

Denman Island Local Trust Committee Regular Meeting Revised Agenda

Date: January 20, 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 Adopted Minutes Dated October 21, 2014		4 - 13
6.2	Section 26 Resolutions-without-meeting Report Dated January 8, 2015		14 - 14
6.3	Advisory Planning Commission Minutes - none		
6.4	Marine Advisory Planning Commission Draft Minutes - none		
7.	BUSINESS ARISING FROM MINUTES	11:00 AM - 11:15 AM	
7.1	Follow-up Action List Dated January 8, 2015		15 - 15
8.	DELEGATIONS		
9.	CORRESPONDENCE		
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)		
9.1	<i>Email dated December 23, 2014 from Pat McLaughlin regarding Garbage at Henry Bay Area</i>		16 - 18

10.	APPLICATIONS AND REFERRALS	11:15 AM - 11:30 AM	
10.1	Hornby Island Local Trust Area Bylaw Referral Request for Response Regarding Riparian Areas Regulation Bylaws		
10.2	DE-ALR-2014.1 (Jones) - Staff Report dated January 7, 2015		19 - 39
11.	LOCAL TRUST COMMITTEE PROJECTS		
12.	REPORTS	11:30 AM - 11:50 AM	
12.1	Work Program Reports		
12.1.1	<u>Top Priorities Report Dated January 8, 2015</u>		40 - 40
12.1.2	<u>Projects List Report Dated January 8, 2015</u>		41 - 41
12.2	Applications Report Dated January 8, 2015		42 - 46
12.3	Trustee and Local Expenses		
12.3.1	<u>Report Dated October, 2014</u>		
12.3.2	<u>Report Dated November, 2014</u>		
12.3.3	<u>Report Dated December, 2014</u>		
12.4	Adopted Policies and Standing Resolutions		47 - 48
12.5	Local Trust Committee Webpage		
12.6	Chair's Report		
12.7	Trustee Reports		
12.8	Electorial Area Director's Report		
	<u>LUNCH BREAK</u>		
13.	NEW BUSINESS	12:10 PM - 1:45 PM	
13.1	Raven Coal EAO Working Group Representative - for discussion		
13.2	Denman Island Local Trust Committee Work Program - 2015		
13.2.1	<u>Staff Report dated January 7, 2015 - attached</u>		49 - 57
13.2.2	<u>Work Program Strategic Planning Session</u>		
13.3	<i>Denman Island Advisory Commissions</i>		
13.3.1	<u>Staff Report dated January 7, 2015</u>		58 - 65

14. UPCOMING MEETINGS

**14.1 Next Regular Meeting Scheduled for Tuesday,
March 3, 2015 at 10:30 am at the Denman Seniors
Centre, 1111 Northwest Road, Denman Island, BC**

15. TOWN HALL 1:45 PM - 1:55 PM

16. CLOSED MEETING - none

17. ADJOURNMENT 1:55 PM - 2:00 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: October 21, 2014
Location: Denman Seniors Hall
 1111 Northwest Rd, Denman Island, BC

Members Present Peter Luckham, Chair
 Laura Busheikin, Local Trustee
 David Graham, Local Trustee

Staff Present Rob Milne, Island Planner
 Vicky Bockman, Recorder

Others Present Courtney Simpson, Regional Planning Manager
 Miles Drew, Bylaw Enforcement Coordinator
 Francesca Marzari, Young Anderson – by telephone

There were four members of the public in attendance – am
 There was one member of the public in attendance – pm

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 am. He acknowledged that the meeting was being held in traditional territory of Coast Salish First Nations. He welcomed the public and introduced himself, the Local Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

Additions:

- 6.2 Letter from Islands Trust Fund to Don Cadden dated October 15, 2014
- 7.1.2 Correspondence from Dan Stoneman dated October 20, 2014
- 7.1.3 Correspondence from Dan Stoneman re: Drainage and Unspecified Hazard Trees - Stoneman Property
- 7.1.4 Correspondence from Dan Stoneman re: Golder Revegetation Requirements

Move:

- 9. Townhall to follow agenda item 4.

By general consent the agenda was adopted as amended.

3. CHAIR'S REPORT

Chair Luckham commented that it has been a quiet time with Islands Trust elections approaching. He reported that the Executive Committee is preparing the agenda for the first Trust Council meeting of the new term.

4. TRUSTEES' REPORT

Trustee Graham took this opportunity to thank the Denman Island community, Trustee Busheikin, Chair Luckham, Staff and those who have come to meetings for the support given to him over the past nine years that he has been a Trustee.

Trustee Busheikin reported that she attended the Denman Island Residents Association (DIRA) meeting and commented that DIRA is addressing the issue of driving on beaches, which follows up on an earlier assignment to the Marine Advisory Planning Committee on this topic. She noted that they are planning community consultation on the matter. She reported that the Ferry Advisory Committee is reviewing a request to reserve some number of spaces for Hornby Island traffic on the 8:00 am sailing from the Denman West terminal. She commented that she attended an annual meeting with representatives from the RCMP, Comox Valley Regional District and Hornby Island Trustees to hear reports and share concerns.

9. TOWN HALL SESSION

Margie Gang expressed her appreciation to Trustee Graham for all the work he has done as a Trustee over the years.

Perri Gorrara expressed her opposition to the proposal to reserve a number of spaces for Hornby traffic on the 8:00 am sailing from Denman West, stating that no one has been able to provide her with specific occasions of Hornby Islanders not making that sailing. She pointed out that Denman Islanders miss sailings trying to get home and suggested that BC Ferries add more sailings.

5. MINUTES

5.1. Local Trust Committee Meeting Minutes dated September 16, 2014 – for adoption

The following amendments to the minutes were presented for consideration:

- page 2, item 4, first paragraph, second line: insert “, if elected,” after “Trustees”;
- page 2, item 4, second paragraph, last line: remove and replace with “not be running as a candidate for Trustee in the next term.”;
- page 4, item 7.2, second paragraph, first line: change “Karen” to “Karin”;
- page 5, item 10.2, third paragraph, first line: change “Karen” to “Karin”;

- page 5, item 10.2, fourth paragraph, first line: insert “With the permission of the Local Trust Committee” before “Chair Luckham recognized”;
- page 7, item 10.5: add “Received.”;
- page 8, first paragraph: remove the entire paragraph starting with “Trustee Graham commented...” and
- page 13, item 16: remove the duplicate text.

By general consent the minutes were adopted as amended.

5.2. Section 26 Resolutions Without Meeting Log dated October 9, 2014

Planner Milne summarized the Resolutions Without Meeting Log.

5.3. Denman Island Advisory Planning Commission Minutes

None.

5.4. Denman Island Marine Advisory Planning Commission Draft Minutes

None.

6. BUSINESS ARISING FROM MINUTES

6.1. Follow-up Action List dated October 9, 2014

Planner Milne summarized the report and provided updates.

6.2. Letter from Islands Trust Fund to Don Cadden dated October 15, 2014

Chair Luckham advised that as a member of the Trust Fund Board he had an opportunity to speak to the Board regarding community concerns and the value of the lands being proposed for return to Ministry of Forest, Lands and Natural Resource Operations with no protection in place. He indicated that the Local Trust Committee was copied on the response made by the Trust Fund Board regarding this situation and that it is presented here for information.

7. APPLICATIONS AND PERMITS

7.1. DE-DP-2014.2 (2600 Swan Road - Stoneman)

7.1.1. Staff Report dated October 14, 2014

Francesca Marzari, Young Anderson, joined the meeting by telephone at 10:55 am.

Planner Milne outlined the Staff Report regarding Development Permit Application – Lot A, Section 23, Denman Island, Nanaimo District, Plan VIP74719. He noted that the report reviews each of the proposed

development activities in relation to the Komas Bluff Development Permit Area Guidelines and considered the geotechnical reports prepared in support of this application: the 2014 Golder Report and the 2014 Tetra Tech EBA Report. He provided the basis for staff's recommendation to incorporate the recommendations in the 2014 Golder Report as conditions of the issuance of a Development Permit to address the requirements of Guidelines 2, 3 and 4 in relation to the proposed house and associated buildings.

The applicants were not in attendance to speak to their application. The Trustees did, however, receive and review the written correspondence noted below from the applicants in response to the Staff Report.

Trustees had a broad discussion of the issues raised by this application, which included the following considerations:

- There were two geotechnical reports available for the Local Trust Committee's consideration in relation to this application, and the merits of reliance on each were discussed;
- It was expressed that while the 2014 EBA TetraTech report may not be the best report, it may still be sufficient for the issuance of a development permit in this application;
- A number of Trustees, but not all, were concerned about the thoroughness of the 2014 TetraTech EBA Report in terms of addressing the specific developments to be approved, and the applicable development permit guidelines to that development;
- A number of Trustees, but not all, were concerned about the limitations and conditions in the 2014 TetraTech EBA report limiting reliance on the report data and recommendations to TetraTech EBA's client, and the lack of response to the September 5, 2014 letter requesting that this concern be addressed in the report;
- It was noted that both reports contemplated reliance on the report in court proceedings;
- The bluff is unstable and is likely to continue to erode and slough;
- Some Trustees indicated a preference for the approach in the 2014 Golder Report to protect the house and developments for current and future owners of the property to the extent possible given the work done to date and the information provided;
- It was also expressed that any development may not last, regardless of the works installed to slow erosion;
- Approval of the stairs was problematic because their base may not be on the applicants' property based on the material provided;

Mr. Ellis requested permission to speak to the application, and addressed the 2014 TetraTech EBA Report in relation to previous reports provided by EBA.

By general consent the meeting was recessed at 12:01 pm and reconvened at 12:05 pm.

Planner Milne provided Trustees with some minor wording suggestions for the draft Development Permit and confirmed that these changes are intended to provide clarity. Trustees considered the suggested wording changes.

DE-2014-066

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee accept the revised draft of DE-DP-2014.2 (Stoneman) and further revise the draft permit by severing Section 3 in its entirety from the draft permit.

CARRIED

Trustees discussed whether to approve removal of unspecified hazard trees. The discussion included concerns re liability for trees falling on the beach, the identification of hazard trees on the property, and consistent application and oversight of tree removal in the development permit area

DE-2014-067

It was MOVED and SECONDED,

that resolution DE-2014-066 be amended to add: "and that item (g) on page one be included in the permitted activities list".

DEFEATED

Trustees indicated that an application for the removal and/or management of hazard trees on the bluff slope and perimeter could be brought to the Local Trust Committee for consideration of a development permit in the future with proper identification and assessment of the specific hazard trees to be removed.

By general consent the meeting was recessed at 12:40 pm and reconvened at 12:45 pm.

Trustees discussed the requirement, purpose and dollar amount of the security condition in point 3 of the draft Development Permit. It was noted that the security requirement is not mandatory, but is a non-litigation-based option to ensure compliance with the permit. Staff suggested that

consideration might be given to an approach that provides that as work is satisfactorily completed, the Letter of Credit or certified cheque could be reduced accordingly. Trustees discussed the possibility of reducing the amount of the required Letter of Credit or certified cheque by eliminating the amount set aside for contingency.

DE-2014-068

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee revise draft DE-DP-2014.2 to:

- include on page 3 a point 3 that reads as follows: “The property owner shall provide security in the form of an irrevocable Letter of Credit or certified cheque in the amount of \$153,480 on or before December 31, 2014. The security shall be returned upon completion of each of the works set out at conditions 2(a-d) and (h-l) of this Permit”; and
- include attachment no. 10 of the staff report to the Permit as Schedule “C”.

