



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: October 3, 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	
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. REPORTS 10:05 AM - 10:25 AM	
3.1 Trustee Reports	
3.2 Chair's Report	
3.3 Electoral Area Director's Report	
4. PUBLIC COMMENTS 10:25 AM - 10:45 AM	
5. DELEGATIONS 10:45 AM - 10:55 AM	
5.1 Denman Island's Official Community Plan and Through Traffic - Graham Brazier	4 - 52
6. MINUTES 10:55 AM - 11:25 AM	
6.1 Local Trust Committee Minutes dated July 25, 2023 - for adoption	53 - 64
6.2 Section 26 Resolutions-Without-Meeting Report - none	
6.3 Advisory Planning Commission Minutes dated July 3, 2023- for receipt	65 - 68
6.4 Advisory Planning Commission Minutes dated July 11, 2023- for receipt	69 - 70
6.5 Advisory Planning Commission Minutes dated July 14, 2023- for receipt	71 - 73
6.6 Advisory Planning Commission Minutes dated July 18, 2023- for receipt	74 - 76
6.7 Advisory Planning Commission Minutes dated July 25, 2023- for receipt	77 - 78
6.8 Advisory Planning Commission Minutes dated August 1, 2023- for receipt	79 - 80

6.9	Advisory Planning Commission Minutes dated August 8, 2023- for receipt	81 - 82
6.10	Advisory Planning Commission Minutes dated August 15, 2023- for receipt	83 - 84
6.11	Advisory Planning Commission Minutes dated August 22, 2023- for receipt	85 - 87
6.12	Advisory Planning Commission Minutes dated August 29, 2023- for receipt	88 - 89
6.13	Advisory Planning Commission Minutes dated September 5, 2023- for receipt	90 - 91
6.14	Advisory Planning Commission Minutes dated September 12, 2023- for receipt	92 - 93
7.	BUSINESS ARISING FROM MINUTES	11:25 AM - 11:40 AM
7.1	Follow-up Action List dated September 26, 2023	94 - 95
8.	APPLICATIONS AND REFERRALS	11:40 AM - 11:50 AM
8.1	DE-DP-2023.2 (2191 Tristone Road) - Staff Report	96 - 134
~ BREAK 11:50 AM - 12:20 PM ~		
9.	LOCAL TRUST COMMITTEE PROJECTS	12:20 PM - 12:30 PM
9.1	Denman Housing Advisory Planning Commission (HAPC) Reporting - verbal update from HAPC Chair	
9.1.1	Denman HAPC Progress Report	135 - 137
10.	CORRESPONDENCE	12:30 PM - 12:50 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
10.1	Request to amend Denman Housing Association Covenant from S. Palmer dated August 21, 2023	138 - 150
10.2	Correspondence dated August 18, 2023 from M. Gang regarding FireSmart vs. the Islands Trust	151 - 154
10.3	Correspondence dated July 29, 2023 from W. Boothroyd regarding Closing Loophole to Reduce Real Estate Profiteering on Gulf Islands	155 - 156
10.4	Correspondence dated September 7, 2023 from CVRD Community Services regarding CVRD Regional Parks and Trails Strategic Plan Update	157 - 157
11.	NEW BUSINESS - none	
12.	REPORTS	12:50 PM - 1:20 PM
12.1	Trust Conservancy Report - none	

12.2	Applications Report dated September 26, 2023	158 - 159
12.3	Trustee and Local Expense Report dated July, 2023	160 - 160
12.4	Adopted Policies and Standing Resolutions	161 - 165
12.5	Local Trust Committee Webpage	
12.6	Denman Advisory Planning Commission Membership Term Expiry - Memorandum	166 - 169
12.7	Census Infographics - Briefing	170 - 177
12.8	Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 - Staff Report	178 - 182
13.	WORK PROGRAM	1:20 PM - 1:35 PM
13.1	Active Projects Report dated September 26, 2023	183 - 183
13.2	Future Projects Report dated September 26, 2023	184 - 185
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for Tuesday, November 14, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
15.	CLOSED MEETING	1:35 PM - 1:55 PM
15.1	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(2)(b) for the purpose of considering:	
	(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;	
	and that the recorder and staff attend the meeting	
15.2	Rise and Report	
16.	ADJOURNMENT	1:55 PM - 2:00 PM

To: **Denman Island Local Trust Committee**

Subject: Cross Island Traffic & the O.C.P.

Dear Trustees

Earlier this year B.C. Ferries sent eighteen staff members and two professional facilitators to Denman and Hornby Islands to consult with residents on a proposal to enlarge parking facilities at the Gravelly Bay (Denman East) terminal. The meeting on Denman Island drew 170 people to the community hall where it became evident that many residents of Denman Island were not only opposed to cutting more than 100 trees to facilitate the 'upgrading' of the parking facilities but also deeply concerned about the negative impacts of cross-island traffic on the community as a whole.

Subsequently a group of residents closely examined the Denman Island OCP and identified numerous ways in which the volume of cross-island traffic was at odds with provisions of the OCP — a document created by the Local Trust Committee to guide decision-making to insure that its decisions are consistent with the 'preserve and protect' mandate of the Islands Trust. The study concluded with the following statement: "We conclude that the current problems regarding ferries and roads are in violation of Denman Island's OCP and must be addressed."

Research on the history of attempts to deal with the impacts of cross-island traffic revealed numerous efforts over the course of many years to minimize the negative impacts had not been successful and, as a consequence, in 1995, local Trustees Roxanna Mandryk and Rolf Ludvigsen concluded a letter to the Chief Executive Officer of B.C. Ferries with the following statement: "We believe that a direct sailing between Hornby Island and Vancouver Island is the only long-term permanent solution which satisfies Trust policies as well as the interests of the Community."

We are requesting that the Local Trust Committee consider issuing a public statement of support for that conclusion at its next meeting scheduled for July 25.

Sincerely,

Graham Brazier, Cynthia Minden, Wendy Boothroyd, Ken Madsen, Tracy Simkins, Mary Jane Stewart, Howard Stewart, Deborah McCall, C Urquhart.

Friends of Denman Forests,
July 26, 2023

Dear Trustees David Graham, Sam Borthwick and David Maude,

Friends of Denman Forests came together in February 2023 to stop work crews from cutting down over 120 trees to make way for BCF's terminal expansion project at Gravelly Bay. Obviously, the dangerous traffic congestion at Gravelly Bay that necessitated this proposed expansion stems from problems with Routes 21 and 22, and we believe changes need to be made there rather than at Gravelly Bay.

Denman and Hornby are two very different islands, and for every land-use decision that Hornby Island makes to increase tourism, there are unacceptable environmental, social, health, safety and infrastructure impacts on Denman Island. These impacts contravene the Denman Island Official Community Plan. (See p 25 in attached doc.) For those who say a direct ferry to Hornby is not feasible, we say that the ever-increasing volume of Hornby traffic crossing Denman is no longer feasible.

As evidenced by the results of our survey of 430 residents, Friends of Denman Forests has wide support in the Denman community. Please find attached a compilation of letters and articles written by community members and groups in support of our request that BCF find a long-term solution to the ferry traffic problems on Denman Island. This must be a solution that will keep both our community and our environment healthy, safe and intact.

Trustees Graham, Maude, and Borthwick, we are pleased with your positive response to our and Graham Brazier's appeal to have IT endorse our request for a direct ferry to Hornby. We are, however, unsure of which of the documents referred to in Graham Brazier's letter that you would like to see.

Sincerely,

MJ Stewart

Friends of Denman Forests

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Summary of Submissions

1) *70 Years as The Speed Bump to Hornby* by Cynthia Minden:

Ferry traffic advocacy highlights from the archives show Hornby bound ferry traffic on Denman has long been a problem and it keeps getting worse. In July/August 2022, 19,026 Hornby bound vehicles crossed Denman Island, one way.

2) *This Place #41*" by Graham Brazier, historian

Unmanageable volumes of Hornby bound ferry traffic crossing Denman have, over and over again, resulted in an increase in the carrying capacity of ferries which simply increases the amount of traffic. 28 years ago, a direct ferry to Hornby was seen as the only long-term permanent solution that would satisfy the needs of both islands.

3) *This Place #42*, by Graham Brazier, historian:

The words of 28 years ago hold true today. A direct ferry to Hornby is the only permanent solution to on-going ferry traffic problems on Denman. Increasing ferry capacity has done nothing to solve these problems in the past, nor will it in the future.

4) *Let's look beyond black and white and go for green solutions to ferry traffic problems* by Mary Jane Stewart

5) *Letter of apology to the Denman Community* from Hornby residents, Mary MacKenzie, Jan Kennedy, Joanne Ovitsland

6) *Is BC Ferries Listening?* by Graham Brazier, historian:

There is a profound division between the priorities of Denman and Hornby Islanders.

