



A NOTICE OF A BUSINESS MEETING OF **THE DENMAN ISLAND LOCAL TRUST COMMITTEE**  
to be held at 10:30 AM on Tuesday, April 3, 2012 at the Denman Seniors Hall,  
1111 Northwest Road, Denman Island, BC

**Revised – April 16, 2012**

## **AGENDA**

|           |                                                                                                                                                                  | <b>Page<br/>No.</b> | <b>*Approx.<br/>Time*</b> |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|---------------------------|
| <b>1.</b> | <b>CALL TO ORDER</b>                                                                                                                                             |                     | 10:30 am                  |
| <b>2.</b> | <b>APPROVAL OF AGENDA</b>                                                                                                                                        |                     |                           |
| <b>3.</b> | <b>CHAIR'S REPORT</b>                                                                                                                                            |                     |                           |
| <b>4.</b> | <b>TRUSTEES' REPORT</b>                                                                                                                                          |                     |                           |
| <b>5.</b> | <b>MINUTES</b>                                                                                                                                                   |                     | 10:45 am                  |
| 5.1       | Local Trust Committee Meeting Minutes of February 28, 2012 –<br><i>attached</i>                                                                                  | 1-13                |                           |
| 5.2       | Section 26 Resolutions Without Meeting Log dated March 21, 2012 -<br><i>attached</i>                                                                             | 14                  |                           |
| 5.3       | Local Trust Committee Special Meeting Minutes for Community<br>Information Meeting of March 14, 2012 – <i>attached</i>                                           | 15-21               |                           |
| 5.4       | Denman Island Advisory Planning Commission Draft Minutes - <i>none</i>                                                                                           |                     |                           |
| 5.5       | Denman Agriculture Plan Steering Committee Minutes dated February<br>14, 2012 - <i>attached</i>                                                                  | 22-23               |                           |
| <b>6.</b> | <b>BUSINESS ARISING FROM MINUTES</b>                                                                                                                             |                     | 11:15 am                  |
| 6.1       | Follow-up Action List dated March 21, 2012 - <i>attached</i>                                                                                                     | 24                  |                           |
| 6.2       | Bylaw Enforcement Notification Bylaw Community Information Meeting<br>Follow up                                                                                  |                     |                           |
| <b>7.</b> | <b>APPLICATIONS AND PERMITS</b>                                                                                                                                  |                     | 11:30 am                  |
| 7.1       | DE-ALR-2011.3 (Holden, Jacobs & Aronson – 3333 North Central Rd)<br>Staff Report dated March 15, 2012 - <i>attached</i>                                          | 25-34               |                           |
| <b>8.</b> | <b>DELEGATIONS</b>                                                                                                                                               |                     | 11:45 am                  |
| 8.1       | Simon Palmer for DenmanWORKS! Regarding Visitor-Related Bylaw<br>Amendment Request                                                                               |                     |                           |
| 8.1.1     | Submission and attachments dated April 3, 2012 from DenmanWorks<br>– <i>attached</i>                                                                             |                     |                           |
| <b>9.</b> | <b>TOWN HALL DISCUSSION</b>                                                                                                                                      |                     | 12:00 pm                  |
| 9.1       | Submission dated April 3, 2012 from Louise Bell regarding Proposed<br>Bylaw No. 201 (Bylaw Enforcement – Notification/Adjudication<br>Process) - <i>attached</i> |                     |                           |

|             |                                                                                                                                                                                                                                        |          |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>10.</b>  | <b>CORRESPONDENCE</b>                                                                                                                                                                                                                  | 12:10 pm |
|             | <i>Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>                |          |
| 10.1        | Letter dated February 10, 2012 from Shelley Jepps of Fisheries and Oceans Canada to Patricia McLaughlin, Denman Island Marine Stewardship Committee Regarding Predator Netting and Herring – Baynes Sound - <i>attached</i>            | 35-37    |
| 10.2        | Email dated December 16, 2011 from Simon Palmer of Denman WORKS! Regarding Bylaw Amendment Request for Denman Island Land Use Bylaw No. 186 – <i>attached (This item was 10.6 on January 24, 2012 agenda and was deferred)</i>         | 38-39    |
| 10.3        | Letter dated February 23, 2012 to Peter Luckham from BC Shellfish Growers Association regarding the Denman Island Farm Plan - <i>attached</i>                                                                                          | 40       |
| 10.4        | Email dated March 15, 2012 from Simon Palmer regarding Bylaw Enforcement - <i>attached</i>                                                                                                                                             | 41       |
| 10.5        | Email dated March 20, 2012 from Pat McLaughlin forwarding Information from Ramona de Graff of BC Shore Spawners Alliance regarding Possible Changes to the Fisheries Act and Consequences for the Marine Environment - <i>attached</i> | 42-45    |
| 10.6        | Petition dated September, 2011 from Margie Gang regarding Home-based Guest Accommodations - <i>attached</i>                                                                                                                            |          |
| 10.7        | Email Dated March 28, 2012 from Margie Gang regarding Ticketing Bylaw - <i>attached</i>                                                                                                                                                |          |
| 10.8        | Email dated March 28, 2012 from Edina Johnston regarding Relabeling of Staff Report of March 13, 2012 - <i>attached</i>                                                                                                                |          |
| <b>11.</b>  | <b>REPORTS</b>                                                                                                                                                                                                                         | 12:30 pm |
| <b>11.1</b> | <b>Work Program</b>                                                                                                                                                                                                                    |          |
|             | Top Priorities Report and Projects Report dated March 21, 2012 - <i>attached</i>                                                                                                                                                       | 46-47    |
| <b>11.2</b> | <b>Applications Log</b>                                                                                                                                                                                                                |          |
|             | Report dated March 21, 2012 - <i>attached</i>                                                                                                                                                                                          | 48-52    |
| <b>11.3</b> | <b>Trustee and Local Expenses</b>                                                                                                                                                                                                      |          |
| 11.3.1      | Expenses posted to February 23, 2012 - <i>attached</i>                                                                                                                                                                                 | 53       |
| 11.3.2      | Expenses posted to March 31, 2012 - <i>attached</i>                                                                                                                                                                                    |          |
| <b>12.</b>  | <b>LOCAL TRUST COMMITTEE PROJECTS</b>                                                                                                                                                                                                  | 12:40 pm |
| 12.1        | Review of Policies and Regulations regarding Impacts of Shellfish Farming on Marine Environment<br>Staff Report dated March 13, 2012 - <i>attached</i>                                                                                 | 54-60    |
| 12.2        | Riparian Areas Regulation Update – <i>for discussion</i>                                                                                                                                                                               |          |
| <b>13.</b>  | <b>NEW BUSINESS</b>                                                                                                                                                                                                                    | 1:15 pm  |
| 13.1        | Memorandum dated February 21, 2012 to Local Trustees from David Marlor, Director of Local Planning Services regarding A Strategic Approach to Islands Trust Communications - <i>attached</i>                                           | 61-63    |

- 14. BYLAWS**
- 14.1 Proposed Bylaw No. 203 cited as the "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012".- *for consideration of adoption* 64-68
- 14.2 Proposed Bylaws No. 178 and No. 201 - *discussion*
- 15. ISLANDS TRUST WEBSITE**
- 15.1 Denman Page - *attached* 69-70
- 16. CLOSED MEETING:** 1:30 pm
- The Denman Island Local Trust Committee closes the next part of the April 3, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) and 90(1)(i) of the *Community Charter* to consider appointments to the Marine Advisory Planning Commission and for the receipt of advice that is subject to solicitor-client privilege, including communications necessary for the purpose and that Courtney Simpson, Island Planner and Vicky Bockman, Recorder be invited to attend this meeting
- 17. RECALL TO ORDER**
- Rise and Report from Closed Meeting
- 18. NEXT MEETING DATE**
- Tuesday, May 1, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC V0R 1T0
- 19. TOWN HALL DISCUSSION – *time permitting***
- 20. ADJOURNMENT** 2:15 pm

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

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE  
BUSINESS MEETING  
HELD AT 10:30 AM, FEBRUARY 28, 2012  
AT THE MARCUS ISBISTER OLD SCHOOL CENTRE  
5901 DENMAN ROAD, DENMAN ISLAND, BC**

|                        |                  |                |
|------------------------|------------------|----------------|
| <b><u>PRESENT:</u></b> | Peter Luckham    | Chair          |
|                        | Laura Busheikin  | Local Trustee  |
|                        | David Graham     | Local Trustee  |
|                        | Courtney Simpson | Island Planner |
|                        | Vicky Bockman    | Recorder       |

There were three (3) members of the public in attendance.

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

The agenda was adopted by consensus with the following amendments:

- Add item 9.1: Memorandum dated February 20, 2012 regarding DE-SUB-2011.1 Cost Recovery Agreement
- Add item 15.1: Denman WORKS! Meeting Process
- Add item 15.2: Strategic Plan – Marine Advocacy
- Add item 16.2: Bylaw Enforcement Notification Bylaw
- Add a second Town Hall Discussion after item 17 and renumber subsequent items
- Add item 19.2: Denman Island Local Trust Committee Business Meeting Schedule

**3. CHAIR'S REPORT**

Chair Luckham reported that the Islands Trust Executive Committee, the Islands Trust Financial Planning Committee and others are preparing the upcoming budget for submission in March at the Islands Trust Council meeting on Gabriola Island. He stated that he anticipates that there will be a very low tax increase resulting from this budget, perhaps as low as less than one percent.

He stated that Islands Trust is currently examining an opportunity to accept a grant from the Gas Tax Fund (Canada-British Columbia-Union of British Columbia Municipalities Agreement on the Transfer of Federal Gas Tax Revenues) to review the Islands Trust Policy Statement. He expressed his view that this would present a chance to engage discussion with communities about the values that Islands Trust holds.

Chair Luckham reported that this term he is a member of the Islands Trust Fund Board, and that work is continuing there on matters relating to conservation. He advised that he and Planner Simpson are members of the First Nations Task Force, a forum that will be looking at ways to effectively work with First Nations on land use issues.

#### 4. **TRUSTEES' REPORT**

**Trustee Busheikin** reported that she attended her first Islands Trust Programs Committee meeting and found it to be an interesting discussion. She stated that she also attended a Denman Agriculture Plan Steering Committee meeting and reported that the consultant is planning to present a draft of the Farm Plan at their next meeting.

**Trustee Graham** reported that he is excited about his new role as a Vice-Chair of the Islands Trust Executive Committee. He stated that he attended a seminar at The Local Government Leadership Academy in Parksville and that he also attended a Denman Island Residents Association Parks Committee meeting, commenting that he always finds updates on their activities to be interesting.

Trustee Graham advised that he attended an Islands Trust Financial Planning Committee meeting where the budget and the subject of an Islands Trust Policy Statement review were discussed. He concluded by commenting that he is looking forward to the Islands Trust Council budget meeting.

#### 5. **MINUTES**

##### 5.1 *Local Trust Committee Meeting Minutes of January 24, 2012*

The minutes were adopted by consensus with the following amendments:

- Page 3, item 7.1, first paragraph, last sentence: remove the extra period
- Page 6, item 9, second paragraph, last sentence: change the text from "consort" to "concert"
- Page 3, item 6.1, third paragraph: after "should be removed from the Follow-up Action List" add the text "as it is being dealt with by the Regional Planning Manager."
- Page 3, item 6.2, first paragraph, second line: delete the text "is not important to" and replace with "would not add value to the current petition for"
- Page 13, item 13.6: replace the text with: "The Local Trust Committee was advised that David Graham was appointed to represent the Executive Committee when the Integrated Management of Aquaculture Planning by Fisheries and Oceans Canada group meets again."

- Page 6, item 9, fifth paragraph, first line: delete the text “principal” and replace with “practice”

5.2 *Section 26 Resolutions Without Meeting Log dated January 9, 2012*

There were no resolutions without meeting to report.

5.3 *Denman Island Advisory Planning Commission Draft Minutes*

There were no Advisory Planning Commission draft minutes.

5.4 *Denman Agriculture Plan Steering Committee Minutes*

There were no Denman Agriculture Plan Steering Committee minutes.

**6. BUSINESS ARISING FROM MINUTES**

6.1 *Follow-up Action List dated February 16, 2012*

Planner Simpson provided an update to the Follow-up Action List dated February 16, 2012, stating that file number DE-ALR-2011.2 (Fraser) has been forwarded to the Agricultural Land Commission.

Trustee Graham provided an update regarding the September 12, 2011 item related to scheduling a meeting with the K’omoks First Nation. He advised that the Hornby Island Local Trust Committee has expressed concerns, indicating that they would prefer that the Hornby Island and Denman Island Local Trust Committees hold separate meetings with the K’omoks First Nation. He suggested that both meetings could occur on the same day with the Denman Island meeting following the Hornby Island meeting. Planner Simpson will follow-up on this request.

6.2 *Marine Advisory Planning Commission and Agriculture Plan Steering Committee - Staff Report dated February 2, 2012*

There was discussion regarding the Advisory Planning Commission Bylaw’s primary requirement for up to three appointments of members for the various commissions to be appointed in even numbered years and three members in odd numbers years. It was suggested that simplifying the process to merely appoint up to six members in a single year might be preferable as these commissions do not meet regularly.

Trustee Graham recommended incorporating the creation of an Agriculture Advisory Planning Commission into draft Bylaw No. 203 at this time.

There was further discussion regarding the requirement in the Advisory Planning Commission Bylaw that the minutes of each meeting are to be

approved by the members at a subsequent meeting, as this can occur at a significantly later date. Various methods of addressing this concern were considered, including the possibility of Resolution Without Meeting, and Planner Simpson offered to contact other staff during the break to determine if any of the options discussed were permissible and to report back to the Local Trust Committee later in the meeting.

**DE-015-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw 203 to add 1. b) iv) "a Denman Island Agriculture Advisory Planning Commission" to advise the Local Trust Committee on all matters respecting agriculture that are referred to it by the Local Trust Committee.

**CARRIED**

**DE-016-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw 203 2. a) ii) to read: The Local Trust Committee may, by resolution, appoint up to six members to serve for up to two years.

**DEFEATED**

Trustee Graham in favour  
Trustee Busheikin Against  
Chair Luckham Against

There was discussion regarding the merits of appointing up to six members for two years versus maintaining the current requirement which requires appointing up to three members in even numbered years and up to three members in odd numbered years. Trustee Graham expressed his opinion that this is an opportunity to simplify the process for commissions that do not meet regularly.

The alternative view was presented with the benefits of staggering the appointments considered. Planner Simpson advised that most bylaws do stagger the appointments; however, in other local governments it is more common not to stagger them.

Trustee Busheikin and Chair Luckham observed the value of continuity of members and the oral history that they can provide as a benefit of staggering the appointments..

Continuation of discussion of draft Bylaw No. 203, section 7. b) regarding the timing of approval of the minutes, and the possibility of approval by a Resolution Without Meeting by the Advisory Policy Commission was deferred to after agenda item 19.2.