CARRIED

DE-2014-069

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee approve and issue Development Permit DE-DP-2014.2 (Stoneman) in accordance with the site survey in Schedule “A” and subject to the conditions and recommendations of the Golder Associates report dated March 24, 2014 in Schedule “B” both of which are attached to and form part of the Development Permit, and that an Irrevocable Letter of Credit or certified cheque in the amount of \$153,480 be provided as a condition of the issuance of DE-DP-2014.2 with a reduced Letter of Credit or certified cheque to be accepted upon verification of completion of the works identified in the Development Permit as per the cost figures contained in Schedule “C” of the Permit.

CARRIED

DE-2014-070

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee not issue a Development Permit for the following developments applied for on the property:

- a. the construction of a beach access stairway in its current form;
- b. the removal and/or management of unspecified hazard trees on the bluff slope and perimeter;

and that the applicants be encouraged to return with full applications for the construction of a beach access stairway fully contained on the property and the removal and/or management of specified hazard trees on the bluff slope and perimeter.

CARRIED

7.1.2. Correspondence from Dan Stoneman dated October 20, 2014

Received.

7.1.3. Correspondence from Dan Stoneman re: Drainage and Unspecified Hazard Trees - Stoneman Property

Received.

7.1.4. Correspondence from Dan Stoneman re: Golder Revegetation Requirements

Received.

Francesca Marzari, Young Anderson, left the meeting at 1:34 pm.

Courtney Simpson, Regional Planning Manager, left the meeting at 1:34 pm.

Miles Drew, Bylaw Enforcement Coordinator, left the meeting at 1:34 pm.

By general consent the meeting was recessed at 1:34 pm and reconvened at 1:45 pm.

8. DELEGATIONS

None.

10. CORRESPONDENCE

(Correspondence received concerning current applications is considered with the application)

None.

11. REPORTS

11.1. Work Program

11.1.1. Top Priorities Report and Projects Report dated October 9, 2014

The report was received.

11.2. Applications Log dated October 9, 2014

Trustees inquired about the process for handling incomplete applications and Planner Milne responded with information regarding the standard procedures. Trustees requested that staff update the report to remove completed items and suggested that a status report on applications might be provided at the beginning of the new term.

DE-2014-071

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide a status report on applications for review by the next Denman Island Local Trust Committee.

CARRIED

11.3. Trustee and Local Expenses

11.3.1. Expenses posted to Month Ending September, 2014

The Expenses Report was received for information.

11.4. Policies and Standing Resolutions

The report was received for information.

12. LOCAL TRUST COMMITTEE PROJECTS

None.

13. NEW BUSINESS

None.

14. BYLAWS

None.

15. ISLANDS TRUST WEBSITE

15.1. Denman Island Web Pages

The Denman Island Local Trust Committee Website can be found at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/denman.aspx>

Trustees requested regular updates be provided on the website.

16. CLOSED MEETING

DE-2014-072

It was MOVED and SECONDED,

that The Denman Island Local Trust Committee closes the next part of the October 21, 2014 business meeting to discuss matters pursuant to Section 90(1)(d) of the *Community Charter* to consider adoption of Closed Meeting Minutes and that Staff be invited to attend this meeting.

CARRIED

The Local Trust Committee closed the meeting at 2:00 pm.

17. RECALL TO ORDER

Rise and Report from Closed Meeting

By general consent the Local Trust Committee reconvened in open meeting at 2:02 pm.

Chair Luckham reported that in the Closed Meeting the Denman Island Local Trust Committee adopted the minutes of the April 1, 2014 *In Camera* meeting.

18. NEXT MEETING DATE

Tuesday, November 25, 2014 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

Trustees discussed the next meeting of the Local Trust Committee noting that it is scheduled to occur post-election and that there are no known business items to consider at that meeting at this time.

DE-2014-073

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee cancel the meeting of Tuesday, November 25, 2014.

CARRIED

19. TOWN HALL SESSION - Time Permitting

None.

20. ADJOURNMENT

Chair Luckham stated that it has been his great pleasure to work with the Denman Island Local Trust Committee and with supporting staff this term.

Trustee Busheikin stated that she was grateful to have worked with Chair Luckham and Trustee Graham this term and wished outgoing Trustee David Graham the very best in his future endeavours.

By general consent the meeting was adjourned at 2:05 pm.

Peter Luckham, Chair

Certified Correct:

Vicky Bockman, Recorder

RWM From: October 10, 2014 To: January 08, 2015

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2014-08	In Favour	"THAT the Denman Island Local Trust Committee schedules its 2015 regular business meetings at The Denman Seniors Hall, 1111 Northwest Road, Denman Island, beginning at 10:30 AM on the following dates: Tuesday, January 20, 2015 Tuesday, March 3, 2015 Tuesday, April 21, 2015 Tuesday, June 2, 2015 Tuesday, July 21, 2015 Tuesday, September 8, 2015 Tuesday, October 27, 2015 Tuesday December 1, 2015."	Dec 17, 2014
2014-07	In Favour	"That the Denman Island Local Trust Committee adopt Bylaw No. 211, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014".	Nov 28, 2014
2014-06	In Favour	"That the Denman Island Local Trust Committee adopt Bylaw No. 210, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2014".	Nov 30, 2014
2014-05	In Favour All in Favour	"That the Denman Island Local Trust Committee adopt the minutes from its in camera meeting of October 21, 2014, as attached."	Nov 21, 2014
2014-04	In Favour All in Favour	"That the Denman Island Local Trust Committee adopt the minutes of its Regular Business Meeting of October 21, 2014, as amended and attached."	Nov 05, 2014



Islands Trust

Print Date: Jan-08-2015

Follow Up Action Report w/ Target Date

Denman Island Jul-15-2014

No.	Activity	Responsibility	Target Date	Status
1	Posting of the notice of the RAR Open House on the website along with the staff report and maps.	Rob Milne		Done

Sep-16-2014

No.	Activity	Responsibility	Target Date	Status
1	DE-2014-053 that the Denman Island Local Trust Committee request that staff write a letter to Don Cadden, Regional Director, BC Parks, for the Chair's signature, expressing disappointment with BC Parks' decision to exclude these parcels from previously agreed upon protection by Park land status and requesting an opportunity to discuss other options for the future of these lands.	Rob Milne		Done
1	Trustees requested additions to the website as follows: post the overlay mapping from the Riparian Areas Regulation presentation; post a direct link to Denman Island Crown Land Profiles to the Community Profile or other appropriate area; and after every meeting post a "Highlights from Meeting" near the front of the website using information in Trustee Graham's report in the Grapevine. Trustee Graham will forward this report to the web administrator.	Rob Milne		Done

On Dec 23, 2014, at 3:31 PM, Pat McLaughlin <patmclaughn@gmail.com> wrote:

Hello Laura and David;

FYI - below is a copy of a message sent to Komas Ranch members re the garbage picked up at Henry Bay area.

Best wishes for 2015. May it be a Happy Year.

Regards

Pat

-----Original Message-----

From: Helen Mason

Sent: Monday, December 22, 2014 11:26 AM

To: John Andrew ; kerridavis@telus.net ; Laurie Ross ; Pat McLaughlin ; hkserinncpsamsom@telus.net ; Kathy Samsom ; Kibblewhite Douglas ; Carolyne Montgomery ; Mick Broadbent ; cathy dixon ; paul flanagan ; frompennyb@gmail.com ; Rosemary 'Burd ; JOHN ALLAN ; Christy Allan ; Smilgis, Lindsay ; Irene Gillespie ; Robert Held ; Rob Grant ; ni@lw-law.ca ; Tanya Fenske ; grunkle ; Lorri McPhee ; merrilyn mason ; Noani Costain
Subject: Henry Bay beach garbage

Hello all,

Attached is a photo of the garbage Peter and I collected the weekend before last from Henry Bay to the end of the Spit. It is virtually all from the shellfish industry. Peter contacted the BC Shellfish Growers Association in Comox regarding disposal. They no longer have a dumpster at Fanny Bay, and no longer hire someone to collect industry debris. They decline responsibility, the reasons being that as not all growers are members of the Association, the cleanup cost is too high (\$10,000/year), and the dumpster was being used as a public garbage dump.

The Department of Fisheries does not have enforcement ability but DFO told Peter, "We will continue to work with the provincial authority and the industry in hopes of a long term strategy". The Land Tenure branch of the BC government controls the issuing of tenure for the shellfish industry and will respond to the formal complaint Peter is submitting.

We also took a look at the south side of Tree Island and counted 30 intact stacks of 15 trays and 36 individual trays, as well as large quantities of

styrofoam from the floats. The BC Shellfish Growers Assoc. told Peter that they would put the word out that these stacks were on Tree Island, so we hope those at least will be collected.

There are 52 large baskets and 2 of the 15-tray stacks in this photograph. The pile has been "admired" by recent bird count volunteers.

Helen



Date: January 7, 2015

File No.: DE-ALR-2014.1

To: Denman Island Local Trust Committee
for meeting being held on January 20, 2015

From: Teresa Ritemann, Planner 1

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

Re: Re-application for Inclusion of Land within the Agricultural Land Reserve for Lot 1, Section 6, Denman Island, Nanaimo District, Plan 24836

PID 002-824-191

Owner: Patricia Jones & Robert (Selwyn) Jones
Applicant: Same as above.
Location: 8441 McFarlane Road, Denman Island, BC

THE PROPOSAL:

The owners of the subject property are re-applying to include their land within the Agricultural Land Reserve (ALR). The *Agricultural Land Commission Act* states that the local government must receive the application on behalf of the Agricultural Land Commission (ALC) and that the application may not proceed to the Commission unless authorized by resolution of the Local Trust Committee.

BACKGROUND:

The owners originally applied for inclusion of their property in the ALR in 2013, under Islands Trust file **DE-ALR-2013.1**. The Denman Island Local Trust Committee resolved to forward the application to the ALC for consideration, and the ALC ultimately denied inclusion for the following three reasons (**emphasis added**, and described in further detail in the copy of the ALC decision letter to the applicants dated August 14, 2013 - see Attachment 1):

1. "According to the CLI mapping system, the **subject property has limited agricultural capability**. In the absence of evidence to the contrary, the **Commission is reluctant to include land which is predominantly Class 7RT.**"
2. "The Commission has **not received evidence** that the applicants would meet the required **agricultural thresholds for a winery** as established in the Regulation (ALC **Policy #3/2003** – see Attachment 2) of the Agricultural Land Reserve Use, Subdivision and Procedure)."
3. "The application is primarily based on **resolving an inconsistency** between the applicants' **proposed use** of the property and current local government **zoning**. The Commission believes this inconsistency is a matter **best resolved between the applicants and the Islands Trust** at the local government planning level."

The ALC letter also indicated that if new evidence was provided to the Commission, which addressed the above three reasons for denial, and within 1 year from the date of the letter (i.e. by **August 14, 2014**), the application may be reconsidered.

The request for reconsideration deadline has passed, and therefore, this re-application has been opened as a new application for the Local Trust Committee to decide whether or not to forward to the ALC for consideration.

SITE CONTEXT:

The property (outlined in Figure 1 below) is located at 8441 McFarlane Road, and is approximately 4 hectares (10 acres) in size. The owners currently operate a vineyard on the southern half of the property, with a home, barn, shed, greenhouse, and winery/tasting room on the northern half (as shown in Figures 2 & 3). To the north of the property is an acreage, part of which holds a large wetland-marsh. To the east of the subject property is another 4 hectare (10 acre) residential property that is partially cleared and which has a hobby farm. To the south of the property are treed residential lots between 2 hectares (5 acres) and 4 hectares (10 acres) in size. To the west of the subject property is a 15 hectare (37 acre) property of Crown Land that is designated as conservation/recreation land in the Denman Island Official Community Plan.