7) *What We Owe Our Trees*, New Yorker, by Jill Lepore:

Forests can't save us if we can't save them.

8) *Presentation to FAC meeting May 26* by C. Urquhart of Friends of Denman Forests

9) *Friends of Denman Forests survey results*, completed May 1, 2023

10) *Denman Official Community Plan (OCP) and ferry policies* by Cynthia Minden:

Ways in which the current volume of Hornby bound ferry traffic contravenes Denman's OCP

11) *A Closer Look at the Environmental Report on Gravelly Bay* by Melanie Murray:

On close reading, the BCF's EA does not support the elimination of trees at Gravelly Bay. Nor does the International Panel on Climate Change (IPCC).

12) *Denman Island Climate Action Network's letter of support for a green solution to ferry traffic problems*: A challenge to BCF to take climate change seriously and to think outside the box.

13) *Letter to BCF* by Dr. Jenny Balke, biologist

BCF and other agencies involved need to take community engagement and consultation seriously in order to resolve ferry traffic issues on Denman. She includes a photograph and chart showing by species and size 127 trees slated for removal to make way for the Denman East BCF parking lot expansion.

14) *Letter to BC Ferries*, by Denman Islanders for Climate Action and Social Justice:

The onus is on BCF to invest in far more forward-thinking planning.

15) *Dangerous Driving* by Annie Siegel:

Close calls with Hornby bound traffic on Denman Island

16) *Letter to BCF* by Melanie Hewson, former Director of Operations for CN Rail, Toronto:

A direct ferry to Hornby from under utilized Little River would alleviate traffic problems on Denman Island.

17) *Letter to BCF* by Dr. Ron Wilson, physician:

Health and safety risks and issues associated with Hornby ferry traffic

18) *Letter to MOTI*, by Harlene Holm, former Denman Island Trustee:

Denman Island is under siege with Hornby bound ferry traffic. To the detriment of Denman community and environment, MOTI is enabling BCF to ignore climate change, environment, infrastructure, and safety,

19) *Letter to BCF Commissioner Hage* by Sharon Small:

Denman and Hornby have different agendas; the Chair of the Hornby Denman FAC ignores the concerns of Denman Islanders

20) *Summary of Ferry Commissioner's Recommendations*, collated by Sharon Small

21) *A New Direction* by C. Urquhart:

Suggestions for resolving ferry traffic problems

22) *Health and safety issues related to Hornby traffic* - letter from Denman Island doctors

1) 70 years as the speed bump to Hornby

Submitted by Cynthia Minden on behalf of Friends of Denman Forests

Compelled by the urgency to protect 127 trees from being cut down in order to create a parking lot, the Friends of Denman Forests quickly galvanized this past winter and has been engaged ever since in research and outreach.

Here are some brief ferry traffic advocacy highlights from the archives: (DIRRA, Through Traffic Committee, Roads Committee, Rag & Bone, Islands Trust notes, letters and the extensive research of community historian Graham Brazier.)

Between 1931 and now, groups of islanders from both Hornby and Denman have requested, petitioned and campaigned for a direct sailing from Vancouver Island to Hornby Island. In 1931, 20 years before a direct ferry service linked our two islands, Hornby Islanders petitioned the Courtenay Board of Trade for a direct ferry, an idea that originated on Hornby! Public ferry service run by the province began in the early 1950's on the routes that we now know as 21 and 22.

As Hornby grew as a popular tourist destination, volumes of traffic crossing Denman Island to get there increased. Efforts to try to remedy the problems created by the burgeoning traffic continued, with Denman's APC recommending in 1976, that a study be carried out. Their recommendation was supported by the group A.C.E. (Alternatives for Community & Environment) who worked until 1980, launching a campaign to BC Ferries Peter Hughes, Supervisor of Local Ferries.

The Roads Committee was very active in 1989/ 90 directing their pleas to the Ministry of Transportation & Highways. Ferry Advisory Committees were struck in 1993 and in 1995/ 96 the Through Traffic Committee took up the reins, surveyed islanders, liaised with BC Ferries and made delegations to Trust Council.

Trustees Mandryk and Ludvigsen, in 1995 urged BC Ferries via meetings and correspondence, to consider a direct route as the only long-term solution to the now exasperating traffic problems. Note that the volumes of traffic and consequences arising, do not comply with Denman Island's Official Community Plan, which states among other things:

- to develop strategies to manage vehicle traffic demand and diversify traffic loads rather than expand vessels or parking and staging areas (under Marine Transportation, pg. 40/41

and has as a Guiding Objective: To maintain safe tranquil, scenic roads, to maintain adequate ferry service to Vancouver Island, and to encourage walking and cycling on Island roads and ferries, pg. 36

The Denman OCP has other references and advocacy policies also that make evident the fact that islands in the Trust are not intended to be thoroughfares for large volumes of cars, service and commercial vehicles.

The results, too numerous to elaborate, include environmental degradation, congestion, danger to pedestrians, children, cyclists, wild and domestic animals, risk of fire, air and noise pollution and stress on residents and visitors of both islands enduring endless ferry waits. In July/ August 2022, 19,026 vehicles crossed Denman Island one-way en route to Hornby, a sobering fact.

So here we are: with the dire news of climate change and our responsibilities therein, the proposed terminal expansion at Gravelly Bay has hopefully brought all stakeholders to the table.

A review of the cable ferry has just been released and to us, this seems like an opportunity to review the entire structure of Routes 21 and 22 and consider the best options for residents and tourists during the summer months.

The BC Ferries Commissioner is asking islanders to submit feedback on the amended budget (referred to as the PT-6), which she will sign off on at the end of September. This budget will lock in capital expenditures until 2028. Consequently, now is the time to let Commissioner Hage know what you think about the traffic and vessel Issues (www.bcferrycommission.ca).

In the meantime, show up to the roundtable “conversation” and meetings this week with BC Ferries Fri May 26, 4:30- 7:30, Community Hall and the Ferry Advisory Committees 1 -3 PM same day, same place. Also, please urge folks to be polite and respectful of the hard work both Denman and Hornby islanders have done in preparation for these meetings. They could very well signal BCF’s commitment to finally engage meaningfully with our island communities.

2) This Place #41

“Denman and Hornby Islands Want Improved Ferry Service to Buckley Bay”

(*The Daily Colonist*, October 28, 1929)

by Graham Brazier

[Part 2]

(Part 1 appeared in the August, 2022 edition and concluded with the following quote from M. Corrigan which appeared in a 1972 edition of *The Daily Colonist*.)

“History has now repeated itself. There are many new landowners and many subdivisions have sprung up on both Hornby and Denman Islands. Also these lovely islands with their beautiful beaches and good summer resorts are filled to overflowing with tourists in the summer months in ever increasing numbers, so that larger and more frequent ferries are once more needed.” That was 50 years ago.

It seems that history didn’t stop repeating itself in 1972. Even as Dan Campbell, Minister of Municipal Affairs, announced in April of that year, that tenders would be called immediately for the replacement of both the Denman and Hornby vessels he acknowledged that the improvements would only ‘satisfy the islanders for a while’. And, just as he anticipated, summer ferry traffic continued to grow at rates alarming to residents and only five years later it was widely recognized that, once again, congestion was a serious problem that needed to be dealt with.

After much analysis and intense community discussion, the most logical solution was seen to be replacement of the *Klitsa*, a vessel with a capacity for 26 vehicles, with the *Kahloke*, a vessel with a vehicle capacity of 30. This solution pleased few and, as Des Kennedy, editor of the Denman Island *Rag and Bone*, wrote; “it appears the new boat will fill as quickly as the old and as many cars get left behind this summer. Then we can start arguing all over again about needing a bigger and safer conveyance.”

Nevertheless, the *Kahloke* lasted nine years before dissatisfaction with its capacity to accommodate the influx of summer traffic reached an intolerable level in the Denman community and, in 1987, B.C. Ferries replaced it with the *Quinitsa*. Initially the *Quinitsa*, with a vehicle capacity of 50, coped well but eventually, and once again, the volume of summer traffic has caused increasingly long delays and dissatisfaction at all ferry terminals serving Denman and Hornby-bound vehicles. And, recently, once again the size of the vessels serving these routes has been called into question, just as it has been since ferry service to Hornby Island was initiated in 1953 when the link connecting Denman and Hornby carried 2 cars and the link between Vancouver Island and Denman, the *Catherine Graham*, carried 8.

Alternates to simply increasing the carrying capacity of the ferries serving these two routes when traffic volumes become unmanageable have been proposed by a variety of citizens and groups over the course of almost 100 years. Beginning in 1931— more than 20 years before a

regular ferry service linked Denman and Hornby islands — a petition signed by 30 residents of Hornby Island favouring the initiation of direct ferry service to Vancouver Island was presented to the Courtenay Board of Trade. (A pause to reflect on how different Denman Island might be today had this advice been acted upon all those years ago may be appropriate here.) The response of the Board of Trade, though unknown, was clearly not enthusiastically supportive.

