



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: July 25, 2023
Time: 10:00 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

- | | | |
|--|---|---------|
| 1. CALL TO ORDER | 10:00 AM - 10:05 AM | |
| <p>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</p> | | |
| 2. APPROVAL OF AGENDA | | |
| 3. RISE AND REPORT | | |
| 4. REPORTS | 10:05 AM - 10:25 AM | |
| 4.1 | Trustee Reports | |
| 4.2 | Chair's Report | |
| 4.3 | Electoral Area Director's Report | |
| 5. PUBLIC COMMENTS | 10:25 AM - 10:45 AM | |
| 6. DELEGATIONS | 10:45 AM - 11:00 AM | |
| 6.1 | Housing Action Group - Presentation on Community Petitions | 4 - 8 |
| 7. MINUTES | 11:00 AM - 11:10 AM | |
| 7.1 | Local Trust Committee Minutes dated June 6, 2023- for adoption | 9 - 19 |
| 7.2 | Section 26 Resolutions-Without-Meeting Report - none | |
| 7.3 | Advisory Planning Commission Minutes - dated July 6, 2023 - for receipt | 20 - 23 |
| 8. BUSINESS ARISING FROM MINUTES | 11:10 AM - 11:25 AM | |
| 8.1 | Follow-up Action List dated July 17, 2023 | 24 - 28 |
| 9. APPLICATIONS AND REFERRALS | 11:25 AM - 11:55 AM | |

9.1	DE-LCB-2023.1 (Jones) - 8441 McFarlane Road - Staff Report	29 - 43
9.2	DE-DP-2023.1 (Carballeira) - 3060 Lake Rd & 4060 Wren Rd - Staff Report	44 - 77

~ BREAK 11:55 AM - 12:25 PM ~

10.	LOCAL TRUST COMMITTEE PROJECTS	12:25 PM - 1:25 PM
10.1	Denman Housing Advisory Planning Commission Reporting - verbal update	
10.2	Major Project: Denman Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference) - Staff Report	78 - 89
11.	CORRESPONDENCE	1:25 PM - 1:30 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.1	Department of Fisheries and Oceans Consultation - Schedule 1 of the Species at Risk Act	90 - 91
12.	NEW BUSINESS - none	
13.	REPORTS	1:30 PM - 2:00 PM
13.1	Official Community Plan Policy 30 - Memorandum	92 - 95
13.2	Bylaw Enforcement Notice Bylaw Amendments - Staff Report	96 - 98
13.3	Trust Conservancy Report dated June, 2023	99 - 101
13.4	Applications Report dated July 17, 2023	102 - 104
13.5	Trustee and Local Expense Report dated May, 2023	105 - 105
13.6	Adopted Policies and Standing Resolutions	106 - 110
13.7	Local Trust Committee Webpage	
14.	WORK PROGRAM	2:00 PM - 2:15 PM
14.1	Active Projects Report dated July 17, 2023	111 - 111
14.2	Future Projects Report dated July 17, 2023	112 - 113
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Tuesday, October 3, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	

16. CLOSED MEETING

2:15 PM - 2:45 AM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a), (d) for the purpose of considering:

- (a)personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (d)the security of the property of the municipality; and

that the recorder and Staff attend the meeting.

16.2 Recall to Order

17. ADJOURNMENT

2:45 PM - 2:45 PM

From: E O'Brien
Sent: Monday, July 10, 2023 10:02 PM
To: northinfo <northinfo@islandstrust.bc.ca>; David Graham <dagraham@islandstrust.bc.ca>; Sam Borthwick <sborthwick@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>
Subject: Application to be a delegate at the next Denman Island Islands Trust Meeting, July 25, 2023.

Thank you please find the attached documents as background and relevant context as they will be referenced in my presentation, on June 25th, to the current elected Islands Trust representatives and staff.

My name is Erin O'Brien-Hornsey and I wish to speak as a representative of the Housing Action Group (HAG). My presentation, as HAG delicate, will include a review of our asks and vision for next steps as they relate to the attached community petitions. We continue to focus our work going forward on the Islands Trust bylaw review as it relates to the availability of long term legal housing options on Denman Island.

I will be presenting our findings and premise for the delivery of the most recent petitions signed by over 600 members of the Denman Island community.

Thank you for your time and consideration of my request to present. I will be joined by co members of the HAG.

Please find the 3 attached documents below as required by Islands Trust prior to presenting.

Respectfully,

Erin O'Brien-Hornsey

Petition against enforcement brief.

Petition was presented to LTC in March of 2021

Petition was signed by 541 residents

Petition read:

“We the undersigned, residents of Denman Island, petition the Denman Island Local Trust Committee (LTC) to immediately:

1. Put a moratorium on enforcement of Land Use Bylaws that would result in eviction, in any and all housing on Denman Island, and maintain that moratorium until the following are accomplished :

a) Hold an Official Community Plan (OCP) review, in consultation with a representative cross section of residents (including vulnerable renters);

b) Complete a targeted review of Housing regulations in the Land Use Bylaw 186;

c) Craft relevant and community centered Land Use Bylaws (LUB) that support and prioritize affordable housing options, sustainable and environmentally sensitive approaches to any development, and reflect the needs of a healthy and diverse community, in light of changing demographics and the impact of socio-economic conditions on rural housing security.”

ALR Petition Briefccp

Was presented to the LTC in May of 2022

At time of registering to present petition had 571 signatures.

At time of presentation petition had 601 signatures

Petition stated:

“We the undersigned, residents and property owners of Denman Island, petition the Denman Island Local Trust Committee to:

1. Change bylaw 228 (LUB – Land Use Bylaw) and bylaw 229 (OCP – Official Community Plan) to align with Provincial Agricultural Land Reserve regulations (that went in effect January 1, 2022) allowing secondary dwellings on all ALR lands;
2. To impose no restrictions beyond the provincial ones, on these year round dwellings;
3. To ensure that these dwellings are not used for vacation and other short term rentals. “

Comments

Name	Location	Date	Comment
Michael Rapati	Edmonton, Canada	2021-02-14	"As I understand it, this bi-law is there to prevent rampant development, and multiple holiday homes on a single lot. However the selective enforcement is currently effecting the most vulnerable of our community. Until there is a better alternative to the current living conditions enforcing this bi-law in this way is morally wrong"
Patricia Garland	Denman Island, Canada	2021-02-14	"The time has come for the Island of Denman to start to create the utopian society we have always wanted. Hard when you can't find a place to live and IT wants to take away the only available option for so many. We need to start making our own decisions!"
Laura Thomson	Denman Island, Canada	2021-02-14	"Other IT islands have implemented (quite successfully) the allowance of a secondary dwelling on all zones (except ALR).A similar approach could easily be done here, with a review/update of the LUB.Either apply to all zones, OR, apply to a min lot size of (1 or 2 acres).The benefit of following suit, is the ability to review existing results.There ARE options."
Bill Engleson	Denman Island, British Columbia, Canada	2021-02-14	"I support the Trust but for years forces within the organization and within the community have not acknowledged the essential component to environmental continuity, the human element. Affordable housing for all is an absolute necessity. I hope we can get there without disparaging commentary."
Bryanna Grogan	Denman Island, BC, Canada	2021-02-14	"Everyone deserves a home!"
D Bannister	Denman Island, BC, Canada	2021-02-14	"Denman people, real people, need reliable rental spaces to live here."
John Tansley	Denman Island, Canada	2021-02-14	"We need more affordable, secure housing"
Paul Weyer	Denman Island, Canada	2021-02-14	"Signing to get more affordable housing options on the table for Denman. All options should be considered, and implemented as the need is large.Other options that do not involve construction, that other BC jurisdictions have implemented that have successfully increased rental supply, are empty home taxes (with collected taxes spent on local affordable housing), and banning STVRs."
Brian Miles	Denman Island, Canada	2021-02-14	"We can create bylaws that acknowledge our collective community responsibilities."
Joy Lacey	Nanaimo, Canada	2021-02-15	"We have seen what lack of housing has done in other towns and cities. Denman Island should nip it in the bud before it get's any worse."
Carrie Smith	North Vancouver, Canada	2021-02-15	"What currently is is not working. Homelessness and lack of affordable housing can be solved in our rural communities"

Name	Location	Date	Comment
Liticia Gardner	Victoria, Canada	2021-02-15	"We need to support low income people to build the dwellings they need!"
Locky Maclean	Vancouver, Canada	2021-02-16	"leave people living in alternative dwellings alone, lets help with housing solutions not punish island residents who don't have an "approved" home!"
Chris Wardman	Denman Island, Canada	2021-02-18	"No evictions without local affordable housing in place."
Dan. Tkachuk	Nanaimo, Canada	2021-02-19	"Bylaws are just bylaws, they must be adjusted to the community's needs."
Lucy Dabbs	Canada	2021-02-25	"I live on Denman and I support those who want to continue living here"
Sara Pedscalny	Duncan, Canada	2021-02-28	"Be the change I want to see."
Clive Pemberton	Denman island, Canada	2021-02-28	"I believe q new OCP needs to be done"



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: June 6, 2023
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: David Maude, Chair
 David Graham, Trustee
 Sam Borthwick, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager – attended electronically
 Narissa Chadwick, Island Planner
 Marlis McCargar, Island Planner – attended electronically
 Warren Dingman, Bylaw Compliance & Enforcement Manager - attended electronically
 Taryn Plater, Student Planner
 Vicky Bockman, Recorder

Others Present: Approximately eight (8) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

The Chair called the meeting to order at 10:00 am. He welcomed the public, introduced Trustees, staff and recorder. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. RISE AND REPORT

Judy Armstrong, Richard Day, Karla Neuffer, Riane daSilva, Pamela Willis, Virginia Spinney, and Rosa Telegus were appointed to the Denman Island Housing Advisory Planning Commission.

4. REPORTS

4.1 Trustee Reports

Trustee Graham reported:

- that he attended a Financial Planning Committee meeting where the unaudited March 31, 2023 financial statement was considered and approved to go forward to the next Trust Council meeting; and
- that hard copies of the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) are now in the Dora Drinkwater Library for the community's information.

Trustee Borthwick reported on a Ferry Advisory Committee meeting with BC Ferries to discuss summer ferry plans. The meeting was well attended by Denman Island community members.

4.2 Chair's Report

Chair Maude commented that he is honoured to be Chair of the Denman Island Local Trust Committee (LTC) and that he enjoys the community.

He described incidents of tree cutting by Ministry of Transportation and Infrastructure (MOTI) that are the subject of discussions on other islands. He noted that improved communications and work on the protocol agreement would be advisable.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

- Any diversion or planning that would deter or delay moving forward with the idea of affordable housing on Denman Island is not necessary or needed.
- Housing is critically needed and affects everyone; forward thinking is needed; without the well-being of people, this community will disintegrate with gentrification.
- Clarification was requested as to where the referral to the Housing Advisory Planning Commission (HAPC) discussion appears on the agenda. Request was made to include the Siting and Use bylaw enforcement issue with the HAPC referral.
- Looking into the future, status quo means things will be worse.

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated April 4, 2023- for adoption

By general consent the minutes dated April 4, 2023 were adopted.

7.2 Section 26 Resolutions-Without-Meeting Report dated May 23, 2023

Received for information

7.3 Advisory Planning Commission Minutes dated - none

7.4 Local Trust Committee Special Meeting Minutes dated April 25, 2023 - for adoption

By general consent the minutes dated April 25, 2023 were adopted.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated May 30, 2023

- Staff will follow-up to ensure that all HAPC members have received the documents as listed in the April 25 activity.
- A Trustee recognized the importance of initiating a dialogue between the LTC members and K'ómoks First Nation and asked that the April 4 activity to initiate the process be expedited.

9. APPLICATIONS AND REFERRALS - none

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Farming Regulation Review Project - Staff Report

Planner McCargar presented an overview of the Staff Report that provides background on the project, asks the LTC to consider minor amendments to Proposed Bylaw Nos. 228 and 229, and provides information on referral feedback received to date.

By general consent the meeting recessed at 10:42 am and reconvened at 10:55 am.

Discussion included the following points:

- The Staff Report proposes that the LUB Schedule B Zoning Map be added to a future projects list to ensure the approximately five properties that are designated Agriculture in the OCP and are in the ALR are zoned correspondingly. A Trustee inquired if that might be incorporated into the amendments being considered at this time.
 - Staff responded that it would be possible; however, it would extend the timeline for completion of the project by a few months.
- The process that gives different numbers to bylaws and their amending documents was explained in response to a Trustee's proposal that an alternate method might be considered to make it easier for the public to understand.
- A Trustee indicated that while he is willing to participate in the vote on the Farming Review recommendations at this time, he expressed a desire to understand the history of the project in a more complete manner. A meeting with staff will be arranged.

DE-2023-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 228, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2018," be amended as presented in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.

CARRIED

DE-2023-025

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018,” be read a second time, as amended.

CARRIED

DE-2023-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:

- a) In Part 1 – ADMINISTRATION, Section 1.1 add “where no permanent facilities are constructed or erected” after “Assessment Act” in the agri-tourism definition.
- b) In Section 1.23 Table 2 (8) – Permitted Buildings and Structures delete “for a period of two (2) consecutive years.”

CARRIED

DE-2023-027

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be read a second time, as amended.

CARRIED

DE-2023-028

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send notification to all property owners affected by the changes outlined in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.

CARRIED

DE-2023-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add a Land Use Bylaw Map Amendment Project to align the Official Community Plan land use designations with the Land Use Bylaw zoning regulations to the “Future Projects” list.

CARRIED

10.2 Denman Major Project - Housing Review Project Preliminary Report

Planner Chadwick presented the Staff Report that provides project background, options, and potential next steps for LTC consideration.

Trustees’ comments included the following:

- Concerns heard that the LTC is moving away from the Preserve and Protect mandate toward development were addressed;
- Public concern has been expressed regarding additional studies being undertaken for this project; however, funding requires information provided through studies and will not delay recommendations and review of the data;
- Water needs to be considered with rainwater capture encouraged;
- Land share concept can relieve some land price pressure; and housing agreements are an important part of this discussion;
- Legalizing current unlawful housing in cases where housing is providing safe and secure accommodation was supported;
- Caution regarding use of subdivision to address housing needs was expressed as this can lead to selling of smaller parcels and an increase in land price.

Staff solicited input as to preferences for community engagement on the project:

- The use of a professional facilitator was not felt to be necessary;
- An interim report by the HAPC at the July LTC meeting would be useful.

Chair Maude opened the floor for public comments:

- The human right to housing is being delayed and denied; this project is into its second year. A report needed for potential funding does not need to be included in the Housing Bylaw Review project. An updated Housing Needs Assessment should be done separately from this project. Reports of actions being taken by other rural areas to address housing, including tiny home parks, would be useful. Proposals for housing agreement templates would be helpful. The LTC was asked to stay focused on the Housing Bylaw Review to expedite action.
- Coho Housing is an example of living with water limitations, conserving water and the forest by using water cisterns which is the way of the future. Will there be a count in this review of those experiencing homelessness?
 - Staff responded that the LTC is being asked to consider requesting the Denman Housing Action Group (HAG) to help gather community based information relevant to the understanding of the housing need.
- The LTC was encouraged to work with community groups including the HAG to gather information to produce a report that might be used for potential funding possibilities. These groups have been successful with funding opportunities based on information already existing.
- Concern was expressed with the use of the Suitable Land Analysis tool identified in the Staff Report as who defines “suitable” is questionable and it might hinder advancement of the project. The LTC was encouraged to legalize currently unlawful housing and create water and sewage solutions that are basic, safe and legal.

Discussion continued with the following noted:

- A Trustee commented that the Suitable Land Analysis would be a useful tool; however, cannot be the only tool utilized to determine the suitability of

residential use. Additionally, he suggested that the HAPC might provide options for legalizing housing that does not include onsite inspections.

- Staff advised that an updated Housing Needs Assessment would not diminish the staff time focusing on this project.
- A Trustee questioned the inclusion of Short Term Vacation Rental (STVR) review with this project, stating his understanding that this had been eliminated from this project previously.
 - Staff responded that this was included in the business case submitted to Trust Council for funding; however, confirmed that the project will not be focusing on STVR issues. Technical amendments can be addressed in the process.
- A Trustee recognized that for many years housing has been an unresolved issue on Denman Island and confirmed this LTC's commitment to the issue of housing. He asked the community to be patient with the process that does take time.

DE-2023-030

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff send a letter to relevant First Nations to ask how they would like to be engaged in the development of a housing action plan for Denman Island.

CARRIED

DE-2023-031

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff forward the June 6, 2023 report and other relevant materials to the Denman Island Housing Advisory Committee for review and comments by October 1, 2023.

CARRIED

A Trustee commented that the LTC would welcome an interim report from the HAPC any time previous to the October 1 date if available.

DE-2023-032

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff ask the Denman Housing Action Group, the Denman Community Land Trust Association, and the Denman Housing Association to help gather community based information relevant to understanding housing need.

CARRIED

The matter of community engagement was discussed with a need to consider whether to conduct an informal or formal session being raised. A suggestion was made to task the HAPC with providing public engagement options.

By general consent the meeting recessed at 12:46 pm and reconvened at 12:49 pm.

DE-2023-033

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff identify public engagement options in consultation with the Housing Advisory Planning Commission.

CARRIED

DE-2023-034

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff develop a project charter for the next phase in the Housing Review Project.

CARRIED

DE-2023-035

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to develop a business case focusing on the need for a water availability assessment as part of the housing project for 2024/25.

CARRIED

11. CORRESPONDENCE

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

11.1 Letter dated May 6, 2023 from S. Carballeira regarding Re-Classification of Application

A Trustee spoke regarding the letter which describes the requirement for a subdivision process to accomplish what is a sale of property and lot line adjustment and informs the LTC that evidence he has provided to staff is not being accepted as evidence that the property is designated legal non-conforming status with the onsite buildings pre-dating the formation of the Islands Trust.

A Trustee proposed that the LTC might address the legal non-conforming issue as OCP Policy 30, first bullet allows that the LTC may consider bringing into conformity dwelling units that were in existence but did not comply with the policies at the time of its adoption in 2009, provided that the applicant provides written evidence to the satisfaction of the LTC that the dwelling units were constructed prior to the date of adoption of the OCP.

Discussion of the matter followed:

- A letter provided by the applicant, written by Kathy Rieder, was provided electronically for the LTC's consideration.
- Trustees considered the information provided in this letter to be satisfactory evidence that the cottage and main house of the subject property were in

existence in 1973, and suggested they have adequate information to vote on their acceptance of the evidence at this time.

- Trustees were advised to defer their decision by Regional Planning Manager Jamurat to allow time for staff review, noting that the Planner assigned to this file is not in attendance and in consideration of the application process that is necessary to advise a response to MOTI.