**DE-017-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw No. 203 by inserting after section 2. c) a new section called Agriculture Advisory Planning Commission with three subsections:

- 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.

**CARRIED**

**DE-018-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw No. 203 to insert into section 2. j) after Marine Advisory Planning Commission the following words: "Agriculture Advisory Planning Commission".

**CARRIED**

**7. CLOSED MEETING**

**DE-019-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee close the next part of the February 28, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) of the *Community Charter* to consider appointments to the Advisory Planning Commission and the Marine Advisory Planning Commission and that Courtney Simpson, Island Planner and Vicky Bockman, Recorder be invited to attend this meeting.

**CARRIED**

**8. RECALL TO ORDER**

Chair Luckham announced that Lindsay Graf, Jessie Edwards and Henning Nielsen have been appointed to the Advisory Policy Commission for a two-year period and Barry Landeen for a one-year term. He reported that the Local Trust Committee would like to consider additional expressions of interest for the Marine Advisory Planning Commission.

**DE-020-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to seek further expressions of interest for the Marine Advisory Planning Commission.

**CARRIED**

Chair Luckham suggested that those who submitted expressions of interest for the Advisory Planning Commission and were not appointed may wish to consider submitting expressions of interest to serve on the Marine Advisory Planning Commission. Trustee Graham volunteered to contact those individuals to explore this possibility.

**9. APPLICATIONS AND PERMITS**

**9.1** *Memorandum dated February 20, 2012 regarding DE-SUB-2011.1 Cost Recovery Agreement*

Planner Simpson summarized the Memorandum dated February 20, 2012.

**DE-021-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee enter into a Cost Recovery Agreement allowing Islands Trust legal counsel to draft and/or review a statutory right of way and easement as per the requirements of Sections 2.8.14 and 1.2.4 of the Denman Island Land Use Bylaw No. 186, 2008 for the proposed 946 subdivision on the North East ¼ of Section 10, Denman Island, Nanaimo District (PID 006-639-275), application DE-SUB-2011.1 (Hoerbuerger for Smith).

**CARRIED**

**10. DELEGATIONS**

**Henning Nielsen** provided an informal update on the developments of the future park and designation within the provincial parks and protected areas system. He reported that he has had meetings with officials to determine the status and to attempt to discern the timeline. He advised that while it had been thought that the park would be designated in the 2012 Spring Sitting of the Legislature, several issues have arisen which may delay the designation until the Fall Sitting. He provided details of the issues which involve pending registration of an easement, road closure completion delay and K'omoks First Nation's interest in land status.

He also reported that there is a small change to the addition to the Boyle Point Park, stating that there is a corner of the Bill Mee Park which is owned by the Ministry of Transportation and Infrastructure as a gravel reserve, and that an agreement has been made to set aside this portion as a BC Ministry of Transportation and Infrastructure Aggregate Reserve. He added that it is unlikely

that it would ever be quarried for gravel as it would be economically unfeasible to do so.

## 11. TOWN HALL DISCUSSION

**David Critchley**, speaking on behalf of the Denman Community Land Trust Association, advised that the group is proceeding with making an inclusion application to the Agricultural Land Commission to extend the boundary of the Agriculture Land Reserve to meet the proposed new lot line for the affordable housing lot. He said that this is requiring a survey which has been approved by their Board. He reported that a Housing Agreement has been drafted, reviewed and approved by the Directors and is now awaiting the owner's approval. He stated that once that approval is obtained, the Agreement will be forwarded to Planner Simpson for Islands Trust review.

He also spoke concerning the proposed Raven Underground Coal Mine, suggesting that as the Islands Trust budget is being addressed at Islands Trust Council in March, that there were several approaches that might be considered in an effort to protect Baynes Sound from the potential negative effects of the coal mine. He proposed that these strategies might include:

- engaging the Islands Trust's legal council to advise what legal powers are available and how they might be exercised to protect the marine environment of Baynes Sound
- hiring an independent expert to address the hydrology and the potential for mine pollution
- investigating the extension of the Island Trust's jurisdiction on the Buckley Bay side of Baynes Sound
- designating a new Development Permit Area to enhance the legal position
- obtaining background sampling now to provide a baseline and information in the case of future litigation

Chair Luckham thanked David Critchley for his input and explained the budget process timeline. He advised that legal opinion regarding water zone jurisdiction has been obtained recently and the issue is being considered.

Trustee Graham added that the Raven Underground Coal mine project is being required to perform baseline measuring and this is being done, although it may not be as in depth as some would prefer.

**Henning Nielsen** stated that he would like to hear more about the vacation rental issue as referenced in the recent Flagstone Trustee Notebook article. He asked if this is an indication of possible change in visitor accommodation regulations as he considered that such a discussion could help make a more sustainable community.

Chair Luckham responded that the goal is to have an open discussion about this subject and while an Official Community Plan review was recently conducted and

this issue was not a concern at that time, it appears that a discussion is now warranted. He expressed his hope that the article will draw people into the discussion.

## **12. CORRESPONDENCE**

- 12.1 Letter dated January 20, 2012 to Andrew Thomson, Regional Director of Department of Fisheries and Oceans from Denman Island Marine Stewardship Committee regarding Hazards to Fish and Wildlife Created by Anti-Predator Netting on the Foreshore of Baynes Sound*

The Local Trust Committee received the letter.

Trustee Graham stated that he has been copied on 13 emails, all of which chronicle documented, legitimate situations where anti-predator netting has not been properly secured. He stated that he is interested in the response that the Department of Fisheries and Oceans may provide to this correspondence.

- 12.2 Letter dated January 23, 2012 from The Honourable Peter Kent, Minister of the Environment to Louise Bell, Vice-Chair of the Islands Trust Council and Local Trustee for Denman Island regarding the Proposed Raven Underground Coal Mine Project*

The Local Trust Committee received the letter. Trustee Graham reported that he has attempted to ascertain the current status of the process; however, responses have not yet been received to his inquiries.

- 12.3 Email dated January 25, 2012 from Ashlea Jones Smith regarding Resignation from Denman Farm Plan Group*

The Local Trust Committee received the email.

Trustee Graham indicated that he will send a thank-you letter to Ashlea Jones Smith for her participation.

## **13. REPORTS**

- 13.1 Work Program  
Top Priorities Report and Projects Report dated February 16, 2012*

Planner Simpson provided updates to the Top Priorities Report and Projects Report dated February 16, 2012 as requested.

Trustee Graham stated that he has concerns with the Project: Regulation limiting the gross floor area of a dwelling. He suggested that education

and possible other approaches might be a more effective means to produce change in this area.

*Chair Luckham recessed the meeting at 12:20 pm and reconvened the meeting at 12:35 pm.*

**13.2 Applications Log**  
*Report dated February 16, 2012*

Planner Simpson provided updates to the Applications Log and responded to inquiries from the Trustees.

**13.3 Trustee and Local Expenses**  
*Expenses posted to January 23, 2012*

The Local Trust Committee received the Trustee and Local Expenses Posted to January 23, 2012 report.

It was requested that expense updates be provided to the Trustees as PDF files rather than embedded within the body of emails. Planner Simpson responded that she will discuss this with office staff.

The economic impact of moving the venue for the Local Trust Committee business meetings was discussed and it was determined that changes to the expense allocations, if necessary, can be made when the new budget is received.

**14. LOCAL TRUST COMMITTEE PROJECTS**

There were no Local Trust Committee Projects.

**15. NEW BUSINESS**

**15.1 Denman WORKS! Meeting Process**

Trustee Graham indicated that there is a need to establish a way for visitor accommodation operators to meet with the Local Trust Committee in order to determine the scale of the issue with assurances that bylaw enforcement action will not be triggered. He offered suggestions as to how that could be accomplished.

Chair Luckham advised that any meetings need to be in a public forum and acknowledged the difficulties caused by fear of bylaw enforcement. He agreed that it is necessary to determine if this is an issue that a majority of operators want to discuss.

The consensus was that this discussion can be carried forward at the April Local Trust Committee business meeting as a representative from Denman WORKS! as well as the Bylaw Enforcement Coordinator will be in attendance at that meeting.

**15.2 Strategic Plan – Marine Advocacy**

There was discussion regarding the desire to hold a meeting with Department of Fisheries and Oceans and other groups to discuss issues of concern. The timing and participants to include in such a meeting were considered.

**DE-022-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to write a letter to Department of Fisheries and Oceans and Integrated Land Management Bureau inviting them to attend a Local Trust Committee meeting as a Delegation to talk about aquaculture in Baynes Sound.

**CARRIED**

There was discussion regarding the possibility of presenting a resolution at Islands Trust Council requesting the advocacy of sustainability of marine aquaculture. It was determined that such a resolution would be appropriate and might benefit the entire Islands Trust area even as aspects of the aquaculture industry can vary.

**DE-023-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request Trust Council to add to the Advocacy Program of the Strategic Plan “advance sustainability of marine aquaculture practices in the Islands Trust Area”.

**CARRIED**

Planner Simpson indicated that she will forward this resolution to staff to ensure that it is forward to the proper Islands Trust Committees.

**16. BYLAWS**

**16.1** *Denman Island Local Trust Committee Proposed Bylaw No. 202 cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2011”.*

**DE-024-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee adopt Bylaw No. 202 cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2011”.

**CARRIED**

Trustee Graham commented that this bylaw has been given a great degree of consideration, does not hamper farmers who have seasonably

flooded fields from using those fields for agriculture and, in fact, makes it easier by not requiring a development permit process for those activities.

**16.2** *Bylaw Enforcement Notification Bylaw*

Trustee Graham reported that Bylaw Enforcement Coordinator Drew has expressed concern with the inability to use the new adjudication process for infractions other than unlawful housing and has indicated that he would like to address the community, explain the proposed Bylaw and have the Bylaw advance with a provision included that it is not to be used for enforcement of unlawful housing until such time as community housing issues have been addressed.

**DE-025-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request the Bylaw Enforcement Coordinator to draft a report which would present an enforcement policy and work with staff to schedule a Community Information Meeting to explain the proposed Bylaw Enforcement Notification Bylaw.

**CARRIED**

Discussion followed on possible dates in March for the proposed Community Information Meeting and the format for that meeting.

**17. ISLANDS TRUST WEBSITE**

**17.1** *Denman Page*

The following changes were requested to the website:

- Latest News - remove the existing February, 2012 information
- Latest News – add: “The Denman Island Local Trust Committee is requesting expressions of interest from individuals for up to six positions on a new Marine Advisory Planning Commission
- Remove the Seasonally Flooded Agricultural Fields heading and Staff Reports

**18. TOWN HALL DISCUSSION**

**Henning Nielsen** provided the background and history of the Denman WORKS! organisation, stating that he understands that they are in the process of forming as a Society, administering tax funds for economic development and enhancement. He commented that responding to and moving forward a community-driven issue of economic significance is within their strategic plan. He expressed his opinion that the level of fear of bylaw enforcement that exists in the visitor accommodation sector erodes confidence in the Islands Trust.

Trustee Graham responded that the issues of visitor accommodation and bylaw enforcement are recognized, a discussion will be held, and that bylaw enforcement is evolving.

**Henning Nielsen** asked if the Trust Council will be making a decision regarding the Trust Policy Statement Review.

Chair Luckham responded that the Islands Trust is currently considering the acceptance of a grant to review the Trust Policy Statement. He noted that alternatively, there may be an option to delay the decision until June. He advised that there is currently an opportunity for individuals to submit their opinions on how the issue should proceed.

**19. NEXT MEETING DATE**

*19.1 Next Meeting Date*

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, April 3, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

*19.2 Denman Island Local Trust Committee Business Meeting Schedule*

Trustee Busheikin expressed concern that with the cancellation of the September 25, 2012 meeting, there may be too long of an interval between meetings. Discussion ensued and there was consensus that a summer community meeting could be held if desired, and that a decision can be made closer to September to schedule an additional business meeting if necessary.

**6. BUSINESS ARISING FROM MINUTES (Continued)**

*6.2 Marine Advisory Planning Commission and Agriculture Plan Steering Committee  
Staff Report dated February 2, 2012 (Continued)*

Planner Simpson reported that her research had revealed that an Advisory Planning Commission cannot use a Resolution Without Meeting to approve minutes in a more expedient manner. She concluded that there is no way to approve minutes other than at a subsequent meeting and advised that draft minutes are routinely made available as a working document until they can be approved.

**DE-026-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to draft Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” as amended.

**CARRIED**

**DE-027-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”.

**CARRIED**

**DE-028-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give third reading to proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”.

**CARRIED**

**DE-029-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee refer proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” to the Executive Committee.

**CARRIED**

**20. ADJOURNMENT**

Chair Luckham adjourned the meeting at 2:26 pm.

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Chair



**Islands Trust**

Print Date: Mar-21-2012

## **RWM From: January 10, 2012 To: March 21, 2012**

### **Denman Island**

| <b>Resolution #</b> | <b>Action</b> | <b>Resolution Description</b>                                                                                           | <b>Resolution Date</b> |
|---------------------|---------------|-------------------------------------------------------------------------------------------------------------------------|------------------------|
| 2012-01             | In Favour     | "That the Denman Island Local Trust Committee regular business meeting scheduled for September 25, 2012, be cancelled." | Feb 21, 2012           |

**DRAFT**

**MINUTES OF THE DENMAN ISLAND SPECIAL BUSINESS MEETING  
TO HOLD A COMMUNITY INFORMATION MEETING**

**REGARDING PROPOSED BYLAW NO. 201  
(BYLAW ENFORCEMENT NOTIFICATION BYLAW)**

**HELD AT 7:30 PM, WEDNESDAY, MARCH 14, 2012  
DENMAN ISLAND COMMUNITY HALL (BACK HALL)  
1196 NORTHWEST ROAD, DENMAN ISLAND, BC**

|                        |                 |                               |
|------------------------|-----------------|-------------------------------|
| <b><u>PRESENT:</u></b> | David Graham    | Chair                         |
|                        | Laura Busheikin | Local Trustee                 |
|                        | Miles Drew      | Bylaw Enforcement Coordinator |
|                        | Vicky Bockman   | Recorder                      |

There were twenty-seven (27) members of the public in attendance.

**1. CALL TO ORDER**

Chair Graham called the meeting to order at 7:34 pm. Trustee Busheikin welcomed the public and introduced herself, Chair Graham, Bylaw Enforcement Coordinator Drew and Recorder Bockman.

**2. APPROVAL OF AGENDA**

The agenda was approved by consensus.

**3. OPENING REMARKS FROM THE CHAIR**

Chair Graham explained that this Community Information Meeting is being held in response to concerns that had been heard previously by the Local Trust Committee during its consideration of proposed Bylaw No. 201. He advised that proposed Bylaw No. 201 is an administrative bylaw and does not require a public hearing and clarified that this bylaw is not being advanced further at this time.