Also included in the application, are five (5) letters of support from: 3 neighbours, 1 Islands Trust trustee, and 1 former trustee, indicating they are in support of the property being included in the ALR for the proposed agritourism use. Figure 4 shows which 3 neighbouring properties sent letters of support, and Figure 5 shows nearby ALR land.

Figure 1: Subject Property

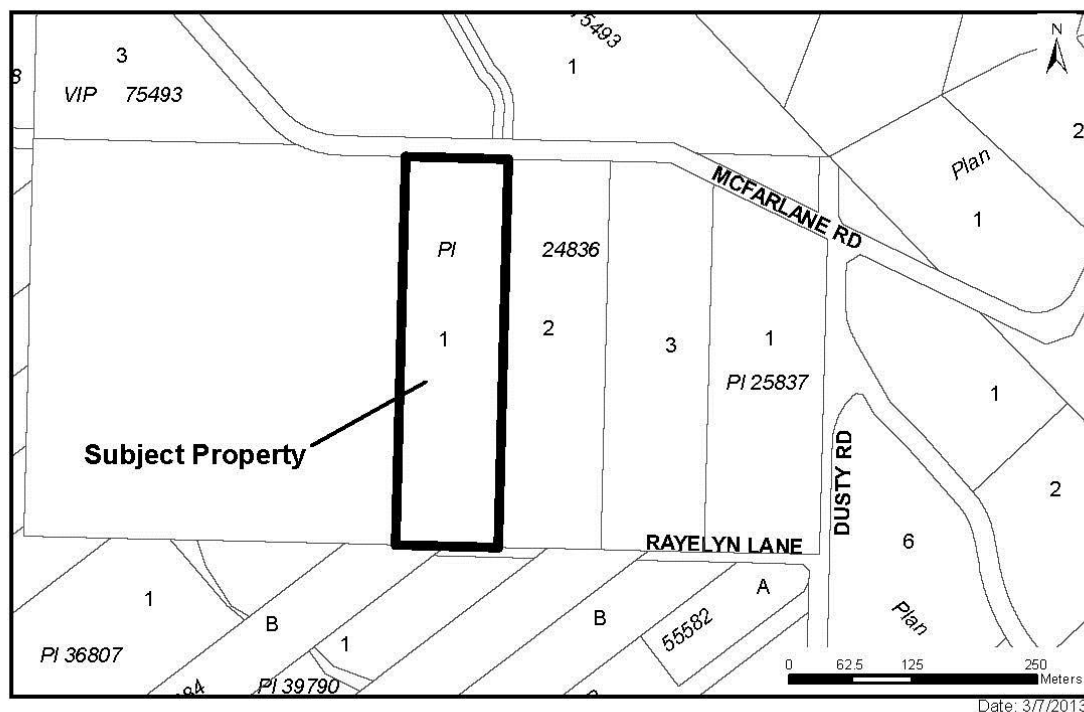


Figure 2: Current Use, Buildings, and Structures

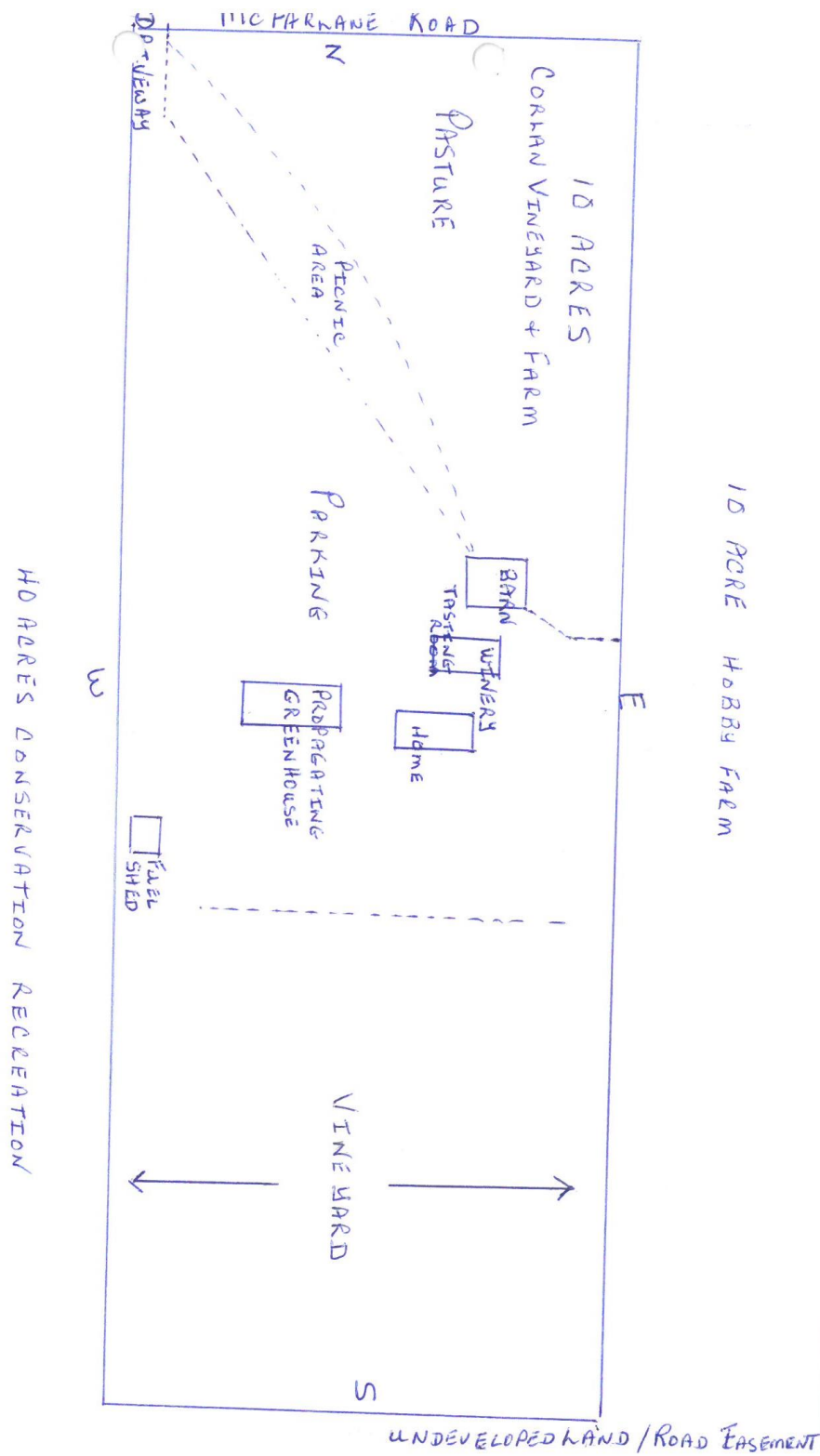
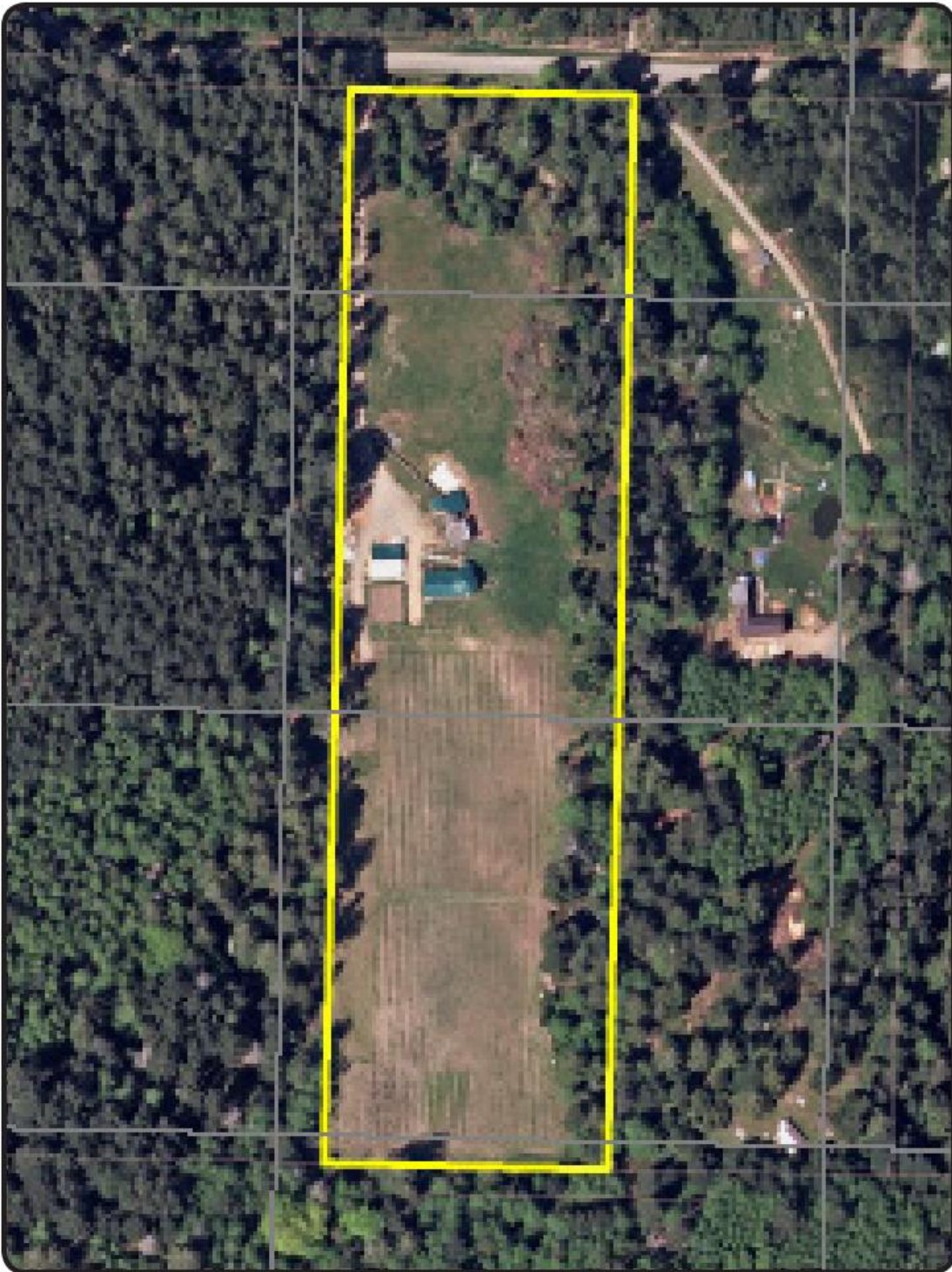
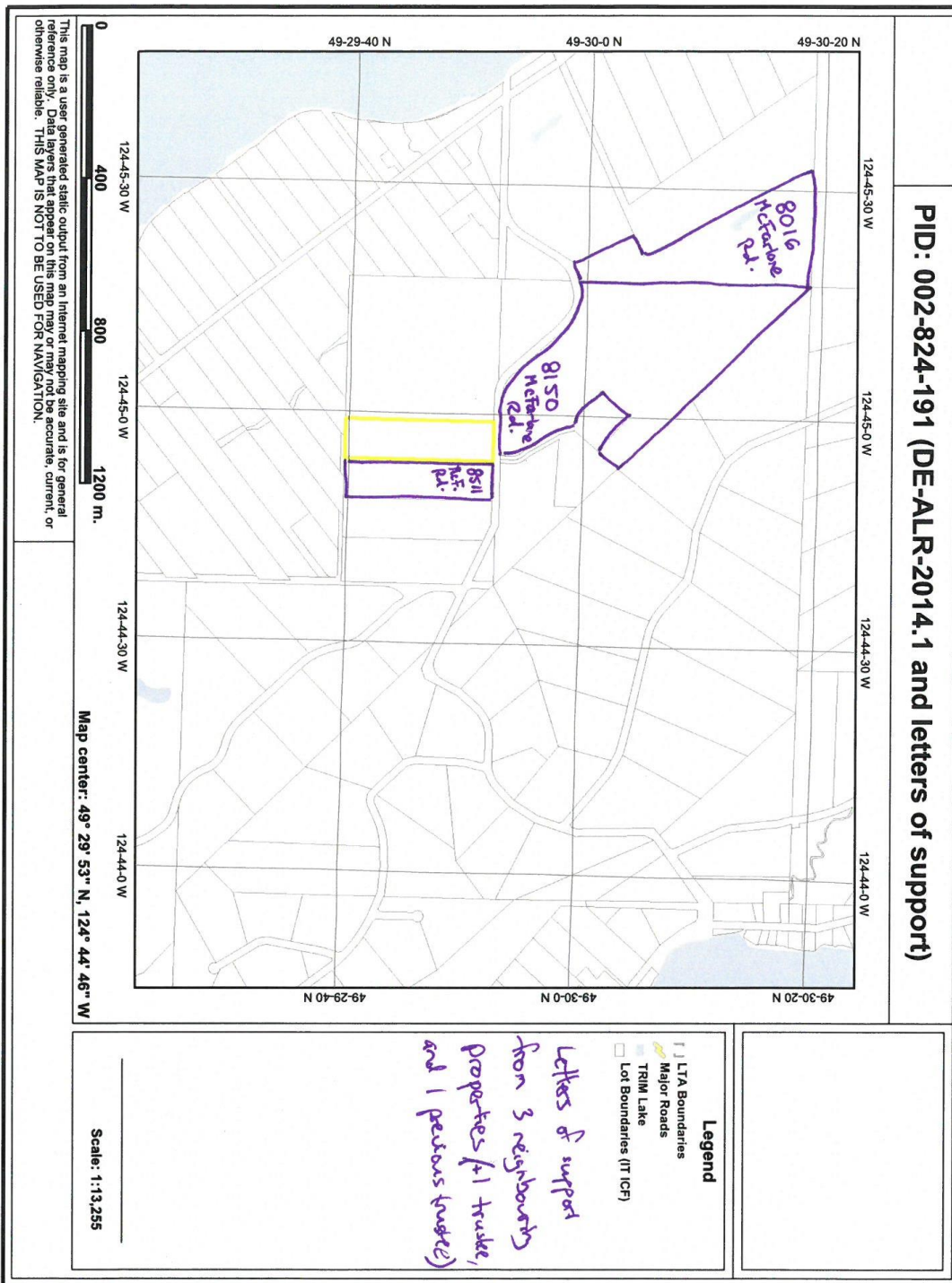