DE-2023-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to consider Denman Island Official Community Plan Policy 30 regarding applicant Steve Carballeira's subdivision application number DE-SUB-2022.1 and the particular aspect of the existing secondary dwelling and its age of construction with regards to the letter Kathy Rieder submitted to Steve Carballeira and the opportunity for the Local Trust Committee to vote on whether the evidence is satisfactory.

CARRIED

Staff was asked to expedite this request through a Resolution Without Meeting session if possible.

11.2 Email dated May 23, 2023 from Denman Island Housing Action Group

DE-2023-037

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee refer the letter dated May 23, 2023 from the Denman Housing Action Group to the Denman Housing Advisory Planning Commission for their consideration.

CARRIED

12. NEW BUSINESS

12.1 Freedom of Information and Protection of Privacy Bylaw - for adoption

DE-2023-038

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 246, cited as "Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023" be adopted.

CARRIED

12.2 Bylaw Enforcement Notice Bylaw Amendments - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the staff report that explains the amendments for the contravention Schedules for the Denman Island LTC Bylaw Enforcement Notification Bylaw, 2019 that limits the contraventions listed to Short Term Vacation Rentals and failing to obtain Siting and Use permits.

DE-2023-039

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a first time.

CARRIED

DE-2023-040

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a second time.

CARRIED

DE-2023-041

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a third time.

A Trustee explained that this does not remove the ability for Bylaw Enforcement to deal with issues that impact the environment; it is a ticketing tool that otherwise limits the enforcement to Siting and Use issues and those profiting from the unlawful Short Term Vacation Rental operations.

CARRIED

DE-2023-042

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

12.3 Advisory Planning Commission Appointments – Staff Report

DE-2023-043

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms expire on July 6, 2023, inviting their expressions of interest for reappointment to the Advisory Planning Commission and thanking them for their participation.

CARRIED

LTC members discussed the need for an official referral to be made to the HAPC along with an orientation session.

DE-2023-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee ask the Housing Advisory Planning Commission to meet and consider “all things housing” and bring back their recommendations by October 1, 2023.

CARRIED

DE-2023-045

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule an orientation meeting with the Housing Advisory Planning Commission members.

CARRIED

By general consent item 12.4 was added to the agenda.

12.4 Comox Valley Regional District and Islands Trust Protocol Meeting

Regional Planning Manager Jamurat requested that Trustees provide her with agenda items for the upcoming annual Comox Valley Regional District and Islands Trust Protocol Meeting, scheduled to occur on June 19.

13. REPORTS

13.1 Trust Conservancy Report – none

13.2 Applications Report dated May 30, 2023
Received.

13.3 Trustee and Local Expense Report dated April 2023
Received.

13.4 Adopted Policies and Standing Resolutions
Received.

13.5 Local Trust Committee Webpage
No changes or additions were requested.

13.6 2022/23 Annual Report - Approval of Denman Island's LTC Section

DE-2023-046

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approves the text attached to the June 6, 2023 Trust Area Services Request for Decision for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

- 13.7 Project Watershed - for information**
Received.

14. WORK PROGRAM

- 14.1 Active Projects Report dated May 30, 2023**
Received.

- 14.2 Future Projects Report dated May 30, 2023**
Received.

15. UPCOMING MEETINGS

- 15.1 Next Regular Meeting Scheduled for Tuesday, July 25, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

The LTC confirmed the next regular meeting date, time and location.

Chair Maude suggested that a Town Hall at the end of the agenda on a regular basis would be useful. He opened the floor for public comment:

- It was pointed out that the Density Bank numbers are not correct and are in need of updating in the Standing Resolutions report and elsewhere. It will be difficult for the HAPC to consider their Housing Review referral without updated information and staff was requested to expedite the correction of the information.

16. ADJOURNMENT

DE-2023-047

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee meeting be adjourned.

CARRIED

The meeting was adjourned at 1:55 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: Monday July 3, 2022

Location: Denman Island Activity Center
1111 Northwest Road, Denman Island, BC

HAPC Members Present: Riane da Silva, Chair
Richard Day, Deputy Chair
Virginia Spinney, Secretary
Rosa Telegus, Member

Staff Present: Katherine Vogt, Recorder

Others Present: Approximately six (6) members of the public.

1. CALL TO ORDER

Riane da Silva called the meeting to order at 7:02 pm. She noted that it was the first meeting of the Denman Island Housing Advisory Planning Commission (HAPC). She welcomed HAPC members and members of the public.

2. APPROVAL OF AGENDA

The following item was considered for addition to the agenda:

- Presentation from Erin O’Brien, after item 4.

By general consent, the agenda was approved as amended.

3. INTRODUCTION OF COMMITTEE MEMBERS

Committee members and members of the public introduced themselves and explained their concerns with housing on Denman Island.

4. DISCUSSION AND ELECTION OF CHAIR, DEPUTY CHAIR, AND SECRETARY

An HAPC member noted that Islands Trust staff had advised that a Trust minute taker would not be provided for future HAPC meetings; and, that the elected secretary was expected to take minutes, assist the chair to arrange meetings, ensure that public notice of upcoming meetings is posted, and notify the Local Trust Committee (LTC) if a committee member quits.

Riane Da Silva offered to act as chair until an upcoming LTC Public Hearing, after which the role could be rotated.

DE-HAPC-2023-001

It was MOVED and SECONDED,

that Riane da Silva be elected chair of the Denman Island Housing Advisory Commission.

CARRIED

DE-HAPC-2023-002

It was MOVED and SECONDED,

that Richard Day be elected deputy chair of the Denman Island Housing Advisory Commission.

CARRIED

DE-HAPC-2023-003

It was MOVED and SECONDED,

that Virginia Spinney be elected secretary of the Denman Island Housing Advisory Commission.

CARRIED

5. PRESENTATION FROM ERIN O'BRIEN

Erin O'Brien, a representative of the Housing Action Group (HAG), spoke on the following:

- Many housing reviews have been conducted over the last few years by the Denman Housing Association (DHA) and the HAG, and most of this valuable information has been presented to the LTC.
- There have been two recent housing petitions: one in February 2021 and a second in May 2022.
- The February 2021 petition, signed by 600 members of the Denman Island community, sought a moratorium on Land Use Bylaws (LUB)s that would result in eviction in any and all housing on Denman Island and maintain that moratorium until the following are accomplished: a) hold an Official Community Plan (OCP) review in consultation with a representative cross section of residents including vulnerable renters; b) complete a targeted review of housing regulations in Land Use Bylaw 186 c) craft relevant and community centred Land Use Bylaws that support and prioritise affordable housing options, sustainable and environmentally sensible approaches to any development, and reflect the needs of a healthy and diverse community in light of changing demographics and the impact of socioeconomic conditions on rural housing security.
- 83% of petition respondents indicated that they are aware of people living in illegal and inappropriate housing on Denman Island; and that those in need of affordable housing are using a range of means to meet housing needs; including rental housing, cottages, shared housing, illegal dwelling units, and trailers or mobile homes. The reliance on illegal suites and cottages indicates the inability of residents to find legal healthy affordable housing
- The Denman Housing Association has a current list of 80 unhoused or insecurely housed residents.
- The May 2022 petition stated: 'We the undersigned residents and property owners of Denman Island petition the Denman Island Local Trust Committee to: 1. Change Bylaw 228 and Bylaw 229 to align with Provincial Agricultural Land Reserve (ALR)

regulations that went into effect January 2022 that allow secondary dwellings on ALR lands; and 2. To impose no restrictions beyond the Provincial ones on those year round dwellings; and 3. To ensure that these dwellings are not used for vacation and/or other short term rentals.

Erin O'Brien thanked the Islands Trust and the HAPC members for their commitment to seriously consider the difficult housing situation on Denman Island; and provided the HAPC with a hard copy compilation of relevant previous housing documents.

Secretary Spinney offered to provide paper or electronic copies of the documents to HAPC members.

By general consent, the meeting recessed at 8:55 and reconvened at 9:00

6. FOLLOW-UP ACTION REQUESTS

Chair da Silva noted the following:

- The HAPC is part of Phase 2 of the LTC Land Use Bylaw (LUB) review, which includes that a Community Information Meeting and Public Hearing be conducted in the 2023 fiscal year. If the HAPC misses deadlines, budgeting may not be available in a future fiscal year.
- An HAPC report must be submitted by September 19, 2023 for it to be considered by the LTC at their October 3, 2023 regular meeting.
- The next Denman LTC meeting will be on July 25, 2023; questions for Trustees could be brought up at this meeting.

Deputy Chair Day noted the following:

- The LTC has tasked the HAPC to 1. identify to staff public engagement options to support "the Project" which is the 2-year housing review; and to 2. identify and prioritise options for amendments to the OCP and LUBs.
- On July 14, 2023, an orientation meeting has been set for the HAPC to meet with planning staff.

HAPC members discussed that planning staff could be requested to provide the following:

- The original rationale for the density bank.
- The tiny house regulations that exist on other islands and other rural jurisdictions.
- Innovative research on the integration of environmental considerations with housing.
- The distributed square footage concept on Mayne Island.
- Island Health and Provincial regulations on water and sewage.
- Examples of housing agreements.

7. ITEMS FOR FUTURE AGENDA

HAPC members discussed the following:

- The planning staff report on page 68 of the agenda package for the June 6, 2023 LTC regular meeting contained references to site suitability tools and water mapping; highlighted subdivision but did not include land sharing; and focused on

groundwater rather than rainwater. Staff report recommendations for changes to the OCP and LUB would be helpful for the HAPC to review.

- The human right to housing.

The following items were considered for inclusion in a future agenda:

- Each HAPC member review either the Denman OCP or the Denman LUB for next meeting.
- Each HAPC member's succinct vision for a future agenda for next meeting.
- Legality of various housing options.
- A portion of the meeting for members of the public to speak.

8. FUTURE MEETING DATE

DE-HAPC-2023-004

It was MOVED and SECONDED,

that the Denman Housing Advisory Planning Commission meet every Tuesday between 5:00 pm to 7:00 pm.

CARRIED

The next scheduled meeting date of the HAPC is Tuesday July 11, 2023, at 5:00 pm at the Denman Activity Centre Lounge.

9. ADJOURNMENT

By general consent, the meeting was adjourned at 9:05 pm.

XX, HAPC Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Denman Island

04-Apr-2023

Activity	Responsibility	Dates	Status
1 Staff to draft a letter to reach out to K'ómoks First Nation on behalf of the LTC, for the purpose of setting up an introductory meeting.	Clare Frater		In Progress
2 Request staff to schedule a Community Information Meeting to discuss housing on Denman, to be held in May 2023 in the evening.	Narissa Chadwick		Completed
3 Staff to close all existing unlawful dwelling enforcement files on Denman Island and the Siting file at 4696 Lacon Rd.	Warren Dingman		Completed

06-Jun-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

06-Jun-2023

Activity	Responsibility	Dates	Status
1 Regarding the OCP and LUB amendment bylaws: Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', and Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', read a second time, as amended. Staff to draft bylaws as amended and arrange for notice and public hearing as required. Staff to send notification to all property owners affected by the changes outlined in Attachment 2 - Schedule C Land Use Designations of the Staff Report dated June 6, 2023. <i>Notification to property owners sent out on July 17, 2023. Public Hearing will be scheduled in Fall.</i>	Marlis McCargar Nadine Mourao Wil Cottingham		Completed
2 Staff to add a Land Use Bylaw Map Amendment Project to align the OCP land use designations with the LUB zoning regulations to the 'Future Projects' list (regarding Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008').	Renee Jamurat	Target: 12-Jun-2023	Completed

Follow Up Action Report

Denman Island

06-Jun-2023

Activity	Responsibility	Dates	Status
3 Staff to send a referral to the Denman Island Housing Advisory Committee (HAPC) for the Housing Review Project, and forward the June 6, 2023 report and all relevant housing materials for review and comment by October 1, 2023. Include the letter from the Denman Housing Action Group dated May 23, 2023 to the Denman Housing Advisory Planning Commission for their consideration.	Chloe Straw Narissa Chadwick	Target: 23-Jun-2023	Completed
4 Re: Denman Housing Review Project: The following are project related staff actions: 1. Develop a project charter for the next phase in the Housing Review Project. 2. Send a letter to First Nations to ask how they would like to be engaged in the development of a housing action plan for Denman Island. 3. Engage the Denman Housing Action Group and the Denman Community Land Trust, and the Denman Community Housing Association to help gather community-based information relevant to understanding housing need. 4. Identify public engagement options in consultation with the Housing Advisory Planning Commission. 5. Develop a business case focusing on the need for a water availability assessment as part of the housing project for 2024/25.	Narissa Chadwick		In Progress

Follow Up Action Report

Denman Island

06-Jun-2023

Activity	Responsibility	Dates	Status
5 Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023 was adopted. Update website with new bylaw.	Nadine Mourao	Target: 16-Jun-2023	Completed
6 Staff to bring a report (RFD) for consideration regarding the request by Steven M. Carballeira (DE-SUB-2022.1) and Denman Island OCP Policy 30, Re: submitted evidence as proof for the age of the existing secondary dwelling, as part of the review for the subdivision application process. RESOLUTION DE-2023-036: that the Denman Island Local Trust Committee request staff to consider Denman Island Official Community Plan Policy 30 regarding applicant Steve Carballeira's subdivision application number DE-SUB-2022.1 and the particular aspect of the existing secondary dwelling and its age of construction with regards to the letter Kathy Rieder submitted to Steve Carballeira and the opportunity for the Local Trust Committee to vote on whether the evidence is satisfactory.	Stephen Baugh		Completed
7 Staff to forward the "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023" to the Secretary of the Islands Trust for approval by the Executive Committee.	Warren Dingman		In Progress

Follow Up Action Report

Denman Island

06-Jun-2023

Activity	Responsibility	Dates	Status
8 Staff to send letters to members of the Advisory Planning Commission whose terms expire on July 6, 2023, inviting their expressions of interest for reappointment to the Advisory Planning Commission and thanking them for their participation.	Chloe Straw	Target: 16-Jun-2023	Completed
9 Staff to schedule orientation meeting with the Denman Island Housing Advisory Planning Committee (HAPC) focused on the Housing Review Project.	Chloe Straw Nadine Mourao Narissa Chadwick		Completed
10 Staff to forward attached text for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.	Morgana van Niekerk		Completed

DATE OF MEETING: July 25, 2023
TO: Denman Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
SUBJECT: Liquor and Cannabis Regulation Branch Referral - Lounge Area Endorsement
Applicant: Patricia Jones and Selwyn Jones
Location: 8441 McFarlane Rd, Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to inform the Liquor and Cannabis Regulation Branch that the Local Trust Committee is opting out of the comment and public input process for application DE-LCB-2023.1, a lounge area endorsement.

REPORT SUMMARY

This application is a referral from the Liquor and Cannabis Regulation Branch (LCRB) for a Lounge Area Endorsement at Corlan Vineyard & Farm. The Lounge Area Endorsement would allow a permanent service area which will offer food, non-alcoholic and alcoholic drinks for consumption on site.

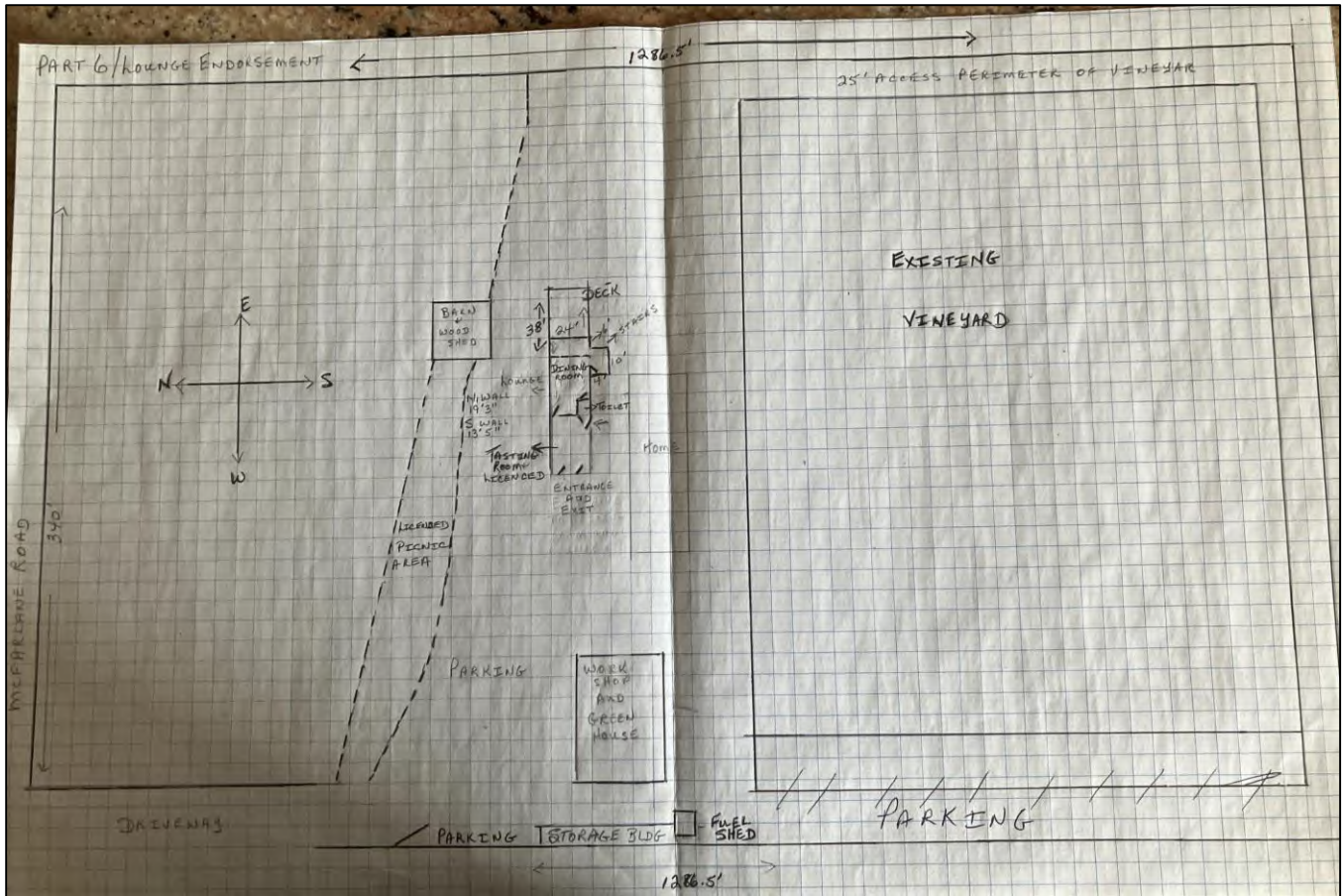
The LCRB forwards certain applications to the local government, if the application meets local government regulations then the local government has the option to:

- Gather input from the community within the immediate vicinity and provide a resolution to the LCRB; or
- Opt-out of the consultation process. When local governments opt-out of the consultation process, the LCRB will gather public input.