The next plea for direct ferry service between Hornby and Vancouver Island came from Denman Island in 1976, just three years after the *Klitsa*, with a capacity of 26 vehicles was initiated on the Buckley Bay/Denman route. It was found to be inadequate to satisfy the summer traffic volume and the Denman Island Advisory Planning Commission (A.P.C.) advised that a direct route to Hornby be studied; also to no avail. The issue, however, was taken up once again the following year by a vibrant Denman group known as Alternatives for Community and Environment (A.C.E.) who made public their support for A.P.C.'s position. Still at it in 1980, A.C.E. urged its supporters to phone Peter Hughes, Supervisor of Local Ferries as he is "interested in the idea of a separate ferry and he wants to hear more Island response."

As time went by and B.C. Ferries acknowledged that route 22 - Gravelly Bay, Denman Island to Shingle Spit, Hornby Island - has the highest seasonal variation in traffic in the system the impacts on residents of Denman Island continued to grow, particularly in the summer months when a majority of the vehicle traffic lined up at the Buckley Bay terminal is bound for Hornby Island. It was 1995 when Denman Island's elected Trustees, Roxanna Mandryk and Rolf Ludvigsen met with B.C. Ferries officials in attempts to find ways to manage or reduce the negative impacts of Hornby-bound traffic on residents of Denman Island. In a letter to Frank Rhodes, Chief Executive Officer at B.C. Ferries in March of that year the Trustees, clearly exasperated by proposals made by B.C. Ferries officials, closed their letter with: "However, it is our feeling that these proposals do not offer a long-term solution to the summer traffic problems unique to our community which we outlined in our March 8 meeting with you and should therefore be considered to be interim measures only. We believe that a direct sailing between Hornby Island and Vancouver Island is the only long-term permanent solution which satisfies Trust policies as well as the interests of the Community." That was 28 years ago!

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Sources:

The Daily Colonist <https://britishcolonist.ca/>

The Rag and Bone (Denman Island Archives)

3) This place #42

“Denman and Hornby Islands Want Improved Ferry Service to Buckley Bay”

(*The Daily Colonist*, October 28, 1929)

by Graham Brazier

[Part 3]

“Have I put this Idea to Rest?”

(Part 2 appeared in the May, 2023 edition and concluded

with the following quote from a letter by Denman Island Trustees Roxanna Mandryk & Rolf Ludvigsen to Chief Executive Officer of B.C. Ferries in 1995:)

“We believe that a direct sailing between Hornby Island and Vancouver Island is the only long-term permanent solution which satisfies Trust policies as well as the interests of the Community.” That was 28 years ago!

That bold conclusion was largely a consequence of a more than decade-long struggle by the Denman Island Residents and Ratepayers Association (DIRRA) to convince governing bodies to take steps to manage the “hazardous cross-island” traffic. Initially, it was the Roads Committee that tried to convince the Ministry of Transportation and Highways (MOTH) of the 1980’s that there were measures that could be introduced that would make Denman Island roads safer for residents. They were a provocative group and, in addition to letter-writing to key officials in various government ministries in August of 1989, they organized a ‘Liberation of the Roads demonstration’ at the intersection of East Road and MacFarlane Road which featured unruly attention-getting behaviour on the road. Their efforts, however, were largely overlooked and, eventually, caused the committee to conclude that they had been tinkering at the edges of a problem that was much bigger in scope which they subsequently acknowledged in a letter to the Minister of Transportation when they wrote: “In the best of all possible worlds Denman Islanders would prefer to see Hornby with a direct ferry connection to Vancouver Island.”

DIRRA’s attention then shifted from MOTH to the B.C. Ferry Corporation (BCFC). Perhaps not surprisingly, at their first meeting in April of 1990 it was made clear by BCFC that a separate ferry to Hornby would not be considered. In response, the Roads Committee chose the July long weekend to introduce a ‘pace car’ with flashing hazard lights, which led ferry traffic across the island at the speed limit. Interest in the event, however, wasn’t much noted beyond the local media.

Over the course of the next few years a great deal of time and effort was devoted to attempting to develop procedures to reduce the need and the desire to speed from one ferry terminal to the other. A spontaneous response by a small group of talented wood carvers on Denman created a cluster of life-sized chickens and ducks which they hand-painted and placed on various roadsides in the hope of slowing the traffic. Ultimately, these protracted efforts were seen by some to simply reinforce and justify the need for a direct sailing from Vancouver Island to Hornby Island and, in 1993, this proposal was

once again put to B.C. Ferries. After responding that a direct sailing was not 'financially possible' an exasperated high-ranking official of the ferry corporation responded: "Have I put this idea to rest?"

Apparently not, for In December of 1995, DIRRA, with the knowledge that local Trustees supported the idea of a direct sailing to Hornby, responded by creating 'The Through Traffic Committee' to 'explore as many avenues of resolving or abating the problem as possible'. Almost immediately, the committee developed a survey which it circulated throughout the community and, when results were tabulated on February 1, 1996, it was revealed that 87% of respondents (470 of 542 individuals) "favoured a search for alternatives". This information was passed along to Islands Trust Council in an address by the Through Traffic Committee which concluded with a request "that Trust Council acknowledge that the deleterious effects of large volumes of through traffic passing across one island bound for another is a matter of great concern and further; that a study be undertaken by either senior planning staff or independent professional consultants to seek solutions which are consistent with the objectives of the Denman Island Community Plan and the objectives of the Islands Trust." Silence followed.

In the many years that have followed, BCFC has returned as the agency deemed most appropriate to address the community's interest in the problems associated with through traffic. A Ferry Advisory Committee involving the participation of several Denman residents was struck in the early years of this century but, as yet, no long-term plan committed to protecting the interests of those who live in 'this place' has been developed. The response of B.C.Ferries to growth has not changed. When the volume of traffic reaches a level that provokes congestion and a sufficient amount of displeasure BCFC introduces a ferry with a larger carrying capacity. One can only wonder where this might end.

So it seems that the idea has not been put to rest and that the words of 28 years ago remain applicable today.

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Sources: Notes from the Through Traffic Committee of DIRRA file.

4) Let's look beyond black or white and go for a GREEN solution to ferry traffic problems on Denman

Along with many Denman Islanders, Friends of Denman Forests are concerned for the safety of people and animals in the ferry backlog traffic lined up at Gravelly Bay during summer months. We just think BC Ferries (BCF) should come up with a green solution for that traffic problem, one that does not include harming an eco-system. April's issue of our local paper, the Flagstone, has several articles by professionals on Denman Island and two environmentalists on Vancouver Island which should give BCF pause for thought before paving over the forest at Gravelly Bay.

In *Birdathon, Extinction and Optimism*, conservationist Ken Madsen tells us that "according to the Audubon society, **two thirds of North American birds are at increasing risk of extinction due to the double whammy of habitat loss and climate change. More than a few species that use habitat on Denman are among those at risk.** They need our support.

Psychologist Barb Mills writes about local zoologist, Peter Karsten. In *Peter Karsten's Role in Protecting Biodiversity and Endangered Species*, she reminds us that the UN COP 15 Biodiversity conference warned that "without decisive action, this planet faces a mass extinction of species." And that, **"although BC has the richest diversity in Canada, it also has the highest number (over 1300) of species at risk for extinction."** "Locally," she continues, "the summer of 2022 brought a sobering decrease in the numbers and variety of birds, insects and pollinators. This crisis is very real."

In *Cumulative Impacts a Serious Problem for Gulf Island Forests - Ongoing habitat loss, land degradation, and continued development are a threat to biodiversity and the future of Coastal Douglas Fir forests*, environmentalists Chris Genovali and Shauna Doll really sock it to us: "Considering that **Coastal Douglas- Fir ecosystems within the Islands Trust Area store 82% more carbon and have 43% higher carbon sequestration potential than other parts of the region, ecosystem protection must be prioritized as a climate change response.**" And, **"Time is running out as business-as-usual practices strip the Gulf Islands of its forests and ecological resilience.** The exigencies of the climate crisis are undeniable. "

Artist and Art Educator Cynthia Minden, in her article, gives us a brief definition of deep ecology as "an environmental philosophy that promotes **the inherent worth of all living beings** regardless of their instrumental utility to human needs" versus the opposite, anthropomorphism which has **"little or no regard for other sentient beings or ecological systems."** **BC Ferries, which camp are you in?**

We, Friends of Denman Forests, want BCF to look beyond business as usual to solve our ferry traffic problems. Please take seriously the results of our survey completed by 450 Denman Island residents. BCF, we plead with you to **wake up to the climate crisis we are in and find a green alternative to solving the Hornby ferry traffic problem, one that keeps both people and the environment safe.**

Mary Jane Stewart

5) Letter of apology to the Denman Community from Hornby residents

An Open Letter to the Denman Community, May 12, 2023

The following letter was published in The Islands Grapevine Issue No 1584, May 18, 2023:

We offer our sincere apologies to the residents of Denman Island. That you should be asked to cut down trees on your island for a ferry parking lot for tourism traffic to Hornby is deeply distressing. Many of us are appalled that this would be asked of you.