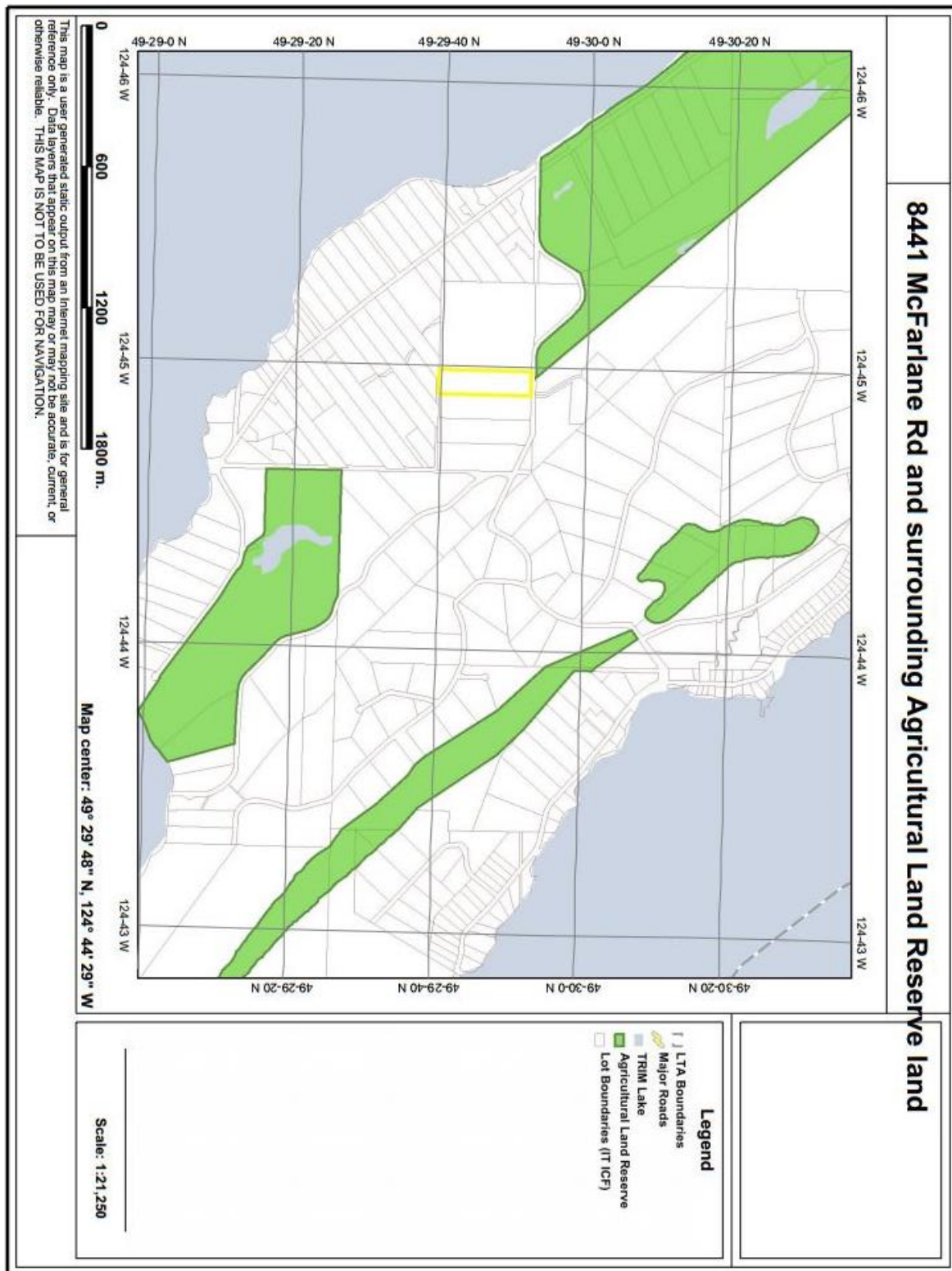
Figure 3: Aerial View of Subject Property



**Figure 4: Letters of support from neighbouring properties: 8016, 8150, and 8511 McFarlane Rd
(Subject Property outlined in yellow)**



**Figure 5: Subject Property and surrounding ALR land
(Subject property outlined in yellow)**



CURRENT PLANNING STATUS OF SUBJECT LANDS:

Islands Trust Policy Statement:

The proposal is not at variance with the Islands Trust Policy Statement. Relevant policies include:

4.1 – Agricultural Land

4.1.4 Local trust committees shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.

4.1.5 Local trust committees shall, in their community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.

4.1.8 Local trust committees shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

4.1.11 Trust Council encourages the British Columbia Land Reserve Commission to approve applications from property owners for inclusion of their land with potential for agriculture in the Provincial Agricultural Land Reserve.

5.7 – Economic Opportunities

5.7.1 (Trust Council Commitment) The Trust Council holds that economic opportunities should be compatible with the conservation of resources and protection of community character.

5.7.2 Local Trust Committees shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The Denman Island OCP designates the property as R – Rural. The following OCP objectives and policies are considered applicable to this application:

E.4 Resources – Objectives & Policies

Objective 1: To protect the Agricultural Land Reserve

Objective 2: To encourage diverse agricultural activities including the marketing and promotion of locally grown products

Objective 3: To promote employment through agricultural activities that have minimal negative environmental impact

Objective 5: To foster sustainable use of resources

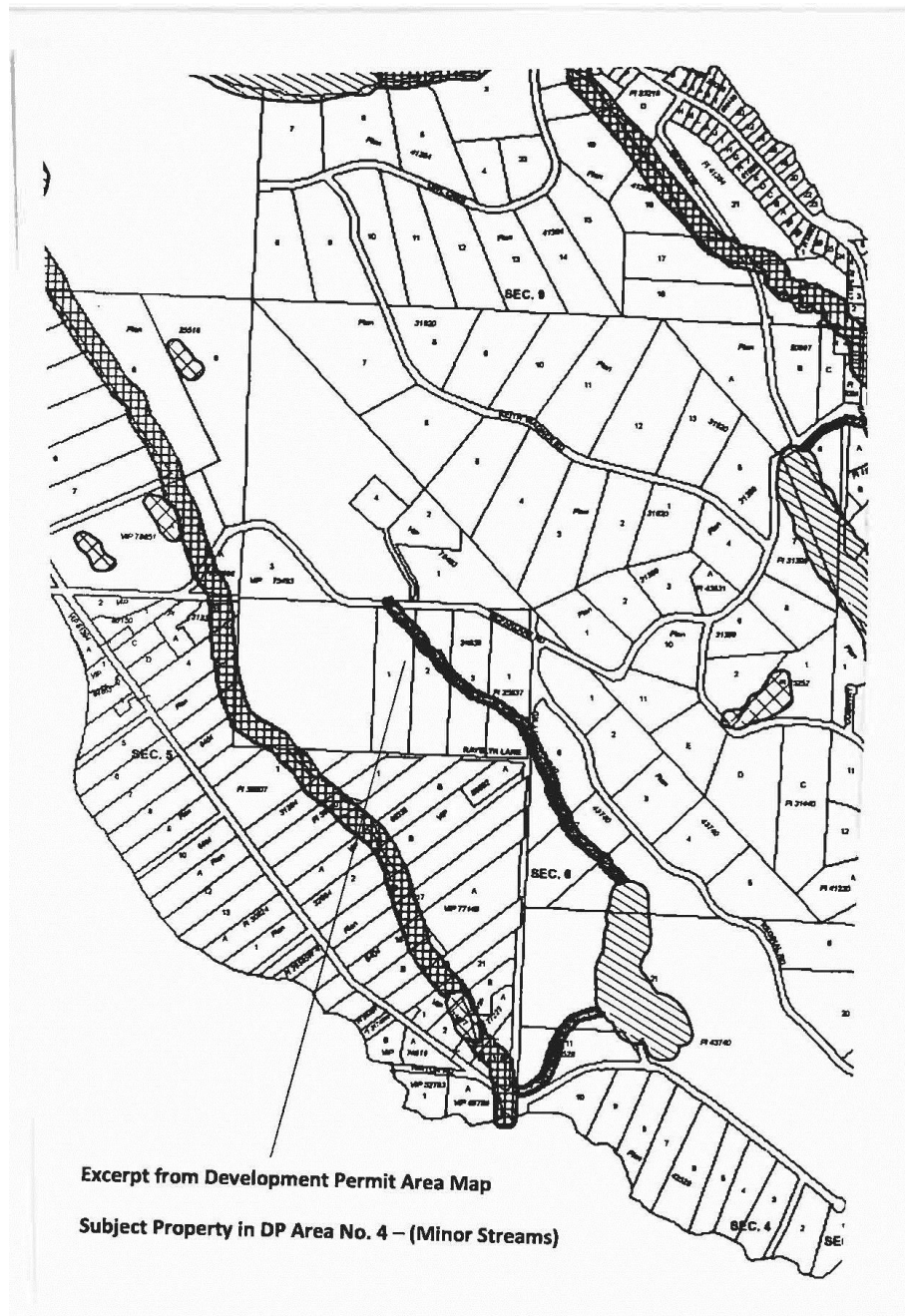
Policy 5: The Local Trust Committee should support the inclusion of land within the Agricultural Land Reserve.