Staff are recommending the Denman LTC opt-out of the comment and public input process and defer to the LCRB to gather comments from the public.

BACKGROUND

Corlan Vineyard & Farm, located at 8441 McFarlane Rd, are seeking a Lounge Area Endorsement from LCRB to permit an outdoor service area.



The applicant's LCRB application is Attachment 2 and a full site plan of the property and a floor plan are included as Attachment 3.

ANALYSIS

Official Community Plan:

Resource - Policies

Policy 2 All farm uses defined in the Agricultural Land Commission Act for land in the Agricultural Land Reserve should be permitted.

This application is consistent with OCP policies.

Land Use Bylaw:

The subject property is zoned Residential 2 (R2). Although the R2 zone does not permit a lounge area, the lot is located within the Agricultural Land Reserve and the Agricultural Land Commission considers an alcohol production facility, including the ancillary use of a food and beverage service lounge, a farm use that may not be prohibited by a local government.

Agricultural Land Commission:

13(1) In this section:

...**"alcohol production facility"** means a brewery, cidery, distillery, meadery or winery;

"ancillary use" means the following activities conducted at an alcohol production facility:

...(b)operating a food and beverage service lounge, if the area of the lounge does not exceed 125 m² indoors and 125 m² outdoors;...

13(2)*The use of agricultural land for constructing, maintaining and operating an alcohol production facility and the use of the facility for ancillary uses are designated as farm uses and may not be prohibited as described in section 4 if*

(a)at least 50% of the primary farm product used to make the alcohol product produced each year is harvested from the agricultural land on which the alcohol production facility is located, or

(b)the agricultural land on which the alcohol production facility is located is more than 2 ha in area and at least 50% of the primary farm product used to make the alcohol product produced each year is

(i)harvested from that agricultural land, or

(ii)both harvested from that agricultural land and received from a farm operation located in British Columbia that provides that primary farm product to the alcohol production facility under a contract having a term of at least 3 years.

The subject property is located within the ALR and as such is subject to the regulations of the Agricultural Land Commission (ALC). ALC regulations permit an alcohol production facility as well as ancillary uses to an alcohol production facility which includes a food and beverage service lounge. Islands Trust bylaws cannot prohibit a food and beverage service lounge within the ALR.

Issues and Opportunities

The LTC has the option to opt-out of the comment and public input process or conduct a public input process and provide a resolution with public comments to the LCRB. In either case, there will be opportunity for public input, however, if the LTC opts-out of the process the public input process will be overseen by the LCRB.

Staff are not aware of any ongoing community concerns about the existing vineyard and restaurant, which includes a licensed tasting room and picnic area, and do not anticipate new issues arising from the proposed lounge area. The OCP policies and ALR regulations support the proposed use on the lot since the subject property is within the Agricultural Land Reserve.

RATIONALE FOR RECOMMENDATION

Staff are recommending the LTC opt-out of the comment and public input process for the following reasons:

- The application is not expected to have adverse effects to the community.
- There is still an opportunity for public input since the LCRB will complete the community input and comment process.
- The use is permitted on the property by ALC regulations.

OPTIONS

Option 1: Opt out of comment and public input process on this individual application (Recommended)

Under the LCRB application process, the LTC is not required to gather public input or provide a resolution to the LCRB. The LTC can choose to opt-out of this process and the LCRB will complete the community input process that would otherwise have been completed by the LTC. The LTC cannot comment on the application if it opts out

of the public input process, this is because comments on the application are meant to be informed by public input received. Recommended resolution if selecting this option is found on page one of this report.

Option 2: Gather public input and provide comments on this application

Under the LCRB application process, if the local government chooses to gather public input on an application, then it must also include comments on:

- The impact of noise on the community in the immediate vicinity of the establishment; and
- The impact on the community if the application is approved.

In providing comment, the LTC must take into account the location of the establishment, and the person capacity and hours of liquor service of the establishment. If the proposed establishment is anticipated to adversely affect the community, staff should be directed to undertake a consultation process to gather public input in accordance with the above and to report back to the LTC once this consultation process has concluded. If selecting this option, the LTC can determine the appropriate method of gathering public input and must clearly indicate the desired method and timeline for the process. After considering the public input received, the LTC would then pass a resolution requesting Staff to inform the LCRB of their comments for this individual application.

“THAT the Denman Island Local Trust Committee request staff to notify, by mail, residents and property owners within 100 metres of the subject property located at 8441 McFarlane Rd, that the Corlan Vineyard & Farm application to the Liquor and Cannabis Regulation Branch has been referred to the Local Trust Committee for consideration, and of their opportunity to provide comments to the Local Trust Committee on this referral by August 31, 2023.”

and

“THAT the Denman Island Local Trust Committee request staff to report back to the Local Trust Committee once the public input process has concluded.”

NEXT STEPS

Should the LTC choose to opt-out of the public input process staff will inform the LCRB of the decision and the file will be closed.

Submitted By:	Stephen Baugh, Planner 2	June 9, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 16, 2023

ATTACHMENTS

1. Site Context
2. LCRB Application
3. Site and Floor Plan

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 24836
PID	002-824-191
Civic Address	8441 McFarlane Rd, Denman Island

LAND USE

Current Land Use	[State which land uses are currently occurring on the site]
Surrounding Land Use	[Describe what land use activity is taking place on adjacent lands]

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-2013.1	ALR Inclusion application – Denied by ALC
DE-ALR-2014.1	ALR Inclusion application – Property included in ALR
DE-SUP-2011.5	Construction of winery and storage building

POLICY/REGULATORY

Official Community Plan Designations	Rural (R) DPA4 - Non RAR Applicable Water Features
Land Use Bylaw	Residential 2 (R2)
Other Regulations	ALC Use Regulation 13(1) <i>In this section:</i> ..."alcohol production facility" means a brewery, cidery, distillery, meadery or winery; "ancillary use" means the following activities conducted at an alcohol production facility: ...<i>(b) operating a food and beverage service lounge, if the area of the lounge does not exceed 125 m² indoors and 125 m² outdoors;...</i> 13(2) <i>The use of agricultural land for constructing, maintaining and operating an alcohol production facility and the use of the facility for ancillary uses are designated as farm uses and may not be prohibited as described in section 4 if</i> <i>(a) at least 50% of the primary farm product used to make the alcohol product produced each year is harvested from the agricultural land on which the alcohol production facility is located,</i> <i>or</i> <i>(b) the agricultural land on which the alcohol production facility is located is more than 2 ha in area and at least 50% of the primary farm product used to make the alcohol product produced each year is</i> <i>(i) harvested from that agricultural land, or</i>

	<i>(ii) both harvested from that agricultural land and received from a farm operation located in British Columbia that provides that primary farm product to the alcohol production facility under a contract having a term of at least 3 years.</i>
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	This referral does not directly affect ITC Owned property or conservation covenant and is not adjacent to ITC owned property or conservation covenant and a referral to ITC is not required for this application.
Regional Conservation Plan	Subject property is within an area of MEDIUM relative value for conservation and Denman Island is a MEDIUM priority for conservation according to the Regional Conservation Plan .
Species at Risk	SAR Critical Habitat: Little Brown Myotis and Northern Myotis
Sensitive Ecosystems	None Mapped
Hazard Areas	None Mapped
Archaeological Sites	No areas of high archaeological potential or registered archaeological sites are mapped within 200m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.]
Climate Change Adaptation and Mitigation	Application is not anticipated to have significant impacts on GhG emissions.



Liquor and Cannabis Licensing

Provide Comment on Lounge Area Endorsement Application

A lounge area endorsement permits the sale and service of liquor for on-site consumption.

The lounge can be an indoor area, with or without a patio attached to the interior lounge, or it may be a stand-alone patio located at the manufacturing site. A lounge may overlap in whole, or in part, a sampling area and/or on-site store.

 If you leave this page, the information you input will be saved. You can continue later from the dashboard.

BEFORE STARTING THE APPLICATION

The application fee of \$330 must be submitted with your application.

Please note: If your endorsement(s) application is approved, a first year licensing fee of \$330 (pro-rated to March 31) will be required for each endorsement before the LCRB will issue your endorsement.

If an LG/IN is the applicant, the Branch will gather community input and consider the regulatory criteria; the LG/IN is not permitted to conduct public input or provide comments on their own application. This is to prevent conflicts of interest. The applicant must pay any costs incurred to obtain the views of residents.

 If you have any questions about this application, contact the Liquor and Cannabis Regulation Branch (LCRB) at LCRBLiquor@gov.bc.ca (<mailto:LCRBLiquor@gov.bc.ca>).

Please review the information at <http://www.islandstrust.bc.ca/> (<http://www.islandstrust.bc.ca/>) to ensure you have met the requirements of this application with your local government.

REQUIREMENTS FOR OPERATING A LOUNGE AREA ENDORSEMENT

The lounge endorsement permits the sale and service of liquor for on-site consumption in a designated lounge area on the manufacturing site.

The following applies to the endorsement of a Lounge Area:

- A lounge may include an indoor lounge area, a standalone patio area, or both. A lounge may be located, in whole or in part, in an area designated as a sampling area, an on-site store, and a Special Event Area.
- Manufacturers must provide, at a minimum, a variety of hot or cold snacks and non-alcoholic beverages during all hours of operation for the lounge endorsement area.
- Live or recorded music, radio, television and dancing are permitted in your lounge area endorsement, unless it is otherwise restricted by the Branch or unsuitable for minors.
- Manufacturers are responsible for determining the potential for noise and other types of disturbances to nearby residents. It is the responsibility of the manufacturer to have measures in place to ensure nearby residents are not disturbed by the establishment or patrons of the establishment.
- Manufacturers may sell any kind of liquor for onsite consumption in your approved lounge area endorsement, provided the cost to purchase liquor from other manufacturers does not exceed 20% of the total value of liquor purchased for the lounge area endorsement in any given quarter.

Licensees are expected to review and understand all relevant regulatory requirements established in the Liquor Control and Licensing Act, Liquor Control and Licensing Regulation, and the relevant Terms and Conditions Handbook.

As part of this application, you are required to confirm:

☐ I have read and understand the above terms and conditions.

ESTABLISHMENT DETAILS

Establishment Name

Corlan Vineyard & Farm (306159)

MANUFACTURER LOCATION ADDRESS

The establishment is currently located at the following address:

Address

8441 McFarlane Rd

City

DENMAN ISLAND

Province

British Columbia

Postal Code

V0R1T0

Country

Canada

Parcel Identifier (PID)

002-824-191

LOCAL GOVERNMENT/INDIGENOUS NATION AND POLICE JURISDICTION

Enter the local government or Indigenous Nation (<https://www2.gov.bc.ca/gov/content?id=B5744089A70F428FA189E5FF5CAE4E4A>) and police jurisdiction where the establishment will be located. Suggestions will be provided after you type the first three characters of the name.

Local Government/Indigenous Nation

Islands Trust

Selected Local Government/Indigenous Nation

Name: Islands Trust

Website: <http://www.islandstrust.bc.ca/> (<http://www.islandstrust.bc.ca/>).

Please review the information at <http://www.islandstrust.bc.ca/> (<http://www.islandstrust.bc.ca/>) to ensure you meet the requirements of this application with your local government. You may need to contact them prior to submitting to ensure your successful submission.

Police Jurisdiction

Comox Valley RCMP

Selected Police Jurisdiction

Name: Comox Valley RCMP

Zoning

☐ By checking this box, I confirm that current zoning at the proposed location permits a Lounge Area Endorsement.

Is your establishment located on the Agricultural Land Reserve (ALR)?

☐ Yes ☐ No

By submitting this application to LCRB, you are confirming that your licenced establishment will adhere to the requirements laid out in the [Agricultural Land Reserve \(ALR\) Use Regulation](http://www.bclaws.ca/civix/document/id/complete/statreg/30_2019) (http://www.bclaws.ca/civix/document/id/complete/statreg/30_2019).

ESTABLISHMENT CONTACT DETAILS

The phone and email address used to contact your establishment:

Establishment Email

corlan@telus.net

Establishment Phone

(250) 335-9132

APPLICATION DETAILS

You confirm that the patio service area(s) bounding is sufficient:

- ☐ * For you to monitor and control patron entry and exit, and
- ☐ * To visually and physically define the service area.

In opening this patio area you confirm that:

- ☐ * You will take appropriate measures to maintain care and control over the service area and conduct.

Describe the location of the patio in relationship to the interior service area. *

The patio (deck) is accessed through the tasting room and dining area. There are large windows in the dining area which give a good sight line to the deck.

What is the status of the patio area construction? *

Ready to Operate

In Progress

Not Started

If construction has not yet started or is in progress, when do you expect it to be complete?

4/20/2023

- ☐ The patio is currently the subject of a Temporary Expanded Service Area (TESA) Authorization

Indicate the months you expect to operate the patio (note: if approved, your patio will be licensed for the full year, within the limits of LG/IN bylaws and permits):

- ☐ January
- ☐ February

- ☐ March
- ☐ April
- ☐ May
- ☐ June
- ☐ July
- ☐ August
- ☐ September
- ☐ October
- ☐ November
- ☐ December

Describe how patrons will access the patio (ie. from interior). *

Patrons come in the doors to the Tasting Room, then through another doorway to the dining area. At the far end of the dining area there is another door which allows access to the deck.

Will servers have to carry liquor through any unlicensed areas to get to the patio?

- ☐ Liquor will be carried through any unlicensed area to get to the patio.

If yes, please explain. Only servers are permitted to carry liquor through unlicensed areas.

Currently our dining area is unlicensed; we are wanting to license the dining room as well as the outdoor patio (deck). Liquor would be served from the interior once we have the license.

Liquor will primarily be served from: *

- Fixed service bar(s) on patio
- Portable service bar(s) on patio
- The interior service bar(s)

Floor Plan

Attach a high-quality copy of the proposed lounge endorsement floor plan(s). The floor plan(s) must be stamped with an occupant load for each proposed service area (including patios). The occupant load stamp must be signed and dated by the issuing authority within 1 year prior to the date of submission of this application.

Occupant load is the maximum number of persons (patrons plus staff) permitted in the service area and is generally determined by the Local Government (LG) / Indigenous nation (IN) fire and/or building authorities. If the LG/IN authority will not provide the occupant load, you must request they provide a letter confirming they do not issue occupant load and

submit it with this application. The Branch will then accept your floor plan(s) with the occupant load calculation determined, and stamped/dated/signed, by a registered professional architect or engineer.

To avoid unnecessary delays in processing, do not submit this application without a current (within the last 12 months) occupant load stamp.

Plans must show all service areas and the following details:

- labels for each room
- patio(s)
- liquor service bars
- stage
- sound or DJ booth
- stairs, entrances and exits
- kitchen
- washrooms

Plans must also show the physical separation (e.g. pony wall or full height wall) separating the proposed endorsement service area(s) from other liquor licences or unlicensed areas. If there is another liquor licence, or another business (such as a retail store) at the same site, provide floor plans showing the other business in relation to the proposed lounge endorsement area.



SERVICE AREAS

Area No.	Area/Floor Level	Indoor	Patio	Proposed Capacity
1	Dining area	☐	☐	17
2	Patio/Deck	☐	☐	17

Total Requested Capacity: 34

Do you currently hold another manufacturer licence at the same site that is already endorsed for the same area?

Yes

No



Alert

If this applicant has answered YES to this question please contact LCRB (via email: LCRB.SLA@gov.bc.ca (<mailto:LCRB.SLA@gov.bc.ca>)) prior to starting your related processes (i.e. for conducting public input and providing comment) to confirm whether these steps are required for this application. When an applicant proposes to have overlapping service areas it is often not necessary to conduct further public input or provide comment

Site Plan

Provide a scaled site plan of your property.

The site plan must identify the location of the proposed patio and show the following:

- All buildings and their uses (i.e., storage, manufacturing buildings, personal residences, garage, etc.)
- Other businesses operating on the site, including other licensees approved by the LCRB and the entrances to those buildings
- All licensed areas (other endorsements or licences approved by the Liquor and Cannabis Regulation Branch)
- Any Vineyards, orchards, agricultural crops, and beehives
- Private and public roadways and parking areas



For Distillers Only: The Office of the Fire Commissioner (OFC) requires that a distillery be constructed and maintained in conformance with the BC Fire Code. The OFC will be provided a copy of the Approval in Principal for your application, if issued.

HOURS OF SALE

Indicate the proposed hours of sales below.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open	1 ▾	1 ▾	1 ▾	11:0 ▾	11 ▾	▾	11 ▾

Close

1

▼

1

▼

1

▼

10:0

▼

10

▼

▼

10

▼

APPLICATION CONTACT DETAILS

Please provide contact information for the contact that the LCRB should communicate with regarding this application.

First Name *

Patricia

Last Name *

Jones

Title/Position

owner/operator

Phone Number (main) *

2503359132

Email *

By submitting the email address, you agree that the Liquor and Cannabis Regulation Branch can use it to communicate with you about this application.

corlan@telus.net

DECLARATIONS

The application must only be submitted by an individual with the authority to bind the applicant. The branch relies on the applicant to ensure that the individual who submits this application is authorized to do so. Typically, an appropriate individual in a corporation will be a duly authorized signatory who will usually be an officer or, in some cases, a director
Note: A lawyer or consultant, may NOT submit this application on behalf of the applicant.

☐ * I understand and affirm that I am authorized to submit the application

Section 20 (1) of the Liquor Control and Licensing Act states: "The general manager may refuse to issue, renew, transfer or amend a licence if the applicant fails to disclose a material fact required by the application or makes a false or misleading statement in the application."

☐ * I understand and affirm that all of the information provided for this application is true and complete

LOCAL GOVERNMENT/INDIGENOUS NATION CONFIRMATION OF RECEIPT OF APPLICATION

LG/IN

Islands Trust

Name of Official

Title/Position

Phone

(000) 000-0000

Email

This serves as notice that an application for a lounge and/or special event area endorsement is being made within your community. The Liquor and Cannabis Regulation Branch requests that you consider this application (application form, letter of intent, and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, local governments/First Nations (LG/FN) can delegate staff with the authority to provide comment.

- If there are any major issues (e.g., zoning), LG/FN may hold off approving the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will approve the application. LG/FN will keep a copy of the approved application and all supporting documents.
- Branch staff will contact LG/FN to confirm receipt of the application and identify the Branch staff responsible for processing the application.
- Branch staff and LG/FN staff will advise each other if there are any concerns with the proposed application.