He remarked that this meeting is an opportunity to discuss bylaw enforcement in general, provide a forum for the public to ask questions, and for Bylaw Enforcement Coordinator Drew to clarify proposed Bylaw No. 201 and the Bylaw Enforcement Notice & Dispute Adjudication system.

4. **PRESENTATION ON PROPOSED BYLAW NO. 201 CITED AS “DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 201, 2011”.**

Bylaw Enforcement Coordinator Drew presented an overview of the Islands Trust bylaw enforcement team, general background, enforcement goals, and the bylaw enforcement policy adopted by the Islands Trust Council which is, like all local governments, a complaint-based process.

Bylaw Enforcement Coordinator Drew summarized proposed Bylaw No. 201 and the proposed Bylaw Dispute Adjudication System, explained the process, and described how it works. He stated that the system provides a cost effective alternative for settlement of minor infractions by replacing provincial court with an adjudicator in an informal style and encourages compliance with the community's bylaws.

5. **QUESTIONS AND ANSWER SESSION**

**Sara French** – asked why the complaint process is anonymous.

Bylaw Enforcement Coordinator Drew clarified that the process is not anonymous; the names of the complainants are not divulged as the issue is the question of whether the bylaw is in compliance.

**Robert Newton** – commented that the motivation of a complainant can be suspect which can corrupt the harmony in the community if allowed to go forward.

Bylaw Enforcement Coordinator Drew explained that complaints are investigated for their validity and he reiterated that the focus is not to satisfy the complainant but rather to ensure compliance with the bylaw.

**Sheldon Rempel** – expressed his opposition to the black and white nature of the enforcement bylaws, specifically referring to the visitor accommodation regulations in the land use bylaw, suggesting that they produce a negative effect on the social and economic fabric of Denman Island.

Bylaw Enforcement Coordinator Drew responded that regulations in the land use bylaw are an outcome of the Denman Island Official Community Plan process, driven by consultation with the community. He added that the Local Trust Committee may resolve not to enforce a particular regulation until it has been reviewed if it feels that the bylaw is not generally reflective of current practices and community wishes.

**Simon Palmer** – advised that on April 3, 2012 a representative from Denman WORKS! will be attending the Local Trust Committee meeting as a delegation

and will be addressing visitor accommodation issues. He suggested that this might be an opportunity for discussion for those interested.

**Karl Goodwin** - commented that people are looking for basic logics in bylaw enforcement such as what the fundamental issues to the social fabric are.

Bylaw Enforcement Coordinator Drew explained that there is a system in place, and that system also allows for variance permits as a method to address those requests that may not otherwise be permitted. He added that if it becomes clear that a majority are requesting variances to a regulation, the Local Trust Committee could make a recommendation to review that regulation. He stated that the proposed Bylaw No. 201 is not proposing changes to that system.

**Riane Dasilva** – stated that ticketing in bylaw enforcement is new and that is the concern. She noted that previously only the more significant violations were addressed through going to court.

**Ron Sakolsky** – stated his objections to the complaint-driven enforcement system that creates and reinforces a culture of neighbours against neighbours and is selective in nature as only infractions brought up by complaint are investigated. He added that the ability to pay and go through the process is different for the various social strata on Denman and that the overall effect is damaging to the social fabric of the community.

**Judith Scruton** – observed that if bylaws are a reflection of the Official Community Plan, then the problem is with the Official Community Plan not bylaw enforcement. She suggested that perhaps the Official Community Plan needs to be reviewed to determine if it is still reflective of the current community's wishes and asked how that would be done.

Chair Graham responded that he understands that current housing regulations do not reflect current practices on the island and agreed that the community needs to become involved with the Official Community Plan review. He advised that the Local Trust Committee had discussed moving a review of housing policies to a higher priority and it is his hope that this can be accomplished during this term.

Bylaw Enforcement Coordinator Drew added that municipalities and local governments must enforce bylaws equally so any resolutions to not enforce a regulation must be done at a policy level. He explained that if the Local Trust Committee believes that the regulations are out of sync, a directive can be issued to bylaw enforcement staff not to enforce a certain regulation under particular circumstances while they are conducting a review.

**Megan Blu** - stated that she believes it is premature to change the bylaw enforcement system before reviewing the bylaw regulations. She asked if there is a policy for fining a complainant who brings forth unjustified complaints.

Bylaw Enforcement Coordinator Drew explained that the Local Government Act does not provide for issuing a fine for invalid complaints.

**Scott Donaldson** – asked if this bylaw was going to be adopted.

Chair Graham responded that this is an information meeting and that the bylaw is not on the current Local Trust Committee work plan.

Trustee Busheikin confirmed that the bylaw has been put aside until a full review of housing policies in the Official Community Plan and Land Use Bylaw has been conducted. She advised that any future consideration of the bylaw will be publicized ahead of time for the community's information.

**Simon Palmer** – expressed his concern that the complaint-driven enforcement operation is corrosive in a small community and suggested that the Local Trust Committee consider evaluating contraventions for their significance and requesting no enforcement for those with minimal effect.

Bylaw Enforcement Coordinator Drew responded that creating a shorter list of violations is a possible consideration. He explained that the Islands Trust Council has adopted a Bylaw Enforcement Policy that uses the complaint-based process; however, he proposed that any other suggestions for an alternative policy could be brought forward for Local Trust Committee consideration.

**Brett** – expressed his disagreement with the Bylaw Enforcement Coordinator's earlier observation that "the best way to find out what a community wants is through enforcement".

Bylaw Enforcement Coordinator Drew clarified that his statement was intended to indicate not that it is the best way, but rather that it is the surest way as it filters out the regulations that are not in sync with current community practice.

**Rae Eckel** – expressed her concern with the complaint-driven enforcement process, stating that someone might complain about 20 items that investigation might confirm as being two, and that this process creates fear.

Bylaw Enforcement Coordinator Drew responded that this type of situation would be tested for validity and actual bylaw violations determined. He added that it is not the intent of bylaw enforcement process to satisfy the complainant but rather to satisfy compliance with the bylaw.

**Karl Goodwin** – stated he would like to see consideration given to appointment of a group of local ombudsmen to resolve problems amongst neighbours rather than through planners, arbitrators and enforcement officers that do not live in the community.

Bylaw Enforcement Coordinator Drew explained that while this is a good idea, we are obligated under the Province of British Columbia Local Government Act and Community Charter which do not provide for such a system.

**Sara French** – asked what the provincial government’s attitude toward the Gulf Islands was. She observed that they act as if we are municipalities, which we are not.

Bylaw Enforcement Coordinator Drew responded that the provincial government, recognizing that the Gulf Islands are special, created the Islands Trust Act which provides that land use issues are determined on the islands by Local Trust Committees rather than through a regional district.

**Daniel Verenka** – asked who one would go to for residential construction building code violations.

Bylaw Enforcement Coordinator Drew explained that British Columbia building codes are the responsibility of regional districts. He added that building codes exist everywhere within the province however the Comox Valley Regional District has not put in place a building inspector system on Denman or Hornby Islands. He stated that on these islands, Siting and Use Permits are issued prior to construction.

**Riane Dasilva** – had several questions about the contraventions and penalties listed in Schedule A of Bylaw No. 186 as attached to the proposed Bylaw No. 201.

Chair Graham clarified that to fully understand the contraventions, it is necessary to cross-reference these with the appropriate bylaw section in the Land Use Bylaw. He explained that those contraventions and penalties that she referred to were most likely for commercial or industrial zones and that those regulations are concerned with safety issues.

**Riane Dasilva** – asked how the community could address those contraventions that it does not want enforced and what the procedure is for requesting a special resolution to not enforce.

Chair Graham suggested that those interested could organise and come as a delegation to the Local Trust Committee to make their request and the Local Trust Committee could consider making a subsequent resolution as a next step. He added that this might ultimately result in a change to the bylaw if it is the consensus that it is warranted. He reflected that the Official Community Plan and Land Use Bylaw were carefully considered and created by our community and should reflect how we live.

Trustee Busheikin suggested that those interested in proposing changes can organize, talk to the Local Trust Committee, and write articles. She reaffirmed that the Local Trust Committee wants to hear from the community regarding any

bylaws that they want changed. She advised that changes take time and can only be made within a system of due process that allows everyone to discuss the issues.

**Wes Ritter** - remarked that the Bylaw Enforcement Notice & Dispute Adjudication system creates larger fines and more offenses than the other bylaw.

Bylaw Enforcement Coordinator Drew explained that the offenses are the same as those reflected in Bylaw No.186 with no changes. He clarified that the fine amounts are higher with the Adjudication system as it includes the ability to negotiate lower amounts for compliance, and compliance is the goal.

**Wes Ritter** - noted that this system is approved on four other islands now and asked how many tickets have been issued. He inquired if it has been an effective enforcement tool.

Bylaw Enforcement Coordinator Drew responded that no tickets have been issued to date. He added that he considers it to be an effective enforcement tool; however, efforts to reach compliance have been the priority.

**Louise Bell** – stated that she strongly supports this bylaw and believes that the Bylaw Enforcement Notice & Dispute Adjudication System is a tool that we should be using. She commented that this discussion should not be about regulations but rather about how to proceed with the responsibility to enforce the bylaws once a violation is known. She expressed concern with holding up improvements in enforcement while waiting for changes in regulations as there will always be some regulations that need improvement. She added that most people approve of the existing bylaw regulations which are meant to create neighbourhoods where people are comfortable.

**Hanson** – expressed his support of the concept of a community-based solution to bylaw enforcement, and asked for suggestions as to how that can be accomplished if the Local Government Act does not allow for that type of system.

Chair Graham commented that trying to change a provincial regulation is difficult and suggested that the process can begin with neighbours talking to neighbours without involving a bylaw officer if possible.

**Robert Newton** – objected to the anonymity of complainants and recommended that the protocol be changed as this is damaging to the social fabric of the community.

Bylaw Enforcement Coordinator Drew clarified that the complainant's identity is required at the time of complaint; however, their identity is kept confidential. He added that many times the person violating the bylaw is not reasonable and concerns are valid.

## **DRAFT**

Chair Graham agreed that there could be circumstances where someone might feel too threatened to complain without that confidentiality.

Trustee Busheikin indicated that ideally, ticketing and the adjudication system should be the last resort in the process. She added that a group, Denman Hornby Peacemaking Group, formed several years ago to help settle disputes and that this might be a forum for a community-based approach to assist in resolution of complaints. She offered to provide further information on the group to anyone who might be interested.

In conclusion, Chair Graham thanked everyone for coming and for participating in our local government and advised that this is a topic that will continue to be discussed. He stated that the session had been informative for him and he hoped for those attending as well.

### **ADJOURNMENT**

Chair Graham adjourned the meeting at 9:21 pm.

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Recorder

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Chair

## Denman Island Farm Plan Steering Committee Minutes Feb. 14,2012

Attending: Bruce Jolliffe, Marina Reid, Courtney Simpson, Laura Busheikin, Doug Wright, Danni Crenna, Andrea Lawseth, Taina Uitto

### Agenda:

- Planner Update
- Group Discussion
- Feedback to Consultants

### Planner Update:

- Steering Committee Status – a technical difficulty- in case of legal action we should become/be termed an APC (advisory planning commission) of the Islands Trust to be protected under the Advisory Planning Commission Bylaw. The LTC (Local Trust Committee) is allowed to appoint a special projects APC which is what we will be termed for the duration of the Farm Plan process.
- Farm Plan Blog- Courtney wants some topics/questions to keep the blog up to date and active. We later agreed that we would leave this in her hands for this time.
- Visit from the Agricultural Land Commission Staff– There has been a freeze on travelling budget for this kind of visiting but this has now been lifted and an interest was expressed in attending a Steering Committee meeting if this is something we would appreciate. We thought this could be useful when we have specific questions we want answered by the provincial government.

### Group Discussion:

We had a short discussion about our initial reactions to the draft we received prior to the meeting (by two weeks) from the consultants. Most of this was centered around format and readability. We were informed that this was not, in fact, a draft of the Farm Plan but only a draft of the recommendations coming out of the community forum and focus groups held in November. This information changed our reactions seriously, as we had all been operating under this misconception.

### Feedback for the Consultants:

There followed a 2 ½ hour discussion of all of the proposed recommendations which the consultants had gleaned from the many pages of ideas generated from the November community meetings.

We agreed to next discuss the further revised recommendations as part of the discussion of the whole drafted plan in March.

Next Meeting: was tentatively set for Tuesday March 27<sup>th</sup> when we would again meet with Courtney at 9:30 to discuss our reactions to the draft overall and then include the consultants in our discussion at 10:30. Andrea told us she would try and have the draft to us by March 15<sup>th</sup> although this was pushing the time factor. She also let us know that we are overbudget for our allotted meeting times with the consultants because our planned meetings have been longer than scheduled.

This meeting time may be altered depending on the availability of the whole group.