Development Permit Area No. 4 – Streams, Lakes and Wetlands

The North-east corner of the property is in DP Area No. 4 (Minor Streams).

A development permit would be required for this property if any alteration of land or construction of buildings and structures is to take place within the Development Permit area as noted in Figure 6 below:

Figure 6: Map of Subject Property showing DP Area No. 4 (Minor Streams)



Land Use Bylaw:

This property is zoned R2 – Rural Residential. This zone specifically permits residential use, as well as home occupation use (listed under Section 2.4), and horticulture and agriculture use accessory to a principal use.

However, the **proposed use of agritourism activities are not included in the land use bylaw definition of agriculture.**

Moreover, the home occupation uses listed in Section 2.4 accessory to a principal use apply to this property, and relevant home occupation uses include “the sale of agricultural products produced on the property”, “artist and artisan studios including the sale of products produced on site” and “food processing”. Despite agritours being encouraged in the Official Community Plan, agri-tourism activities/services/facilities such as educational seminars, and special events like picnics for weddings or other celebrations of life are not expressly listed as a home occupation use in the Land Use Bylaw. Furthermore, agri-tourism is only permitted within the ALR if it meets ALC policy on agritourism (see Attachment 3).

Relevant parking regulations (Section 2.5 of the Land Use Bylaw) includes provisions that parking areas are to be landscaped and screened from adjacent **residential properties** to minimize impacts to the neighbours. Further, all off-road parking spaces must be located on the owners’ lot, and where parking areas are located in the front yard, they shall not exceed 40 percent of the area of the front yard.

Islands Trust Fund:

Pursuant to the Memorandum of Agreement between the Denman Island Local Trust Committee and the Trust Fund Board (1996), an application for inclusion in the ALR is not referred to the Trust Fund Board.

Regional Conservation Plan:

The proposal is not at variance with the Islands Trust Fund Regional Conservation Plan.

Sensitive Ecosystems and Hazard Areas:

Islands Trust internal mapping does not show any sensitive ecosystems or hazard areas mapped on the property, though a TRIM stream exists on the northeast section of the property.

Archaeological Sites:

There are no recorded archaeological sites located on or within 50 m¹ of the subject property.

¹ The BC Archaeology Branch requests that local governments consider an archaeological site within 50m of a development proposal to be in “conflict” with the site.

Covenants:

Other than a mortgage, there are no charges, liens, or interests registered on title. There is a legal notation which states “subject to exceptions and reservations contained in crown grant filed DD G71795”. This grant seems to pertain only to access, mining, water, and other natural resources on the subject property.

Bylaw Enforcement:

Islands Trust records indicate there are no Bylaw Enforcement files, either active or closed, which relate to this property.

Climate Change Mitigation and Adaptation:

There are no anticipated impacts on greenhouse gas emissions that would result from including this property in the ALR as proposed.

Shoreline:

This application does not affect a waterfront property or shoreline.

Other:

The Denman Farm Plan

The Denman Farm Plan, endorsed by the Denman Island Local Trust Committee on February 26, 2013 includes a recommendation to “consider agritourism initiatives”. The Farm Plan recognizes benefits of agritourism as well as concerns of community members, and recommends that agritourism initiatives of scale and nature appropriate to Denman Island are further investigated with the community.

The Denman Farm Plan uses a different definition of agritourism, than that of the Agricultural Land Commission (see Policy 4 below). The Farm Plan generally defines agritourism as: *“any land based farm or business that is open to the public” and can also be defined as “the practice of touring agricultural areas to see farms and often to participate in farm activities” (Agritourism World, 2012).*

Agricultural Land Commission Policy 3 – Wineries and Cideries in the Agricultural Land Reserve

ALC Policy 3 (Attachment 2) is supportive of wineries and “ancillary uses” meaning processing, storage and retail sales; tours; and a food and beverage service lounge if the area does not exceed 125 square metres indoors and 125 square metres outdoors. The policy also supports winery tours and picnicking areas.

Agricultural Land Commission Policy 4 – Agri-tourism Activities in the Agricultural Land Reserve

ALC Policy 4 (Attachment 3) is supportive of agri-tourism farm activities meaning a tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*. The policy, however, does not include agri-tourism accommodations.

COMMUNITY INFORMATION MEETING(S):

No Community Information Meeting is required or recommended for this application.

RESULTS OF CIRCULATION:

Notification of this ALR application is not required for adjacent property owners.

STAFF COMMENTS:

The subject property is currently used for residential purposes and is also an operating vineyard. The vineyard currently has a wine tasting room within a building to sell the products produced on the property. The owners are requesting to be included in the ALR in order to have their proposed agri-tourism use permitted: to have a picnic area to be able to hold educational seminars and special events such as celebrations of life, birthdays, anniversaries and weddings. Although the Denman Island Official Community Plan encourages agri-tourism uses in its economic policies, the Denman Island Land Use Bylaw currently does not permit these agri-tourism uses, and the owners can only take advantage of the ALC regulations permitting them, if their property is in the ALR.

The applicants' property is zoned R2 (Rural Residential) and home occupations and agriculture uses are permitted as accessory uses in this zone. The definition of "agriculture" includes "storage, processing or direct marketing by a farmer of farm products", which allows the farmer to sell farm products produced on the property.

The home occupations section allows the sale of agricultural products produced on-site, which again, confirms that the farmer may sell farm products produced on the farm property. Subsection 2.4.4 also specifically states that "the external appearance of the premises on which the home occupation is operated must retain a residential appearance."

Holding special events in an area on the applicants' property is not a permitted use in the bylaw. Holding special events is interpreted as a commercial use involving a number of people which could result in impacts to the residential enjoyment of the neighbourhood such as parking, noise, possibly signage, etc. Despite the fact that applicants have received letters of agreement from the residential properties to the north and east, as well as a current and former trustee, that they support the property being included in the ALR for agri-tourism uses, and indicate that there is no anticipated neighbourhood nuisance problem related to noise or parking, this commercial use is still not permitted in the R2 zone.

The ALC's rejection letter dated August 14, 2013 (Attachment 1), noted that the applicants could provide new evidence (as opposed to revising their proposal) and submit a request for reconsideration within one year of the date of the letter, that is, by August 14, 2014. This date has now passed and the applicants did not pursue this option.

Therefore, as this is the second time the applicants have applied to be included in the ALR, they should be able to provide a strong case of new evidence for the ALC to consider, which addresses the ALC's original comments and reasons for refusal. As this is not the case, it is logical that the ALC will likely come to the same conclusions as before. The original three reasons for rejection of inclusion of the subject property into the ALR were:

1. Limited agricultural capability. In the absence of evidence to the contrary, the Commission is reluctant to include land which is predominantly (80%) Class 7RT – the worst quality of soil for agricultural use.
2. No evidence that the applicants would meet the required agricultural thresholds for a winery.
3. This is primarily an issue of an inconsistency between the applicants' proposed use of the property and the uses currently permitted in the Denman Island Land Use Bylaw.

Addressing each of these points in detail,

1. Evidence that the ALC soil quality assessment was incorrect or that soil quality has subsequently improved, has not been provided in the application. The applicants stated in their application that "This is a productive farm and while we admit it is not suitable for cultivated crops, by selecting crops suited to the type of soil we have, we are very successful". Although the soil quality may work well for the current purposes of the applicants' vineyard and agricultural use, the fact remains that the soil is still classified as the lowest possible grade, and Staff believe that the ALC will remain reluctant to include such soil in the ALR, as it is not within the Committee's mandate to protect poor quality soil that is not viable for growing soil-bound crops.
2. This application also did not provide evidence that the vineyard would meet the thresholds required to be classified as a winery; i.e. Policy #3 (Attachment 2) requires that at least 50% of the fruit used to make the wine is produced on the farm itself, or alternatively that the applicants have a minimum 3 year contract with another BC farm that is 2 hectares or larger and has agreed to provide at least 50% of the required fruit to make the wine. Policy #3 also notes that "the Commission may recognize unusual circumstances in the production of BC wine grapes and their effect on wine production." Neither data on current threshold/production nor evidence of "unusual circumstances" was provided in this application, and thus, this reason for rejection has also not been adequately addressed.
3. The Commission believes that this is a matter best resolved at the local level, through zoning and land use – not by inclusion into the ALR. The fact that this property is currently producing fruit and wine and acting as a farm is undeniable. But because of the poor soil quality and lack of ability to meet the thresholds required of a winery, this agricultural use should be achieved by what is permitted in the local zoning.

The third reason for rejection indicates that the ALC is aware that the owners could apply to the LTC to rezone their property and allow this use, and given the low agricultural capability of the property and the fact that the farm doesn't meet the thresholds required to be classified as a winery under ALC policy, the ALC believes this is a more appropriate route for the applicants to take.

It should be mentioned that a possible future opportunity for the owners of this property is to wait for the LTC to implement the recommendations regarding Agri-Tourism in the Farm Plan, allowing agritourism in some areas or zones on Deman Island (regardless of whether or not they are in the ALR). This is a more wide-reaching option that would need to be undertaken as a Top Priority of the LTC and with public consultation about whether or not to include agri-tourism activities (commercial activities) in residential areas that allow for agricultural uses. This project is currently on the "projects list" and is not a top priority of the LTC at this time.

The Denman Official Community Plan is supportive of tourism and economic activities in general terms provided they are small scale and that negative impacts such as traffic, noise and artificial light are considered. The LTC and community has not yet had the opportunity to implement Farm Plan recommendations to further explore agritourism opportunities appropriate to the Denman community and may need to do so in the future.

Pursuant to 30(4) of the *Agricultural Land Commission Act*, this application cannot proceed to the ALC unless there is a resolution by the LTC to forward it. The options for resolution are:

1. The LTC resolve to forward the application to the ALC with no comment from the LTC;
2. The LTC resolve to forward the application to the ALC with the comment that the LTC supports the inclusion of the owners' property in the ALR;
3. The LTC resolve to forward the application to the ALC with comments/conditions (e.g. that evidence of reasons number 1 and 2 above have been addressed); or
4. The LTC resolve not to forward the ALR application to the ALC. Other options, such as those outlined above could then be pursued instead.

RECOMMENDATIONS:

THAT the Denman Island Local Trust Committee NOT forward application DE-ALR-2014.1 (Patricia and Selwyn Jones) to the Agricultural Land Commission for consideration of including Lot 1, Section 6, Denman Island, Nanaimo District, Plan 24836 (8441 McFarlane Road, Denman Island) in the Agricultural Land Reserve.

Prepared and Submitted by:



January 7, 2015

Teresa Ritemann
Planner 1

Date

Concurred in by:

Courtney Simpson

January 7, 2015

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. ALC decision from August 14, 2013 (regarding the DE-ALR-2013.1 application)
2. ALC Regulation – Policy 3
3. ALC Regulation – Policy 4

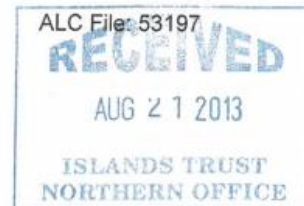
Attachment 1: ALC decision from August 14, 2013 (DE-ALR-2013.1 application)



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

August 14, 2013

Robert Selwyn Jones & Patricia Anne Jones
8441 McFarlane Road
Denman Island, BC
V0R 1T0



Re: Application to Include Land into the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #212/2013 as it relates to the above noted application.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: A handwritten signature in black ink, appearing to read 'Liz Sutton'.