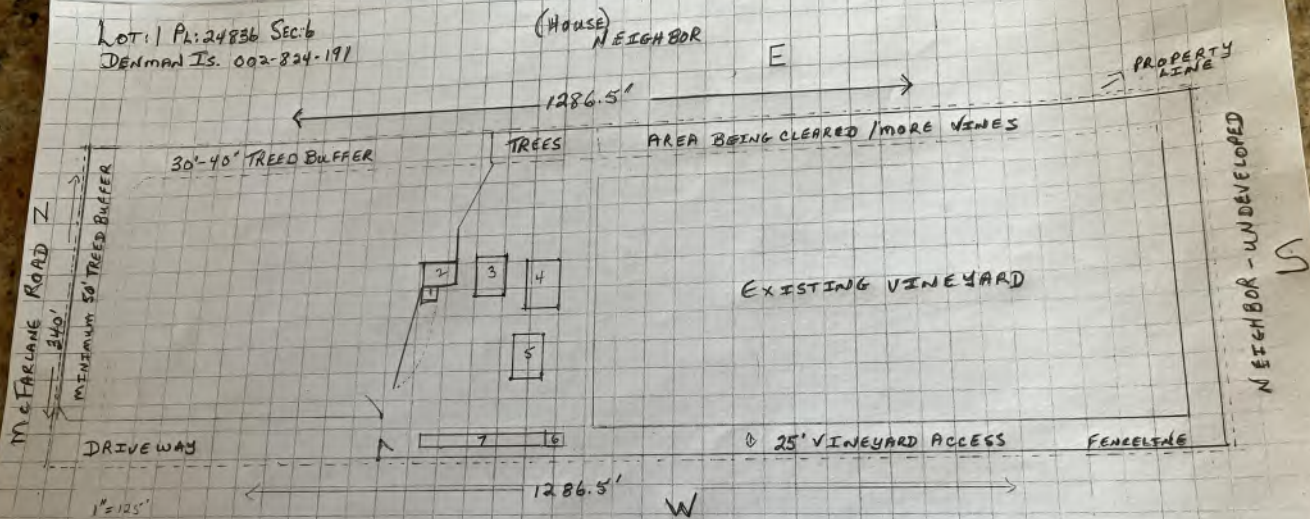
To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The views of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application should be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.
- If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111 to speak to a Senior Licensing Analyst.

TO UPLOAD DOCUMENTS, DRAG FILES HERE OR [BROWSE](#).
FILES MUST BE IN PDF, JPEG, OR PNG FORMAT.
MAX FILE SIZE: 25MB.

Opt Out of Comment Reject Application Accept Application

LOT: 1 Pt: 24836 Sec: 6
DENMAN IS. 002-824-191

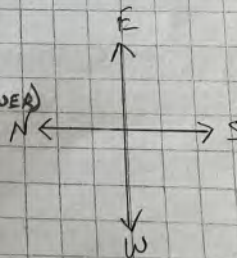


40 ACRES CONSERVATION / RECREATION / PARK

KEY:

- 1) WOODSHED
- 2) BARN
- 3) WINERY BUILDING
- TASTING ROOM
- LOUNGE AREA
- RETAIL STORE

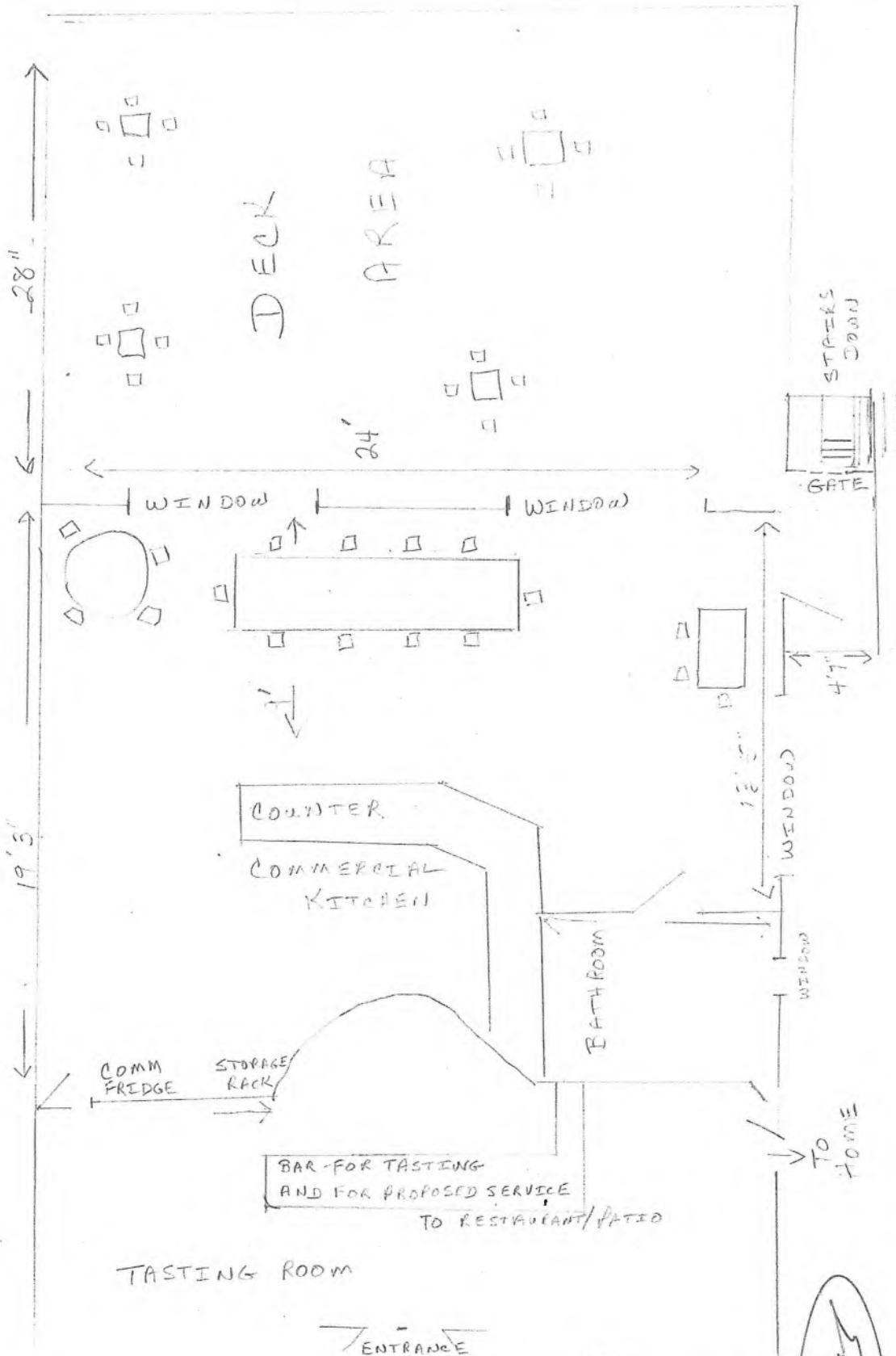
- 4) HOME
- 5) GREENHOUSE / SHOP
- 6) FUEL SHED
- 7) IMPLEMENT STORAGE BLDG (LOWER)
- NET STORAGE
- SMALL SUITE UPPER



SITE PLAN: MANUFACTURER APPLICATION (1)
EXTENSION

P R E S E N T C O N F I G U R A T I O N

PART 5 LOUNGE ENDORSEMENT



Maximum occupancy load 60 persons, based on 3 water closets, incl. 1 universal.
Rob Manering, Fire Chief
LAFC badge #1775
Denman Island Fire Rescue
April 11, 2023

File No.: DE-DP-2023.1
Cross-Ref: DE-SUB-2022.1

DATE OF MEETING: July 25, 2023
TO: Denman Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Development Permit Application – DPA4 and Lot Frontage Exemption
Applicant: Steve Carballeira
Location: 3060 Lake Rd & 4060 Wren Rd, Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of development permit DE-DP-2023.1.
2. That the Denman Island Local Trust Committee exempt Lot 5 of the proposed lot line adjustment subdivision with file number DE-SUB-2022.1 from Section 512(1) of the *Local Government Act* which requires that each parcel to have highway frontage that is greater than 10% of the perimeter of the lot.

REPORT SUMMARY

The purpose of this report is to introduce a Development Permit application for Development Permit Area 4 – Streams, Lakes and Wetlands (DPA4) and a request to waive the minimum lot frontage requirement for a proposed lot line adjustment subdivision.

The applicant has applied to the Ministry of Transportation and Infrastructure (MOTI) for a lot line adjustment subdivision which was referred to the Islands Trust. Islands Trust staff prepared a Subdivision Referral Report, which was sent to MOTI and the applicant on April 14, 2022. In this report, staff identified requirements from the Land Use Bylaw prior to the subdivision being approved including that the applicant obtain a Development Permit and a lot frontage exemption which are the subject of this report.

BACKGROUND

The lot line adjustment subdivision is proposed in order to facilitate the sale of a portion of 3060 Lake Rd to a neighbouring property. Since both of the subject properties lie within DPA4, a Development Permit is required. Additionally, the Proposed Lot 5 does not meet the minimum required 10% lot frontage and the applicant is seeking a resolution from the Local Trust Committee to waive this requirement.

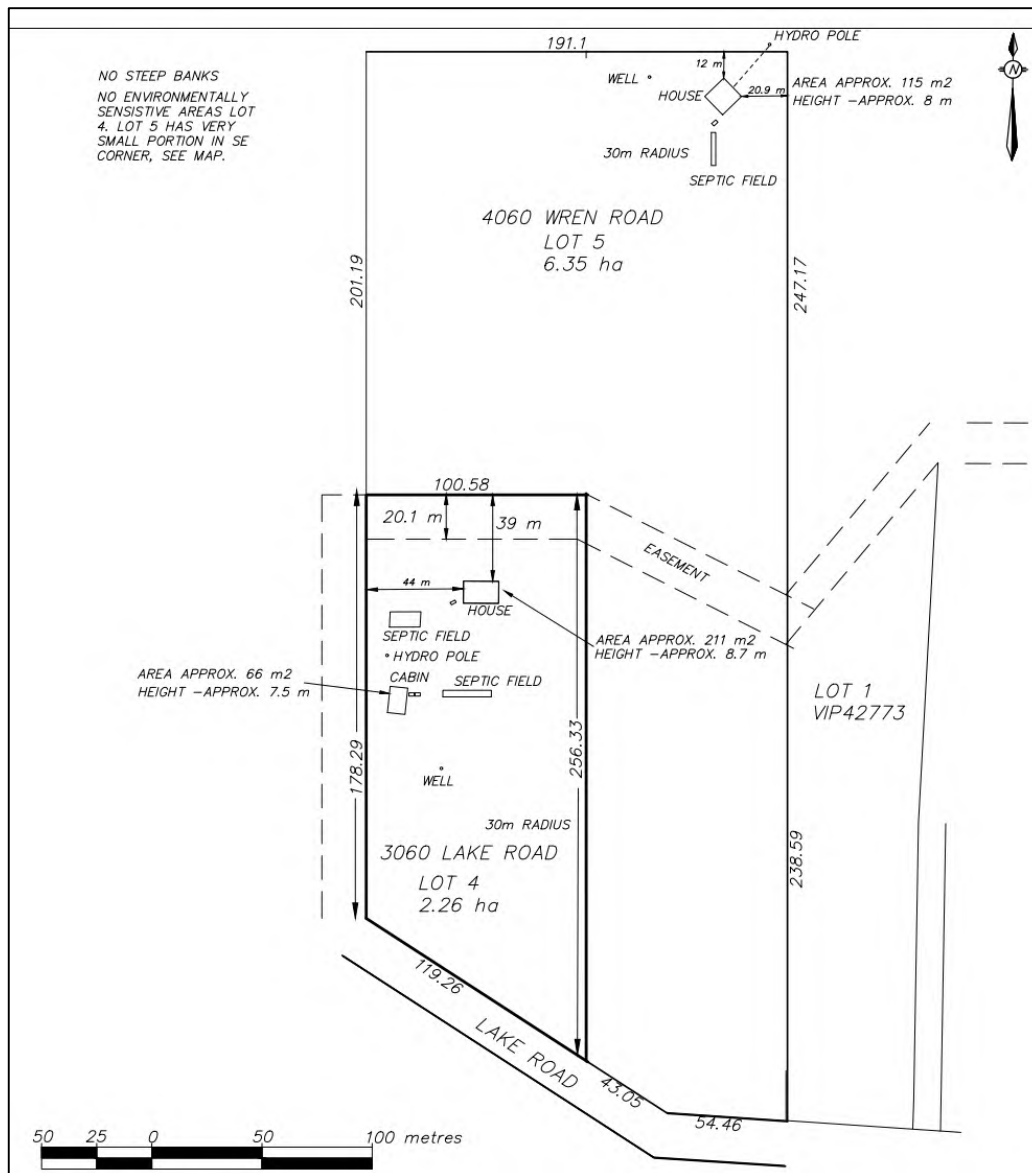


Figure 1 Proposed plan of subdivision.

ANALYSIS

Policy/Regulatory

Riparian Areas Protection Regulation

Requirements for riparian development approval

- 5 A local government must not approve a riparian development to proceed unless the local government
- (a) has received an assessment report under [section 6](#) in relation to the development that has not expired under [section 7](#), and
 - (b) imposes as a condition of the approval that the development proceed as proposed in the assessment report and comply with any measures recommended in the assessment report

Local Government Act

Minimum parcel frontage on highway

512 (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

- (a) 10% of the perimeter of the lot that fronts on the highway, and
- (b) the minimum frontage that the local government may, by bylaw, provide.

(2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).

Islands Trust Policy Statement:

The following Directive Policies are relevant to this application and are addressed through DPA4:

- 3.1.3** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.3.2** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
- 5.2.6** Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards

Official Community Plan:

B.3 Guiding Objective - Freshwater

To preserve, and where necessary restore, watersheds, lakes, wetlands, streams and riparian areas and to retain sufficient natural habitat to ensure the preservation of native species.

Freshwater Policy 1 The protection and retention of riparian and aquatic habitat is encouraged.

This policy is addressed through DPA4.

Land Use Bylaw:

2.8.7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

The guidelines for DPA4 are contained in 4.4.3 of the Denman Island Land Use Bylaw (LUB). Staff's assessment of how the applicable DPA4 guidelines have been addressed in the application are provided in Attachment 2.

Issues and Opportunities

Development Permit:

The objectives of Development Permit Area 4 – Streams, Lakes and Wetlands are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes

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

The applicant has provided a professional report by a Qualified Environmental Professional (QEP) to meet section 5 of the *Riparian Areas Protection Regulation*. The QEP Report does not identify any issues with the proposed subdivision and no mitigation or restoration measures are recommended as no construction or ground disturbance is proposed. For a full analysis of the DPA4 guidelines, see Attachment 2.

Lot Frontage:

The minimum lot frontage requirement from the Land Use Bylaw, of 20 metres, is met by both of the proposed lots in the subdivision. However, the *Local Government Act* requires lots created by subdivision to have a minimum frontage that is the greater of either:

- the minimum requirement of the local government; or
- 10 percent of the perimeter of the lot.

If a proposed lot does not meet the minimum requirement the local government may exempt the parcel. Proposed Lot 5 has 97.51 metres of frontage but this is less than 10% of the perimeter of the lot and a lot frontage exemption is required.

Consultation

A community information meeting or public consultation and notification are not required for development permit applications or lot frontage waivers.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff are recommending approval of the Development Permit because it meets the applicable DPA guidelines. Staff are also recommending the LTC waive the minimum lot frontage requirement since the lot has adequate frontage on Lake Road and the minimum Land Use Bylaw bylaw regulation is met for lot frontage.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request further information prior to making a decision on application DE-DP-2023.1 [specify information required].

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the specific reasons for denial and how it finds the application does not meet the DPA guidelines, since local governments must issue a development permit if the DPA guidelines are found to have been met. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DP-2023.1 for the following reasons [state specific reasons].

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Stephen Baugh, Planner 2	June 15, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 16, 2023

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 4, SEC. 27, DENMAN ISLAND, NANAIMO DISTRICT PLAN 26275 LOT 5, SECTIONS 26 & 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26275
PID	002-747-430 002-748-258
Civic Address	3060 LAKE ROAD 4060 WREN ROAD

LAND USE

Current Land Use	Residential in Rural Residential (R2) zone
Surrounding Land Use	All surrounding lots are residential in R2 zone.

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUB-2022.1	Adjust lot line, transferring portion of Lot 4 (Western property) to the owners of Lot 5 – In abeyance
DE-SUP-2003.19	Application for apple storage shed on Lot 5 – approved
DE-SUP-1994.41	Siting and use permit for Lot 5

POLICY/REGULATORY

Official Community Plan Designations	The land use designation for both properties is Residential (R) Both properties are within Development Permit Area 4 – Streams, Lakes and Wetlands (RAR Applicable) 
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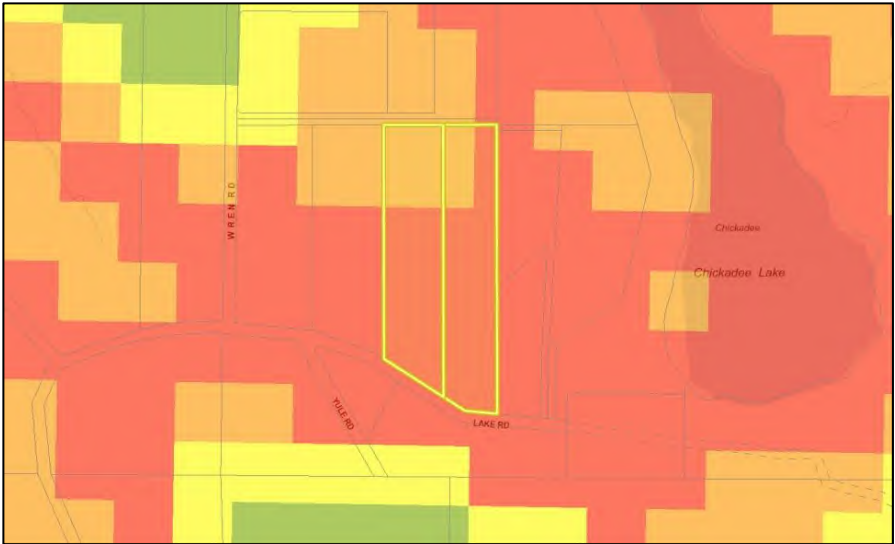
Z:\09 Current Planning\02 DE\3160 DP\25 Applications (P)\2023\DE-DP-2023.1 Carballeira (x-ref DE-SUB-2022.1)\06 Staff Reports\DE-LTC_2023-07-25_DE-DP-2023.1_ATT01-Site Context.docx

Land Use Bylaw	Both properties are zoned Rural Residential (R2) From section 3.3 of the <u>Denman Land Use Bylaw</u> no. 186: Permitted principal uses include residential. Permitted accessory uses are: • Home occupation uses listed in Section 2.4 accessory to a principal residential use • Forest fungi production accessory to a residential use, on lots 2.0 ha or larger • Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use • Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use • Generation of electricity from non-polluting renewable sources and accessory to a principal residential use • Secondary suites and secondary dwelling units (approved through a temporary use permit) The minimum lot area per principal single family dwelling unit is 4.0 ha. Subsection 4.4.1: The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below: a) Subdivision of land; b) Construction of, addition to or alteration of a building or other structure; c) Alteration of land; d) Development as that term is defined in the Riparian Areas Regulation, BC Fish Protection Act; and e) Installation of any structures within a stream or within the natural boundary of a lake.
Other Regulations	Not within the Agricultural Land Reserve. No mapped LTC Covenants, Parks/Protected Areas, Steep Slopes, or Watercourses.
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	There are no ITC covenants or properties on or adjacent to the subject properties. Referral to ITC is not required.
Regional Conservation Plan	The Regional Conservation Plan 2018-2027 estimated importance of habitat composition in the area of the subject properties ranges from low to high.