For both these islands, the ongoing marketing of Hornby as a tourist destination means that our ferries are not adequate to meet their summer task and are often inaccessible to full time residents who may need to travel for medical needs, family crises, appointments, and services not available locally. Please understand that many residents of Hornby Island hide away in the hot summer months, the visitor season. Some of us rarely go to beaches or parks due to overcrowding and lack of space. We find shopping at our Co-op or going to the Recycling Depot, both necessary places, an exercise in patience.

Many of us came to these islands to build homes, grow gardens, volunteer in the community, travelling only when necessary, never dreaming we would impose the destruction of a forest on your island to benefit our economy. And we sincerely appreciate the natural value of these islands before we arrived here.

Tourism has become a significant driver for Hornby's economy. We do understand the need for local businesses to be supported year-round. This does not mean that we like or endorse Denman Island being overrun by streams of vehicles crossing your community and certainly not that Denman residents must see trees cut down to make a parking lot mainly for visitor vehicles travelling to Hornby.

Again, sincere apologies to our Sister Island. We are still looking for solutions to balance protection of our islands and the economy.

***Hornby residents,
Mary MacKenzie, Jan Kennedy, Joanne Ovitsland***

6) Is B.C. Ferries Listening? By Graham Brazier

(June 2023)

The following summary of two meetings with the communities of Denman and Hornby Island with B.C. Ferries was provided by B.C. Ferries on-line and may be of interest to readers of The Islands Grapevine.

Eighteen BC Ferries staff and two professional facilitators were joined by 170 people on Denman Island and 90 people on Hornby Island [in late May] to have open dialogue on the Denman East terminal project, summer schedules, and other topics of importance to the community.

What we heard:

We are grateful for the input we received. A detailed 'what we heard report' will be coming, but some of the key themes we heard were:

From Denman Island:

The impact of Hornby Island-bound traffic on safety and quality of life for Denman Island residents, e.g. speeding, road safety, environmental impact

The desire for a direct Buckley Bay – Hornby Island route

The importance of taking a full-system view, including the potential to make changes at Buckley Bay to mitigate the traffic concerns created by Hornby-bound traffic, e.g. allowing only one Hornby Island sailing of traffic onto Denman Island at a time

The desire to retain as many trees as possible and the rural feel of the Denman East terminal

The desire to be re-engaged on plans for the Denman East terminal From Hornby Island:

The importance of travel certainty for residents, and the desire for priority for medical travel and school children

The desire for Hornby residents to have equal shared deck space with Denman residents on the sailings between Denman Island and Buckley Bay

The desire to proceed with the Denman East terminal project

Requests for clarity on operational procedures, e.g. loading/unloading procedures, livestock policies etc.

Requests to reassess the Monday-Friday two-ship schedule from Buckley Bay – Denman Island, and realign sailings to include weekends

In my view, **the summary reveals a profound division between the priorities of neighbours.** These are priorities that have been largely unspoken but have percolated just below the surface for a very long time and are now out in the open and must be confronted. { And it is noteworthy that this revelation has come to the surface as a consequence of the dedication of a number of Denman Islanders to the protection of trees — an endeavour which has recently been given extensive media coverage and an extremely high priority throughout the globe. On Hornby Island, it seems that Denman Island is seen as an obstacle. But curiously, the suggestion that perhaps Hornby- bound traffic should go around the obstacle rather than across it, was only evident at the meeting on Denman Island. This presents a challenge for B.C. Ferries. Its traditional response to increased demand for travel to Hornby Island has been to introduce larger vessels. This is no longer a response that will adequately serve the interests of Denman Island — residents or trees.

Graham Brazier

7) What We Owe Our Trees

From: The New Yorker:
By [Jill Lepore](#)
May 22, 2023

Forests fed us, housed us, and made our way of life possible. But they can't save us if we can't save them.

Even if you haven't been to the woods lately, you probably know that the forest is disappearing. In the past ten thousand years, the Earth has lost about a third of its forest, which wouldn't be so worrying if it weren't for the fact that almost all that loss has happened in the past three hundred years or so. As much forest has been lost in the past hundred years as in the nine thousand before. With the forest go the worlds within those woods, each habitat and dwelling place, a universe within each rotting log, a galaxy within a pine cone. And, unlike earlier losses of forests, owing to ice and fire, volcanoes, comets, and earthquakes—actuarially acts of God—nearly all the destruction in the past three centuries has been done deliberately, by people, actuarially at fault: cutting down trees to harvest wood, plant crops, and graze animals.

8) FDF presentation to the May 26 FAC meeting on Denman Island

"Don't it always seem to go that you don't know what you've got 'til it's gone They paved paradise (and) put up a parking lot"

I'm sure everyone recognizes those lyrics from "Big Yellow Taxi", written and performed by one of Canada's most beloved icons, Joni Mitchell. Can you believe that she wrote that in 1970, over 50 years ago? Not only have we added 50 more years of devastation to the planet since then, but we've also had 50 years of research and evidence that should make us collectively more intelligent regarding our environment and the unequivocal need to protect it. So, how is it even possible that we are here today, over 50 years later, still grappling with this same issue?

I am here today, speaking on behalf of the *Friends of Denman Forests*, a group of islanders that came together to stop the decimation of over 120 trees in Gravelly Bay. These trees were slated to be cut as part of BC Ferries terminal expansion project but because of our protest, they have put the project on hold. However, there are no guarantees that BC Ferries won't still go ahead with their plan. And just to be clear, we do not dispute the seriousness of the safety issues in Gravelly Bay and at Denman West. What we dispute is how BC Ferries chose to resolve them.

For decades now, our small rural island has carried the burden of tourist traffic headed to Hornby Island and every year the number of cars increases. The latest data shows that as many as 10,000 cars pass on our roads per month in the summer and that's only counting going one way! Our island can no longer sustain this level of traffic and the impact on Denman residents, on the island environment and on road safety cannot be overstated.

Denman and Hornby are two unique islands and should be treated as such. Hornby Island's economy is based largely on tourism. They allow STVRs (short term vacation rentals) and they advertise to a global market. Not only are their tourist numbers increasing but commercial vehicle numbers are also increasing with multiple housing and construction projects scheduled over the next few years. Denman Island, on the other hand, is not a tourist-centric island and it has strict regulations around STVRs. So, why is it that Denman Island continues to pay the price for Hornby's economic strategy and growing popularity? And where does it end? What happens in another 20 years when those numbers have doubled or even tripled? Maybe they'll argue that we need a 4 lane highway through the heart of Denman Island.

BC Ferries own Engagement Commitment states:

"We believe involving our customers, the Indigenous and coastal communities we serve, and our employees in the decisions that impact them most, results in better decisions and can create solutions to challenges we may not have otherwise considered."

To that end, the Friends of Denman Forests worked together to create a survey in order to gauge the impacts of the summer traffic as well as determine support for possible solutions. We received 462 submissions which is roughly 1/3 of Denman's population. The results clearly indicate that BC Ferries did not do a fair and proper community consultation with regards to Gravelly Bay. It also shows that 84% of respondents feel that it is either very important or

extremely important that BC Ferries takes climate change into account when planning projects. I'll be submitting the complete survey results to the BC Ferries reps who are here today.

I could have wasted a lot of time here, dredging up our past relationship with BC Ferries and the many ways in which our trust has been broken over the years. Instead, I'm choosing to focus on how we can all move forward and recognize this as a pivotal moment for change. The urgency of the safety issues in Gravelly Bay and Denman West, the ongoing unreliability of the cable ferry, the constantly increasing tourist traffic and the resulting environmental damage, may all be creating the perfect opportunity. It is the perfect opportunity for BC Ferries to demonstrate its new "people-centred" approach by coming up with a stellar, long-term, sustainable plan that is based on the lived experience of the islanders who depend on routes 21 and 22, a plan that either *restricts, reduces or eliminates* the tourist traffic crossing Denman Island to get to Hornby Island. And if BC Ferries really is listening, we have a myriad of suggestions for how that can be accomplished.