Brian Underhill, Executive Director

Enclosure: Minutes of Resolution #212/2013

cc: Islands Trust, Denman Island (File: DE-ALR-2013.1)

53197d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on July 17, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53197.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL: (Submitted pursuant to section 17(3) of the *Agricultural Land Commission Act*)

To include 4.1 ha into the ALR to expand the applicants' current operation (winery) to include a picnic area and to hold educational seminars and special events such as birthdays, anniversaries, weddings, etc.

PROPERTY INFORMATION:

Owner: Robert Selwyn Jones & Patricia Anne Jones

Legal: PID: 002-824-191
Lot 1, Section 6, Denman Island, Nanaimo District, Plan 24836

Location: Denman Island

Size (ha): 4.1

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Minutes of Resolution #212/2013 – ALC Application #53197

COMMISSION CONSIDERATION

After considering the information the Commission concluded as follows:

1. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map sheet 92F/07 for the subject property are 80% Class 7RT and 20% Class 4PM.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with the agricultural capability ratings are M (moisture deficiency), P (stoniness), R (bedrock near the surface), and T (topographic limitations).

The applicants currently operate a winery on the subject property and the land is classified as "Farm" by BC Assessment.

Conclusion: According to the CLI mapping system, the subject property has limited agricultural capability. In the absence of evidence to the contrary, the Commission is reluctant to include land which is predominantly Class 7RT.

2. The applicant's are proposing to include land into the ALR in order to pursue ALC Policy #3/2003 Activities Designated as Farm Use: Wineries and Cideries in the ALR relating to Section 2(1) and 2(2)(b) and Section 1(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the "Regulation"). In order to qualify for activities outlined in Policy #3, the winery must be consistent with Section 2 of the Regulation in that at least 50% of that farm product is grown on the farm on which the winery or cidery is located, or the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the commission, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia. If a winery does not meet the threshold established in the Regulation for wineries or cideries a non-farm use application for the proposed activities would be required to be approved by Commission.

Conclusion:

The Commission has not received evidence that the applicants would meet the required agricultural thresholds for a winery as established in the Regulation.

3. The Commission noted that the property is zoned R2 in the Denman Island Land Use Bylaw and that agriculture is a permitted use within the zone. However, current zoning does not permit the proposed use of a picnic area for educational seminars and special events such as celebrations of life, birthdays, anniversaries and weddings. It was further noted that Island Trust staff suggested to the applicants that including the property into the ALR would be a means of pursuing the proposed special events.

Minutes of Resolution #212/2013 – ALC Application #53197

The Commission also took note of the recommendation Island Trust staff provided to the Denman Island Local Trust Committee wherein it was stated, "...the Local Trust Committee supports inclusion in principal, however the LTC requests time to review the Land Use Bylaw for possible amendments such as parking and screening provisions to negate any negative impacts on the neighbourhood, prior to the land being included in the ALR."

Conclusion:

The application is primarily based on resolving an inconsistency between the applicants' proposed use of the property and current local government zoning. The Commission believes this inconsistency is a matter best resolved between the applicants and the Islands Trust at the local government planning level.

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Johnson

THAT the request to include 4.1 ha into the ALR be refused.

CARRIED

Resolution #212/2013

Minutes of Resolution #212/2013 – ALC Application #53197

Attachment 2: ALC Regulation – Policy 3

 Agricultural Land Commission Act	Policy #3 March 2003 ACTIVITIES DESIGNATED AS FARM USE: WINERIES AND CIDERIES IN THE ALR
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This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Sections 2 (1) and 2 (2) (b) and Section 1 (1)

Section 2 (1) For the purposes of subsection (2) (b), "ancillary use" means any of the following activities carried on at a British Columbia licensed winery or cidery:

- (a) processing, storage and retail sales;*
- (b) tours;*
- (c) a food and beverage service lounge, if the area does not exceed 125 m² indoors and 125 m² outdoors.*

Section 2 (2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act :

- (b) a British Columbia licensed winery or cidery, and an ancillary use, if the wine or cider produced and offered for sale is made from farm product and*
 - (i) at least 50% of that farm product is grown on the farm on which the winery or cidery is located, or*
 - (ii) the farm that grows the farm products used to produce wine or cider is more than 2 ha in area, and, unless otherwise authorized by the commission, at least 50% of the total farm product for processing is provided under a minimum 3 year contract from a farm in British Columbia;*

Section 1 (1) "farm product" means a commodity that is produced from a farm use as defined in the Act or designated by this regulation.

INTERPRETATION:

Both a British Columbia licensed winery and cidery are designated by the Regulation as farm uses, and as such, may not be prohibited by a local government bylaw, except a farm bylaw approved by the Minister of Agriculture, Food and Fisheries under Section 917 of the *Local Government Act*. These permitted farm activities are in addition to general farm uses permitted under the Act.

The Regulation permits licensed wineries and cideries on a parcel in the ALR, provided at least 50% of the farm products (fruit) used to make the wine or cider are produced on the farm on which the winery or cidery is located. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business. Alternatively, the use is permitted if the farm that grows the fruit to make the wine or cider is 2 ha or larger and at least 50% of the fruit used to make the wine or cider comes from a BC farm under a minimum 3 year contract to provide fruit to the winery or cidery. The 50% threshold is measured by the quantity (measured by volume or weight) of farm product processed calculated on an annual basis. Despite the threshold, the Commission may recognize unusual circumstances in the production of BC wine grapes and their effect on wine production.

Wine retail sales, winery tours and food and beverage service in a lounge are permitted provided they are ancillary to the winery or cidery. The winery/cidery must be licensed under the *Liquor Control and Licensing Act* of British Columbia. A food and beverage service lounge is allowed up to a maximum area of 125 square meters indoors and 125 square meters outdoors. The outdoor area of 125 square meters includes patio space but does not include areas set aside for picnicking. Picnicking areas are permitted as an ancillary use where the winery has a "picnicking endorsement" to its licence. The 125 square meter floor space or outdoor area is roughly equivalent to a seating capacity of 65 persons in the lounge or on the patio. Thus the maximum capacity is potentially 130 persons, where both indoors and outdoors seating are provided. However the person or patron capacity remains subject to the limits and conditions established by the general manager under the *Liquor Control and Licensing Act*.

Wine tasting or the free offering or sale of product samples is considered part of the winery tour activity and is permitted. Special promotional events held at wineries may be allowed under Section 2 (2) (e) of the Regulation that permits certain temporary agri-tourism activities on assessed farms. See Commission Policy "Activities Designated as Farm Use: Agri-tourism Activities in the ALR".

Uses that do not meet the threshold established in the Regulation for wineries or cideries, or associated uses not permitted in the Regulation, require application to and approval from the Commission.

The Regulation does not permit breweries, U-brewns and U-vins which are considered non-farm uses and require application to the Commission.

TERMS:

Food and beverage service lounge – means an establishment serving alcohol products produced on the premises, in addition to food, that has a "winery lounge endorsement" to the winery licence issued under the *Liquor Control and Licensing Act*. The threshold area specified in the Regulation for the lounge does not include the sampling room which is the area within the winery set aside for wine tasting.

(All references to wineries include references to cideries).

Attachment 3: ALC Regulation – Policy 4

 Agricultural Land Commission Act	Policy #4 March 2003 ACTIVITIES DESIGNATED AS FARM USE: AGRI-TOURISM ACTIVITIES IN THE ALR
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This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation".

Section 2 (2) (e) and Section 1 (1).

Section 2 (2) The following activities are designated as farm use for the purposes of the Act and may be regulated but must not be prohibited by any local government bylaw except a bylaw under section 917 of the Local Government Act :

(e) agri-tourism activities, other than accommodation, on land that is classified as a farm under the Assessment Act, if the use is temporary and seasonal, and promotes or markets farm products grown, raised or processed on the farm

Section 1 (1)

"agri-tourism" means a tourist activity, service or facility accessory to land that is classified as a farm under the Assessment Act;

"farm product" means a commodity that is produced from a farm use as defined in the Act or designated by this regulation.

INTERPRETATION:

Subject to the conditions in Section 2 (2) (e) of the Regulation, agri-tourism activities, (other than agri-tourism accommodation) are designated by this regulation as farm uses, and as such, may not be prohibited by a local government bylaw, except a farm bylaw approved by the Minister of Agriculture, Food and Fisheries under Section 917 of the *Local Government Act*. This permitted farm activity is in addition to general farm uses permitted under the Act.

The Regulation permits temporary and seasonal agri-tourism activities in the ALR provided the land is assessed as 'farm' under the *Assessment Act* and provided the activity promotes or markets farm products produced on that farm. These activities are accessory and, at the same time, related to the principle use of the farm or ranch and must promote or market farm products from the farm or ranch. This use is permitted only if the property is assessed as 'farm' and if the assessment changes, this use is no longer permitted. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business.

This section does not include agri-tourism accommodation which is regulated under Section 3 (1) (a) of the Regulation and may be prohibited by a local bylaw. See Commission Policy "Permitted Uses in the ALR: Agri-tourism Accommodation".

There is no building threshold area stipulated for these uses in the Regulation. A local government may regulate these uses, for example by setting hours of operation, a maximum building area or maximum site coverage, but may not prohibit the uses as they are designated 'farm uses' under the Act. The local bylaws may further define 'temporary' and 'seasonal' and additional local government requirements must also be met. However in all cases the regulation of the use by local government must be reasonable and not prohibitive.

Page 1 of 2

Examples of agri-tourism activities that may be permitted under this section of the Regulation, provided all conditions are met, include, but are not limited to:

- Agricultural heritage exhibit
- Farm tours and farm demonstrations
- Horse riding including cattle drive activities
- Horse or other livestock shows
- Hay, tractor and sleigh rides
- Pumpkin patch tours and related activities
- Picnicking
- Farm related educational activities including cooking classes using farm products from the farm
- Seasonal promotional events (e.g. harvest and Christmas fairs and activities)
- Special promotional events (e.g. private or public special occasion events for the promotion of farm products)
- Charity fund-raising events where farm products from the farm are offered for sale or by contribution and the majority of net proceeds are donated to a registered charity
- Catered food and beverage service special events where farm products from the farm are promoted, but not a service requiring the use of a permanent commercial kitchen
- Corn mazes
- Fishing (stocked pond)
- Bird and wildlife refuges and rescue services

Farm retail sales are regulated separately under section 2 (2) (a) of the Regulation and may be permitted if the specified conditions are met. See Commission Policy “Activities Designated as Farm Use: Farm Retail Sales in the ALR”.

Agri-tourism uses that do not meet the conditions established in the regulation, for example, uses that are not taking place on land assessed as ‘farm’, are not temporary and seasonal, and do not promote or market farm products from the farm, require application to and approval from the Commission.

TERMS:

Temporary –means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.

Seasonal - means a use or activity in a facility or area for less than 12 months of the year.



Islands Trust

Print Date: Jan-08-2015

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Implementing Riparian Areas Regulations	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	Development of a Memorandum of Understanding with K'omoks First Nation.		Sep-16-2014	Rob Milne		On Going
3	Review of visitor accommodations regulations	Proposed focus of review is on allowing the provision of cooking facilities for guests.		Rob Milne		On Going



Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	Aug-15-2011	On Going
1	Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review and Update of Development Procedures Bylaw No. 71		Dec-11-2012	On Going
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan and ensuring food security.	Include consideration of Exploring Food Security in the Islands Trust Area in the final report	Apr-02-2013	On Going
1	DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	Oct-22-2013	On Going



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 Rittermann	Nov-12-2014	Application for vineyard and farm to be included in the ALR

Planning Status

Status Date: Dec-11-2014

Planner (TR) reviewed the file and discussed with other planners at the weekly Planner Meeting. On Dec. 11, planner called the applicant (Selwyn Jones) and explained that his best option would be to rezone (site-specific). He said this was too expensive and too time consuming and asked planner to forward to the ALC for review. Planner explained that it will likely be turned back by the ALC again for the same reasons as before. Applicant still wishes to continue with the ALR application anyhow.