	This application is not inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	South-Eastern corner of Lot 5 is within the species at risk critical habitat for Dun Skipper <i>vestris</i> subspecies. 
Sensitive Ecosystems	South-Eastern corner of Lot 5 includes Wetland 
Hazard Areas	None mapped
Archaeological Sites	None mapped. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed

	before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The proposed plans for the parcel may lead to additional water use, as the purchaser intends to plant a new apple orchard on the Northern portion of Lot 4.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A
Groundwater classification	Aquifer intrinsic vulnerability on these properties ranges from moderately high to high. 

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DPA4 – STREAMS, LAKES AND WETLANDS

Guideline	Complies	Planner Comments
<i>Guideline 1</i> In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	No mitigation measures, enhancement, or restoration have been recommended by the QEP.
<i>Guideline 2</i> The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.	yes	Lot line adjustment subdivision only, no ground disturbance proposed.
<i>Guideline 3</i> Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	yes	No mitigating measures described, beyond the restrictions on new building already laid out in the LUB.
<i>Guideline 4</i> The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the water body should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);	n/a	No floats or associated structures proposed.

vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed from the riparian area.		
<i>Guideline 5</i> If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	n/a	Nature of the project has not changed since QEP report was prepared.
<i>Guideline 6</i> The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."	n/a	No variances to regulations required to comply with QEP recommendations.



DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
DE-DP-2023.1

TO: **Steven Manuel Carballeira & Patrick Estcourt Fawkes and Jane Dalton Fawkes,**

1. This Development Permit (the "Permit") applies to the land described as:

PID: 002-747-430

LOT 4, SECTION 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26275

&

PID: 002-748-258

LOT 5, SECTIONS 26 AND 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26275

as shown on Schedule "A" Proposed Plan of Subdivision, attached to and forming part of this Permit.

2. Whereas the subject area as described above lies within "Development Permit Area No. 4: Streams, Lakes and Wetlands" designated under the Denman Island Official Community Plan Bylaw No. 185, 2008 and whereas this Permit issued under the Denman Island Land Use Bylaw No. 186, 2008 authorizes the subdivision "development" as identified on Schedule "A" Proposed Plan of Subdivision, and is subject to the following conditions:

- a. Subdivision must be substantially in accordance with the proposed plan of subdivision attached to and forming part of this permit.
- b. No tree clearing or ground disturbance are permitted within the Streamside Protection and Enhancement Area (SPEA) or Riparian Assessment Area (RAA) as described in the report attached as Schedule "B."

This is not a Siting and Use Permit, nor does it provide permission to construct any works or commence any development without other lawfully required approvals and permits. It further does not relieve the applicant from complying with the regulations and provisions set out in the *Denman Island Official Community Plan Bylaw No. 185, 2008* and the *Denman Island Land Use Bylaw No. 186, 2008*.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS
__^{XX} DAY OF _____, 202X.

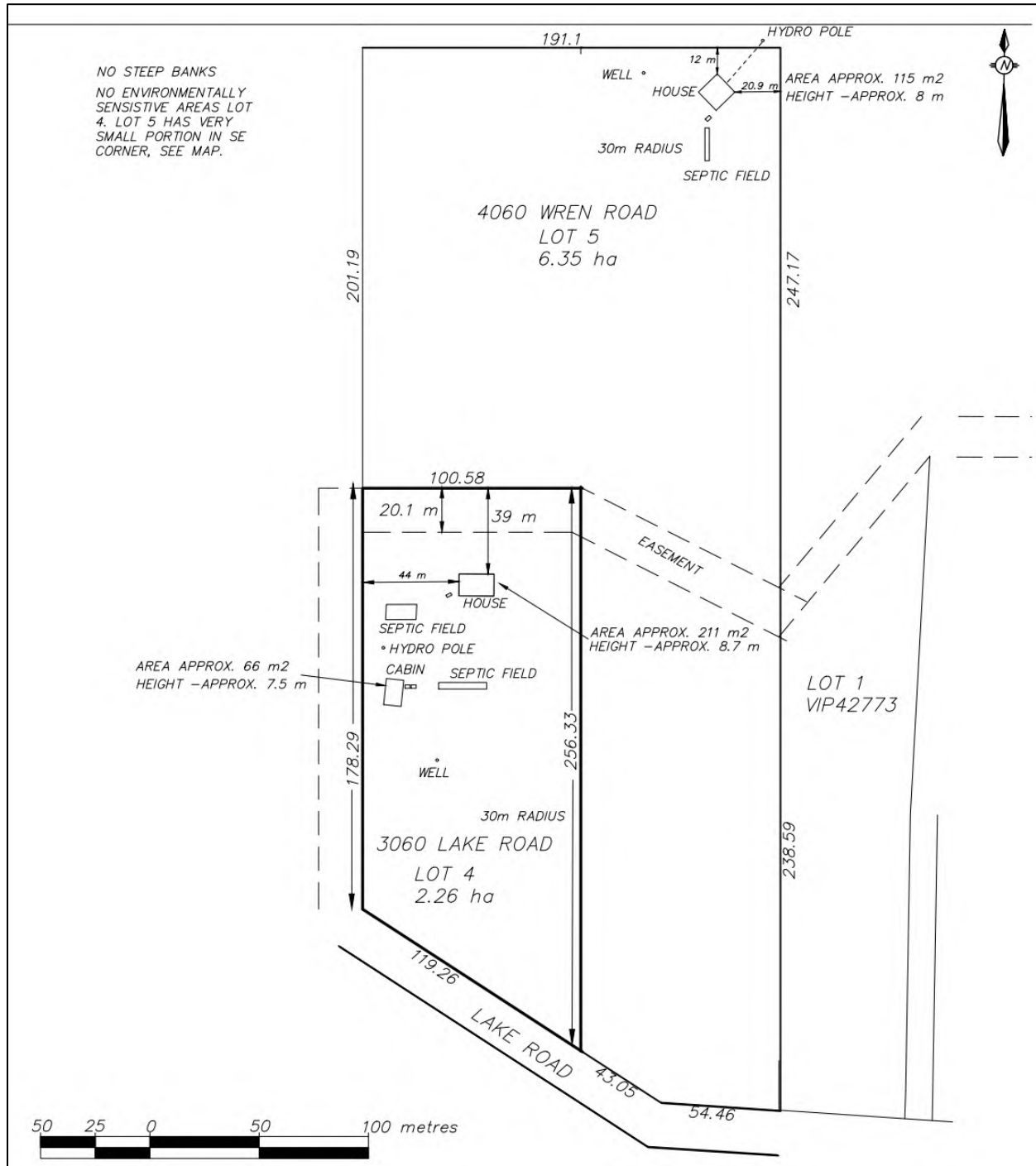
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ___^{XX} DAY OF _____, 202X, THIS PERMIT AUTOMATICALLY LAPSES.

DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-DP-2023.1

Schedule "A" - Proposed Plan of Subdivision



**DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-DP-2023.1**

Schedule “B” – Riparian Areas Protection Regulation: Assessment Report

Riparian Areas Protection Regulation: Assessment Report

Prepared by Rupert Wong of Current Environmental Ltd. and dated January 26, 2023

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date January 26, 2023

I. Primary QEP Information

First Name	Rupert	Middle Name:	
Last Name	Wong		
Designation	R.P. Bio.	Company:	Current Environmental Ltd.
Registration #	705	Email:	rwong@currentenv.ca
Address	558 England Ave.		
City	Courtenay	Postal/Zip:	V9N 2N3
Prov/state	BC	Country:	Canada
		Phone #:	250-871-1944

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name:	
Last Name			
Designation		Company:	
Registration #		Email:	
Address			
City		Postal/Zip:	
Prov/state		Country:	
		Phone #:	

III. Developer Information

First Name	Steve	Middle Name:	
Last Name	Carballeira		
Company	N/A – Property Owner		
Phone #	250-335-1864	Email:	h2oenv@telus.net
Address	3060 Lake Road		
City	Denman Island	Postal/Zip:	V0R 1T0
Prov/state	BC	Country:	CAN

IV. Development Information

Development Type	Subdivision – 6 or less Single Family Lots		
Area of Development (ha)	2.0	Riparian Length (m)	100
Lot Area (ha)	8.6	Nature of Development	Rural Residential
Proposed Start Date	May 2023	Proposed End Date	May 2023

V. Location of Proposed Development

Street Address (or nearest town)	3060 Lake Road		
Local Government	Islands Trust	City:	Denman Island
Stream Name	Unnamed Wetland		
Legal Description (PID)	002-747-430	Region:	Vancouver Island
Stream/River Type	Wetland	DFO Area:	South Coast
Watershed Code	905-124500-45800		
Latitude	49°	33'	5.9"
Longitude	124°	49'	20.8"

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Section 1. Description of Fisheries Resources Values and the Development Proposal

Description of Fisheries Resource Values

The subject properties are within the Riparian Assessment Area (RAA) for two unnamed wetlands (Wetlands 1 and 2) which provide water input to Chicadee [sic] Lake on Denman Island, BC (Figure 1).

Chicadee [sic] Lake

Chicadee [sic] Lake is a natural, fish bearing lake with known populations of coho salmon (*Oncorhynchus kisutch*) and sculpin (*Cottus spp*), as well as stocked populations of cutthroat (*Oncorhynchus clarkii*) and rainbow trouts (*Oncorhynchus mykiss*)¹. It is located in the Fillongley Creek watershed, which is the largest on Denman Island at approximately 12.8 km². Chicadee [sic] Lake itself is the second largest lake on Denman Island with an area of approximately 15.4 ha, and provides water to nearby residences through Water Rights Licenses under the provincial Water Sustainability Act (WSA)².

The local significance of Chicadee [sic] Lake lead to its inclusion of a 561 ha provincial park that was created on Denman Island in 2013.

The subject property is not within the 30 m RAA of Chicadee [sic] Lake; however, it is described here for context.

Wetland 1

Wetland 1 is an unnamed wetland that extends west from the southwest corner of Chicadee [sic] Lake. It is approximately 2.88 ha in size and has been previously mapped as part of the 2004 Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands (2004)³ in which it was classified as a fen (Figure 1). The dominance of Sitka sedge (*Carex aquatilis* var. *dives*) in wetted areas with a fringe of hardhack (*Spirea douglasii*) at the edges (Photo 1) appears to fall within the plant assemblage for the blue-listed sweet gale/Sitka sedge ecosystem, but it has not been identified as such in provincial databases. Wetland 1 receives flow from Wetland 2 (described below) and appears to have a relatively intact riparian zone other than Lake Road, which appears to cut through an arm that extends to the south (Figure 3).

Wetland 1 is a locally important ecosystem and provides a variety of habitat values including:

- 1) Potential fish habitat in high flow conditions or in areas close to Chicadee [sic] lake;
- 2) Flow mitigation, water purification, and nutrient provision for downstream fish habitat in Chicadee [sic] Lake;
- 3) Amphibian breeding habitat;
- 4) A well vegetated wildlife corridor connecting Chickadee Lake to surrounding mature forest habitats.

Wetland 2

Wetland 2 receives groundwater flow from the upper Fillongly Creek watershed and flows in a southeasterly direction to eventually empty into Wetland 1 immediately east of the subject property. Wetland 2 occupies a depression oriented approximately northwest to southeast that is bordered by Lake Road to the south and sloping farm fields on properties to the north (Figure 2, Photo 2). During the December 16, 2022 site visit there was no evidence of channelized flow within Wetland 2; however, the ground was saturated and the subject property owner reported regular winter flooding of the area.

¹ British Columbia Ministry of Environment. 2022. Fish Inventories Data Queries – Single Waterbody Query. Accessed from: <https://a100.gov.bc.ca/pub/fidq/viewSingleWaterbody.do>

² Province of British Columbia Ministry of Environment, Lands and Parks Vancouver Island Region. 1994. Denman and Hornby Islands: Water Allocation Plan. Accessed from: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-planning/water_allocation_denman_hornby.pdf

³ Environment Canada. Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands: Disturbance Mapping and Re-evaluation of Major Riparian Corridors. 2004. Accessed from: <https://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=2124>

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

The overall plant community of Wetland 2 closely matches the slough sedge (*Carex obnupta*) dominated variant of the Ws52 “Red alder – Skunk cabbage” site association⁴. Large portions of Wetland 1 in this area are dominated almost entirely by a canopy of red alder (*Alnus rubra*) with an understory of slough sedge (*Carex obnupta*) (Photo 3). Salmonberry (*Rubus spectabilis*) is the dominant shrub and has a patchy distribution. Topography within Wetland 2 is variable, and drier upland areas contain forest species including Western redcedar (*Thuja plicata*), grand fir (*Aebis grandis*), and sword fern (*Polystichum munitum*).

Similarly to Wetland 1, Wetland 2 is a locally important ecosystem and provides a variety of habitat values including:

- 5) Flow mitigation, water purification, and nutrient provision for downstream fish habitat in Chickadee [sic] Lake;
- 6) High quality amphibian habitat;
- 7) A well vegetated wildlife corridor connecting Chickadee Lake to surrounding mature forest habitats;
- 8) Bird and bat nesting habitat.

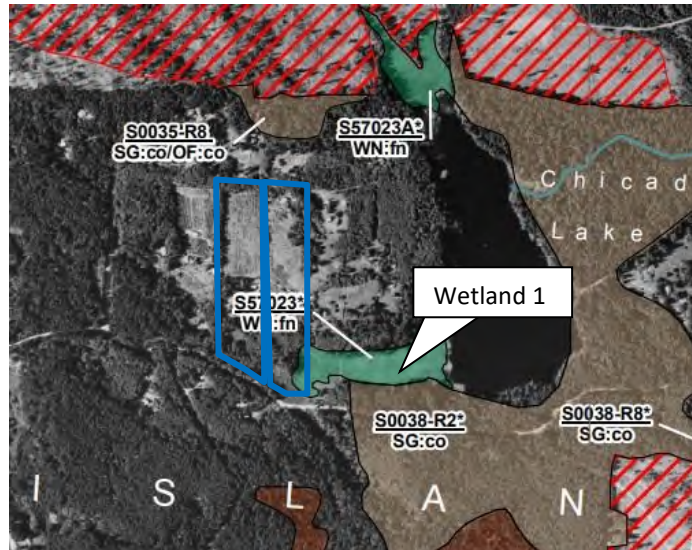


Figure 1: Location of the portion of Wetland 1 mapped as a Sensitive Ecosystem (Fen) in 2004⁵. Subject properties shown approximately with blue outlines.

⁴ MacKenzie, W.H. and J.R. Moran. 2004. Wetlands of British Columbia: a guide to identification. . Res. Br., B.C. Min. For., Victoria, B.C. Land Manage. Handb. No. 52.

⁵ Canadian Wildlife Service and BC Ministry of Environment. 2004. Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands: Disturbance Mapping and Re-evaluation of Major Riparian Corridors. Accessed from: <https://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=2124>

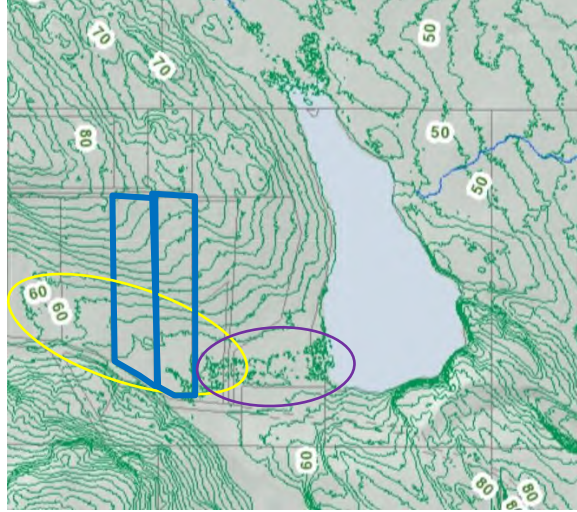


Figure 2: Location of the subject properties (blue outlines) relative to Chicadee [*sic*] Lake showing 2 m contours⁶. Wetland 1 is approximated by the purple oval while Wetland 2 occupies the depression highlighted by the yellow oval.

Description of the Subject Properties and Development Proposal

Property Descriptions

3060 Lake Road

The subject property owned by the project proponent is a 4.28-hectare property located at 3060 Lake Road on Denman Island, British Columbia. The property PID is 002-747-430 and the lot is zoned Rural Residential (R2). The lot is roughly rectangular; however, its southern border angles northwest to southeast where it borders Lake Road. Access is via a driveway which connects to Lake Road along the subject property's western boundary, as well as a right-of-way which runs through the middle of the subject property and connects with Lake Road along the eastern boundary of a neighboring property.

The northern half of the property consists of an empty field which historically supported an apple orchard; however, most of the trees were removed due to disease in recent years (Photo 4). Since the removal of these trees, scotch broom (*Cytisus scoparius*) has begun to colonize the field (Photo 5). There are three existing buildings and several associated storage sheds in the central portion of the property (Photo 2). South of the existing buildings is a small field (Photo 2), which is not actively used for farming. Wetland 2 is located south of this field and covers the southernmost portion of the subject property to a width of approximately 100 m. Wetland 2 appears to have been retained in a relatively undisturbed state in recent years; however previous disturbances include the construction of an irrigation pond (Photo 6) and historic logging.

4060 Wren Road

The proposed project (described below) involves the purchase of part of the above property by the neighboring landowner to the east, with the residential address of 4060 Wren Road. The PID of the purchasing property is 002-748-258, and it is 4.33 ha in size with a similar orientation to 3060 Lake Road, except that buildings on this property are concentrated in the northern third (Figure 3). The property adjacent to Wetland 1 consists of a small apple orchard. No development is proposed on 4060 Wren Road.