**Islands Trust**

## **Follow Up Action Report w/ Target Date**

### **Denman Island Sep-12-2011**

| No. | Activity                                                                                                                          | Responsibility   | Target Date | Status   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|----------|
| 1   | Reschedule the meeting with the K'omoks First Nation. Meeting to be separate from Hornby LTC, but on same day and directly after. | Courtney Simpson | Oct-25-2011 | On Going |

### **Jan-24-2012**

| No. | Activity                                                                                                                                      | Responsibility   | Target Date | Status   |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|----------|
| 1   | Send early referral of DE-RZ-2011.1 (DCLTA) to First Nations                                                                                  | Courtney Simpson | Feb-28-2012 | Done     |
| 1   | Amend definition of dwelling unit, affordable housing in the draft LUB amendment for DE-RZ-2011.1 to remove specific low income requirements. | Courtney Simpson | Feb-28-2012 | On Going |

### **Feb-28-2012**

| No. | Activity                                                                                                                 | Responsibility   | Target Date | Status |
|-----|--------------------------------------------------------------------------------------------------------------------------|------------------|-------------|--------|
| 1   | Advertise for further expressions of interest for the Marine APC.                                                        | Courtney Simpson | Apr-03-2012 | Done   |
| 1   | Write letter to DFO and ILMB inviting them to a DILTC meeting as a delegation to talk about aquaculture in Baynes Sound. | Courtney Simpson | Apr-03-2012 | Done   |

6.1



# STAFF REPORT

**Date:** March 15, 2012

**File No.:** DE-ALR-2011.3 (Holden, Jacobs, Aronson)

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

**From:** Marnie Eggen, Planner 1

**CC:** Courtney Simpson, Island Planner  
 Chris Jackson, Regional Planning Manager

**Re:** **Agricultural Land Reserve Application for Subdivision**

**Owner:** Lee Andra Jacobs, Bruce Preston Holden, Aaron Aronson

**Applicant:** Same as owner

**Location:** North Central Road  
 The North ½ of the South East ¼ Section 22, Denman Island, Nanaimo District  
 PID 009-712-151

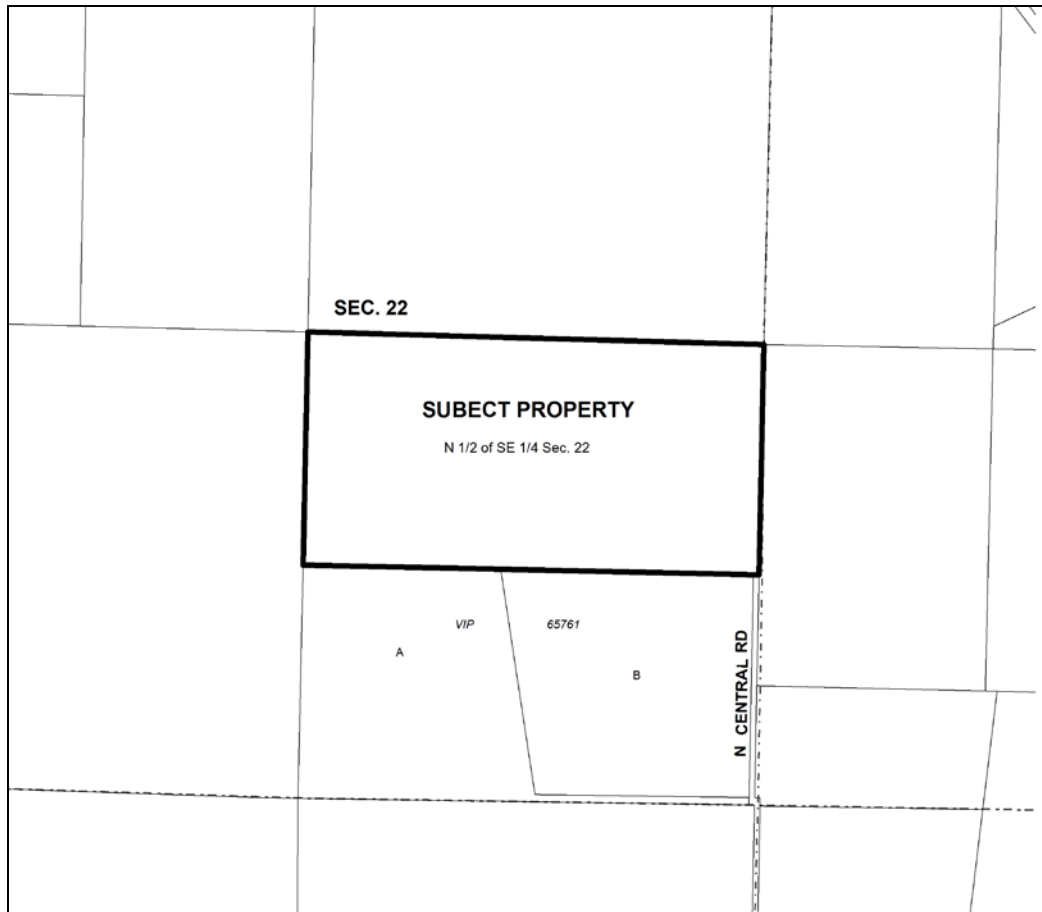
## 1. THE PROPOSAL:

The proposal seeks the approval of the Agricultural Land Commission (ALC) for the subdivision of a 32 ha parcel into two lots of 16 ha under Section 21, 25, 34 of the *Agricultural Land Commission Act* (see Attachment 1 for ALC application). The applicants are interested in dividing the co-owned property and plan to continue the agricultural use of each portion.

The subject property is in the Agricultural Land Reserve (ALR) and subdivision requires Agricultural Land Commission (ALC) approval. The Denman Island Local Trust Committee (LTC) has the discretion to forward this application to the ALC. The LTC must pass a resolution to forward this application to the ALC for it to proceed. The LTC can forward the application with or without additional comments or resolve that the application proceed no further, which is a denial of the proposal.

If this ALR application is successful, the applicants may apply to the Ministry of Transportation and Infrastructure for subdivision. The Islands Trust would receive a referral, and at that stage a more detailed, technical analysis of the specific lot configuration of the subdivision would be completed by staff. For this ALR application, the subdivision proposal should be considered at a conceptual level.

See below for subject property location and proposed subdivision plan.



**Figure 1: Subject Property Location**

[illegible]

1

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## 2. SITE CONTEXT:

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The subject property is approximately 32 ha in size. The following are located on the property:

- two houses,
- two barns,
- cow and horse pastures,
- a nursery garden,
- a processing building,
- a green house,
- fruit, nut and berry orchards, and
- mushroom foraging area.

At least one stream traverses the property and there are several wetlands.

Uses on lots adjacent to the subject property include:

- park use to the North and West;
- residential use to the South; and
- undeveloped land to the East.

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## 3. CURRENT PLANNING STATUS OF SUBJECT LANDS:

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### 3.1 Trust Policy Statement:

This proposal is not at variance with the Trust Policy Statement.

### 3.2 Denman Island Official Community Plan, 2008:

The subject property is in the **Sustainable Resources designation**.

The following policies are relevant to this application:

#### **C.2 - Freshwater**

- |                    |                                                                                                                                                |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Objective 1</i> | <i>To protect the quantity and quality of both surface and ground water especially for agricultural purposes.</i>                              |
| <i>Objective 3</i> | <i>To protect from disturbance sensitive areas within fresh water environments.</i>                                                            |
| <i>Policy 1</i>    | <i>The protection and retention of riparian and aquatic habitat is encouraged.</i>                                                             |
| <i>Policy 2</i>    | <i>Adequate setbacks should be maintained to discourage development encroachment on riparian habitat and reduce pollution of this habitat.</i> |

*Policy 3            The protection of land along the margins of lakes, streams and wetlands is encouraged at the time of subdivision through the use of covenants or other protective mechanisms.*

### **E.1 – Housing**

*Policy 3            In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares, and the size of new lots for agricultural and other uses that are created by subdivision may not be less than 15 hectares.*

*Policy 5            In the Sustainable Resource designation, parcel sizes should be regulated in such a way as to encourage and enhance the sustainable resource capability of the land.*

*Policy 14           In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve:*

- one dwelling could be permitted per the minimum lot area permitted by Subdivision; and*
- additional dwellings could be permitted if they are required for full-time farm help.*

### **E.4 – Resources**

*Policy 7            The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either:*

- allows an activity that supplements the farm income and does not decrease the farming capability of the property; or*
- protects the land for conservation purposes.*

*Policy 9            The area designated Sustainable Resource in this Plan are designated to ensure that land uses involving renewable resources are sustainable and compatible with the small-scale rural character of the Island. The objectives of the designation of this area as an area within which development approval information may be required, include protecting the Agricultural Land Reserve; encouraging diverse agricultural activities; promoting employment through agricultural activities that have minimal negative environmental impact; promoting local employment through sustainable, ecologically sensitive silvaculture; and fostering sustainable use of resources. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Sustainable Resource designation.*

### **Development Permit Areas:**

The subject property is within the Streams, Lakes and Wetlands development permit area, Development Permit Area No. 4. Should this application achieve the appropriate approvals, a development permit may be required at the time of subdivision. A development permit would be required, for example, if the subdivision required the alteration of land, the construction of roads or development of impervious surfaces within 30 m of the natural boundary of major streams, lakes or wetlands and within 10 m of the natural boundary of minor streams or wetlands.

### 3.3 Denman Island Land Use Bylaw 186, 2008:

The subject property is in the **Agriculture (A) zone**. The minimum lot area permitted by subdivision in this zone is 15.0 hectares. The proposal would meet the minimum lot area permitted by subdivision in this zone.

The current two dwellings comply with the bylaw, which allows one dwelling per 15 ha. Staff note that the second dwelling does not have Agricultural Land Commission approval.

### 3.4 Sensitive Ecosystems and Hazard Areas:

No sensitive ecosystems or hazard areas are mapped on this property.

### 3.5 Archeological Sites:

According to the provincial Remote Access to Archaeology Data (RAAD), there are no archaeological sites on or within 50m of this property.<sup>1</sup>

### 3.6 Riparian Areas Regulation Designated Watershed

The subject property is within a designated Riparian Areas Regulation watershed. Should this proposal be forwarded to the Agricultural Land Commission and approved, a subdivision application would trigger the Riparian Areas Regulation, in which the applicant would be required to retain a qualified environmental professional to prepare a riparian area assessment report.

### 3.7 Covenants:

There are no covenants listed on the Certificate of Title.

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## **4. RESULTS OF CIRCULATION/COMMUNITY INFORMATION MEETING(S):**

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No public notice or community information meeting is required for an application to subdivide within the ALR.

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## **5. ISSUES SUMMARY:**

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<sup>1</sup> Fifty metres is the recommended buffer from the BC Archaeology Branch to determine if there is a conflict with an identified archaeological site.

- a) Conformity with land use designations and zoning
- b) Impact on agriculture
- c) Second dwelling and Agricultural Land Commission approval

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## 6. STAFF COMMENTS:

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### **a) Conformity with land use designations and zoning:**

The subject property is 32 ha in area and is sufficient for 2 lots in the Agriculture zone, meeting the minimum lot area of 15 ha.

If the proposal proceeds, it may require that the 10% road frontage requirement in the *Local Government Act* is waived by the LTC, and may require a Development Permit. Further technical analysis of the proposed subdivision would be conducted by staff at the time of subdivision referral.

### **b) Impact on agriculture:**

Policy 7 of Section E.4 [Resources] of the OCP states that subdivision in the ALR should only be supported if both the following elements are a part of the subdivision proposal:

1. Subdivision allows an activity that supplements the farm income and
2. does not decrease the farming capability of the property, or protects land for conservation purposes.

Regarding the subdivision allowing an activity that supplements farm income, the co-owners state that they each have their own portion of land that they currently undertake agricultural activities on and want to continue to farm the land as two separate lots. The applicants indicate that the subdivision would provide supplemental income to the farm by providing more autonomy and independence to each of the two owners to make decisions about their own supplemental income. Staff requested further information including a farm plan; however, the applicants chose to continue with their application as is. The Ministry of Agriculture confirms some agricultural activity on the property; however, the property does not have farm status, which is considered by the Ministry to be a minimum standard to be considered a farm.

In terms of whether the subdivision would decrease the farming capability of the property, the application does not provide enough information to judge this. The smaller lot sizes could limit the viability of the property as a farm into the future, or the approximately 15 ha size of each proposed lot may be a suitable farm size for Denman Island depending on the type of agriculture practiced. In the absence of more information from the applicant, it is difficult to make an assessment. The Agricultural Land Commission will consider the impact of subdivision on farming capability, should the Local Trust Committee choose to forward this application.

Although the proposed subdivision complies with the minimum lot area for the zone, based on OCP policy, staff does not recommend approval. The lot is currently home to two separate families each with their own dwellings who use it as if it were two lots. The argument for the subdivision is that it would have no effect on the current farming activities, and the financial independence of each owner having title to their own lot will enable them to undertake activities to supplement farm income more easily. However, with the information provided, there is no description of plans to undertake activities to supplement farm income and no explanation of how the subdivision would not decrease the farming capability of the property. In the opinion of staff there is not enough information to say that the proposal complies with OCP policy.

**c) Second dwelling and Agricultural Land Commission approval:**

Through processing this ALR application, staff became aware that the second dwelling on this property does not have Agricultural Land Commission approval and is currently in contravention of the *Agricultural Land Commission Act*. Should the subdivision obtain all the necessary subdivision approvals and become two separate lots, each dwelling would become compliant with the *Agricultural Land Commission Act*. Should the subdivision not be approved, the second dwelling would remain non-compliant under the *Agricultural Land Commission Act*. In order for the second dwelling to become legal, the owners must obtain approval from the Agricultural Land Commission. One Siting and Use Permit was applied for and issued by Islands Trust staff in 1993 for one dwelling, barn and accessory structure. Staff was unaware that there was an existing dwelling and associated accessory buildings already on the lot, because these were not included with other existing buildings as identified in the SUP application.

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**7. SUMMARY OF OPTIONS:**

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The LTC has several options:

- Defer consideration of this application;
- Refer this application to the Advisory Planning Commission;
- Pass a resolution to not forward this application to the ALC;
- Pass a resolution to forward this application to the ALC; or
- Pass a resolution to forward this application to the ALC with comment.

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**7. RECOMMENDATIONS:**

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

Not forward this application, DE-ALR-2011.3 (Holden, Jacobs, & Aronson) to the Agricultural Land Commission.

Respectfully submitted by:

*M. Eggen*

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Marnie Eggen, Planner 1

March 15, 2012

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Date of signature

Concurred in by:

*Chris Jackson*

*March 19, 2012*

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Chris Jackson, MCIP, Regional Planning  
Manager

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Date of signature

**Attachments:**

1. Application by Land Owner for Subdivision in the ALR

# Attachment 1



## APPLICATION BY LAND OWNER

NOTE: The information required by this form and the documents you provide with it are collected to process your application under the Agricultural Land Commission Act and regulation. This information will be available for review by any member of the public. If you have any questions about the collection or use of this information, contact the Agricultural Land Commission and ask for the staff member who will be handling your application.

DE-ALR-2011.3

### TYPE OF APPLICATION (Check appropriate box)

- ☐ EXCLUSION under Sec. 30(1) of the Agricultural Land Commission Act
- ☒ SUBDIVISION in the ALR under Sec. 21(2) of the Agricultural Land Commission Act
- ☐ INCLUSION under Sec. 17(3) of the Agricultural Land Commission Act
- ☐ Non-farm USE in the ALR under Sec. 20(3) of the Agricultural Land Commission Act

### APPLICANT

2nd Registered owner

|                                                                        |                       |                                   |                       |
|------------------------------------------------------------------------|-----------------------|-----------------------------------|-----------------------|
| Registered Owner:<br>Bruce Holden & Lee Andra Jacobs, Aaron Aronson -> |                       | Aronson                           |                       |
| Address:<br>3333 North Central Rd                                      |                       | Address:<br>2222 North Central Rd |                       |
| Denman Island                                                          |                       | Denman Island                     |                       |
| BC                                                                     | Postal Code<br>V0R1T0 | BC                                | Postal Code<br>V0R1T0 |
| Tel. (home) (335 )1802 (work) ( )                                      |                       | Tel. (250 ) 334 6810              |                       |
| Fax ( )                                                                |                       | Fax ( )                           |                       |
| E-mail                                                                 |                       | E-mail<br>AronsonAa@Hotmail.com   |                       |

### LOCAL GOVERNMENT JURISDICTION (Indicate name of Regional District or Municipality)

### LAND UNDER APPLICATION (Show land on plan or sketch)

| Title Number                                     | Size of Each Parcel<br>(Ha.) | Date of Purchase<br>Month Year |
|--------------------------------------------------|------------------------------|--------------------------------|
| 009-712-151 N 1/2 of SE 1/4 Section 22 Denman Is | 32 HA.<br>80.00 acres        | 2 1992                         |



### OWNERSHIP OR INTERESTS IN OTHER LANDS WITHIN THIS COMMUNITY (Show information on plan or sketch)

If you have interests in other lands within this community complete the following:

Title Number(s):

Application by a Land Owner

1

2003

**PROPOSAL** (Please describe and show on plan or sketch)

We would like to divide our co-owned lot into two separate lots. We plan to Continue our agricultural use of the land. Each party will retain the area that they built on and developed thus far. **Each lot will be 16 Hectares.**

**CURRENT USE OF LAND** (Show information on plan or sketch)

List all existing uses on the parcel(s) and describe all buildings  
Fruit and Nut Farm, Plant and Tree Nursery, Map attached.