C. Urquhart

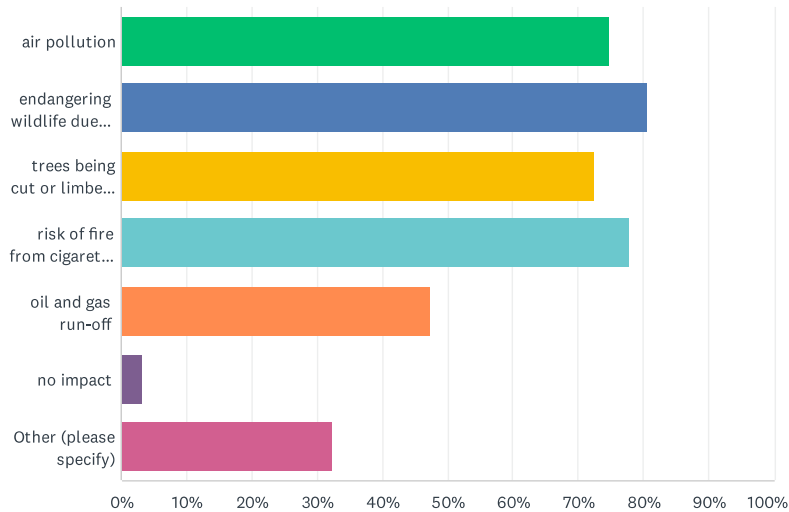
9) Friends of Denman Forests survey results, completed May 1, 2023

Summary tables from the community survey are on the pages below.

The complete survey results, comprising 92 pages, are in a separate file.

Q1 In your opinion, in what ways is the environment affected by the summer tourist traffic (check all that apply).

Answered: 460 Skipped: 2

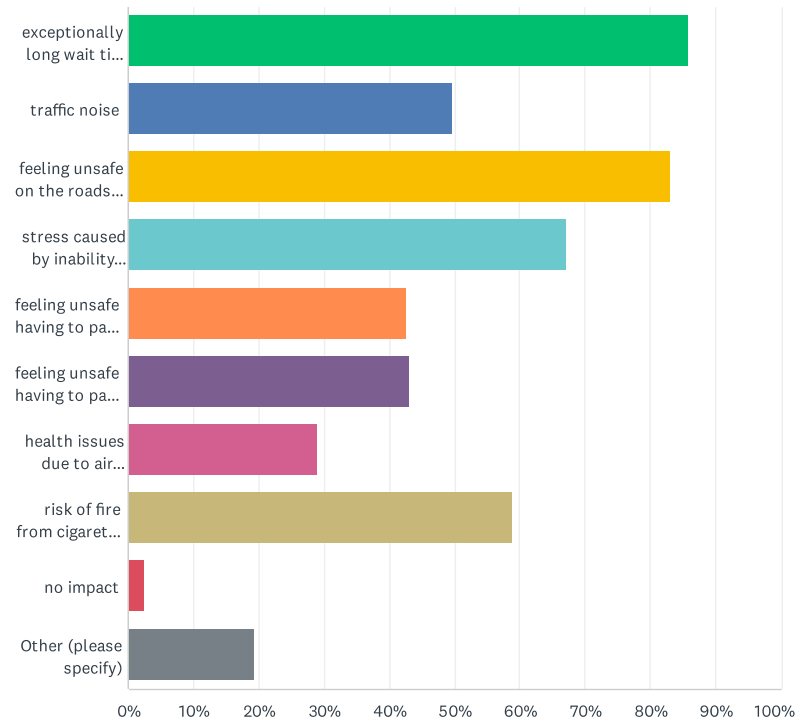


ANSWER CHOICES	RESPONSES
air pollution	74.78% 344
endangering wildlife due to speeding cars	80.65% 371
trees being cut or limbed to accommodate more cars	72.39% 333
risk of fire from cigarette butts	77.83% 358
oil and gas run-off	47.39% 218
no impact	3.26% 15
Other (please specify)	32.39% 149
Total Respondents: 460	

#	OTHER (PLEASE SPECIFY)	DATE
1	destruction of the rural nature of this quiet neighbourhood!	5/3/2023 2:12 PM
2	Noise pollution	5/2/2023 3:13 AM
3	speeding past local drivers in a dangerous way	4/30/2023 5:50 PM
4	road accidents	4/30/2023 3:24 PM
5	High speed traffic risk/collision	4/30/2023 3:22 PM
6	Noise	4/30/2023 3:16 PM

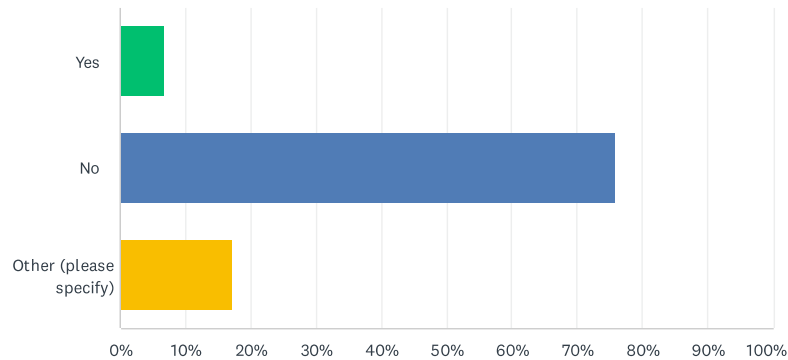
Q2 Please select the ways you are impacted by summer tourist traffic (check all that apply)

Answered: 460 Skipped: 2



Q3 In your opinion did B.C. Ferries do a fair and proper community consultation with regards to the terminal expansion project in Gravelly Bay in which over 120 trees are slated to be cut down?

Answered: 453 Skipped: 9

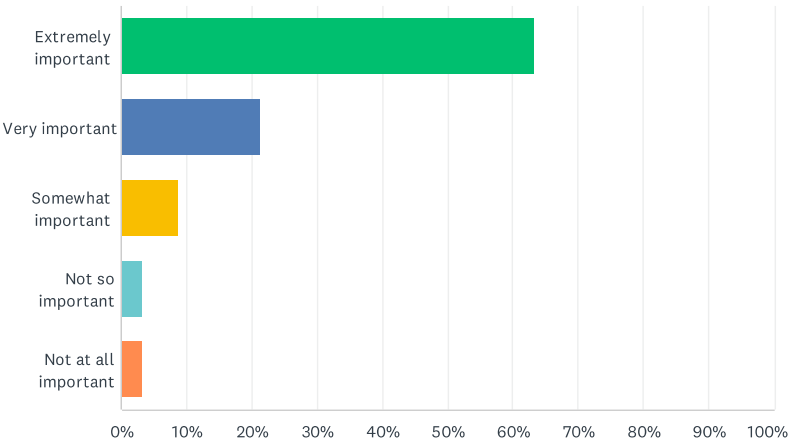


ANSWER CHOICES	RESPONSES	
Yes	6.84%	31
No	75.94%	344
Other (please specify)	17.22%	78
TOTAL		453

#	OTHER (PLEASE SPECIFY)	DATE
1	Don't know	5/2/2023 8:04 PM
2	Nor did they fir the very unreliable cable ferry! Popular opinion was No thank you for the install of the BSCON ferry barge disaster.	5/2/2023 3:13 AM
3	Not sure.	4/30/2023 3:22 PM
4	Not sure.	4/30/2023 2:16 PM
5	Didn't consider other options as viable.	4/30/2023 12:54 PM
6	N/A	4/30/2023 12:48 PM
7	Very poor. Lack of base data shared. Definition of problem.	4/30/2023 12:39 PM
8	too long ago to remember	4/30/2023 12:28 PM
9	I don't know.	4/30/2023 11:51 AM
10	not sure	4/30/2023 11:44 AM
11	(no comment)	4/30/2023 11:42 AM
12	I was unaware of any.	4/30/2023 11:35 AM
13	Could have communicated more with Denman Islanders to work out a solution that is important	4/30/2023 10:53 AM

Q4 How important is it to you that BC Ferries takes climate change into account when planning projects and making predictions and/or decisions for the future?