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 Komasa 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
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Planner: Marnie Eggen**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	Jun-17-2013	
Planner: Courtney Simpson			

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

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

Status Date: Jul-16-2013

Staff preparing development permit amendment

Status Date: Jun-24-2013

Planner Reviewing File

Development Variance Permit

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

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 transfered over to bylaw enforcement

Rezoning

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

Planning Status

Status Date: May-27-2014

All related Bylaws adopted and distributed.

Status Date: Sep-24-2013

Bylaw adopted

Status Date: Apr-24-2013

Agency / First Nation referrals sent in relation to bylaws

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.1	David Critchley Planner: Courtney Simpson	Feb-19-2013	2 lot subdivision 2016 Northwest Road (I. Brons/Denman Community Land Trust)

Planning Status

Status Date: Mar-14-2014

Subdivision registered

Status Date: Jun-13-2013

PLA received

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

Planning Status

Status Date: Jun-17-2014

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

Status Date: Jan-14-2014

PLA with conditions received January 14, 2014

Status Date: Dec-23-2013

Subdivision referral report sent to DILTC, MOTI and applicant.

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

Planning Status

Status Date: Mar-18-2014

Referral response emailed to MOTI

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2014.2	Sandy Grant BC Land Surveyor Planner: Rob Milne	May-20-2014	2 lot subdivision

Planning Status

Status Date: Nov-04-2014

Cofirmed with MOTI that PLA has been issued

Status Date: Jun-04-2014

Subdivision referral response sent to MOTI

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

Planning Status

Siting and use Permit

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

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day	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 Planner: Rob Milne	Sep-29-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed

Planning Status

Status Date: Nov-03-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.7	Thomas Provencal Planner: Teresa Rittemann	Jul-18-2014	1 residence; 1 storage shed; 1 workshop; 1 greenhouse-geodesic dome

Planning Status

Status Date: Oct-17-2014

File on hold. Applicant has received DVP application in the mail and will pursue a DVP when he has time.

Status Date: Oct-09-2014

File still on hold. Awaiting applicant to apply for a DVP.

Status Date: Sep-08-2014

Applicant has asked for a copy of the DVP guide and application form as he is unable to print it. It will be mailed asap. This file will be on hold until a DVP file is set up and addressed.

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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STAFF REPORT

Date: January 7, 2015

File No.: 6500-20-Denman
LTC Work Program

To: Denman Island Local Trust Committee
For the meeting of January 20, 2015

From: Rob Milne, RPP, MCIP

CC: Courtney Simpson, RPP, MCIP

Re: Denman Island Local Trust Committee Work Program 2015

The purpose of this report is to provide the Local Trust Committee (LTC) with an overview of top priorities, projects and budgets at the start of this new term of office. This report is intended to provide background for LTC discussion about confirming existing, or setting new priorities for this new term.

The report also gives a regional overview of the anticipated workload for the Northern Team for 2015 in order to assist the LTC with its program planning.

The LTC is also requested to review the budget requests for the 2015/16 fiscal year submitted by the LTC to Financial Planning Committee in September, 2014 and confirm or amend the budget request

LTC WORK PROGRAM

LTC initiated work is managed through the Work Programs, as per Islands Trust Policy 6.7.i. There are two components of the Work Program: The Top Priorities and the Projects Lists. The top priority work program accounts for approximately one-third of planning staff resource time, and the Project List is a record that lists potential projects the LTC may wish to undertake in the future.

Top priority planning projects can be significant and long-term, such as an official community plan review, or may be relatively minor, such as an amendment to a specific section in a land use bylaw. Top priority projects, unless very minor, must have an approved budget before any significant work can begin. A LTC can have up to three top priorities at any given time.

Within Local Planning Services, staff develops a “project charter” for each top priority project to communicate the scope, timeline, budget and deliverables of a project in a short, concise document to be endorsed by the LTC.

Current Top Priorities

The Top Priorities List indicates the focus of LTC initiated planning work. It can be changed by resolution of the LTC throughout the term if priorities change, or to remove a completed project. Below is the current Top Priorities List for the LTC. This list is a version of the standard report

that appears on all LTC regular meeting agendas, but with added status and comments for the purpose of this report.

Table 1: Denman Island Local Trust Committee Top Priorities List January, 2015

Description	Activity	Staff Comments
1. Implementing Riparian Areas Regulations (RAR)	Implementing the RAR through amendment to Development Permit Area # 4 to meet provincial legislation	Project Charter endorsed June 26, 2012 and amended on March 24, 2014. Bylaw drafted and referred to agencies and First Nations. Next step is to review referral responses and consider first reading.
2. Development of a Memorandum of Understanding with K'omoks First Nation	To be determined	Inaugural meeting held in August, 2014. Subsequent meetings to be scheduled to work towards the development of a MOU.
3. Review of visitor accommodation regulations	Proposed focus of review is on allowing the provision of cooking facilities for guests	Upon affirmation of this as a priority of the newly elected LTC a project charter, including a proposed budget, will have to be developed and approved by the LTC.

Priorities of the 2011-2014 Term

To aid the discussion of priorities for the coming term, it may be helpful to reflect on recently completed work of the LTC. The table below lists projects that were completed during the 2011-14 term.

Table 2: Denman Island Local Trust Committee Priorities in 2011 – 2014 term

Description	Comments
Denman Island Farm Plan	Completed November, 2012
Housing Needs (<i>implementation of secondary suites and residences</i>)	Completed December, 2014 through adoption of bylaws Nos. 210 and 211
Aquaculture Policies Review	Due to the establishment of a lack of statutory authority on the part of the Islands Trust to address this issue the LTC decided to not pursue bylaw amendments

Previous Term Work Summary

The following summary is for information purposes, to illustrate LTC activity over the past three years.

<i>Meetings and Resolutions</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
<i>Regular business meetings</i>	10	12	9
<i>Special business meetings</i>	1	1	0
<i>Community information meetings</i>	0	2	1
<i>Closed Meetings</i>	5	5	4
<i>Public hearings</i>	0	1	1
<i>Resolutions</i>	100	92	84

Projects List

A LTC can have any number of projects on a project list; however, staff recommends this list be reviewed regularly to ensure the projects can be feasibly initiated in a reasonable timeframe.

The following is the LTC Projects List as it stood at the end of the 2011-2014 term. This list should be reviewed and revised by the new LTC.

The projects list is normally not in any particular order although a LTC could prioritize it. In the comments section below, staff notes any recommendations about priority of a particular item and moving it up to the top priorities list. Where there are no comments, staff does not have any additional information about the scope of the purpose of the item.

Table 3: Gabriola Island Local Trust Committee Projects List

Description	Comments
A Protected Area Network on Denman Island	Pursuant to Islands Trust Council Policy 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."
Housekeeping project	"Housekeeping" bylaw amendments are those that are minor and intended to correct errors or inconsistencies, and require limited or no public consultation. The official projects list includes two items that have been identified by the LTC. Staff intends to work on such minor amendments on an "as time permits" basis rather than a discrete project to facilitate the implementation of such minor changes. If the LTC wishes housekeeping amendments to take priority over other work, they should add this to the Top Priorities List.
Regulations governing wind towers and Ocean Loop Geo-	Recent reports at the Trust Council level have provided recommendations to LTC's to enable alternative energy generation;

Exchange Systems.	Domestic Small-Scale Wind Energy (2012) and Ocean-Based Geo-Exchange (2013).
Regulation limiting the gross floor area of a dwelling	
Regulations to promote greenhouse gas emissions reduction	In 2011 the LTC adopted OCP amendments to add targets, policies and actions to reduce greenhouse gas emissions as required by new provincial legislation. In order to implement these, some amendments to the Land Use Bylaw are required.
Review and Update of Development Procedures Bylaw No. 71	
Review of OCP/LUB regarding implementation of Denman Island Farm Plan and ensuring food security.	The Denman Island Farm Plan, endorsed in 2012, includes recommendations for changes to the OCP and LUB in order to achieve the goals of the plan. This work has not begun. The LTC has indicated that should they prioritize this project they would like to include consideration of the Trust Council Report <i>Exploring Food Security in the Islands Trust Area</i> (2010).
DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	This project would include consideration of recommendations in this 2013 Denman Community Land Trust Association report.

LTC Work Program Budget

The following table lists project budgets for the current fiscal year and their balance. The comments section describes planned expenditures to the end of the fiscal year on March 31, 2015.

Table 4: 2014/15 Denman Island Local Trust Committee Work Program Budget

Project	Budget	Spent	Balance	Comments
Denman RAR	2,500	194.53	2,305.47	Initial public consultation has been completed and agency referral agency comments received. Next steps would include a review the comments and bylaw amendments as may deemed necessary. This would be followed by giving the bylaws second reading and the scheduling of the statutory public hearing.
Denman Housing Review	2,500	670.87	1,829.13	Bylaws adopted December, 2014. Project completed.

Table 5 lists the project budget requests that the LTC submitted to Financial Planning Committee in the fall of 2014. In an election year, the outgoing LTC must make budget requests

prior to the election in order to keep within the Island Trust annual budgeting schedule. These requests should be considered as their recommendation to the new LTC on what budgets should be requested, and the new LTC has the opportunity to confirm or amend the request for consideration at the February Financial Planning Committee meeting. The budget will be adopted at the March Trust Council meeting.

The budget requests were made based on staff advice to each LTC in a memorandum dated August 18, 2014 which is attached to this report. Keep in mind that in the first year of term, when new projects are getting started, often little budget is required as much of the initial scoping and background work is done internally by Island Trust planning staff, which does not require a project budget.

Table 5: 2015/16 Denman Island Local Trust Committee Work Program Budget request

Project	Budget	Comments
RAR (completion)	\$2,500	1 public hearing (\$2000) stand-alone, communications material (\$500) Tentative.
Protocol Agreement with K'omoks First Nation	\$2,000	Meetings and possible consultant support

REVISING THE LTC WORK PROGRAM FOR 2015

When reviewing the anticipated 2015/2016 priority projects, the LTC is asked to consider the following:

- That projects planned for the current fiscal (2014/15) but were not completed could be considered as a new project for the 2015/16 fiscal year with resources allocated to support that work.
- That requests for the 2015/2016 should take into account the regional workload realities for the Northern Planning Team (noted below).

Northern Region Planning Priorities

The Northern Office staff is responsible for seven LTC's. As a result, the Northern Region has 13 sets of bylaws to implement, advise upon, and at times review. In order to best serve all the LTCs and bylaws, a work balance is sought through a coordinated Northern approach to work program planning.

A review of anticipated regional priorities was detailed in the memorandum from the Regional Planning Manager dated August 18, 2014, attached to this report. The Regional Planning Manager made recommendations for large-scale work projects (major bylaw reviews) in regards to how they would relate to staff resources regionally.

Staff recommended that two new OCP/LUB reviews begin in the Northern Region in 2015; DeCourcy Island in the Gabriola Local Trust Area and Gambier Island in the Gambier Island Local Trust Area. Both of those LTCs agreed to request budgets for these projects in the 2015/16 fiscal year, and through that action, have recommended to the current LTC's that these projects be prioritized in the current term. Based on staff resources and other ongoing and recommended projects, this is realistically the maximum number of complete OCP/LUB review

projects that can be undertaken by Northern Staff at this time. Targeted amendments can be considered for additional OCPs and LUBs.

STRATEGIC PLANNING FOR THE 2014-2018 TERM

As the new term begins, the Northern Planning staff wishes to work with trustees to set out some long-range goals for the term. These goals would be developed into projects to be placed on the Projects List. The rationale of undertaking such an activity is three-fold:

- To establish the objectives of the local trustees and how they envision their work program over the term.
- To present to trustees any overall planning priorities.
- To enable the Northern Team to set out a long-term schedule that balances large priority projects across the seven Northern LTCs.