⁶ Islands Trust. 2022. MapIT Application. Accessed from: <https://islandstrust.bc.ca/mapping-resources/mapping/denman/>

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Proposed Lot Line Adjustment

No new construction is proposed for either subject property, as density bylaws on Denman Island preclude any further construction. The proposal consists of the property owner of 3060 Lake Road selling the northern 2 ha of their lot to the neighbor to the east (4060 Wren Road) and will move the northern lot line to within approximately 200 m from Wetland 2 (Figures 3 and 4). The portion of the property being sold is the historic apple orchard described on 3060 Lake Road above (Photos 4 and 5). Proposed plans for the parcel being sold include the planting of a new apple orchard, which will be irrigated using the existing water license for 4060 Wren Road.

Section 2. Results of Riparian Assessment (SPEA width)

Date: December 16, 2022
Description of Water bodies involved (number, type) Wetland 1 – Unnamed wetland

Wetland 1:

Stream	
Wetland	1
Lake	
Ditch	
Number of reaches	
Reach #	

Channel width and slope and Channel Type

(Use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)	
starting point			I, <u>Rupert Wong</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Carballeira</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
upstream			
downstream			
Total: minus high /low mean	N/A	N/A	
	R/P	C/P	S/P
Channel Type			

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Rupert Wong</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Carballeira</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
Polygon No:	1		Method employed if other than TR n/a
SPVT Type	LC SH TR X		

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Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	N/A – Wetland	The subject property borders the north side of Wetland 1													
LWD, Bank and Channel Stability ZOS (m)	15	<table border="1"> <tr> <td>South bank</td> <td>Yes</td> <td></td> <td>No</td> <td>X</td> </tr> <tr> <td colspan="5">The South bank of Wetland 1 is defined by Lake Road at the subject property's south boundary.</td> </tr> </table>				South bank	Yes		No	X	The South bank of Wetland 1 is defined by Lake Road at the subject property's south boundary.				
South bank	Yes						No	X							
The South bank of Wetland 1 is defined by Lake Road at the subject property's south boundary.															
Litter fall and insect drop ZOS (m)	15														
Shade ZOS (m) max	30														

SPEA maximum

15 m	(For ditch use table 3-7)
-------------	---------------------------

Comments

The SPEA for Wetland 1 on 4060 Lake Road is 15 m; however, it is entirely contained within Wetland 2 (Figure 2). As such, a SPEA for Wetland 1 is not drawn on the map as it is already protected by the 15 m SPEA of Wetland 2.

Wetland 2:

Stream	
Wetland	2
Lake	
Ditch	
Number of reaches	
Reach #	

Channel width and slope and Channel Type

(Use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)
starting point upstream		I, <u>Rupert Wong</u>, hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Carballeira</u>; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
downstream		
Total: minus high /low mean	N/A	N/A

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	R/P	C/P	S/P	
Channel Type				

Site Potential Vegetation Type (SPVT)

	Yes	No		
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Rupert Wong</u> , hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Steve Carballeira</u> ; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and h) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.	
Polygon No:	1		Method employed if other than TR n/a	
SPVT Type	LC	SH		TR
			X	

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	N/A – Wetland	The subject property borders the north side of Wetland 2				
LWD, Bank and Channel Stability ZOS (m)	15	South bank	Yes		No	X
Litter fall and insect drop ZOS (m)	15		The South bank of Wetland 2 is defined by Lake Road at the subject property's south boundary.			
Shade ZOS (m) max	30					

SPEA maximum **15 m** (For ditch use table 3-7)

Comments

The SPEA for Wetland 2 on both subject properties is 15 m, and is partially vegetated with native riparian vegetation. Previously existing land use within the SPEA consists of a fallow field and a small house on 3060 Lake Road; and an apple orchard on 4060 Lake Road. No restoration is proposed as part of this development proposal.

Section 3. Site Plan

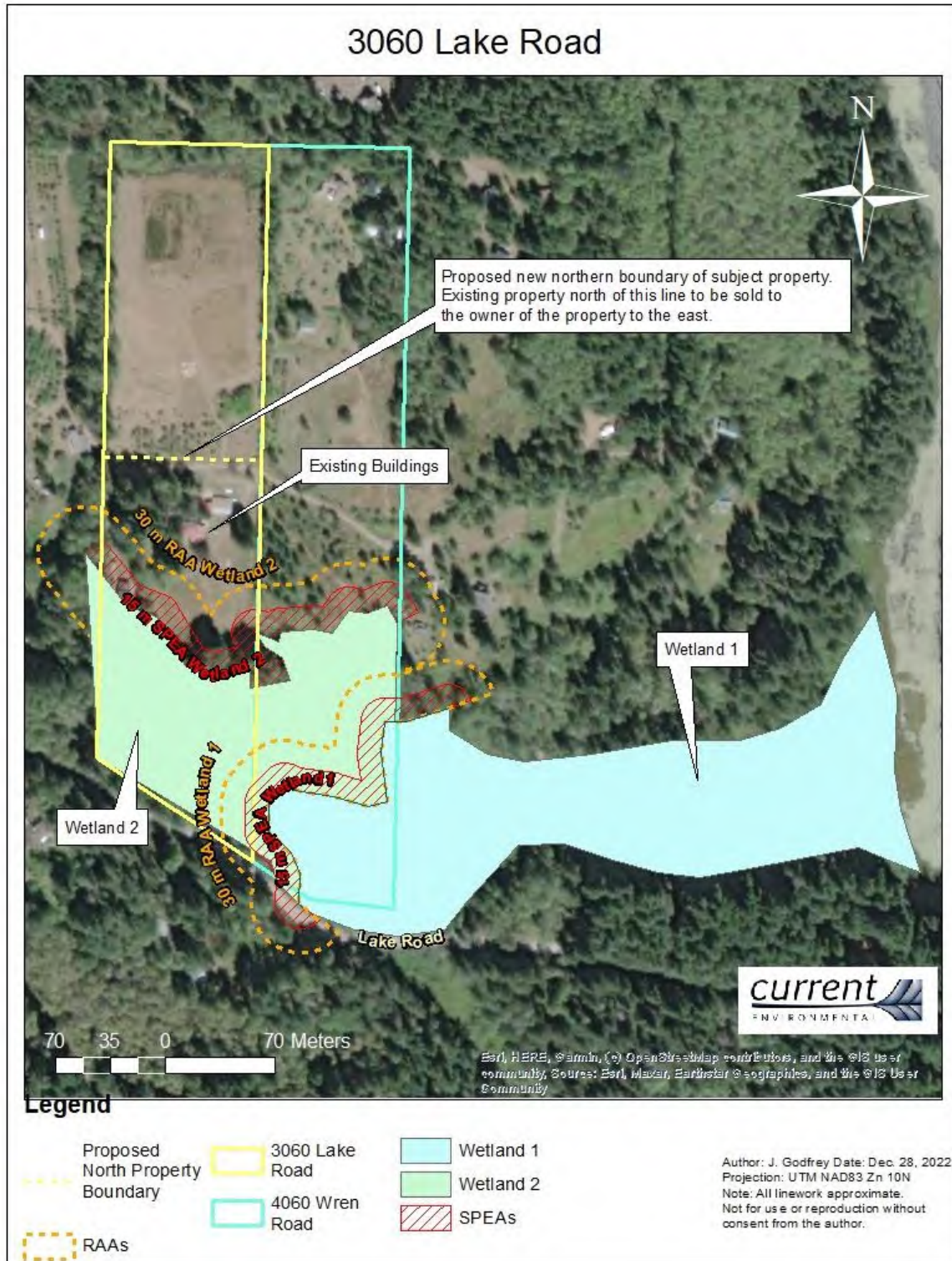


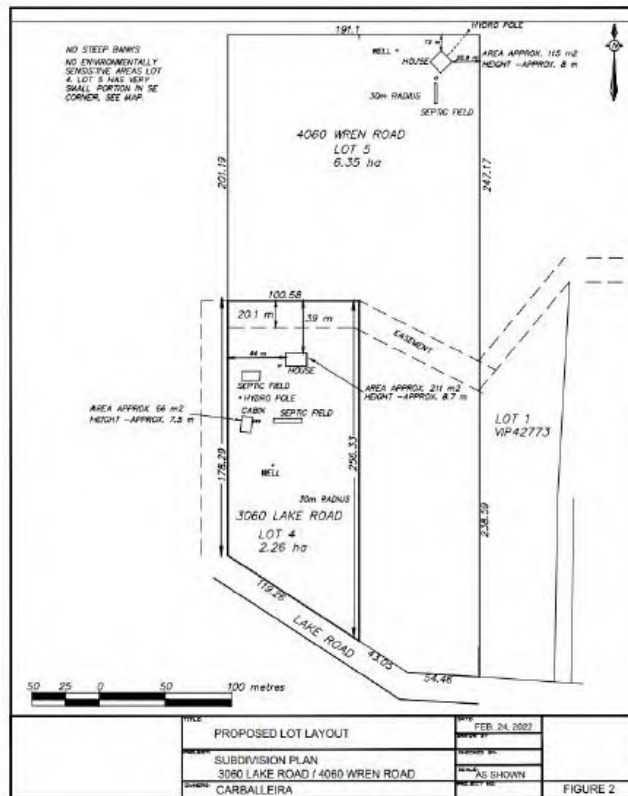
Figure 3: Site plan for 3060 Lake Road showing the proposed adjusted lot line in relation to nearby wetlands.



SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C. V8R 1H8
Phone: (250) 405-5151
Fax: (250) 405-5155
E-mail: info@islandstrust.bc.ca
www: <http://www.islandstrust.bc.ca>

Attachment 1: Subdivision Layout Plan



Islands Trust

Subdivision Referral Report

Page 10 of 16

Figure 4: Surveyed location of proposed lot line adjustment of 3060 Lake Road.

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees

No trees have been identified as danger trees in this development proposal.

No trees shall be removed from within the SPEA of Wetland 2.

Disclaimer:

Unless expressed otherwise: (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

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I, Rupert Wong, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

2. Windthrow

Windthrow refers to trees that are uprooted or damaged from wind. The potential impacts from windthrow are important to consider when new clearing is occurring up to the edge of the SPEA, exposing the trees in the SPEA to potential damage from windthrow.

There is no tree clearing proposed for this proposal, and none are expected as a result of it.

Disclaimer:

Unless expressed otherwise: (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

I, Rupert Wong, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

3. Slope Stability

The southern portion of the subject property is known to flood during wet periods of most years. This does not create erosion issues on the subject property as the banks of Wetland 2 are vegetated with riparian vegetation and flow through Wetland 2 is low velocity.

There are no changes proposed within the 30 m RAA for Wetlands 1 or 2 as a result of this proposal.

I, Rupert Wong, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

4. Protection of Trees

The SPEA of Wetland 2 is partially treed in its current state. There are no development proposals within the 30 m RAA of Wetlands 1 or 2, so there are no tree protection measures proposed.

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I, Rupert Wong, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
5. Encroachment There are plans proposed within the 30 m RAA of Wetlands 1 or 2 for this proposal, and there are no plans to construct a fence to permanently delineate the SPEA of Wetlands 1 or 2.
I, Rupert Wong, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
6. Sediment and Erosion Control There are no plans proposed within the 30 m RAA of Wetland 2 for this subdivision proposal. Proposed activities after subdivision include planting of apple trees, which will occur further than 200 m from Wetland 2. <u>No sediment and erosion control measures are required for protection of Wetlands 1 or 2 under this proposal.</u>
I, Rupert Wong, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
7. Stormwater Management The proposed lot line adjustment will not result in a significant change in impermeable surfaces on the subject property. Further construction of buildings on the subject properties are restricted by Denman Island density bylaws.
I, Rupert Wong, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

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8. Floodplain Concerns (highly mobile channel)
As discussed in Section 4.3 above, seasonal flooding of Wetland 2 and the subject properties in proximity to it is a normal occurrence; however, well vegetated wetland banks and low flow velocities result in low erosion risk to the subject property. There are no development activities proposed within the 30 m RAA which will alter the current state of Wetland 2.
I, Rupert Wong, hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Steve Carballeira; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Section 5. Environmental Monitoring

As there are no proposed changes to the subject property within the 30 m RAA of Wetlands 1 or 2 and no construction activities at all for the proposed lot line adjustment, an environmental monitoring schedule is not considered necessary for the protection of Wetlands 1 and 2.

Section 6. Photos

Label

Photo 1. Wetland 1 between the subject properties and Chicadee [sic] Lake. Vegetation in Wetland 1 is distinct from Wetland 2 adjacent to the subject property. Photo taken looking northeast.



Label

Photo 2. View north from the north edge of Wetland 2 showing the gently sloping field on 3060 Lake Road that provides some groundwater input, as well as two of the 3 buildings on the property.



FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Label

Photo 3. Representative photograph of Wetland 2 on the subject properties. Large portions of the wetland were dominated by a tree canopy of red alder and an understory of slough sedge.



Label

Photo 4. The southern portion of the historic apple orchard in the northern half of 3060 Lake Road showing remnant apple trees.



Label

Photo 5. The historic apple orchard in the northern portion of 3060 Lake Road where diseased trees were removed.



FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Label

Photo 6. Irrigation pond dug at the edge of Wetland 2 on 3060 Lake Road. The pond was not dug by the current property owner.



Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date

1. I/We Rupert Wong, R.P. Bio. hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Steve Carballeira, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) the site of the proposed development is subject to undue hardship, (if **applicable, indicate N/A otherwise**) and
- b) ☒ the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

DATE OF MEETING: July 25, 2023

TO: Denman Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Local Planning Services

COPY: Robert Kojima, Regional Planning Manager
Renee Jamurat, Regional Planning Manager

SUBJECT: Denman Island Housing Review Project, Stage 2

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse the Project Charter for the Denman Island Housing Review Project Stage 2, Phase 1&2
2. That the Denman Island Local Trust Committee endorse the Terms of Reference for the Housing Advisory Planning Commission (HAPC).
3. That the Denman Island Local Trust Committee endorse the Engagement Plan for the Denman Island Housing Review Project Stage 2, Phase 1&2
4. That the Denman Island Local Trust Committee endorse the Business Case for the Denman Islands Housing Review Project Stage 2, Phase 2.
5. That the Denman Island Local Trust Committee request the Regional Planning Committee submit a business case to Trust Council regarding water availability assessment and prioritize Denman Island in fiscal 2024/25.
6. That the Denman Island Local Trust Committee request staff schedule Community Meeting 1 for September.

REPORT SUMMARY

The purpose of this report is to initiate Stage 2 of the Denman Island Housing Review by presenting to the LTC for endorsement the following:

- Project Charter
- Terms of Reference for the Housing Advisory Committee (HAPC)
- Public Engagement Plan
- Business Case for 2024/25

BACKGROUND

As identified in the June 6, 2023 staff report, initiation of the Denman Housing Policy Review Project responds to the need to address housing which has been a key concern for Denman residents over two decades. The project was initiated in 2022. Stage 1 of the Denman Housing Review involved public engagement facilitated by a consulting. This Stage resulted in a number of recommendations which are provided in the [Denman Island Housing Review Recommendations Report](#) . Stage 2 of the project involves:

Phase 1 - Public engagement with a focus on identifying and prioritizing options for OCP and LUB amendments
Phase 2 - Writing, review and adoption of OCP and LUB amendments.

Project Charter: Denman Island Housing Review Project, Stage 2 Phase 1&2 – Appendix 1

The project charter for Stage 2 of the housing review project identifies the purpose as:

Phase 1 (July – December 2023) – Engaging the Denman Island Housing Advisory Planning Commission (HAPC), housing groups on Denman Island and community members to identify updates to the Denman Island Official Community Plan and Land Use Bylaw to increase housing options that address housing need.

Phase 2 (January 2024 – March 2024) Advancing policy and regulatory amendments that focus on increasing permitted number of housing units to address housing need while preserving and protecting the natural environment.

Terms of Reference for the Housing Advisory Planning Commission – Appendix 2

The HAPC was appointed at the May 2023 LTC meeting. As the draft HAPC Terms of Reference identifies, suggested activities of the HAPC include:

- Helping staff identify public engagement options to support the Denman Island Housing Project
- Assisting with engaging the Denman Housing Action Group, the Denman Community Land Trust Association, and the Denman Housing Association in a process to gather qualitative needs assessment information;
- Reviewing the recommendations of the Denman Islands Housing Review 2022/23 and related, and additional, public input;
- Identifying options to address housing needs, including general locations/zones; and
- Proposing draft policies and regulations supporting options addressing to housing action priorities to include public input.

Project Engagement Plan –Appendix 3

The project engagement plan focuses on three phases in engagement: **Informing** the public about the project, **involving** the community in identifying options and First Nations and **consulting** on options identified to be a priority. The project looks at engaging the public in three ways: open meetings, focussed discussions and online questionnaire.

Business Case for 2024/25- Appendix 4

In order to received budget allocation from Trust Council for the continuation of the project into the bylaw drafting and approval stage the LTC is required to submit a business case. As indicated in the business case, the \$15,000 being asked for will support First Nations consultation, community consultation, communications and legal review.

Staff are recommending a water availability assessment be done to contribute to the suitable land analysis which will determine where groundwater sustainability is most vulnerable to increased residential use and density. Staff will be recommending that this be done as a Regional Planning Committee Project which prioritizes LTCs that have

OCP reviews and housing projects. Staff have recommended the Denman LTC pass a resolution in support of this direction.

TIMELINE

The table below identified an approximate project timeline for engagement.

Action	Fall 2023	Winter 23/24	Spring 2024	Summer 2024	Fall 2024	Winter 2024/25	Spring 2025
FN Engagement							
Inform	letter sent, staff to follow up						
Initial engagement		Letter follow up					
Continued engagement			Planning staff will be relying on the Senior Intergovernmental Policy Advisor for guidance on FN engagement				
HAPC Engagement							
Initial feedback	Preliminary identification of options						
Engagement assistance	Review draft questionnaire, participate in community mtgs, additional input as requested by LTC						
Further review			Review of prioritized options, action plan, draft bylaws				
Community Engagement							
Inform	Provide information on process –CM 1						
Involve	Focussed mtgs, survey, CM2						
Consult		CM3, CIMs on specific topics, referrals					

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If the LTC choses this option it will cause delays in the process.

2. Make amendments to the documents provided

The LTS may choose to make amendments to the Project Charter, HAPC Terms of Reference, Public Engagement Plan and Business Case for 2024/25

NEXT STEPS

If the staff recommendations are approved staff will:

- Forward the business case to the Regional Planning Committee for endorsement.
- Schedule a community information meeting for September
- Draft a community engagement survey
- Follow up with First Nations regarding their interest in engaging in the project
- Schedule meetings with Housing Groups on the Island

Submitted By:	Narissa Chadwick RPP MCIP, Island Planner	July 12, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	July 12, 2023

ATTACHMENTS

1. Project Charter
2. HAPC Terms of Reference
3. Public Engagement Plan
4. Business Case for 2024/25

Denman Island Housing Review Project (Stage 2 Phase 1&2)- Charter v1

Denman Island Local Trust Committee (LTC)

Date: July 25, 2023

Purpose: **Phase 1** – Engaging the Denman Island Housing Advisory Planning Commission (HAPC), housing groups on Denman Island and community members to identify updates to the Denman Island Official Community Plan and Land Use Bylaw to increase housing options that address housing need **Phase 2**- Advancing policy and regulatory amendments that focus on increasing permitted number of housing units to address housing need while preserving and protecting the natural environment .