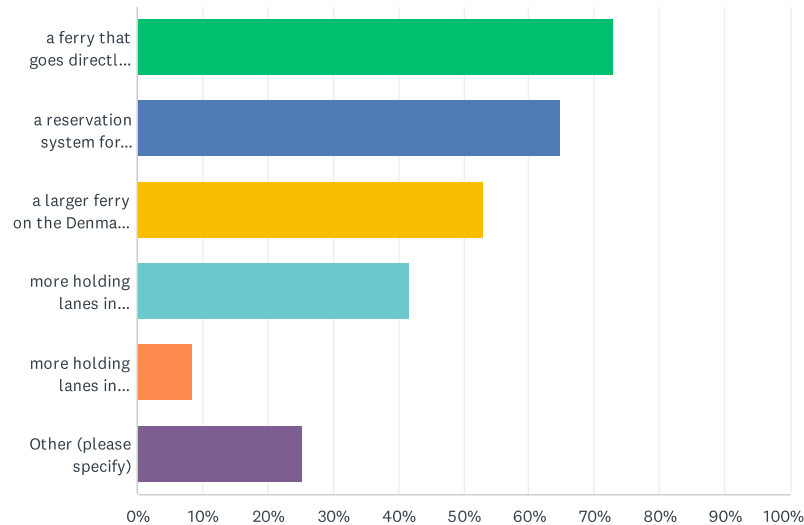
Answered: 458 Skipped: 4



ANSWER CHOICES	RESPONSES	
Extremely important	63.32%	290
Very important	21.40%	98
Somewhat important	8.73%	40
Not so important	3.28%	15
Not at all important	3.28%	15
TOTAL		458

Q5 Please select any of the following options you would support as a possible solution to the summer ferry traffic issues:

Answered: 457 Skipped: 5



ANSWER CHOICES		RESPONSES	
a ferry that goes directly to Hornby Island in the summer months, bypassing Denman Island		72.87%	333
a reservation system for visitors to Hornby Island with priority loading for Denman and Hornby residents (with a decal or resident card)		64.77%	296
a larger ferry on the Denman to Hornby route (22)		53.17%	243
more holding lanes in Buckley Bay, restricting traffic there so it doesn't get backed up in Gravelly Bay		41.79%	191
more holding lanes in Gravelly Bay (which according to BC Ferries Terminal Development Plan, would mean cutting down over 120 trees)		8.53%	39
Other (please specify)		25.38%	116
Total Respondents: 457			

#	OTHER (PLEASE SPECIFY)	DATE
1	Clearly Buckley Bay needs more traffic lanes to avoid the inevitable accidents when sending overflow traffic to park on the shoulder of old island Highway!	5/3/2023 2:12 PM
2	BCF is a transportation highway - move the traffic with bigger ferries! Full-time residents on DI & HI should not be left behind while HI tourists get priority! Get a decal noting as a full-time resident.	5/2/2023 7:58 PM
3	Re: ferry directly to Hornby: How about a terminal at Deep Bay to Hornby?	5/2/2023 7:49 PM
4	A year round direct Hornby ferry	5/1/2023 11:40 AM

10) Denman Official Community Plan (OCP) and ferry policies

Denman Island Official Community Plan (OCP) / EXCERPTS

Introduction: *The following excerpts from the Denman Island OCP were selected to illustrate the ways in which the current volume of cross-island traffic bound for Hornby Island is in conflict with the stated values of the Denman Island community.*

These relevant portions of the OCP clearly demonstrate the long-term vision of this community. We include statements of objectives and policies intended to guide decisions on land use management, including the transportation link between islands provided by BC Ferries.

From: PART A - DENMAN ISLAND: PAST, PRESENT AND FUTURE

Population Impact, page 7

Over the last quarter of the Twentieth Century, a rapidly growing human population has had a number of profound consequences for both the social fabric and the natural environment of Denman Island. Because it forms the transportation link for motor vehicles bound for Hornby Island, Denman Island has borne a particularly heavy burden during this period of growth in demand for recreational and retirement properties on both islands.

From: **Vision Statement**, page 10

We accept the challenge of adapting to climate change and will alter our lifestyles to live more lightly on the land and to substantially reduce our greenhouse gas emissions.

...Polluting vehicles dominate our thoroughfares. Our roads will increasingly be utilized by pedestrians, bicycles, horses and shared, alternately-powered vehicles moving at an appropriate speed.

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

From: **Guiding Principles**, page 15

Guiding Principle 11: To ensure that tourism is managed in a way that respects our community's foremost function as a home for its residents.

(Comment: Denman Island has a year round, varied economy and a limited number of camp sites, Bed & Breakfast establishments and amenities.)

From: **Guiding Objectives**, page 16 **Transportation and Utilities**

To maintain safe tranquil, scenic roads, to maintain adequate ferry service to Vancouver Island, and to encourage walking and cycling on Island roads and ferries

Transportation and Utilities - Objectives

Objective 1 To minimize the negative environmental and social impacts of land and water transportation

Objective 2 To maximize local control of transportation policies and to make them appropriate to an island environment and community

Objective 3 To keep transportation systems at an adequate level rather than develop them to accommodate peak use

Roads: page 37

Objective 7 To minimize negative traffic impacts on all Denman roads

Marine Transportation, page 40

Advocacy Policy 7 British Columbia Ferry Services Inc. is encouraged:

- to consider the land transportation policies of this Plan when developing ferry service policy;
- to maintain ferry service at the levels and vessel capacity being offered at the time of adoption of this Plan and avoid responding to seasonal peaks with larger land-based facilities and larger vessels;
- to consult as needed with the Denman Island community regarding future levels of service, vessel size, scheduling, fares and facilities;
- to develop strategies to manage vehicle traffic demand and diversify traffic loads rather than expand vessels or parking and staging areas;

Page 41:

- to address the effects of ferry parking and staging so that the social, aesthetic and commercial functions of the Island are preserved while the negative visual, environmental and social impacts are reduced;
- to revise terminal parking policies to encourage low impact forms of transportation; and
- to revise terminal parking policies to encourage foot traffic.

Conclusion: *Through a recent Denman Island-wide survey (2023) in which commenters were asked to complete the survey with their names and addresses to ensure accountability, 462 respondents stated concerns about ferry transportation, road safety and volume of cross-island traffic bound for Hornby Islands. At the BC Ferries round table meetings in May, over 170 members of the Denman community stated similar concerns.*

We conclude that the current problems regarding ferries and roads are in violation of Denman Island's OCP and must be addressed.

11) A Closer Look at the Environmental Report on Gravelly Bay

I am writing this letter today on behalf of Friends of Denman Forests. This group formed in response to work crews arriving on Denman Island in February to start planned tree removal. Plans for the proposed terminal expansion have been paused at this time and while we are grateful that the trees are still standing, we have concerns that some form of terminal improvement or expansion may still pose a threat to the forest at Gravelly Bay.

We are in a climate emergency. All efforts must be made to preserve all forests and ecosystems.

The Environmental Assessment (EA) commissioned by BC Ferries regarding Gravelly Bay states that, "The property lies entirely within the Moist Maritime Coastal Douglas Fir Subzone (CDFmm). The CDFmm is limited to a small part of southeastern Vancouver Island, several islands in the Gulf of Georgia, and a narrow strip of the adjacent mainland." ¹

The EA also states "The vegetation includes a narrow strip of Douglas-fir and western red cedar (*Tsuga plicata*) with an understory of mixed dull Oregon-grape and Salal. Individual trees were estimated between 100 to 150 years in age."² "The corner of East Road and Lambert Road has limited vegetation, with a stand of mature Douglas-fir with a mossy understory along the road edge. Some of the fir in this corner were estimated to be 150 years or greater in age."³ It seems inconceivable that after reading the EA that BC Ferries would still target these trees for removal. The EA goes on to say that "A detailed survey to confirm wildlife species presence was not completed as part of this study."⁴ It further states that, "The site visit was completed following a heavy snow event and an extended rainfall period and outside of the breeding bird and nesting season."⁵ "A detailed bird survey was not conducted during the assessment."⁶

Of particular concern at this property are Common Ringlet, Common Wood Nymph, Red-legged Frog and the Northern Goshawk all red-listed species in BC. Also, the Blue-listed Townsend's Big-Eared Bat and the Western Screech Owl. The EA lists all these species as having a *reasonable possibility* of occurring within the forest community on the property and yet the EA then states that the project is not expected to impact this species. All these species and many more are under threat and any loss of habitat is impactful and therefore unacceptable.

¹ Biophysical Assessment for Upgrades to Denman Island Ferry East, Section 5.1.2

² Section 5.2.1 polygon1

³ Section 5.2.1 polygon2

⁴ Section 5.2.3

⁵ Section 5.2.4 ⁶ Section 5.2.4

There is a real opportunity for BC Ferries to be leaders in transportation by placing the environment, our life support system, above the temporary demands of people. Increasing the size of the parking lot at Gravelly Bay does not remove traffic congestion. It removes invaluable

ecosystem services provided by the trees.

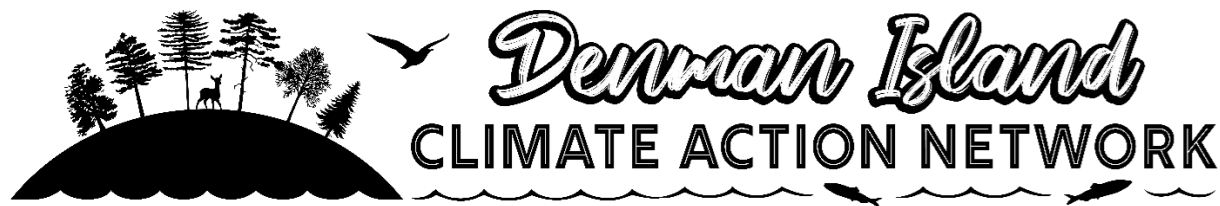
The United Nations and the Intergovernmental Panel on Climate Change (IPCC) recognize that we are in a “Code Red” for humanity. Human induced climate change is already affecting weather systems and causing climate extremes in every region of the globe. There is no room in our collective carbon budget to remove carbon sinks (forests) and replace them with a carbon source (parking lot). It is time to act locally while thinking globally.