**D.I. Fruit and Nut Farm is an independant Experimental Farm Trying to Determine ideal crops for Here by trying all sort of crops- etc.**

**USES ON ADJACENT LOTS** (Show information on plan or sketch)

North Park  
East Undeveloped  
South 2 lots, Agriculture, Silviculture  
West Park

**DECLARATION**

I/we consent to the use of the information provided in the application and all supporting documents to process the application in accordance with the *Agricultural Land Commission Act* and regulation. Furthermore, I/we declare that the information provided in the application and all the supporting documents are, to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the steps necessary to confirm the accuracy of the information and documents provided.

Nov 8th, 2011  
Date

Bruce Holden  
Signature of Owner or Agent

Bruce Holden  
Print Name

November 11, 2011  
Date

Lee Andra Jacobs  
Signature of Owner or Agent

LEE ANDRA JACOBS  
Print Name

Nov 6th, 2011  
Date

Aaron Aronson  
Signature of Owner or Agent

Aaron Aronson  
Print Name

Please ensure the following documents are enclosed with your application:

- Application fee payable to the Local Government
- Certificate of Title or Title Search Print
- Agent authorization (if using agent)
- Map or sketch showing proposal & adjacent uses
- Proof of Notice of Application \*(See instructions)
- Photographs (optional)

## ***Denman WORKS!***

P.O. Box 99, Denman Island BC, VoR 1To  
www.denmanworks.com : denmanworks@gmail.com

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To: Denman Island Local Trust Committee  
Re: Visitor-related Bylaw etc Amendments

April 3 2012

Mr Chairman, Denman Island Trustees.

For the record, my name is Simon Palmer & I am President of Denman WORKS!  
Economic Enhancement Society.

After my few remarks Morley McKeachie, one of our Directors will present our case for the amendment of Bylaw 186. Morley is a practicing lawyer & I suggest we are all fortunate to have his acumen & expertise applied to this question.

At the September 30 2011 monthly meeting of Denman WORKS! we were formally requested by Hornby Denman Tourist Services Society to examine Bylaw 186 & request of Trustees amendments that would make it less hostile to providers of guest accommodation on Denman Island.

We undertook this & have spent many hours of Board time on the subject subsequently, because it is our Society's mandate to nurture economic activity on the island.

In 2009 visitor-related economic activity was polled as being second only in importance to agriculture. It is vital therefore that any legislation or its amendment be crafted to recognize this fact.

Preserving the fabric, both natural & social of the island is your mission & ours. I would suggest that a degree of economic activity is key to this purpose, that welcoming visitors to buy island produce & products, to frequent our cafés and stores, to maintain a certain demand for services of all kinds is necessary for the preservation of our diverse Denman society.

In other respects too considered amendment of Bylaw 186 is desirable, to provide an ageing population with the means to house caregivers & helpers, to facilitate visiting family members, to allow property owners to augment income & thereby potentially assist the continuing quest for affordable housing.

In so many respects this Bylaw 186 requires your attention that I urge you to take up its amendment as comprehensively and as soon as possible and in a manner that reflects present days needs & thinking on Denman Island.

# **Denman WORKS!**

P.O. Box 99, Denman Island BC, VoR 1To  
www.denmanworks.com : denmanworks@gmail.com

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April 3, 2012

## **Submission to the Local Trust Committee re: Tourist accommodation and Bylaw 186**

On December 14, 2011 the following resolution was passed by the directors of Denman Works! in response to a request from a delegation representing the Hornby Denman Tourist Association:

*Whereas the mandate of Denman WORKS! is to support the enhancement of the economic and social health of Denman Island, its residents, businesses and community organizations;*

*AND WHEREAS amendment of Denman Island Land Use Bylaw 186 is desirable with respect to the provision of rental accommodation with a view to enhancing affordable housing and visitor accommodation*

*Be it moved:*

- 1. That Denman WORKS! request that the Denman Island Trustees review and amend the Bylaws as under, and, receiving it, work with interested parties and the community to obtain support before Island Trustees for passage of the required amendments.*
- 2. That Bylaw amendments address the following:*
  - a. Guest accommodation in secondary suites with "cooking facilities" be permitted when within a principal dwelling unit so long as the premises comply with water and septic regulations and such other conditions as the Trustees might prescribe;*
  - b. Guest accommodation in accessory buildings with cooking facilities be permitted, so long as the premises comply with water and septic regulations and such other conditions as the Trustees might prescribe;*
  - c. Definition of 'cooking facilities' in Land Use Bylaw 186;*
  - d. Accessory buildings that are currently non-conforming as guest accommodation to be permitted where such exist as of December 1 2011 (or such other date that the Trustees choose) and are subsequently registered with Islands Trust;*
  - e. Removal of time limits regarding guest accommodation and accessory building use.*

The background to this resolution is recited in my report of December 14, 2011 to the Board of Directors of Denman Works!, copies of which have been submitted separately.

Bylaw #186 is very restrictive regarding guest accommodation, and somewhat confusing.

Fee-paying guest accommodation (“guest accommodation”) is singled out from all other home occupations by restrictive regulations. Currently, guest accommodation is prohibited except within a principal residence – the so-called “B & B” format, where meals may be prepared and served by the host.

Provincial health regulations are onerous regarding kitchens where meals are prepared for paying guests. It is not economically feasible to attain these standards for a homeowner.

Under Denman Island Bylaw 186 “guest accommodation” is not permitted:

1. In secondary suites within a principal residence (ie. Self-contained “secondary suites” with cooking facilities);
2. In accessory buildings – with or without cooking facilities. That is, one cannot rent a sleeping cabin to paying members of the public.

Where overnight fee-paying guests are permitted, Bylaw 186 prescribes:

1. size limits and limits on the number of beds – not more than 3 bedrooms and not more than 2 beds per bedroom; and
2. time-limits – “guest accommodation” is limited to stays of not more than 6 consecutive weeks and not more than 45 days per calendar year.

In contrast, Bylaw 186 permits as “home occupations” many other commercial activities, including, amongst others, light industrial activities: welding shops, manufacturing and repairs, automobile repair, mechanical shops.

The *Denman Island Official Community Plan* Vision Statement provides that “... *We will use innovative options to promote a diversity of age and financial means within the carrying capacity of the island.*” And

*“We believe that Denman Island can become a model for sustainability and self-sufficiency. All islanders share the privilege and responsibility for realizing this vision.”*

The “Guiding Principles” of the *Denman Island Official Community Plan* provide as follows:

***“Guiding Principle 6 To acknowledge that this community finds its strength in the varied gifts and experiences of its members; and, within the framework of a limitation on population, to support and encourage a diverse and self-reliant community.”***

How can we have a diverse community if we limit peoples’ ability to earn a living on the island to a few activities to which not all are suited? How can Denman Islanders be “self-reliant” if their economic options are restricted? If one has no artistic ability but an abandoned pottery studio in the woods, should they be permitted to earn some money by offering guest accommodation?

Notwithstanding the foregoing, the *Official Community Plan* provides:

***“Policy 11 Home-based guest accommodation where permitted as a home occupation should be limited to the principal dwelling on the lot regardless of the size of the lot.”***

In our respectful view, this is unduly restrictive, as are, we submit, a number of other provisions of the O.C.P.

Difficult economic times face residents of Denman Island:

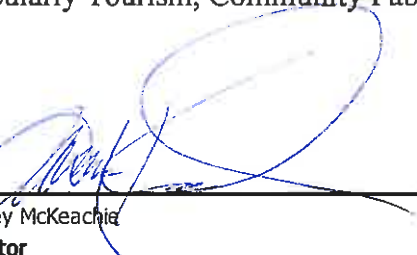
- *B.C. Ferry fares have increased approximately 70% in the last 5 years;*
- *Property taxes continue to rise*
- *Gasoline prices have risen exponentially in the last few years;*
- *Young families have trouble finding employment on the island;*
- *Seniors' retirements are strained by a combination of their savings negatively impacted by the economic and political climate, reduced Canada Pension Plan benefits, and delayed Old Age Pension.*

What does all of this mean?

It means that people will be forced to leave the island unless they can find sources of income to support themselves and their families. Permitting more options for guest accommodation is one such source of income. For young couples, this might mean the difference between affording to buy a home on Denman Island rather than somewhere where "mortgage helper" suites are permitted. For an established family it may mean that they can remain here rather than re-locate to find work; or it may permit a senior with limited savings and an unused studio to remain on Denman Island.

Concerns about water, septic disposal, and noise can be dealt with very simply by appropriate regulations, some of which already exist. These can be explored in detail when Bylaw 186 is reviewed.

Therefore, Denman Works supports a review and amendment of the relevant portions of Bylaw 186, with a view to advancing the objectives of the O.C.P. and the economic well-being of Denman Island, particularly Tourism, Community Fabric, and The Arts.

  
X

Morley McKeachie  
Director

April 3, 2012

Hawthorn B+B

— BARBARA KANE

Dear Simon,

Here is my statement for the meeting tomorrow. Sorry for the late hour. I didn't have time to get it done earlier, and didn't want it to be too much of a rush-job.

*Having operated Hawthorn House B&B, for many years the premier B&B on the island, I agree in principle with doing away with the island by-law prohibiting kitchenettes or cooking facilities in guestrooms.*

Barbara Kane

4barbarak@gmail.com

*Visitors to the island are usually surprised to learn that there is no where on Denman where they can have dinner (except for one or two nights a week). It's quite awkward to have to be the one to give them this surprising news, along with telling them that there isn't a kitchenette in their room due to local regulations. We do (currently) have several places to choose among for breakfast and lunch. This has not always, or even usually, been the case. Tourists choose to cut their stays short due to the lack of places where they can have dinner after a long day visiting craft shops or exploring the beaches and parks.*

*As well as tourists on Denman, there are also work crews, ferry workers and others who are here for work-related purposes. They are in the same bind as the tourists and would appreciate rooms with kitchenettes. Repeat visitors are glad to pay a premium for the few illicit rooms with cooking facilities that have existed from time to time.*

*The B&B's provide employment on the island: housekeeping, laundry, gardening and*

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*handyman work are among the services that owners pay other islanders to provide. B&B are central to the economic life of Denman Island. Legal, conforming rooms with kitchenettes mean more and longer stays for the owners, and therefore increased prosperity for everyone.*

I hope this will be of some help to you -  
Barbara 



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I have asked Simon Palmer to bring this e.mail to the Local Trust Meeting on Tuesday April 3rd as I am unable to attend.

This e.mail is to support a request for an amendment to Bylaw 186.

It is important for the Denman Island economy to encourage visitors and guests to visit and spend time on the island. Not only the bed and breakfast operators benefit from this but also realtors, artists, stores and other small businesses on the island. It is important to make guests visiting the island comfortable and content to be here. At off-season times of the year there are not a lot of opportunities to have dinner etc later in the evening, having cooking facilities available to guests would certainly make staying here a lot easier on everyone involved.

Thank you.

Yours truly

Ro Harris  
The Garden Room Bed and Breakfast

Attention Simon Palmer

Regarding Bylaw 186 I am in favour of making the island more  
Tourism friendly

Odelia Servo

1000A Westcliff Rd.

335 2899

Kris Christensen denmanarbutus@gmail.com 8:13 AM (11 hours ago)

to me

Good morning Simon

Kudos for you and Denman Works for getting involved in this issue.

Unfortunately we are not able to attend the upcoming meeting but fully support your efforts and realize that changes to the existing bylaw is a must.

The current regulations positively discourages visitors to Denman and runs contrary to the goal of creating the economic environment needed to sustain a viable community.

This question for the IT committee attending this meeting should serve as a real life example where the bylaw totally misses the point.

What options for a family from "Toronto" consisting of 2 adults, 3 children is available for them to enjoy coming to the island on a 10 day holiday trip regarding food and lodgings ?

We need these families to visit.

Use the ferry which needs increasing ridership.

We need these families to support the local baker, bookstore, general store, charter fishing operator, visit the many arts and craft peoples galleries etc.

And the existing bylaw is actively making it difficult for this activity to take place in fact it becomes economically cost prohibitive unless somebody actually skirts the bylaw.

There are ways in which we can alleviate this situation but we suspect it will take some effort and goodwill to facilitate this.

One small measure might be to allow changes to the bylaw via a "Permit system" simply meaning that if you violate the permit, you loose the right etc.

It can get complicated but not impossible keeping in mind that whatever the outcome it should be a comprehensive evaluation of things like, impact on neighbourhood, size of lot, enough water available to mention a few.

Overall it should set a standard meaning that if you decide to holiday on Denman and give your children a taste and experience of living on an island you can rest assured that you are guaranteed a decent dwelling and some simple options for feeding your family without relying on nothing but pizza.

In the meantime while these issues gets addressed by all means let us for the present time suspend this heavy handed enforcements of a bylaw that flies in the face of common sense and reality.

Hope this will give some food for thought. Looking forward to an update from the upcoming meeting. respectfully

Hanne/Kris Christensen

5315 East Rd

250.335.3225

enjoy holidaying on Denman for 10 days

**Town Hall Remarks  
To the Denman Island Local Trust Committee from Louise Bell, Apr 3, 2012**

**Proposed Bylaw No. 201 (Bylaw Enforcement -- Notification/Adjudication process)**

I spoke about the intent of this bylaw at the CIM held on Mar 14, when I encouraged the LTC to proceed with 4<sup>th</sup> reading. My comments today relate to process.

First, although this bylaw has received three reading by the LTC and therefore is “proposed,” as opposed to “draft”, it is not listed on the website under “Administrative Bylaws” for DI, as it should be. In fact the bylaw is only on the website as part of several LTC meeting agenda packages, which makes it difficult for islanders to read it. To further confuse islanders, the webpage for “Administrative Bylaws” for DI shows Bylaw No. 178 and indicated that it is proposed. Bylaw 178 would initiate a ticketing process – not the adjudication process. This bylaw was read once in 2007, but it proceeded no further. So please 1) put Bylaw 201 up in the logical place on the website; and 2) to bring Bylaw 178 back to the LTC so it can quash this bylaw and show islanders that the LTC is not proceeding with ticketing.