Background: Low diversity of housing types on Denman Island and low rental vacancy are the prominent housing challenges on Denman Island. The Denman Island LTC initiated a budget request to Trust Council for 2023/24 funding and allocation of staff time to address housing needs through amendments to the OCP and LUB. A budget of \$18,000 and Regional Planning Team time was allocated to this project for fiscal 2023/24. Of this, \$6,000 has been allocated to legal review and \$12,000 to the development of communication and educational information/community information meeting(s) and public hearing.

Objectives

Amending to the Official Community Plan and Land Use Bylaw to increase the number of permitted housing units to address housing needs of current residents of Denman Island.

In Scope

- Public engagement to understand housing needs;
- Public engagement to identify housing options;
- Consideration of the environmental implications of housing options; and
- Amendments to the OCP and the LUB to increase housing number of permitted housing units to address housing need.

Out of Scope

- Review of Development Permit Areas.
- Amendment of policies outside of the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Phase 1	
Project initiation	July 2023
Housing needs assessment update	July – Dec. 2023
First Nations engagement	June – Dec. 2023
Review and prioritization of housing options by HAPC	July – Nov. 2023
Public engagement	July – Dec. 2023
Suitable Land and Build Out Analysis	June – August 2023
Phase 2	
Housing Action Plan/ Bylaw Drafting	Jan. – June 2024
Public Engagement/ First Nations Consultation	Jan.- June 2024
Legal Review/ CIM	June – Sept. 2024
First Reading/referrals	Oct. 2024
Second Reading/Third Reading/EC review	Oct. – Dec. 2024
Ministry Approval of bylaws	TBD
Bylaw approval	TBD

Project Team

Regional Planning Manager	Renée Jamurat
Regional Planning Team Member	Narissa Chadwick
Planning Team Assistant	Chloë Straw
GIS Tech	Jackie O’Neil
Housing Advisory Planning Commission	As Appointed

Budget

Budget Sources:		
2023/24	Engagement/Comm	\$12,000
	Legal Review	\$6,000
	Total	\$18,000

The Denman Island Local Trust Committee [Advisory Planning Commission Bylaw No. 231](#) permits the appointment of an Advisory Planning Commission to advise on matters of land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act*, that are referred to it by the Local Trust Committee (LTC).

This Terms of Reference guides the purpose and roles of a Denman Island Housing Advisory Planning Commission (HAPC) to advise the LTC on matters related to the 'Denman Island Housing Project'. The roles, responsibilities and procedures of the HAPC are also pursuant to Bylaw No. 231 and should be referred to separately.

1. Purpose

The HAPC is a select committee to the Denman Island Local Trust Committee (LTC) with final decisions in all matters brought before the HAPC resting with the LTC.

The role of the HAPC is to:

- a) Assist the LTC with the development of an engagement process to support the Denman Island Housing Project (to include a process to gather qualitative needs assessment information);
- b) Participate in LTC sponsored community consultation events;
- c) Bring an informed voice to the development of policy and regulatory amendments;
- d) Review the recommendations coming out of the Denman Islands Housing Review and related, and additional, public input;
- e) Identify potential options to address housing needs, including general locations/zones; and
- f) Propose draft policies and regulations pertaining to housing action priorities.

2. Work Plan Overview

- a) **Summer 2023 inaugural meetings of the HAPC** – Member introductions, appointment of chair and secretary and orientation by Islands Trust staff. Develop understanding of tasks, terms of reference for the work and best practices in the literature for achieving goals. Establish a meeting schedule to achieve work plan goals.
- b) **Subsequent Commission Meetings** – to be determined by the Denman Island HAPC to address referrals made by the LTC.

3. Duties and Responsibilities of the HAPC

- a) Pursue any other matters referred to the HAPC by the LTC and report back to the LTC expeditiously, as required.
- b) The HAPC should seek to provide recommendations on options that can be implemented by the LTC through its policies and regulations, or can be endorsed or adopted by the LTC as broad objectives.
- c) Islands Trust staff may be invited to serve as a resource at any meeting, at the discretion of staff. As well, Islands Trust staff may provide available technical information requested by the Commission to carry out its review. Any additional research or staff work that the APC may consider important should be requested as recommendations to the LTC.

- d) All deliberations of the HAPC must take place at a meeting of the HAPC and such meetings must be open to the public.

4. Role of Chair Person

The Chairperson should ensure, to the best of their knowledge and ability, that any options or recommendations are consistent with:

- a. The Goals (“principles”) of the Official Community Plan;
- b. The Object of the Islands Trust;
- c. The policies of the Islands Trust Policy Statement;
- d. The statutory authority of the Local Trust Committee;
- e. Islands Trust’s policies and procedures;
- f. Generally accepted good planning principles.

With the assistance of from the Deputy Chairperson and Secretary, the Chairperson shall be responsible for:

- a) Organizing meetings;
- b) Developing and distributing meeting agendas to Commission members (and copied to Islands Trust staff);
- c) Communicating with Denman Island LTC and Islands Trust staff at each stage of the process.

Other duties of the Chair Person include:

- a) Leading and facilitating discussion at the meeting(s);
- b) Ensuring that all points of view are heard;
- c) Ensuring that good order and civility are maintained at meetings and that deliberations are conducted with objectivity;
- d) Ensuring that discussion is relevant and addresses the questions laid out in this terms of reference;
- e) Ensuring the Commission considers the issues from an enlarged perspective aimed at solutions for the community as a whole;
- f) Ensuring the meetings are conducted efficiently and that progress is made in accordance with the timelines established by the project charter.

Denman Housing Policy Review Project Stage 2 – Draft Engagement Plan for Phase 1 and Phase 2

Phase 1- Fiscal 2023/24

Phase 2- Fiscal 2024/25

Project Phase	Purpose of Engagement	Processes/Options	Resources, Budget, Timing
Phase 1 - Laying the Groundwork Sept/October 2023	INFORM Identifying what project is about and how to get involved	Community Meeting 1 - Initial Project meeting to identify what the project is about and answer questions HAPC – Preliminary identification of options and report to LTC, participation in community meeting First Nations – Letter sent	Community meeting - Sept Staff time – messaging development, FN consultation \$3000 – Engagement -HAPC, in person meeting CIM \$1000 - Communications
Phase 1- Identification of Options and Opportunities October 2023 – December 2023	INVOLVE Focused engagement	Community Meeting 2 – Meeting to introduce list of options and identify opportunities and challenges with options and prioritize options Focussed meetings with on Island Housing Groups – Denman Island Land Conservancy, Denman Island Housing Society, Denman Island Housing Advisory Group Needs Assessment/Options survey – Questionnaire on needs and options HAPC – review of draft questionnaire , participation in community meetings First Nations – Follow up Legal – ADU questions	\$2000 – Public engagement TBD – FN engagement \$6,000 – legal
Phase 2- Defining Options and Action Plan Development January – March 2024	CONSULT Options for OCP/LUB review identified Review of Action Plan	Community Meeting 3 – Meeting to review options identified to be a priority Focussed follow-up with on Island Housing Groups – with staff via zoom HAPC – Review of prioritized options , review of Housing Action Plan First Nations – Early referral	Meeting type and timing TBD TBD – FN engagement \$2000 – Engagement/communications
Phase 2- Bylaw Drafting and Approval (Phase 2) April 2024 – March 2025	CONSULT Following legislative protocol	Community Information Meetings -as needed (meetings on specific topics can be arranged) Legal review - as required First Nations – Follow up	\$5,000 – legal review \$5,000 – CIMs/PH \$3, 000 – Communications TBD – FN consultation



**Budget Funding Request
Short-Form Business Case**

Completion of this form initiates a request to the management team, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by (name, title):

Narissa Chadwick, Island Planner
On behalf of the DE LTC

Business Area:

Denman Island Local Trust Committee – LTC projects

Name of Request:

DE LTC – Denman OCP and LUB Housing Review
(Stage 2- Phase 2)

\$15,000

Budget Source (select all that apply):

☒ **Specific Project Funding** (select all that apply)

- ☐ Third Party Contractors
- ☐ Staff Travel Expense
- ☐ Staff Overtime Expense
- ☐ New Staff Member – Temporary for project
- ☐ Computer Hardware/Software

☐ **Furniture & Equipment**

☐ **Computer Hardware/Software/Supplies**

☐ **New Staff Resources** (see Staff Costing Tool)

☐ **Permanent**

☐ **Temporary**

Temp Duration: _____

☒ **Other – please describe:**

Honoraria for speakers/First Nations' for on-going meetings and participation, minute taking, technology support, mapping, facility rental, open-house meetings and material, , legal review, development and printing of educational info, brochures, posting of meeting, ads, and legal notifications.

Date of Funding Request Submission:

September, 2023

Funding Required for (date range):

April, 2024 -March 31, 2025

ISSUE/OPPORTUNITY:

The purpose of this business case is to support of the second phase of what was defined in the 2023/24 business case as Stage 2 of the Denman OCP and LUB Housing Policy Review. The report resulting from the Denman Housing Review Project Stage 1 and staff review of related reports and projects over the past 20 years

indicated that there is much to be done to address housing need on Denman Island. The Denman Housing Review Project Stage 1, Phase 1 (Fiscal 2023/24) is contributing to prioritizing specific options for OCP and LUB Review. Phase 2 will focus on public review of options, legal review and bylaw amendment writing and review.

The Denman Housing Review Project Stage 2, Phase 2 (Fiscal 2024/25) bylaw amendments will provide the opportunity to advance Islands Trust Strategic Interests related to:

- First Nations Reconciliation - The project focusses on continuing the engagement process with First Nations that was initiated in Phase 1.
- Contributing to the development of model bylaws for housing – This project is intended to produce bylaws that may be replicable in other Local Trust Areas.
- Preservation of ecosystems – A key focus of the project is supporting housing while considering the Islands Trust preserve and protect mandate.
- Demonstrating the use of suitable land analysis – Suitable land analysis will be used to inform LTC decision making.
- Demonstrating the use of the Islands Trust’s Housing Toolkit – A number of tools in the toolkit are being used by staff and being shared with the Housing Advisory Planning Commission and the LTC to inform amendments to the OCP and LUB.
- Development of a public engagement process that could help to inform other public engagement processes related to housing projects throughout the Trust Area

PROJECTED RESULTS/DELIVERABLES:

1. OCP Updates – OCP updates are needed to facilitate more flexibility in supporting a variety of housing options. OCP are outdated and no longer reflect the current housing conditions, as well as infrastructure servicing, transportation system, environmental conditions and other elements that impact the availability, affordability and diverse housing types on the island.

2. LUB Updates – LUB updates will reflect the options supported by the community to increase the variety of housing options while preserving and protecting the environment.

3. Continuation of active and meaningful engagement with First Nations and the Community – Stage 2 Part 1 endeavoured to inform First Nations and the Community of the goals and objectives of the project and involve First Nations, the Community, the Housing Advisory Planning Commission and Stakeholders in the identification of bylaw amendment options. Stage 2 Part 2 will look to effectively consult all relevant parties on proposed amendments.

RISK ASSESSMENT:

If no action taken, housing crisis will elevate to a critical level. Without updating the OCP to strengthen the various policies and objectives that impact the conditions of housing (and its associated environmental, social, economic and cultural conditions), Denman Island will no longer be able to provide healthy social, economic, environmental and cultural conditions for its residents. Furthermore, the island will no longer be able to maintain its character. Most importantly, if no action is taken, we will fail to implement the Trust Council’s mandate of preserving and protecting Denman Island. Furthermore, the community will feel like all the time they took to contribute to the process was wasted.

ALTERNATIVES CONSIDERED:

Option 1: Keep the same project charter but reduce public engagement and communications activities.

This may result in extension of the project if the public do not feel like they had a chance to contribute to the outcome. Inadequacies with the consultant's process for Stage 1 of the process has led to a need for further consultation in Stage 2 of the project.

Option 2: Extend the proposed project duration. In this case engagement and communications could be spread over two fiscal years. This approach is likely to be very concerning to community members.

Option 3: Keep the same project charter and budget but fund the project via a Special Tax Requisition.

The impact of funding this project via special tax requisition is to minimize the impact to the overall proposed Trust Council budget whereas the special tax requisition would have a more dramatic impact on local Denman Island taxpayers.

CRITICAL SUCCESS FACTORS:

- Allocation of staff time
- Effective public engagement process

RECOMMENDED OPTION:

Provide \$15,000 to support the second phase of Stage 2 of the Denman OCP and LUB Housing Policy Review which focusses on OCP updates, LUB updates and continuation of active and meaningful engagement with First Nations and the Community.

COST/BENEFIT ANALYSIS:

Quantitative Analysis:

\$15,000 will be needed to support this project. If this is not supported now while there is momentum from the work done over the past two years reaching the goals of having the OCP and LUB updates made to address housing issues may be lost. Reinvigorating the project may require additional public consultation which will result in additional costs.

Qualitative Analysis:

Without OCP and LUB revisions there will be no increase in housing options for Denman residents. Housing challenges will increase impacting the community and the environment.

PURCHASING PROCEDURE:

The appropriate Islands Trust procurement processes will be followed as needed.

PROPOSED IMPLEMENTATION STRATEGY:

Housing Action Plan/ Bylaw Drafting	Jan. – June 2024
Public Engagement/ First Nations Consultation	Jan.- June 2024
Legal Review/ CIM	June – Sept. 2024
First Reading/referrals	Oct. 2024
Second Reading/Third Reading/EC review	Oct. – Dec. 2024
Ministry Approval of bylaws	TBD
Bylaw approval	TBD

STAFF RESOURCING: Estimation: 0.25 FTE Regional Planning Team Project Manager 0.10 FTE Planning Team Support 0.10 Mapping
CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION There are no major concerns to be addressed at this time. Changes to the project will be communicated to the community as needed.

_____	_____
Initiator Name, Title	Date
_____	_____
Reviewed by Department Lead: Name, Title	Date
_____	_____



Consultation check-in on 9 aquatic species under consideration for addition to Schedule 1 of the Species at Risk Act



The 9 aquatic species listed below were assessed as at-risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) between 2009 and 2022. Fisheries and Oceans Canada (DFO) undertook consultations with Indigenous peoples, stakeholders, and other interested parties on the potential addition of these species to Schedule 1 of SARA between 2012 and 2021. To ensure the Minister of Fisheries, Oceans and the Canadian Coast Guard takes into account current opinions in her listing advice, DFO is inviting interested parties to confirm their previous positions or offer additional information that the Minister can consider in finalizing her advice.

Consultation period: 2023-06-07 to 2023-08-10

Send comments to dfo.ncrsara-leprcn.mpo@dfo-mpo.gc.ca or [see below for other contact information](#).

File

- Consultation check-in on 9 aquatic species under consideration for addition to Schedule 1 of the Species at Risk Act (2023-06-07)
 - PDF format: [Cd-9Species-v00-2023June-Eng.pdf](#)
 - HTML format: [check-in-9-aquatic.html](#)

Contact person

Director
SARA Directorate
Department of Fisheries and Oceans
200 Kent St.
Ottawa, ON
K1A 0E6
dfo.ncrsara-leprcn.mpo@dfo-mpo.gc.ca

Related species

- [Atlantic Sturgeon](#) (*Acipenser oxyrinchus*) - St. Lawrence populations
- [Atlantic Sturgeon](#) (*Acipenser oxyrinchus*) - Maritimes populations

- Bocaccio (*Sebastes paucispinis*)
- Cusk (*Brosme brosme*)
- Lake Sturgeon (*Acipenser fulvescens*) - Western Hudson Bay populations
- Lake Sturgeon (*Acipenser fulvescens*) - Saskatchewan - Nelson River populations
- Northern Fur Seal (*Callorhinus ursinus*)
- Quillback Rockfish (*Sebastes maliger*)
- White Sturgeon (*Acipenser transmontanus*) - Upper Fraser River population

Date modified: 2023-06-13

DATE OF MEETING: July 25, 2023
TO: Denman Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Official Community Plan Policy 30

PURPOSE

In their Regular Business Meeting of June 6, 2023, the Denman Local Trust Committee passed the following resolution asking staff to consider Denman Island Official Community Plan Policy 30 in the context of a subdivision application:

DE-2023-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to consider Denman Island Official Community Plan Policy 30 regarding applicant Steve Carballeira's subdivision application number DE-SUB-2022.1 and the particular aspect of the existing secondary dwelling and its age of construction with regards to the letter Kathy Rieder submitted to Steve Carballeira and the opportunity for the Local Trust Committee to vote on whether the evidence is satisfactory.

This report provides some background information on subdivision application DE-SUB-2022.1, explains the OCP policy as it relates to the subdivision application, and explains the role of the LTC in subdivision applications.

BACKGROUND

The above resolution was passed in the context of a subdivision application where an owner is seeking to show that a dwelling is legal non-conforming. The subdivision application was referred to Islands Trust by the Ministry of Transportation and Infrastructure (MOTI) who are the approving authority for subdivisions on Denman Island. The subdivision is to facilitate the sale of a portion of 3060 Lake Rd to the adjacent property, 4060 Wren Rd. Islands Trust referral response was sent to MOTI and the applicant in April, 2022 with a number of conditions highlighted in order for the proposed development to meet the Denman Land Use Bylaw regulations.

One of these conditions states: "pursuant to Subsection 2.8.1 of the LUB, no non-conformity may be created with respect to the use, siting or density of any existing use, building or structure as a result of the subdivision." Subsection 2.8.1 of the LUB reads as follows:

2.8.1. Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.

Regulation 21 is not relevant in this case since it refers to subdivisions for relatives. As a result, since the proposed lot 4 contains two dwellings and only one is permitted by the zoning, staff identified the requirement to bring the illegal dwelling into conformity as a bylaw requirement prior to the subdivision being approved. Staff have recommended a number of options to bring the property into conformity including:

- Obtaining a Temporary Use Permit;
- Seeking a zoning amendment;
- Showing that the dwellings are legal non-conforming;
- Removing the structure; or
- Repurposing the building to a different use.