In closing I would encourage BCF to look to the future and think of our children and the kind of world we are leaving them. How will we answer them when they ask us what we did to preserve and protect a livable future for all the world’s children? Will we honestly be able to say we did all we could? I hope so.

Respectfully,

Melanie Murray

12) Denman Island Climate Action Network's letter of support for a green solution to ferry traffic problems



June 12, 2023

Nicolas Jimenez, CEO
British Columbia Ferry Services Inc.
Suite 500 - 1321 Blanshard Street
Victoria, British Columbia V8W 0B7

Dear Mr. Jimenez:

Re: Denman Island East (Gravelly Bay) Terminal Expansion

I am writing to you on behalf of the Denman Island Climate Action Network (DICAN) following our letter to Ms. Sharland on February 20, 2023. DICAN's mission is to connect, empower and provide structure for the Denman Island Community to act on the climate emergency by means of a variety of initiatives. We appreciate the opportunity to comment on potential alterations to the Denman East Terminal.

As noted previously, we recognize that a safety issue exists in summer due to congestion at the Denman East Terminal; however, we believe that the removal of trees, the disruption of the understory, ground cover and soil, along with the expansion of the concrete surface to facilitate fossil fuel-based transportation have significant implications to global efforts to confront the climate change crisis. Our increasing understanding of climate change indicates that, particularly older trees, provide carbon sinks, considered the best carbon capture technology in the world. The continual expansion of infrastructure to accommodate fossil-fuel vehicles is counter-intuitive to the need to curtail GHG emissions given that the burning of fossil fuels is the primary cause of climate change. Transportation accounts for 25% of Canada's greenhouse emissions.

Since our initial letter, it is sobering to consider:

- June 6 (Washington Post) “At least **8 million acres (3.3 million hectares) have been scorched across Canada, which endured its hottest May on record.** The average annual burned area in Canada is 5.2 million acres (2.1 million hectares)... 2023 has already blown past what are typically full-year totals even though historically a vast majority of the fire activity is still to come.”
- June 5 (Reuters) – “**Carbon dioxide levels** as measured atop a Hawaiian volcano extended their record-breaking rise in 2023, reaching a level **more than 50% higher than at the onset of the industrial era...**” (U.S. National Oceanic and Atmospheric Administration and the Scripps Institute of Oceanography)
- May 17 (Reuters) - For the first time ever, **global temperatures are now more likely than not to breach 1.5 degrees Celsius (2.7 degrees Fahrenheit) of warming within the next five years**, the World Meteorological Organization (WMO).
- 20 March (Intergovernmental Panel on Climate Change) In its latest report, Climate Change 2023: Synthesis Report, the **Intergovernmental Panel on Climate Change (IPCC) has given its final warning**, as the emissions curve is not bending yet. On the contrary, between 2010 and 2019 we experienced the highest levels of emissions in human history.

From the outset, this project’s strategic goals, key issues and concepts contain no reference to climate change, nor do recent updates. It is no longer “business as usual.” All infrastructure design and implementation must be assessed through the lens of climate change. Methodologies have been developed to assist designers to achieve robust and sustainable outcomes that analyze the costs/benefits over the entire life cycle of a project in the context of the changing climate. In the short term, the more frequent sailings and larger ferry seem to ensure greater safety and prevent degradation to the environment. In the medium term, holding Hornby traffic at Buckley Bay and a reservation system (as with other BC Ferries routes) may also alleviate the problem while again, avoiding degradation of the environment. In the long term, the entire issue of transportation’s contribution to climate change must be analyzed and solved by the cooperation of all levels of government, corporate players and communities.

In a perfect world, could the solution to the current Gravelly Bay problem actually serve to mitigate climate change? We challenge BC Ferries to think “outside the box,” to bring ideas to this community that reflect an understanding of the existential crisis in which we find ourselves.

We look forward to your reply.

Sincerely,



Lisa Pierce, Denman Island Climate Action Vice-Chair

DICAN recognizes that we live on the unceded territory of the Coast Salish First Nations.
Contact: DIClimateactionnetwork@gmail.com Website: denmanislandclimateaction.ca

13) Letter to BCF by Dr. Jenny Balke, biologist

Greetings Ms Olson,

Thank you for your decision not to proceed with the current plan for the Denman East / Gravelly Bay ferry terminal changes.

I hope that a new process for seeking solutions to the traffic congestion problem will be conducted by a neutral facilitator and will involve the whole community. Islanders thoroughly appreciate the essential service provided by ferries. Unfortunately, the trust between the community and BC Ferry Corporation, which is necessary for successful community engagement, has been eroded over the past few years. I'm sure that many of us are very aware that the traffic congestion caused by bringing more Hornby-bound vehicles to Denman than can be immediately moved onto Hornby is both an inconvenience and a safety hazard for adjacent neighbours and all road users.

Also, as the proposed terminal expansion is a major land-use alteration to the island, meaningful consultation would be enhanced if the process involved all the agencies concerned, including the Islands Trustees (land-use management) and representatives from the Ministry of Transportation and Infrastructure. A variety of impacts require consideration in order to find reasonable solutions to the problem. As an example, below is a summary of the impact to valuable and much loved old trees, which were blazed and marked as expendable for calming ferry traffic congestion.

Achieving successful community 'information and engagement' will take a lot of work. Building trust through a history of both reasonable compromises and successful workable solutions is key to creating an atmosphere for positive dialogue. At this stage the process will be even more challenging and require more effort than the normal task of 'informing and engaging'. Commercial product sellers are much better than most agencies at informing and engaging, due to their energetic level of commitment to the process. Normally with 'engagement', a lack of response indicates a failure on the part of those seeking to engage, and new methods or additional effort is needed. Hopefully a sincere effort on behalf of BC Ferries to seek a defensible solution to the traffic congestion problem will be undertaken. If the Ferry Advisor Committee is being relied on to conduct this step, then they will require considerable support from BC Ferries for a comprehensive community process.

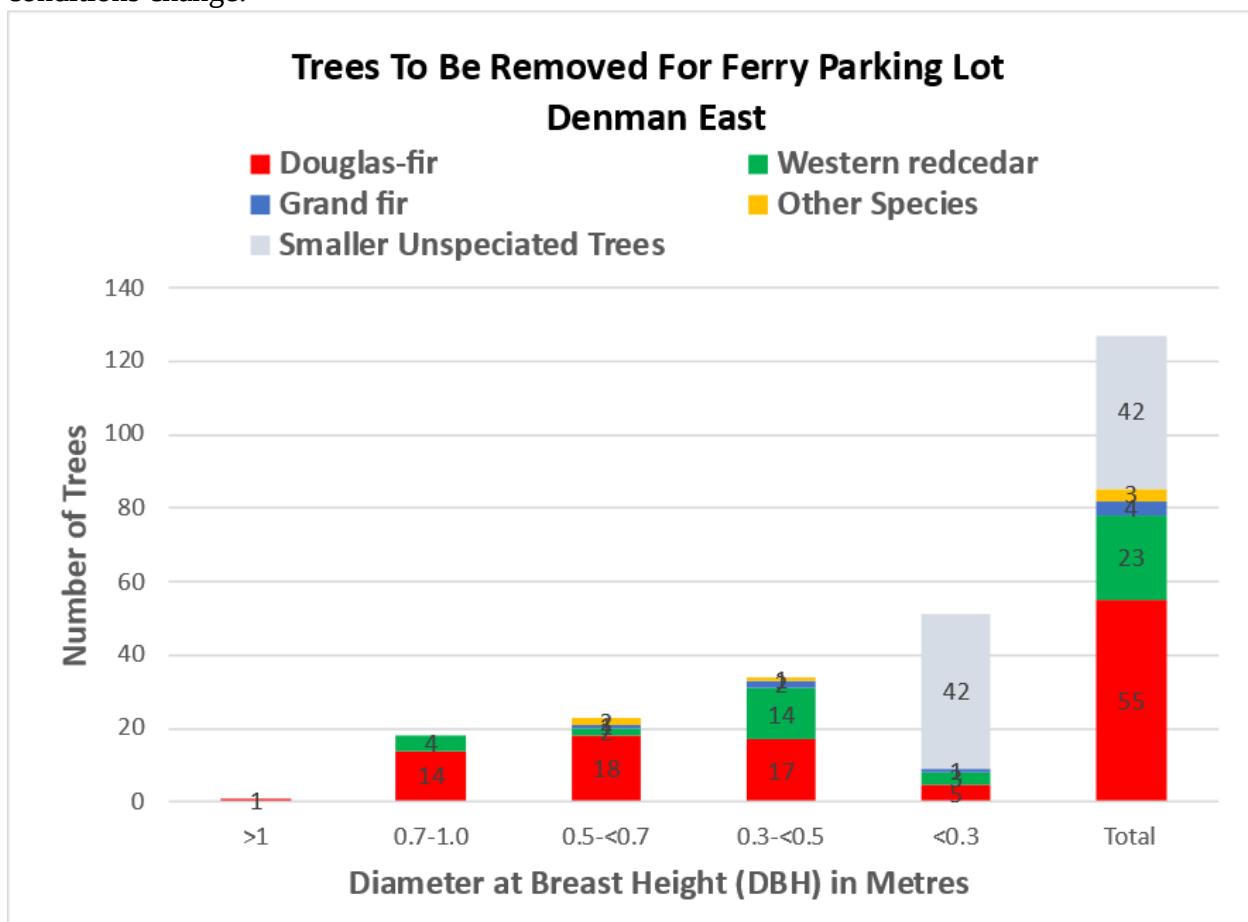
Thank you for your consideration of these comments.