STAFF ANALYSIS

As may be seen in Table 1 of this report the Denman Island Local Trust Committee (LTC) currently has three top priorities identified on their work program. Two of these priorities, Riparian Areas Regulation (RAR) implementation and a review of visitor accommodation regulations are bylaw based. The third, development of a Memorandum of Understanding with K'omoks First Nation would not result in a bylaw but is focused on building a relationship with this First Nation and could result in another document such as memorandum of understanding.

The RAR implementation project has undergone a public consultation period and Bylaw Nos. 212 and 213, which propose to amend the OCP and LUB respectively have been sent out for agency and stakeholder review. The next step in the process would be for the LTC to review the comments received from the referral and amend the bylaws as deemed necessary. This would be followed by giving the bylaws second reading and the scheduling of the statutory public hearing. The review of comments and consideration of second reading, and proceeding to public hearing could be considered at the March 3, 2015 meeting. The LTC may wish to precede the statutory public hearing by holding a separate public open house to allow the community to re-familiarize themselves with the RAR implementation project. Dependent upon Ministry of Community, Sport and Community Development approval timelines this project could potentially be completed in the fall of 2015.

The review of visitor accommodation regulations is a recent addition to the top priorities list and no work has been done on this project to date including the development of the necessary project charter which would define the scope of the proposed review. Given the top priority of the RAR project, and the anticipated need for comprehensive community consultation on this project it could easily take the better part of 2015 and 2016 or longer to complete, depending on the scope which has yet to be defined.

With respect to the development of a MOU with the K'omoks First Nation some initial steps have been taken to improve the current relationship although no formal plan or strategy has been developed. The LTC met with the K'omoks First Nation in August, 2014 and it was agreed to meet again to with the intention of creating a MOU. The building of a relationship with K'omoks First Nation should likely be considered as an ongoing project as any relationship requires nurturing and ongoing commitment. A project charter, done in consultation with the LTC will have to be developed for this project in order to identify the scope, milestones, resources and budget involved in working towards a formal agreement with the K'omoks.

Looking forward into 2015 it is likely that only one project, RAR implementation, will be completed. The LTC may wish to consider any changes to unbudgeted items in the current priorities list that they feel are appropriate early in their term.

It should also be noted that Bill 17, the *Miscellaneous Statutes Amendment Act, 2014* came into force on May 29, 2014. One of the purposes of the Bill is to phase out land use contracts and replace them with “modern” zoning. All land use contracts must be terminated on or before June 30, 2024. There is one land use contract on Denman Island for the Komasa Ranch development, which was approved on August 27, 1977 by the then Regional District of Comox-Strathcona which is affected by Bill 17. The LTC may wish to consider initiating this process at some point in their current mandate.

RECOMMENDATIONS:

THAT the Denman Island Local Trust Committee:

1. review the current Denman Island Local Trust Area work program;
2. amend the Top Priorities and Project List as deemed necessary; and
3. confirm or amend the 2015/16 Budget Request and direct staff to forward any amendments to Financial Planning Committee.

Prepared and Submitted by:

Rob Milne

January 7, 2015

Rob Milne, RPP
Island Planner

Date

Concurred in by:

Courtney Simpson

January 7, 2015

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Memorandum dated August 18, 2014 regarding 2015-16 Budget Submissions

Date June 27, 2014 File Number Budget 2015/16

To Regional Planning Managers

From David Marlor
Director of Local Planning Services

Re 2015/16 Local Trust Committee Budget Requests

To assist in the budget development process, local trust committees and staff are asked to submit budget submission recommendations for the next fiscal year.

Local Trust Committee Expense Budgets:

A budget for Local Expense Account has been developed based on the current budget (2014/15). Local Trust Committees may request changes to this allocation, however, consideration should be given to the historical spending and a rationale provided for making the request.

A small amount of funding is included in the Special Projects line item in the Local Trust Committee 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 any specific project work, including OCP and LUB work.

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 next fiscal year to assist the regional planning managers and the Director in developing a budget for RAR.

Special Consideration:

When considering new work items for the 2015/16 fiscal year, Regional Planning Managers and LTCs are asked to consider the following:

- A new local trust committee will be sworn-in in December 2014, therefore, priorities could potentially change after the new LTC sets its priorities. Essentially, the existing LTC will be responsible for ensuring that the incoming LTC has sufficient funds to undertake work program items.
- Projects planned for the current fiscal (2014/15) which are not completed should be considered as a new project for the 2015/16 fiscal year with resources allocated to support that work.

Because we are asking an outgoing LTC to consider a budget for an incoming LTC, please frame the question along the lines of "what would the current LTC recommend as projects for the incoming LTC in 2015/16 fiscal

year". The new LTC will have an opportunity to amend these requests after being sworn-in in December and prior to the Financial Planning Committee meeting in February 2015.

Budget Request Timeline:

July to Aug Regional Planning Managers develop detailed budget estimates for consideration by Local Trust Committees

July to Sept Local Trust Committees review and approve budget requests at LTC meeting

Last date for LTC Consideration (based on established regular meeting dates):

Bellenas-Winchelsea Oct 8**

Denman Sep 16

Gabriola Sep 4

Galiano Sep 8

Gambier Sep 18

Hornby Sep 19

Lasqueti Aug 28

Mayne Sep 3

N. Pender Aug 28

Salt Spring Aug 28

Saturna Jul 10

S. Pender Sep 16**

Thetis Sep 17

** Note that these dates are after the date for submission to the Director of Local Planning Services.

Sept 23 2014 Budget requests submitted to the Director of Local Planning Services

Once you have received LTC endorsement of a budget request, please enter the request into the linked spreadsheet so we have them all in one place.

<G:\LPS\LPS Budget\2015-16 Fiscal Planning\LTC budget requests 2015 16.xlsx>

Attachments:

1. Spreadsheet to input budget requests
2. Budget Timeline

Process:

1. Use the attached spreadsheet to reflect project requests and review LTC expense allocations.
2. Submit to the local trust committee for approval of the recommendation, and include information in this memorandum to assist the local trust committees in making a decision on their budget recommendations.
3. Submit approved requests to the Director of Local Planning Services by the deadlines listed above.
4. Other budget requests, such as training, technical and furniture, will be considered through a separate process that will be communicated to you in August 2014.

Pc Cindy Shelest

Date: January 7, 2015

File No.: 3050-20-06

To: Denman Island Local Trust Committee
For meeting of January 20, 2014

From: Lisa Webster-Gibson
Legislative Clerk

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

Re: Denman Island Advisory Commissions

The Denman Island Local Trust Committee has two current advisory commissions. These are an Advisory Planning Commission (APC) and a Marine Advisory Planning Commission (MAPC).

BACKGROUND:

Local Government Act Section 898 enables a Local Trust Committee (LTC) to establish, by bylaw, advisory planning commissions to advise them on “all matters respecting land use, community planning or proposed bylaw and permits” upon referral from the LTC.

Denman Island Local Trust Committee Bylaw No. 203 (attachment # 1) establishes an Advisory Planning Commission and four other advisory commissions that the LTC may appoint members to:

- Transportation Advisory Planning Commission
- Marine Advisory Planning Commission
- Agriculture Advisory Planning Commission
- Special Projects Advisory Planning Commission

Pursuant to Bylaw No. 203, the LTC may appoint up to six members to each commission with the exception of the Special Projects APC, where a terms of reference, prepared for the project, is required to outline the number of members. The LTC is not required to appoint members to all or even any APC.

Pursuant to Bylaw No. 203, for all of the APC's with the exception of the Special Projects APC, the LTC may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.

Advisory Planning Commission (APC)

The Denman Island APC is established to advise the LTC on all matters respecting land use, community planning or proposed bylaws and permits that are referred to it by the LTC.

The Denman Island Advisory Planning Commission has 5 appointed members. These members and their terms are:

- | | |
|-----------------------------|---|
| • Jessie Edwards | Term: February 28, 2014 - February 28, 2016 |
| • Lindsay Graf | Term: February 28, 2014 - February 28, 2016 |
| • Ralph McCuaig, (A/ Chair) | Term: March 01, 2013 - February 28, 2015 |
| • Daryl McLoughlin | Term: March 01, 2013 - February 28, 2015 |
| • Henning Nielsen | Term: February 28, 2014 - February 28, 2016 |

The term appointments for two of the members will expire on February 28, 2015 and the remaining three will expire on February 28, 2016.

Marine Advisory Planning Commission (MAPC)

The Denman Island MAPC to advise the Local Trust Committee is established to advise on all matters respecting planning for marine areas that are referred to it by the LTC.

The Denman Island MAPC has 5 members. These members and their terms are:

- | | |
|---------------------|--|
| • Edina Johnston | Term: April 01, 2014 - April 01, 2016 |
| • Liz Johnston | Term: April 01, 2014 - April 01, 2016 |
| • Shelley McKeachie | Term: March 01, 2013 - February 28, 2015 |
| • Pat McLaughlin | Term: March 01, 2013 - February 28, 2015 |
| • Rob Wiltshire | Term: April 01, 2014 - April 01, 2016 |

The term appointments for two members expire February 28, 2015 and three members expire April 1, 2016.

RECOMMENDATIONS:

THAT the Denman Island Local Trust Committee:

1. directs staff to advertise for expressions of interest for up to three (3) vacant positions on the Denman Island Advisory Planning Commission and send letters to those appointees whose terms are expiring thanking them for their service and inviting them to submit expressions of interest if they wish to be re-appointed to the Denman Island APC;
2. consider the need to continue the Marine APC, and if so, direct staff to advertise for expressions of interest for up to three (3) vacant positions on the Denman Island Marine Advisory Planning Commission and send letters to those appointees whose terms are expiring thanking them for their service and inviting

them to submit expressions of interest if they wish to be re-appointed to the Denman Island Marine Advisory Planning Commission; and

3. return submissions for expressions of interest to the Local Trust Committee for consideration of appointments.

Respectfully submitted by:

Lisa Webster-Gibson

January 8, 2015

Lisa Webster-Gibson
Legislative Clerk

Date

Courtney Simpson

January 8, 2015

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Denman Island Advisory Planning Commission Bylaw No. 203

DENMAN ISLAND TRUST COMMITTEE
BYLAW NO. 203

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

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

1. Continuation and Establishment

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

2. Appointment of Members

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

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

Committee to advise them and the Local Trust Committee shall appoint an interim Chairperson who shall serve until a Chairperson is elected in accordance with Section 2(g).

- k) An individual may serve concurrently on the Advisory Planning Commission, Transportation Advisory Planning Commission, Marine Advisory Planning Commission, Agriculture Advisory Planning Commission, a Special Projects Advisory Planning Commission, or any number of them.

3. Roles

a) Secretary

i) The Secretary is to:

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

b) Chairperson

i) The Chairperson is to:

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

4. Referrals

a) The Local Trust Committee may by resolution:

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

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

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

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

- e) A meeting on any particular referral must be held not more than 30 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- f) The Chairperson may call an extraordinary meeting after consultation with the Secretary and all other members to deal with any matter for which a quick response is requested from the Local Trust Committee.
- g) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

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

6. Conduct of Meeting

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

7. Notice of Recommendation

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

8. Transition

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

9. Citation

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

READ A FIRST TIME THIS 28th DAY OF February, 2012

READ A SECOND TIME THIS 28th DAY OF February, 2012

READ A THIRD TIME THIS 28th DAY OF February, 2012

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
29th DAY OF March, 2012

ADOPTED THIS 3rd DAY OF April, 2012

SECRETARY

CHAIRPERSON