The complete list of conditions noted in the initial referral response are:

1. Pursuant to Subsection 4.4.1 of the LUB, the Owners of lots PID 002-747-430 & 002-748-258 be in receipt of an approved Development Permit for Development Permit Area 4 –Streams, Lakes and Wetlands (RAR Applicable).
2. Pursuant to Section 994 of the Local Government Act, the applicant be in receipt of an exemption from the Denman Island Local Trust Community of the required 10% lot frontage requirement for Proposed Lot 5 (PID: 002-748-258).
3. Pursuant to Subsection 2.8.8 of the LUB, The applicant obtain written certification from a qualified professional that the required amount of potable water per day (1200 Litres) for each of Proposed Lot 4 and Proposed Lot 5 can be provided.
4. Pursuant to Subsection 2.8.18 of the LUB the applicant demonstrates the availability of an area of each of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the *Public Health Act*;
5. To address the density of Proposed Lot 4, the applicant remove one of the existing dwellings, convert one of the existing dwellings to an accessory building, or obtain a Temporary Use Permit for one of the existing dwellings to allow it as a secondary dwelling unit so that the lot meets the permitted density for the R2 zone.
6. Pursuant to Subsection 2.8.1 of the LUB, no non-conformity may be created with respect to the use, siting or density of any existing use, building or structure as a result of the subdivision.
7. Prior to final approval, the applicant and MOTI obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Denman Island Local Trust Committee Bylaws.

OCP POLICY

The LTC discussed an OCP policy at the previous LTC meeting. Specifically a housing policy that is in regards to zoning amendments, the entirety of the policy reads as follows (emphasis added):

Policy 30 The Local Trust Committee should consider **zoning amendment** applications:

- **to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction;**
- to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May

15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and

- to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District.

This is a supporting policy for zoning amendment applications to bring non-conforming dwelling units into conformity where the LTC is satisfied the dwelling units were constructed in accordance with the land use bylaw in effect at the time of construction. Since the policy is specific to zoning amendment applications, it does not apply to a subdivision application or empower the LTC to vote on whether or not a particular dwelling is legally non-conforming. However, if the applicant were to seek a zoning amendment to bring the non-conforming dwelling into conformity this policy would support the LTC considering the application as long as the LTC were satisfied that the dwelling units were constructed prior to the zoning prohibiting the density.

Although the LTC is not the approving authority for subdivisions, the LTC does have the ability to create subdivision regulations in the Land Use Bylaw through the bylaw amendment process, and they are the approval authority for some applications that come in as a result of a subdivision. Common examples of this are development variance permits to vary subdivision regulations from the land use bylaw and development permits to facilitate subdivisions in development permit areas.

NEXT STEPS

Staff can reiterate to the applicant that they can seek a zoning amendment or temporary use permit if they wish to proceed with the subdivision application and maintain both dwellings on the property.

Submitted By:	Stephen Baugh, Planner 2	June 22, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	July 7, 2023

ATTACHMENTS:

1. OCP Policy 30

ATTACHMENT 1

Denman Island Official Community Plan, 2008

- | | | |
|--------|-----------|---|
| | | <ul style="list-style-type: none"> that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; that the proposed development will not place a strain on existing public services and infrastructure. |
| BL 199 | Policy 30 | <p>The Local Trust Committee should consider zoning amendment applications:</p> <ul style="list-style-type: none"> to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District. |

DEVELOPMENT APPROVAL INFORMATION - CIRCUMSTANCES AND SPECIAL CONDITIONS

- | | |
|-----------|--|
| Policy 31 | Applicants for a zoning amendment in the Residential or Rural designation in this Plan, may be required to provide development approval information. |
| Policy 32 | The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations. |

Housing - Advocacy Policies

- | | |
|-------------------|---|
| Advocacy Policy 1 | <p>The Vancouver Island Health Authority and landowners are encouraged:</p> <ul style="list-style-type: none"> to consider, as an alternative, innovative methods of waste water treatment that minimize water use; and to consider rain water collection as a source of water. |
| Advocacy Policy 2 | The Ministry of Community Development is encouraged to assist individuals or groups planning affordable or special needs housing projects. |

DATE OF MEETING: July 25, 2023
TO: Denman Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance and Enforcement Manager
Local Planning Services
SUBJECT: Bylaw Enforcement Notice Bylaw Amendments

RECOMMENDATIONS

1. That Denman Island Local Trust Committee rescind the readings of Denman Island local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”,
2. That Denman Island Local Trust Committee Bylaw direct staff to prepare a report regarding an enforcement policy and options for the use of the Bylaw Enforcement Notice system.

REPORT SUMMARY

The purpose of this report is to provide the Local Trust Committee with the reasons why the Request for Decision for approval of the Denman Island Local Trust Committee Bylaw No. 247 was not forwarded to Executive Committee for approval and to recommend that staff report back with enforcement options that achieve the same desired goal.

BACKGROUND

At the April 4th, 2023 Denman Island Local Trust Committee meeting the following resolution was adopted after a discussion regarding the disproportionate impact of fines on low-income residents and the need for enforcement on short-term vacation rentals that generate income while limiting the housing supply.

DE-2023-016

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019” be amended by removing all Bylaws in the Bylaw Section from Schedule A Contraventions and Penalties, except 2.1.2, the Short Term Vacation Rental Bylaw.

The Denman Island Local Trust Committee (LTC) also discussed the use of the Bylaw Enforcement Notification (BEN) system to enforce the Siting and Use bylaw. The LTC consensus expressed was that enforcement should proceed for those who have not obtained the necessary siting and use permit. Schedules A & B have been amended according to the Local Trust Committee’s direction.

The new amendment bylaw, and the new Schedules, were given three readings by the Local Trust Committee at the June 6th regular meeting, and a Request for Decision (RFD) was prepared by staff for the Executive Committee to consider. The RFD was not approved by the Director of Planning Services and the Director

requested that staff return the matter to the Local Trust Committee to reconsider the resources, both staff and financial, required with the restricted use of the BEN system as well to consider bylaw compliance and enforcement best practices.

ENFORCEMENT ISSUES

The decision by the Local Trust Committee to restrict the use the BEN system to short-term vacation rental enforcement raised concerns about the extra resources that may be required for enforcement efforts on Denman. The restricted use of the system has the potential to raise legal costs if the only means to take legal action is long-form prosecution in provincial court or civil action in BC Supreme Court. If the Local Trust Committee is to consider legal action for almost all bylaw contraventions, this means an increase in the number of staff reports that will need to be presented to the Committee, and therefore an increase in staff resources.

Moreover, the Executive Committee may or may not approve legal expenses thus leaving few compliance options to staff. Removing compliance options is contrary to Trust Council Policy 5.5.1 and Bylaw Compliance and Enforcement best practices. The Director of Planning Services advised staff that these issues would be required to be noted in the Request for Decision to the Executive Committee and that staff's advice would be to not approve the proposed bylaw and instead recommend that the Denman LTC consider other options to achieve the same desired results.

It should be considered by the Committee that the current amendments do not permit the issuance of bylaw notices for contraventions in environmentally sensitive areas such as the setbacks from any water courses or water bodies.

OPTIONS

- The LTC may request staff to draft options that may achieve the stated goal. For example, currently bylaw enforcement has been paused in specific circumstances for unpermitted dwelling units. This policy may be extended or altered. The LTC may seek to emphasize education to support compliance as opposed to enforcement. More specifically, the Local Trust Committee could consider adopting an enforcement policy that requires bylaw staff to seek approval of all legal action, including the use of bylaw notices. This will mean an increase in staff resources, but it will not result in a direct increase to legal expenditures and place strain on our limited legal budget.

An adoption of this policy could mean that the LTC approves the issuance of all bylaw notices with penalties and that they would have time to deliberate the full implications of the issuance of the bylaw notice. This approval process would give the Committee more flexibility in its enforcement options, and retain the ability to issue penalties for bylaw contraventions, and not limit enforcement options to the courts.

- The LTC may also wish to amend the current BEN bylaw schedules and greatly reduce the number of contraventions for BEN use, and a reduced Schedule A could be prepared and presented with any staff report.
- Finally, the LTC may choose to make no changes to the proposed bylaw and continue to seek Executive Committee's approval understanding staff's concerns.

ALTERNATIVES

1. That the Denman Island local Trust Committee Bylaw No. 247, cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Submitted By:	Warren Dingman Bylaw Compliance & Enforcement Manager	July 12, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	July 12, 2023



ISLANDS TRUST CONSERVANCY

News Release

200-1627 Fort Street, Victoria, B.C., V8R 1H8

Telephone: 250-405-5186

itcmail@islandstrust.bc.ca

islandstrust.bc.ca/conservancy

June 20, 2023

FOR IMMEDIATE RELEASE

New Conservation Area on Lasqueti Island Protects Mature Forest for Species at Risk

Lək'wəṇən, METULIYE/Victoria, B.C. — The Islands Trust Conservancy's new Livingstone Forest covenant protects 11.35 hectares of forest and wetland on Xwe'etay/Lasqueti Island. The covenant provides important habitat for species at risk including the Northern Red-legged Frog, Western Toad, and Little Brown Myotis Bat.

Christine Ferris and Doug Hopwood, long-standing conservation stewards, placed the conservation covenant on their land to ensure long-term protection of the property's biodiversity and carbon stores. Ferris and Hopwood chose to register the covenant through the Islands Trust's Natural Area Protection Tax Exemption Program (NAPTEP) which will lower future property taxes on the area protected by the covenant.

Lasqueti Island is located southwest of Texada Island in the Georgia Strait. The Livingstone Forest covenant is named after the Livingstone family, who stewarded the land for 60 years prior to Ferris and Hopwood's purchase of the property in 1992. In August, both families will gather to place a plaque on the property to commemorate Kate Livingstone, who settled on the land in 1912 and raised her six children there. Several of her grandchildren retain their connection to Lasqueti today. The Livingstone Forest NAPTEP covenant is located in the territory of Tla'amin Nation and Qualicum First Nation.

The covenant protects a mature and productive second-growth coastal forest ecosystem and a wetland. The forest, with tree species including Coastal Douglas-fir, Western redcedar, and Red alder, acts as a natural carbon sink, while the wetland is an important water source for local species and provides filtration for groundwater.

"For close to 25 years, Doug and I worked for the Islands Trust Conservancy annually monitoring conservation areas, and we saw how a covenant can allow landowners to protect conservation values while retaining the use of the land. We met many owners who were so grateful to know that the features that make their properties so special will be protected for the long term," said Christine Ferris. "A big factor in our decision to put a covenant on our land was our awareness of the climate emergency. Conserving forests, along with eliminating fossil fuels, is essential for the future of humanity and nature."

“Livingstone Forest NAPTEP covenant is the Islands Trust Conservancy’s first covenant on Lasqueti Island,” said Linda Adams, Chair of the Islands Trust Conservancy Board. “We hope that this gift from Christine Ferris and Doug Hopwood will open the doors to other Lasqueti Island landholders who may be considering conservation options.”

About Islands Trust Conservancy

Islands Trust Conservancy is the conservation land trust for over 450 islands of the Salish Sea and is a part of Islands Trust. Since 1990, the Islands Trust Conservancy has protected more than 1,360 hectares of island ecosystems. This success is thanks to the vision, support, and generosity of donors and partners. Learn more online at islandstrust.bc.ca/conservancy.

-END-

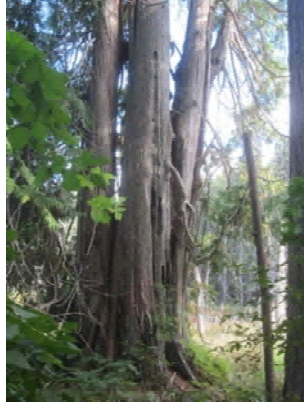
Quick Facts

- The Islands Trust Conservancy (ITC) protects natural landscapes across the Islands Trust region. The support of individuals and partners has helped to protect more than 1,375 ha of land within 33 nature reserves and 79 conservation covenants on islands in the Salish Sea.
- More than 65% of land on islands in the Salish Sea is privately held – meaning that individual, voluntary conservation actions are critical to protecting biodiversity and addressing impacts from climate change in the region.
- A conservation covenant is an agreement that is registered on a land title to protect natural features on privately held land. It is designed to be perpetual and to bind future landholders.
- The Natural Area Protection Tax Exemption Program (NAPTEP) offers a 65% property tax reduction on the protected portion of land when landholders place a conservation covenant on land with the Islands Trust Conservancy. The program is unique to the Islands Trust Area in British Columbia.
- B.C. is the most biologically-diverse province in Canada – but it is also a hotspot for biodiversity loss.
 - More than 100 species listed in the federal *Species at Risk Act* as being at risk of extinction are found in the Islands Trust Area. Protecting habitat is one of the best ways to prevent species from becoming at risk of extinction and aid in the recovery of those currently at risk.

Press Assets

Media has been made available for download to support this news release. You can [access these assets here](#).

Please use only the images identified in the **Islands Trust Conservancy Media Assets** gallery in support of this story with credit to appropriate authors (in the file name).



Contact

For all media enquiries please contact Micaela Yawney, Communications Specialist, Islands Trust Conservancy, 250-405-5183, myawney@islandstrust.bc.ca

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2023.1	Carballeira, Steven	09-Jun-2023	LOT LINE ADJUSTMENT of 002-747-430 / 002-748-258 at 3060 LAKE ROAD & 4060 WREN ROAD on Denman Island.
Planner: Stephen Baugh			
Planning Status			
<u>Status Date:</u>			

File Number	Applicant Name	Date Received	Purpose
DE-DP-2023.2	Current Environmental Ltd.	16-Jun-2023	PID: 030-543-746 construction of a culvert across a stream at 2201 Tristone Rd, Denman Island.
Planner: Marlis McCargar			
Planning Status			
<u>Status Date:</u>			

Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
DE-LCB-2023.1	,	08-May-2023	
Planner: Stephen Baugh			
Planning Status			
<u>Status Date:</u>			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
Status Date: 04-Oct-2022 Applicant seeking permit from Arch Branch			
Status Date: 21-Sep-2022 Update requested from applicant within 30 days.			
Status Date: 11-Jan-2022 File reassigned.			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole Planner: Margot Thomaidis	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.
Planning Status			
Status Date: 26-Jul-2022 Followed up with applicant. No response received.			
Status Date: 15-Jun-2022 Applicant followed up. Reaching out to BC Arch Branch and KFN.			
Status Date: 14-Jun-2022 Planner left message with applicant regarding checking in on Arch Branch process. No response received.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.7	Brown, Michael	15-Mar-2023	PID: 003-194-493 Build a 1-storey garage and workshop attached to existing residence on concrete foundations at 3660 East Rd, Denman.

Planner: Bruce Belcher

Planning Status

Status Date: 06-Apr-2023

K'omoks FN contacted regarding CHIP referral for archaeological site and ocean proximity. Contacted on April 6th, can be permitted by April 20th if there is no response.

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending May 2023

615 Denman	Invoices posted to Month ending May 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	199.00	0.00	199.00
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	1,410.00	393.25	1,016.75
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-615	LTC - Local Exp - Communications	250.00	185.00	65.00
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>578.25</u>	<u>1,756.75</u>
Projects				
73001-615-4025	Denman Housing Review	18,000.00	109.60	17,890.40
73001-615-4127	Denman Farming Regulations Review	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>109.60</u>	<u>19,890.40</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	It was MOVED and SECONDED,

			unlawful STVRs	that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including

				and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022	DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

8.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19 th for background	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1. The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized: <table><tr><th>Authorizing Bylaw/Temporary Use Permit</th><th>Date Utilized</th><th>Number of Residential Densities Utilized</th><th>Cumulative Total of Residential Densities Remaining</th></tr><tr><td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td><td>49</td></tr><tr><td>BL 199 (Official Community Plan)</td><td>August 15, 2011</td><td>14</td><td>35</td></tr><tr><td>BL 200 (Land Use Bylaw)</td><td></td><td></td><td></td></tr></table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan)	August 15, 2011	14	35	BL 200 (Land Use Bylaw)			
Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining																	
Baseline Density at time of adoption of the Denman OCP on May, 2009			49																	
BL 199 (Official Community Plan)	August 15, 2011	14	35																	
BL 200 (Land Use Bylaw)																				

				BL 204 (Land Use Bylaw) DE-TUP-2016.2	September 24, 2013 March 31, 2017	1 1	34 33
9.	March 16, 2021 July 19, 2022	DE-IC-2021-002 DE-2022-074	Bylaw Enforcement Rescinded				
10.	July 6, 2021	DE-IC-2021-007	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Denman Island Local Trust Committee clarify that the reference to a 45 day limit for visitor accommodation means 45 days for one client and that otherwise there are no limits on how many days per year a visitor accommodation home occupation can operate; and that this temporary policy remain in place until this regulation is reviewed.			
11.	September 27, 2022	DE-2022-097	Model Strategy for Antenna Systems	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” dated May 3, 2018 prepared by the Local Planning Committee of the Islands Trust, as the Denman Island Local Trust Committee strategy to assess any future potential tower proposals in the Denman Island Local Trust Area.			
12.	January 17, 2023	DE-2023-012	Human Right to Housing	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.			

Active Projects Report

Denman Island

1. Denman Housing Review Project - Phase 1

Targeted public engagement with First Nations, residents, external agencies and local organizations to update the Official Community Plan and Land Use Bylaw with policies and regulations to strengthen housing options and affordability on the island. **This is a major project.*

Responsible

Narissa Chadwick
Sonja Zupanec

Dates

Rec'd: 19-Jan-2021

2. Farming Regulations Review Project

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions) **This is a minor project.*

Responsible

Marlis McCargar

Dates

Future Projects Report

Denman Island

1. *LUB Amendments - List of items*

Responsible

Date Received

1. July 19, 2022: TUPs for STVRs: To support the development of Temporary Use Permits for short-term vacation rentals and other uses. Review subdivision requirements for lot line (boundary) adjustments with the goal of simplifying the process and requirements where no new density is created.

19-Jul-2022

2. April 4, 2023: Review zoning policies and regulations regarding guest accommodations in the LUB.

2. *Update to Development Approval Information Bylaw*

Responsible

Date Received

Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.

27-Sep-2022

3. *Land Use Bylaw Map Amendments - "Farm Plan map amendment"*

Responsible

Date Received

Regarding Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', make map amendments to the Denman Island Land Use Bylaw to align with the Denman Island OCP land use designations. Refer to the Staff Report on the LUB Amendment Bylaw dated June 6, 2023.

06-Jun-2023

4. *Comprehensive Official Community Plan / Land Use Bylaw*

Responsible

Date Received

Future Projects Report

Denman Island

**Future Major Project.*

1.July 19, 2022: *Protected Area Network: Undertake planning for a Protected Area Network on Denman Island*

2.July 19, 2022: Climate Change: Consider climate change adaptation and mitigation measures.

3.July 19, 2022: Regional Conservation Plan: Incorporate the Regional Conservation Plan into land use.

4.July 19, 2022: Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.

5.July 19, 2022: Forest Ecosystems: forest ecosystem protection including the implementation of the Islands Trust coastal douglas fir and associated ecosystem protection toolkit and consider measures to protect garry oak ecosystems.

6.July 19, 2022: Freshwater: consider Islands Trust freshwater strategy recommendations.

7.July 19, 2022: Denman Downtown Village Neighbourhood Plan.
