaculture Regulations 2012

PART B. General Licence Conditions

9 Predator Control

9.4 The licence holder shall confine predator exclusion devices (netting) to the licensed area.

9.5 The licence holder shall ensure that, when predator exclusion devices are approved in a shellfish site management plan:

- (a) predator exclusion devices are constructed of an acceptable material and of acceptable size to minimize entrapment and potential injury to fish species or wildlife; and
- (b) predator exclusion devices are maintained, inspected and repaired on a regular basis.

Prohibiting the use of predator netting through local regulation would be found to be an intrusion into exclusive federal jurisdiction over fisheries and would not be enforceable.

DISCUSSION ON A PROPOSED AMENDMENT PROHIBITING DRIVING ON THE FORESHORE

Aquaculture operators often use vehicles to reach their intertidal leases and deliver equipment and supplies directly to the site. The Baynes Sound Coastal Plan for Shellfish Aquaculture, 2002, identifies that driving on the beach has the potential for significant environmental impacts in some cases, and that mitigation may be required.

Staff drafted the following language for an amendment to the Denman Island Land Use Bylaw that would prohibit the use of ground-based machinery in all water zones: *"In the water zones, use of ground-based machinery is prohibited along the foreshore."*

Staff chose the term "ground-based machinery" as it is an existing term in the Denman Island Land Use Bylaw that comprises a broader definition than only vehicles. *Ground-based machinery* is defined as "powered vehicles that move by means of wheels or tracks in contact with the ground including trucks, skidders, loaders, excavators, backhoes, and tractors".

Permitted Uses in Aquaculture Tenures

Within Section 10 ("Protection of Fish Habitat") of its Conditions of License for Shellfish Aquaculture Licenses, the Department of Fisheries and Oceans requires licensees to operate machinery "in a manner that minimizes disturbance to the intertidal areas and other fish habitat". This condition addresses only the aquaculture tenure itself; however, such authorization of machinery operation as part of an aquaculture tenure (which is exclusively under federal jurisdiction) would render unenforceable a local bylaw prohibiting their use to access the tenure site.

Upon advice from legal counsel, a prohibition of vehicles on the foreshore could be worded in the Denman Island Land Use Bylaw as follows: "In water zones, the use of vehicles and ground-based machinery is prohibited except where specifically authorized by an aquaculture license issued by the Department of Fisheries and Oceans." Such a regulation would therefore not address the concerns brought forward regarding driving on the foreshore, and would be only marginally effective at addressing the negative impacts created by shellfish aquaculture practices.

Implications on Bylaw Enforcement

Enforcement of a prohibition of vehicle and ground-based machinery use in the Water zones would be particularly onerous, not only due to their mobility and transitory nature, but also as it would be difficult to quickly ascertain whether use of the powered vehicle in question was authorized by the federal government as part of a DFO Shellfish Aquaculture License.

STAFF COMMENTS:

Based on legal advice, it is staff's opinion that the prohibition of predator netting in the Denman Island Land Use Bylaw is not within the LTC's jurisdiction and is therefore not recommended.

Note that discarded and/or detached predator nets are in contravention of condition 9.5(b) of the Pacific Aquaculture Regulations (2012). In lieu of attempting to prohibit predator netting through regulatory means, engaging with the Department of Fisheries and Oceans on this matter could be a more effective approach in curbing the misuse of predator netting on aquaculture tenures in Baynes Sound. Advocacy on this matter squarely falls in line with the Denman Island OCP's Marine Environment Advocacy Policy 2, which includes the assertion that "Fisheries and Oceans Canada is encouraged to monitor aquaculture practices to ensure compliance with regulations intended to protect the marine environment".

The LTC could also advocate that the Department of Fisheries and Oceans review their policies and standards on the authorization of predator netting. This would also be consistent with the Islands Trust Policy Statement, in particular Part III Ecosystem Preservation and Protection, Policy 3.1.9, which states that Trust Council encourages actions and programs of other government agencies which:

- place priority on the side of protection for Trust Area ecosystems when judgment must be exercised,
- protect the diversity of native species and habitats in the Trust Area, and
- prevent pollution of the air, land and fresh and marine waters of the Trust Area.

A bylaw amending the LUB to prohibit ground-based machinery in the Water zones could be considered by the LTC, as such regulation is within its authority, excepting the use of ground-based machinery granted access by the conditions of a DFO aquaculture license. However, the LTC should recognize that such a regulation would be one made as a matter of principle rather than a pragmatic method to mitigate negative impacts on the foreshore, and would be an onerous regulation for bylaw enforcement and enforceability would be limited. Staff does not recommend this option as it would be of little effect.

Should the LTC choose to prohibit ground-based machinery in the Water zones, the LTC may wish to explore options to facilitate Islands Trust enforcement of such a regulation. One option would be to request that the Department of Fisheries and Oceans establish a demarcation system (such as a vehicle sticker) that would readily identify authorized ground-based machinery.

Should the LTC choose not to prohibit ground-based machinery in the Water zones, the LTC may wish to explore advocating for a review of access conditions in Baynes Sound, potentially restricting vehicular access to aquaculture tenures in the area.

RECOMMENDATIONS:

Based on the above considerations, staff recommends THAT the Denman Island LTC:

- 1) Assess the implications of amending the Denman Island Land Use Bylaw to prohibit ground-based machinery in the Water zones; and,
- 2) Request staff to propose strategies to engage the Department of Fisheries and Oceans around the subject of stricter monitoring and enforcement of predator netting requirements in the short term, and a review regarding permitted use of predator netting in their Pacific Aquaculture Regulations over the long term.

Prepared and Submitted by:

Aleksandra Brzozowski

May 10, 2013

Date

Concurred in by:

Courtney Simpson

May 27, 2013

Date

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO.207

Schedule 'A'

1. Part 1, "Administration", is amended by the addition of the following definitions in Section 1.1, "Definitions", in alphabetical order:

beach modification means the alteration of foreshore areas by changes to beach topography; such as the clearing or relocation of rocks and other formations, the alteration of foreshore stream courses or the modification of foreshore aggregate deposits; in order to increase aquaculture production.

predator netting means netting that is used to cover and protect licensed aquaculture harvesting areas from predators such as starfish, Japanese drills, moonsnails, crustaceans, and some birds.

2. Part 3.7, "Water Zoning Tables" is amended by the addition of a new "Table 5 – Prohibited Uses" as shown below:

Table 5 – Prohibited Uses

The regulations listed in this table are intended to be applied in conjunction with the provisions of Table 1, "Permitted Uses" in order to provide additional guidance and clarity on acceptable implementation actions and practices associated with the permitted uses

Zoning code	Regulations
W3	1 Despite Table 1 of this Section, the following practices are not permitted in conjunction with Item 11, "shellfish aquaculture": • the use of predator netting • beach modification • the use of vehicles and ground based machinery on the foreshore.