Second, I was surprised to hear the trustees inform islanders at the Mar 14<sup>th</sup> meeting that the LTC had no plans to further consider proposed Bylaw No. 201 at this time. If this truly is the case, which seems illogical, given that the bylaw has been read three times, I am surprised the LTC decided to convene a CIM. In all, I think that the meeting failed to enable islanders to understand the value of the notification/adjudication process and merely harmed the image of the Islands Trust. As it turned out, the audience comprised largely the same islanders who attended the afternoon portion of the LTC meeting of Oct 25, 2011, when Bylaw 201 was on the agenda for consideration of 4<sup>th</sup> reading. My understanding is that most in the audience, on both occasions, attended due to a false rumour on the island that intent of the bylaw was to enable the Trust to demand fines from anyone who was living in an illegal dwelling, or some such. As well, some present seemed to think that the bylaw would introduce ticketing – the same as in Bylaw 178. When someone asked why the meeting was being held, the trustees said the reason was that the Bylaw Enforcement Coordinator was going to be in the area. Certainly, if this was the only reason, it was not a good one.

**Bylaw Amendments -- Affordable Housing and Guest Accommodation**

In this meeting package, Denman WORKS! is proposing that the LTC undertake a number of bylaw amendments. In Simon Palmer’s letter in today’s meeting package, the statement is made that DI has “many bylaws” that are “irrelevant or petty”. (In fact, I believe he meant LUB regulations, not “bylaws,” as the context was proposed bylaw No. 201.)

It is important to recognize that the existing OCP policies and LUB regulations have been developed over time and represent a careful blend of the wishes of the community and the goals stemming from the object of the Islands Trust. A number of OCP reviews have been undertaken in the past dozen years – one comprehensive review and several smaller, focused reviews. I urge the LTC to be mindful of these processes and ensure that there is substantial community interest in changing either the OCP or LUB before undertaking any of the amendments requested by Denman WORKS!. The current LTC work program addresses issues critical to many islanders -- agriculture, RAR and the marine environment. This work should not be sidelined.

Denman WORK! is proposing amendments to our bylaws regarding affordable housing and guest accommodation. I have a few words to say about both topics.

### *Affordable Housing*

I support the need for further work on our bylaws to promote affordable housing, but I urge the LTC to build on the work done on this issue over the past two terms. The LTC cannot purchase land and create affordable housing; that is outside our jurisdictional capability. However, it can adopt OCP policies that set the stage for this to happen. And this has done this. Recent OCP amendments include creating an exception to the density cap to allow an increase in dwellings for affordable and special needs housing; a density bank to hold densities for this purpose; and a set of policies specific to affordable and special needs housing.

While engaged in this work the trustees of the day recognized that, like other small communities, we face several difficulties in establishing affordable housing, the key being the difficulty in ensuring that the housing is truly affordable and that it remains affordable over time. Housing agreements appear to be the only route to ensuring this outcome. Without this guarantee, development intended to provide affordable housing will, over time, simply accommodate more affluent retirees and will fail to house the young adults and families needed to promote social diversity. We have only to look to islands south of us to see this pattern. They show us that simply allowing a second dwelling on every lot does little to address this problem. My request to the LTC, therefore, is that it postpone further work on affordable housing until it creates a strategy for undertaking and managing multiple housing agreements.

The good news is that we now have DCLTA, a society dedicated to creating and managing affordable housing. LTC work should, in my view, do its utmost to assist this volunteer group, and use their expertise as it works through the problems relating to multiple housing agreements.

### *Guest Accommodation*

This topic also has received considerable study by DI over the past decade, partly in reaction to problems experienced on the southern Gulf islands. Our regulations allow B&B but do not allow vacation rentals. On DI, B&B operators are allowed to offer three meals a day, rather than just breakfast, as long as they meet Provincial Health requirements. As well, landowners may use accessory buildings for guest accommodation on an occasional basis – for example, for visiting family. I believe most islanders believe these provisions create the kind of visitor accommodation that's suitable for DI.

A key objective in the existing DI policies and regulations has been to protect residential neighbourhoods. Looking at the experience of the southern Gulf Islands, DI wanted to avoid situations that attract "party houses," especially those where the home owner lives off-island, perhaps even overseas. I doubt this is Denman WORKS!' intent, but it is important to remember that local governments are restricted and cannot stipulate *who* uses guest accommodation – family, friends or tourists. Nor can local governments limit the *kind* of landowners who can offer it – permanent residents or off-islanders.

Simon Palmer's letter in the January LTC meeting package cites policies in the Hornby OCP, recommending that Denman follow Hornby's lead. I do not believe that most Denman islanders want the overwhelming proliferation of vacation rentals on this island that plague the peace and serenity of Hornby from May to October. These short-term home rentals represent a commercial use. They have occurred in Hornby since the 1970s, even though they were illegal, but the impact skyrocketed with the Internet. By then was too late. The pattern was entrenched -- and so Hornby made them legal.

The economy here on Denman may need tourism, but our island is situated differently and we can attract daytime visitors. If the LTC undertakes work on the subject of guest accommodation, again I urge it to build on past work. The quiet, rural character of this island is precious to most, if not all, who live on Denman Island.

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Fisheries  
and Oceans

Pêches  
et Océans

Pacific Region  
Shelley Jepps  
Aquaculture Environmental Operations  
Aquaculture Management  
Fisheries and Oceans Canada  
103-2435 Mansfield D

February 10, 2012

Ms. Patricia J. McLaughlin  
Chair  
Denman Island Marine Stewardship Committee  
7161 Komas Road  
Denman Island, BC V0R 1T0

Dear Ms. McLaughlin:

**Subject: Predator netting and herring – Baynes Sound**

Thank you for your letter dated January 20, 2012 expressing your concerns regarding herring and shellfish aquaculture interactions. As you know Fisheries and Oceans Canada (DFO) assumed the responsibility for licensing and managing the aquaculture industry in British Columbia on December 19<sup>th</sup>, 2010.

DFO is aware of the risks of predator netting to various species of fish and wildlife. As a result, DFO has incorporated a number of conditions into the 2010/2011 shellfish licenses that pertain directly to the issue of herring entanglement in predator netting.

For example, condition 8.1 states that “[t]he licence holder shall not retain incidental catch ....” And further notes that “incidental catch must be returned to waters outside the aquaculture facility and if the fish is alive, in a manner that causes it the least harm”.

Condition 9.5 states that “[t]he licence holder shall ensure that:

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

This is restated in Part C of the licence under condition 1.1(c) which reads “Where clam predator netting is approved, use netting of a mesh size and design that minimizes entrapment and injury to humans and wildlife, and ensure predator

netting is tightly secured, lays flat to the intertidal and is maintained, inspected on a regular basis and repaired forthwith as required.”

In addition, I would like to bring your attention to condition of licence 10.2 which prohibits the disturbance of any herring spawn that may have occurred on shellfish equipment. This condition states “[t]he licence holder shall not conduct harvest activities or handle equipment covered with herring spawn through to hatch of herring eggs (Feb-May).”

Fisheries and Oceans Canada will be notifying all shellfish growers in writing of the upcoming herring spawning season and will be reminding them of the conditions of licence that pertain to predator netting and incidental catch. DFO will not require growers to remove predator netting from tenures in spawning areas such as Denman Island at this time, but will monitor compliance with the conditions of the shellfish aquaculture licence. DFO Conservation and Protection Branch and Aquaculture Environmental Operations group will be conducting targeted inspections during the herring spawn season. The purpose of these inspections will be to specifically determine compliance with conditions of licence 8.1 and 10.2.

Please note that the above identification of specific conditions is in no way meant to imply that the other conditions of the shellfish aquaculture licence do not apply. All conditions of the licence apply at all times, as appropriate, and may be inspected and strictly enforced at any time.

Fisheries and Oceans Canada continues to work collaboratively with industry and other stakeholders to address environmental concerns and ensure best management practices for shellfish sites. These types of concerns and our management approach for addressing this issue will be referenced in the Integrated Management of Aquaculture Plan for Shellfish. Thank you again for your concern for the health of Canada’s marine ecosystems.

Sincerely yours,



Shelley Jepps  
Senior Shellfish/Freshwater Aquaculture Biologist  
Aquaculture Environmental Operations

cc: Brian Atagi, Chief, Aquaculture C&P, DFO  
Gary Taccogna, Manager, Aquaculture Environmental Operations, DFO  
Kerry Marcus, Shellfish/CSSP Co-ord., Aquaculture Resource Man., DFO  
David Graham, Denman Island Trust

Laura Busheikin, Denman Island Trust  
Courtenay Simpson, Planner, Local Trust Committee  
J. Werring, Aquatic Habitat Specialist, David Suzuki Foundation  
Bruce Jolliffe, Regional Director  
Don McRae, MLA Comox Valley  
Hon. John Duncan, MP Vancouver Island North

**From:** Simon Palmer [<mailto:simonpalmer3720@gmail.com>]  
**Sent:** December-16-11 10:54 AM  
**To:** David Graham; Laura Busheikin; Courtney Simpson  
**Cc:** Morley McKeachie; John Roberts; [JenniferVillard@telus.net](mailto:JenniferVillard@telus.net); Boyd Mackean; SimonPalmer3720  
**Subject:** Bylaw Amendment Request

Dear David, Laura, Courtney,

Attached a Motion passed by our Denman WORKS! Board on Wednesday last.

It is the product of much research by the assigned Director into the Bylaw as written and of our careful consideration of the effects of amending it as proposed.

We recommend your adoption of the Bylaw amendments

- as being of fundamental benefit to the broad Denman community
- as assisting the affordable housing challenge across the social spectrum
- as rationalizing the confusing regulations regarding guest accommodation and their negative impact on an important segment of the island economy
- as allowing property owners to make reasonable accommodation available for family & friends

We look forward to working with you to achieve common acceptance of these amendments. In which regard, it would be most helpful to know a possible timeline and what more we should be doing in the meanwhile.

Regards - Simon

***Denman WORKS!***  
P.O. Box 99, Denman Island BC, VoR 1To  
[www.denmanworks.com](http://www.denmanworks.com) : [denmanworks@gmail.com](mailto:denmanworks@gmail.com)

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To: Directors  
Re: Visitor-related Bylaw etc Amendments  
Motion for Dec 14, 2011 Meeting –

Whereas the mandate of Denman WORKS! is to support the enhancement of the economic and social health of Denman Island, its residents, businesses and community organizations;

AND WHEREAS amendment of Denman Island Land Use Bylaw 186 is desirable with respect to the provision of rental accommodation with a view to enhancing affordable housing and visitor accommodation

Be it moved:

1. That Denman WORKS! request that the Denman Island Trustees review and amend the Bylaws as under, and, receiving it, work with interested parties and the community to obtain support before Island Trustees for passage of the required amendments.
2. That Bylaw amendments address the following:
  - a. Guest accommodation in secondary suites with “cooking facilities” be permitted when within a principal dwelling unit so long as the premises comply with water and septic regulations and such other conditions as the Trustees might prescribe;
  - b. Guest accommodation in accessory buildings with cooking facilities be permitted, so long as the premises comply with water and septic regulations and such other conditions as the Trustees might prescribe;
  - c. Definition of ‘cooking facilities’ in Land Use Bylaw 186;
  - d. Accessory buildings that are currently non-conforming as guest accommodation to be permitted where such exist as of December 1 2011 (or such other date that the Trustees choose) and are subsequently registered with Islands Trust;
  - e. Removal of time limits regarding guest accommodation and accessory building use.

Moved:

Seconded:

Carried:

Peter Luckham, Chair  
Islands Trust  
700 North Rd  
Gabriola Island, BC V0R 1X3

February 23, 2012

Dear Mr. Luckham:

Upon review of the recently released Denman Island Farm Plan by Islands Trust, the BC Shellfish Growers Association (BCSGA) was disappointed to see there was no recognition of shellfish aquaculture as a viable and sustainable economic generator as part of an agricultural plan for Denman Island.

It is our view that this omission was deliberate and we would firstly request a reason why this position was taken. Furthermore, as shellfish aquaculture is the largest and most valuable agricultural commodity coming from Denman Island, it would logically follow that it be included in any future agricultural plan developed for long term prosperity of agricultural production on Denman Island. In terms of long-term sustainable food production opportunities on Denman Island, shellfish cultivation and harvest is clearly viable and sustainable.

To that end, we are requesting that Islands Trust review this omission and include a section on shellfish aquaculture to recognize this most important industry to Denman Island as a long term, viable and sustainable industry. We would be more than happy to work with Islands Trust in developing this inclusion and if we could be of any assistance please do not hesitate to contact me at any time.

I look forward to your response.

Sincerely,



Roberta Stevenson, Executive Director  
BC Shellfish Growers Association

Cc:// The Honourable Ida Chong, Minister of Community, Sports and Cultural Development  
Laura Busheikin, Denman Island Trustee  
David Graham, Denman Island Trustee

From: Simon Palmer [simonpalmer3720@gmail.com]  
 Sent: March 15, 2012 1:17 PM  
 To: David Graham; Laura Busheikin  
 Cc: SimonPalmer3720  
 Subject: Bylaw Enforcement

David, Laura,  
 I'll be brief & resist comparisons to Orwell, so...

1. There are so many irrelevant or petty Bylaws, in the Denman context, it would be good to take them off the enforcement list. Now. (Would be great for LTC credibility too)
2. For the remainder, why not hold a public meeting, all islanders, and go down the list. No promises, but just to get a sense of what needs to be looked at re amendments & interim moratorium on enforcement.
3. Serious thought needs to be given to how best trigger enforcement in a small island community. It does not say much for those drafting the protocol that they were insensitive to the damage potential of having neighbours 'snitching' on each other. That it rarely happens or is resolved before litigation/fines is completely irrelevant.
4. The bureaucratic maze, cost, timeline for amending Bylaws means, by definition, that they are out of 'synch' with the 'island climate', which changes surprisingly fast. (Even I, a property owner since '03, resident since '09 have noticed it!) Time therefore to objectively revisit 'systems'? A management consultant might be a good investment.
5. Might be beneficial to make LTC meetings more 'sexy', welcoming? IT is regarded by many as the 'enemy'. Coffee & cookies & much more contact with the broad community might make e.g. our bylaw amendment request, less of a surprise. I was away unfortunately but I heard many appreciated the LTC candidates' forum pre-election.

I'm sure you know all this, but now you know that I do. Because I came away from last night's meeting, pleased that I had gone, but depressed that there could be such a disconnect between IT/the 'system' and the island climate/sensibility that I have come to enjoy. It was dispiriting and you have the discretion/ability to temper IT to reflect the island we all want.

Best Wishes - Simon

From: Pat McLaughlin [patmclaughn@gmail.com]  
Sent: March 20, 2012 10:49 AM  
To: Laura Busheikin; David Graham  
Cc: Courtney Simpson  
Subject: Fw: Friends of Wild Pacific Salmon// FW: Tell the feds hands off Fisheries Act

Hello Laura and David;

I am forwarding some information passed on to me by Ramona de Graaf about possible changes to the Fisheries Act that could have serious consequences for our marine environment. I thought you might want to respond and/or pass on the information to Trust Council.

Regards

Pat

From: ramona de graaf<<mailto:foragefish.bc@gmail.com>>  
Sent: Friday, March 16, 2012 11:49 AM  
To: ramona de graaf<<mailto:foragefish.bc@gmail.com>>  
Subject: Friends of Wild Pacific Salmon// FW: Tell the feds hands off Fisheries Act

Celia has done a great job of putting together this information.

King Harper is at it again.

What is lacking from this discussion so far is the silent threat.....shellfish expansion funded by Ottawa. Taking "habitat" out of the Federal Fisheries Act is just what the shellfish industry will need to transform our foreshore lands into shellfish feed lots.

Ramona

----- Forwarded message -----

From: Celia Brauer <[celia\\_bee@hotmail.com](mailto:celia_bee@hotmail.com)<[mailto:celia\\_bee@hotmail.com](mailto:celia_bee@hotmail.com)>>  
Date: Thu, Mar 15, 2012 at 12:17 PM  
Subject: Friends of Wild Pacific Salmon// FW: Tell the feds hands off Fisheries Act  
To: [go\\_wild\\_salmon@googlegroups.com](mailto:go_wild_salmon@googlegroups.com)<[mailto:go\\_wild\\_salmon@googlegroups.com](mailto:go_wild_salmon@googlegroups.com)>

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[<http://img-ak.verticalresponse.com/media/9/b/8/9b8d8624a1/601ed1b2c0/15e4f1e5ea/library/2012%20Fisheries%20Act%20copy.jpg>]

Click to view this email in a browser<<http://hosted.verticalresponse.com/529519/601ed1b2c0/1472573551/51851f63d7/>>  
Dear Celia,

The federal government is planning to strip the Fisheries Act of powers to protect fish habitat. According to media reports<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/f24cf1bb62>>, the

changes would be added to the omnibus Budget Bill, with no meaningful discussion or consultation. Take action<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/d1e4af662b>>.

The proposed rewrite of subsection 35(1) of the Fisheries Act apparently does not mention habitat at all. If these changes are approved, they will have the effect of gutting the Act, with far-reaching negative consequences for the health of B.C.'s ocean, our rivers targeted for run-of-river power projects<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/75a7dd53f0>>, and the streams and lakes threatened by toxic tailings from mines<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/a16babbbccf>>.

And, as The Vancouver Sun points out<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/a25cc731b3>>, a gutted and declawed Fisheries Act would make it easier for projects like Enbridge's proposed Northern Gateway to be approved despite extreme risks to marine habitat and coastal economies in British Columbia.

The federal government has already been clearly told by the Federal Court of Appeal<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/6072824397>> that habitat protection is required for the survival of species at risk, in a case involving critical habitat of endangered orca whales, in which Sierra Club BC was one of the applicants represented by Ecojustice.

The potential damage to habitat is what triggers many environmental assessments. Without a strong and credible environmental assessment process Canadians would lose the balance of voices necessary for sound decisions that take into account environmental impacts and ensure nature is protected.

If, like me, you are appalled at this thinly veiled attempt to strip our ocean, rivers and lakes of protection from destructive projects, please write to the federal government today<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/5f3cb27eea>>.

Sincerely,  
[[http://img-ak.verticalresponse.com/media/9/b/8/9b8d8624a1/601ed1b2c0/15e4f1e5ea/library/george\\_signature\\_blue.jpg](http://img-ak.verticalresponse.com/media/9/b/8/9b8d8624a1/601ed1b2c0/15e4f1e5ea/library/george_signature_blue.jpg)]  
George Heyman  
Executive Director  
Sierra Club BC

[<http://img-ak.verticalresponse.com/media/9/b/8/9b8d8624a1/601ed1b2c0/15e4f1e5ea/library/vert%20logo%20for%20SF%202.jpg>]

About Sierra Club BC  
Sierra Club BC<<http://cts.vresp.com/c/?SierraClubBC/601ed1b2c0/51851f63d7/49142dffa8>>'s mission is to protect B.C.'s wilderness and wildlife, especially in light of global warming.

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Ramona C. de Graaf, BSc., MSc.  
Marine Biologist and Forage Fish Specialist Executive Director: Coastal Conservation Institute of BC  
Coordinator: BC Shore Spawners Alliance

## Petition re. Home-based Guest Accommodations, September 2011

The Islands Trust bylaws currently in effect for Denman Island contain provisions that are deliberately hostile to tourism. Specifically, the policies that prohibit the provision of cooking facilities for guests, and require that guests can only be accommodated in the primary residence of the operator, are designed to inhibit tourism.

But such visitor-unfriendly policies (if followed) also restrict promotion of island facilities, reduce off-season demand, and adversely affect the island economy. A 2009 Denman survey listed tourism as the second most important economic activity, an economic engine that Denman WORKS! is mandated to fuel. The importance of tourism to the island's economy is emphasized in Denman's 5-year economic development plan.

The Hornby Island Local Trust Committee has been working on a bylaw amendment that will support the tourism sector on that island. It contains the following wording:

"The economy follows a seasonal cycle and is highly dependent on a population of visitors... Tourism is the major economic driver manifested in the range of accommodations, services, arts and crafts, performing arts and alternative health experiences that are available. There is a long history of homeowners renting their homes to visitors for short periods of time... as a means of creating an income or to offset some home ownership costs that has made a significant contribution to the Island's economy."

This amendment, when adopted, will make bed and breakfasts and vacation home rentals legal on most residential properties, "providing the number of guests does not exceed the design capacity of the approved sewage treatment system" and "...the home occupation shall be operated in accordance with land use bylaw and with guidelines prepared by the LTC in consultation with the community."

The Denman community doesn't want to see off-island visitations here resembling Hornby summers, but a lot of Denman's visitors are family of island residents, or participants in family functions, local art and sporting events, island workshops and retreats, and seasonal fairs. These aren't the kind of people we want to discourage, and we'd like to offer them the opportunity to cook their afternoon and evening meals. Denman's bylaws can still restrict the number of visitors that are permitted in a home, the length of their permissible stay, and requirements about lot size, water, sewage, etc., as they already do. The Whistler OCP contains the following definition:

"'Guest room' means one habitable room that is used for temporary accommodation of paying guests and may include a bathroom and one set of cooking facilities."

This is clearly much more consistent with Hornby's policy:

"A position of 'welcome with information' to tourism use is encouraged as a means to inform visiting tourists about best practices when visiting the island."

[illegible]

**From:** Margie Gang <[margang@telus.net](mailto:margang@telus.net)>

**Date:** March 28, 2012 12:07:30 PM PDT (CA)

**To:** David Graham <[dgraham@islandstrust.bc.ca](mailto:dgraham@islandstrust.bc.ca)>, Laura Busheikin <[lbwordshop@gmail.com](mailto:lbwordshop@gmail.com)>

**Subject:** ticketing bylaw

Hello David and Laura. We're writing to express our disapproval of the proposed bylaw #201 (Bylaw Enforcement Notification Bylaw). We just read the summary of the March 14th information meeting in your agenda package, and noted that with the exception of Louise Bell's comment, all community input opposed the proposed bylaw. We've heard that an initiative to give more teeth to the current bylaw enforcement process has been presented to this community twice previously, and firmly rejected by the community both times. If this is the case, we wonder why our LTC is still bringing it forward, since our bylaws are intended to reflect the community's wishes.

We like Laura's comment that this type of enforcement should be a last resort in resolving disputes. Miles has stated that a majority of complaints come from a small handful of people (who really are protected by the anonymity protocol, regardless of what Miles says), and we know from personal experience that these are sometimes based on false claims. The system creates distrust, disrespect, and disharmony, not "neighborhoods where people feel comfortable." Strengthening the system can only do more harm.

We suggest a form of restorative justice as a first step in dispute resolution. This would be a much better "way to find out what a community wants" than "through [stronger] enforcement." It might help those folks who are constant complainers to learn to live in harmony with their neighbors, rather than making their negative attitudes the rule by which we must all live.

Also, if someone has complained about something at some point, that doesn't mean we need a bylaw about it, with associated fines. Our community should have room for differences in individual lifestyles. Judith's comment that, "...the problem is with the Official Community Plan not bylaw enforcement" and "that perhaps the Official Community Plan needs to be reviewed to determine if it is still reflective of the current community's wishes" is certainly appropriate.

We're sure you could both guess that this would be our opinion, but anyway, here's more community input. It's unfortunate that we couldn't attend the March 14th meeting.

Sincerely,  
Margie Gang and Ralph McCuaig

**From:** Edina Johnston <[edijohnston@gmail.com](mailto:edijohnston@gmail.com)>  
**Date:** March 28, 2012 10:31:00 AM PDT (CA)  
**To:** David Graham <[dgraham@islandstrust.bc.ca](mailto:dgraham@islandstrust.bc.ca)>, Laura Busheikin  
<[lbusheikin@islandstrust.bc.ca](mailto:lbusheikin@islandstrust.bc.ca)>

**Subject:** re labeling marine issues

Good morning David and Laura: I couldn't help but notice the Staff Report of March 13th was labeled "Review policies and regulations regarding impacts of shellfish farming on the marine environment." and I asked Courtney if this could be changed to a more accurate and less adversarial title such as Review policies and regulations regarding **protection of the marine environment**. She said no it couldn't be changed and I should make the request to the local trustees for future consideration.

My concern is that it appears that the DIMSC is anti-aquaculture when in fact they are not. DIMSC has always supported aquaculture if it's "compatible with maintenance of ecosystems and community character and should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes" (as stated in Part IV Stewardship of Resources) and adheres to the Conditions of License as regulated by Fisheries and Oceans. There is also the issue of islanders who destroy fish habitat by driving on the beach and removing natural deposits such as sand, rocks, seaweed, logs etc. or modify the shore by placing rip rap to shore up their property. These too are destructive practices which need addressing and do not involve the aquaculture industry.

The aquaculture industry and DIMSC are allies when it comes to future threats i.e. coal mines, which could destroy the water quality in Baynes Sound and acknowledges the importance of aquaculture as a valuable activity. DIMSC strives to maintain a respectful relationship with shellfish farmers, Fisheries and Oceans etc. in order to preserve and protect what we all value- a healthy and diverse ecosystem.

Thank you for your time and consideration,

Edi Johnston  
secretary  
Denman Island Marine Stewardship Committee



**Islands Trust**

Print Date: Mar-21-2012

## Top Priorities

### Denman Island

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



**Islands Trust**

## Projects

### Denman Island

| No. | Description                                                | Activity                                                                                                               | Received/Initiated | Status   |
|-----|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------|----------|
| 1   | Bylaw amendments to address food security                  | Consider amendments based on "Exploring Food Security in the Islands Trust Area" final report dated November 16, 2010. | Mar-15-2011        | On Going |
| 1   | A Protected Area Network on Denman Island                  |                                                                                                                        | Mar-15-2011        | On Going |
| 1   | Housekeeping project                                       | 1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots".                                | Aug-15-2011        | On Going |
| 1   | Regulations governing wind towers                          | Monitor recommendation from Trust Council.                                                                             | Aug-15-2011        | On Going |
| 1   | Affordable Housing Strategy                                |                                                                                                                        | Oct-25-2011        | On Going |
| 1   | Regulation limiting the gross floor area of a dwelling     |                                                                                                                        | Oct-25-2011        | On Going |
| 1   | Regulations to promote greenhouse gas emissions reduction. |                                                                                                                        | Oct-25-2011        | On Going |



Islands Trust

Print Date: Mar-21-2012

## Applications w/ Status - Denman Island Status: Open

### Applications

#### Agricultural Land Reserve

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

**Planner:** Courtney Simpson

#### Planning Status

**Status Date:** Feb-13-2012

Forwarded application to ALC

**Status Date:** Jan-24-2012

LTC passed resolution to forward to ALC

**Status Date:** Dec-19-2011

Staff report complete

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

**Planner:** Marnie Eggen

#### Planning Status

**Status Date:** Nov-22-2011

Planner reviewing

#### Development Permit

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

**Planner:** Courtney Simpson

### **Planning Status**

**Status Date:** Apr-04-2011

No change: waiting for info from applicant.

**Status Date:** Feb-04-2010

No change

**Status Date:** May-01-2009

No change

| File Number                      | Applicant Name                                  | Date Received | Purpose                                                                                                                                                          |
|----------------------------------|-------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DE-DP-2011.1                     | Denman Community Land Trust Association (Brons) | Mar-15-2011   | 2016 Northwest Road, Construction of affordable housing dwelling and associated land alteration in DP 2 Steep Slopes. Joint with SUP application DE-SUP-2011.10. |
| <b>Planner:</b> Courtney Simpson |                                                 |               |                                                                                                                                                                  |

### **Planning Status**

**Status Date:** May-26-2011

On hold until outcome of forthcoming rezoning application is known.

**Status Date:** Apr-04-2011

Planner Reviewing

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

### **Planning Status**

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

Awaiting info from applicant

**Status Date:** Jun-15-2011

On hold until DVP out come.

**Status Date:** May-27-2011

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

### **Development Variance Permit**

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

**Planner:** Marnie Eggen

### **Planning Status**

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

Waiting info from applicant

**Status Date:** Jun-24-2011

Planner reviewing

### **Rezoning**

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

### **Planning Status**

**Status Date:** Jan-24-2012

Waiting for draft housing agreement from applicant

**Status Date:** Dec-14-2011

Planner completed third staff report

**Status Date:** Sep-01-2011

Preliminary Staff Report Complete

### **Subdivision**

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

### **Planning Status**

**Status Date:** Jul-27-2011

Islands Trust Fund approved proposal to donate land

**Status Date:** May-24-2011

applicant working with Islands Trust Fund to donate a parcel

**Status Date:** May-20-2011

PLA rcv'd

| File Number                                       | Applicant Name                                                                                               | Date Received | Purpose                                                            |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------|
| DE-SUB-2011.1                                     | Steve Hoerbuerger<br>(for Robert S. &<br>Irma Y. Smith)<br><b>Planner:</b> Marnie Eggen                      | Jan-10-2011   | to create 2 parcels under s. 946 of the Local Government Act       |
| <b>Planning Status</b>                            |                                                                                                              |               |                                                                    |
| <b>Status Date:</b> Jan-06-2012                   |                                                                                                              |               |                                                                    |
| Awaiting water licence                            |                                                                                                              |               |                                                                    |
| <b>Status Date:</b> Oct-25-2011                   |                                                                                                              |               |                                                                    |
| Frontage exemption approved by LTC                |                                                                                                              |               |                                                                    |
| <b>Status Date:</b> Oct-04-2011                   |                                                                                                              |               |                                                                    |
| PLA received                                      |                                                                                                              |               |                                                                    |
| File Number                                       | Applicant Name                                                                                               | Date Received | Purpose                                                            |
| DE-SUB-2011.5                                     | Steven Carballeira<br>(Graeb/Charles<br>King Medical Inc.<br>(1691 Lacon Rd)<br><b>Planner:</b> Linda Prowse | Mar-28-2011   | to create 2 lots                                                   |
| <b>Planning Status</b>                            |                                                                                                              |               |                                                                    |
| <b>Status Date:</b> Nov-24-2011                   |                                                                                                              |               |                                                                    |
| Preliminary Layout Approval received              |                                                                                                              |               |                                                                    |
| <b>Status Date:</b> May-05-2011                   |                                                                                                              |               |                                                                    |
| Referral Response sent to MOTI, LTC and applicant |                                                                                                              |               |                                                                    |
| <b>Siting and use Permit</b>                      |                                                                                                              |               |                                                                    |
| File Number                                       | Applicant Name                                                                                               | Date Received | Purpose                                                            |
| DE-SUP-2006.7                                     | Daniel/Debra<br>Stoneman<br><b>Planner:</b> Courtney Simpson                                                 | Aug-31-2006   | Agricultural (including buildings consistent with ALR legislation) |
| <b>Planning Status</b>                            |                                                                                                              |               |                                                                    |
| <b>Status Date:</b> 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<br>One 26 foot high barn.                             |

**Planner:** Marnie Eggen

**Planning Status**

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

On hold until outcome of DP and DVP.

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

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

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

Applicant submitted partial application

| File Number                      | Applicant Name                                           | Date Received | Purpose                                                                                                                               |
|----------------------------------|----------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------|
| DE-SUP-2011.10                   | Denman<br>Community Land<br>Trust Association<br>(Brons) | Mar-15-2011   | 2016 NORTHWEST RD<br>one Residence, garage/workshop, wood shed, pump shed, and one wind<br>turbine. Joint DP application DE-DP-2011.1 |
| <b>Planner:</b> Courtney Simpson |                                                          |               |                                                                                                                                       |

**Planning Status**

**Status Date:** May-26-2011

On hold until outcome of rezoning application is known.

**Status Date:** Mar-21-2011

Planner Reviewing File

| File Number                  | Applicant Name                             | Date Received | Purpose                               |
|------------------------------|--------------------------------------------|---------------|---------------------------------------|
| DE-SUP-2012.1                | 2331 Chickadee<br>Road (Dumas &<br>Hodson) | Jan-05-2012   | House, Studio x 2, Garage, Greenhouse |
| <b>Planner:</b> Marnie Eggen |                                            |               |                                       |

**Planning Status**

**Status Date:** Jan-16-2012

Site Plan lacking information. Requested further information from applicant.

**From:** Nancy Roggers  
**Sent:** February-23-12 1:36 PM  
**To:** Denman Island Local Trust Committee; Becky McErlean  
**Cc:** Cindy Shelest  
**Subject:** Denman expense report - Feb/12

|                                        |                                | <b>Budget</b>   | <b>Spent</b>    | <b>Balance</b> |
|----------------------------------------|--------------------------------|-----------------|-----------------|----------------|
| <b>Invoices posted to FEB 23, 2012</b> |                                |                 |                 |                |
|                                        |                                |                 |                 |                |
| 615 Denman                             | 65000 Trustee Expense          | 1,000.00        | 289.04          | 710.96         |
|                                        |                                |                 |                 |                |
|                                        |                                |                 |                 |                |
| 615 Denman                             | 65200 LTC Meetings             | 2,300.00        | 2,143.55        | 156.45         |
|                                        | 65210 APC Meetings             | 200.00          | 488.44          | (288.44)       |
|                                        | 65220 Communications           | 300.00          | 331.16          | (31.16)        |
|                                        | 65230 Special Projects         | 500.00          | 247.25          | 252.75         |
|                                        | 65240 Miscellaneous            |                 |                 | -              |
|                                        | <b>TOTAL LTC Local Expense</b> | <b>3,300.00</b> | <b>3,210.40</b> | <b>89.60</b>   |
|                                        |                                |                 |                 |                |
| 615 Denman                             | 72300 OCP/LUB Expense          | 8,000.00        | 4,895.66        | 3,104.34       |

Thanks!

Nancy Roggers  
 Finance Officer

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

Preserving *island* communities, culture and environment

Please consider the environment before printing this email.

**From:** Linda McClung

**Sent:** March-29-12 9:17 AM

**To:** Courtney Simpson; David Graham; Laura Busheikin; Peter Luckham; Becky McErlean

**Cc:** Nancy Rogers; Cindy Shelest

**Subject:** FW: Denman March/12 Expense Report

Please direct any questions to Nancy Rogers by email.

Thanks.

| 615 Denman                     | Invoices posted to March 31,<br>2012 |                 |                 |                |
|--------------------------------|--------------------------------------|-----------------|-----------------|----------------|
|                                |                                      | Budget          | Spent           | Balance        |
| 65000                          | LTC "Trustee Expenses"               | 1,000.00        | 289.04          | 710.96         |
| 65200                          | LTC Local Exp LTC Meeting Expenses   | 2,300.00        | 2,542.08        | (242.08)       |
| 65210                          | LTC Local Exp APC Meeting Expenses   | 200.00          | 719.62          | (519.62)       |
| 65220                          | LTC Local Exp Communications         | 300.00          | 331.16          | (31.16)        |
| 65230                          | LTC Local Exp Special Projects       | 500.00          | 247.25          | 252.75         |
| 65240                          | LTC Local Exp Miscellaneous          | -               | -               | -              |
| <b>TOTAL LTC Local Expense</b> |                                      | <b>3,300.00</b> | <b>3,840.11</b> | <b>-540.11</b> |
| 72300                          | Project OCP update                   | 8,000.00        | 4,895.66        | 3,104.34       |



# STAFF REPORT

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**Date:** March 13, 2012

**File No.:** DE/15-1

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

**From:** Courtney Simpson, Island Planner

**CC:** Chris Jackson, Regional Planning Manager

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

**Owner:** Local Trust Committee initiated project

## THE PROPOSAL:

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

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

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

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

## SITE CONTEXT:

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

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

## **CURRENT PLANNING STATUS OF SUBJECT LANDS:**

### Islands Trust Policy Statement:

#### *Part III Ecosystem Preservation and Protection:*

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

#### *Part IV Stewardship of Resources*

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

### Official Community Plan (OCP)

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

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<sup>1</sup> Baynes Sound Coastal Plan for Shellfish Aquaculture, 2002 available at:  
[http://www.ilmb.gov.bc.ca/slrp/marine/south\\_island/baynes/index.htm](http://www.ilmb.gov.bc.ca/slrp/marine/south_island/baynes/index.htm)

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

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

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

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

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

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

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

*Advocacy Policy 2 Fisheries and Oceans Canada is encouraged:*

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

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

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

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

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

#### Land Use Bylaw

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

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

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

#### Islands Trust Fund:

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

#### Regional Conservation Plan:

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

### Sensitive Ecosystems and Hazard Areas:

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

### Archaeological Sites:

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

### Other:

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

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

DIMSC is concerned about the use of predator netting at all, and cites a study that questions its effectiveness<sup>2</sup>. However DIMSC identifies the more immediate concern of the discarded predator netting that is a hazard for fish, animals, birds, boats and swimmers. The authority to regulate use of predator netting by aquaculture operators appears to currently be with DFO rather than with ILMB. Regulation would be through conditions on licenses to operate the aquaculture operations from DFO, and enforcement of these conditions.

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

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

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

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

### **COMMUNITY INFORMATION MEETING(S):**

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

### **STAFF COMMENTS:**

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

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

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

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

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

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

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

## RECOMMENDATIONS:

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

1. remove “Review of OCP section C3 with a view to addressing the impacts of shellfish farming on the natural marine environment and residential properties, and review of associated LUB regulations” from the work program; and
2. add “Marine Shorelands Planning” to the work program with the activity column reading “review of shoreline mapping, public education, and consideration of development permit area”.

Prepared and Submitted by:

*Courtney Simpson*

March 19, 2012

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Courtney Simpson, MCIP, Island Planner

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Date

Concurred in by:

*Chris Jackson*

*March 19, 2012*

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Chris Jackson, MCIP, Regional Planning  
Manager

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Date



# Memorandum

13.1

Date February 21, 2012

To Local Trustees  
From David Marlor  
Director of Local Planning Services

Re A Strategic Approach to Islands Trust Communications

In order to assist local trust committees with enhancing communications and public engagement, Trust Area Services, with input from Local Planning Services, prepared the attached guidelines; these guidelines have been approved by the Executive Committee.

These guidelines will become part of the tool kit planners may use when generating staff report recommendations for projects that would benefit from a communications plan. Staff will include recommendations on communications using the guidelines at appropriate times, for example, at the start of a larger project or initiative that is expected to generate considerable public interest.

Regional Planning Managers will discuss this template in more detail at an upcoming Local Planning Services meeting to to determine the best approach to incorporating the guidelines into the planning process.

David Marlor  
Director of Local Planning Services

pc Executive Committee  
Linda Adams, CAO  
Lisa Gordon, DTAS  
Regional Planning Managers



## GUIDELINES: A STRATEGIC APPROACH TO LOCAL TRUST COMMITTEE COMMUNICATIONS

Approved by Executive Committee August 2011

### Value of a Communications Strategy for Local Trust Committees

A Communication Strategy is an essential planning tool to help coordinate communication activities by:

- Ensuring all communications focus proactively on Islands Trust's priorities, goals and objectives in a clear, timely and cost-effective way
- Ensuring roles & responsibilities are clear and consistent, ideally guided by policy
- Harnessing and focusing combined efforts to prevent duplication, avoid unintended conflicts and to make the most of existing opportunities (e.g. partnership with other agencies)
- Minimizing last-minute demands (crisis management)
- Anticipating public reaction before launching projects

### Communications strategy framework - six standard questions to answer for all LTC projects

1. Goals: Define the project's communications goals and objectives.
  - Goals are broad, general statements about what you need to address
  - Objectives are SMART: Specific, Measurable, Achievable, Realistic, Timely
  - Clearly defining these elements makes it much easier to identify key messages

Questions that help define goals:

- Why are we doing this project?
- What is the risk of not doing the project?
- How will the project promote the object/mandate?
- What do we already know and what do we need to find out to succeed?
- What is the problem and what needs to change to solve the problem?
- Is the solution a change in regulation, policy or behaviour? E.g. If the problem is erosion, is a soil bylaw the only solution or are there other ways to change the behaviour that leads to erosion?

2. Audience: Who do you want to reach?
  - Target audiences
  - Internal (Trustees, senior staff, front line staff)
  - Other agencies affected (Regional Districts, First Nations, Provincial, Federal)
  - External (e.g. voters, seniors, media, community organizations and leaders)
  - What do you know about the audience? What do they think of your program or service?

3. Messages: What do you want to say to each audience?
  - What motivates your audience – Benefits – what's in it for me?
  - What stops your audience - Barriers?
  - Frame your message to emphasize benefits and overcome barriers.

- What is your call-to action? You are trying to change the audience's current state in some way. Are you asking them to share their opinions, participate in a debate, to support something, or just to be aware of something that they have little choice about?
  - Crafting your messages
    - Make it easy to remember in easy, simple terms
    - Use captivating information – vivid and personal
    - Use stories and metaphors to engage your audience
    - Use two-sided vs. one-sided message – recognize other viewpoints
4. Methods: How will you reach people? Different audiences have different objectives and need different approaches. Consider finding a well-respected expert or community member(s) to offer testimonials in support of your project.
5. Resources: Who will do what, when and at what cost?
6. Evaluation: Did they did get it? Were there misinterpretations? Was there backlash? How can we improve next time? How can we share what we learned with other staff / trustees?

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## SAMPLE Communication Action Plan

**Project:** \_\_\_\_\_

**Launch Date:** \_\_\_\_\_

| Methods                      | Person responsible | Cost | Content Focus / Key message | Audience | Due Date (e.g. for approval) | Publication Date |
|------------------------------|--------------------|------|-----------------------------|----------|------------------------------|------------------|
| E-mail                       |                    |      |                             |          |                              |                  |
| Direct mail                  |                    |      |                             |          |                              |                  |
| News release                 |                    |      |                             |          |                              |                  |
| Paid ad (Paper / TV / Radio) |                    |      |                             |          |                              |                  |
| Letter to editor / editorial |                    |      |                             |          |                              |                  |
| Web page                     |                    |      |                             |          |                              |                  |
| Article for newsletter       |                    |      |                             |          |                              |                  |
| Brochure                     |                    |      |                             |          |                              |                  |
| Social media                 |                    |      |                             |          |                              |                  |
| Poster / bulletin board      |                    |      |                             |          |                              |                  |
| Annual report                |                    |      |                             |          |                              |                  |
| Public meeting               |                    |      |                             |          |                              |                  |
|                              |                    |      |                             |          |                              |                  |

# 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 28<sup>th</sup> DAY OF February, 2012

READ A SECOND TIME THIS 28<sup>th</sup> DAY OF February, 2012

READ A THIRD TIME THIS 28<sup>th</sup> DAY OF February, 2012

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

SECRETARY

CHAIRPERSON



**Population (2011):**  
Approximately 1,022

**Size:**  
5,108 hectares (12,622 acres)

**Location:**  
22 kilometres south-east of Courtenay on Vancouver Island.

- [Land Use Planning](#)
- [Related Planning Services](#)
- [Related Resources](#)
- [Trust Area Mapping](#)
- [Related Links](#)

## Denman Island Local Trust Committee

### Latest News

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

#### March 2012

- [Deadline for expression of interest for the NEW Marine Advisory Commission are extended to April 2, 2012](#)

#### January 2012

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

#### November 2011

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

#### October 2011

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

[^ top](#)

## Denman Island Local Trust Committee Projects

### Denman Island Farm Plan

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

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

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

### Watercourse Mapping

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

## Committee Links

- [Committee Home](#)
- [Trustee Membership](#)
- [Contact Trustees](#)
- [Contact Planning Staff](#)
- [Planning Bylaws](#)
- [Administrative Bylaws](#)
- [Meetings Schedule](#)
- [Meeting Agendas](#)
- [Meeting Minutes](#)
- [Resolutions-Without-Meeting](#)
- [Associated Islands](#)
- [Land Use Application Forms](#)

[Sheet January 2012](#)

**Ecosystem Mapping**

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

**Land Use and Development Information**

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

[^ top](#)

**Denman Island Density Potential Mapping**

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

**Relevant Research and Reports**

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

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

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

**Shoreline Management Resources**

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

**Denman Island Community Profile**

**Denman Island Community Heritage Register**

[^ top](#)