Sincerely, Dr. J. Balke R.P. Bio

Tree Survey:

Below is a chart showing, by species and size, the trees, which have been blazed and orange-marked for removal to make way for the Denman East BC Ferry Parking Lot. A total of 127 trees of six species were counted. There are also a number of standing snags (dead trees) that were not included in this survey.

Of significance, there are fifty large Douglas-fir trees (1 > 1m, 32 > 0.5m and 17 > 0.3m across) intended for removal. All of these large Douglas-fir trees are located immediately adjacent to the coastal shoreline. As such they represent significant wildlife habitat that is not only increasingly limited, but is also irreplaceable for at least 100 years, should seedlings be re-planted. This is an example of the legacy of coastal Douglas-fir habitat that is vanishing in British Columbia on our watch. In fact, these mature trees are part of both the environmental and aesthetic character of the Gulf Islands and why people come to the islands. Thus, retention of these large trees is of importance to those concerned about ever increasing human impacts, especially as climatic conditions change.





14) Letter from Denman Islanders for Climate Action and Social Justice

1935 Lacon Rd.,
Denman Island, V0R 1T0

Attn: Carrie McIntosh and Tamara Olsen
CC: Nicolas Jimenez

Re: BC Ferries Routes 21/22

June 1st, 2023

We are writing to comment on BC Ferries' engagement process around the proposed ferry terminal expansion project in Gravelly Bay on Denman Island.

Denman Islanders for Climate Action and Social Justice commend the decision made this spring to halt work on the project following the emergency action taken by a diverse group of islanders (many identifying today as 'Friends of Denman Forests') to communicate widespread lack of social license around both the removal of trees at the site and inadequate public consultation.

We appreciate the corporation's current initiative to better engage the community, to listen and value the views of those both concerned about a safe and efficient public transportation system and the necessity of protecting the biodiversity of our rare and globally significant Coastal Douglas Fir ecosystem. BC Ferries' synopsis on-line of public sentiment garnered from the May 26th and 27th, 2023 Open House meetings on Denman and Hornby consecutively indicate the potential for a significant course correct.

However, in our opinion it is not the job of Denman or Hornby residents to solve the dilemma wrought by BC Ferries' traffic. While islanders continue to generate many intriguing ideas about how to mitigate the vehicle congestion on Routes 21/22 (a separate ferry to Hornby during peak travel times, a reservation system, parking expansion on Vancouver Island rather than Denman, etc.) we hold that the responsibility lies with BC Ferries to invest in far more forward thinking planning - namely, improvements to ferry services that preserve any and all habitat impacted, while ensuring public safety. It is our job to protect our home from avoidable erosion of ecosystem health on a dangerously warming planet.

Once again, our province is on fire – a situation exacerbated by climate change. People are being evacuated from their homes, and the air we need to breath is compromising public health. BC Ferries' own commitment to dramatic GHG emissions requires greater recognition of and appreciation for existing ecosystem services, i.e. the very trees designated for removal from Gravelly Bay on Denman Island not only provide shade for travellers and their companion animals, they are vital carbon sinks integral to helping mitigate the 'new normals' we are clearly ill-prepared for. Even BC Ferries' sensible No Idling policy (turning the engine off when a vehicle is stationary) has been rolled back on days of sweltering heat because customers waiting in ferry lineups want air conditioning.

BC Ferries boasts of its environmental awards, and we encourage new CEO Nicolas Jimenez to improve on the performance of the 2019 Clean Futures Plan by using the opportunity provided on Routes 21/22 to model truly exemplary stewardship. To that end, please note that Denman Islanders for Climate Action & Social Justice oppose 1) any so-called mitigation of BC Ferries traffic on Routes 21/22 that either encourage existing or greater numbers of vehicles traversing or parking on Denman Island en route to Hornby, and 2) any so-called mitigation involving habitat destruction – including but not limited to riparian zone damage and /or the removal of trees for road widening, terminal expansion and/or increased parking.

–Sincerely,

–D. M. Radmore and M. Nestor,
on behalf of Denman Islanders for Climate Action and Social Justice

15) Dangerous Driving by Annie Siegel

Denman residents have shared with Friends of Denman Forests (FDF) many testimonials regarding close calls they have had while driving, cycling or walking along Lacon, Denman, East, or McFarlane Roads at times when ferry traffic was speeding between Denman West and Denman East ferry terminals. As Annie Siegel is a jazz musician who lives on Denman and for decades has travelled to Hornby at least once a week to play at the Thatch pub on Hornby, we chose her testimonial to share with you. It is typical of many others.

I drove to the 5:40 pm Hornby ferry at Gravelly Bay every Friday or Sunday afternoon for 29 years. I always tried to time my departure from home to avoid the ferry traffic from Denman West, but in summer the schedule is not predictable, especially on Fridays, because of the inordinate number of tourists coming from or going to Hornby. I can't even count the number of cars that passed me on Lacon Road going 20 km. or more above the speed limit, passing in dangerous places, and sometimes even driving on the wrong side of the road in order to pass a line of cars.

As evidenced by the following close call I had, some folks will do almost anything to beat other cars to the ferry. Cars were off-loading from the Hornby ferry as I approached the Gravelly Bay Terminal at approximately 5:15 p.m. on a Sunday in August about six years ago. At the steep curve by the big tree, a truck pulled out of the oncoming traffic, and, passing the cars in his lane, raced around the curve and down the wrong side (my side) of the road, slamming my car head on.

"What the hell are you doing passing on a curve and driving on the wrong side of the road!" I yelled at him. The guy got out of his car, quickly gave me his information for insurance purposes, and then *raced* off saying, "Sorry, I've got to make that ferry to Vancouver Island."

Annie Siegel 2031 Westcliff Rd. Denman Island

16) Letter by Melanie Hewson, former Director of Operations for CN Rail

Denman resident Melanie Hewson is a recently retired Director of Operations for CN Rail in Toronto. She sent the following letter to BCF with a suggestion for resolving traffic issues on Denman Island with a direct ferry to Hornby Island from the under-utilized Little River, Comox terminal.

May 30, 2023

I am a resident on Denman who attended the meeting last week. I am also the former director of operations for CN Rail Intermodal responsible for managing terminal and train capacity for all the intermodal trains including the reservation system. So I have a bit of experience in solutions to capacity issues and route planning to optimize both customer experience and efficiency, including seasonal fluctuations in demand.

After the meeting, I had an idea that I wanted to put forward for your consideration. I was recently on the ferry from Little River Comox to Powell River. It appeared that there may be capacity at this terminal with fewer sailings per day handled there. This may provide a potential solution that would both improve service and do it in a cost effective way. Instead of providing the seasonal capacity increase over Denman/Buckley Bay and having to do a terminal expansion at Denman East, would it be possible to change the service to Hornby in high season (May to end of September) by running the larger vessel between Little River and Hornby direct for the summer?

This would provide excellent service with a direct sailing for Hornby residents, eliminate the need for terminal expansion at Denman East, reduce capacity issues at Buckley Bay, address all the concerns of traffic safety over Denman roads and allow for the reduced capacity required in the winter. It is also better for the environment, both on the islands and the marine environment and reduces the overall carbon footprint of BC Ferries.

I am not familiar with your maintenance regimes, but it may also help there in freeing up the larger the vessel to help on other routes in the less busy season to do bigger maintenance items and eliminates the need for the potential "stretching" of the Baynes Sound Connector. Hornby residents would actually save time, as would the visitors from North Vancouver Island with the elimination of the need for driving to Comox/ Courtenay from Buckley Bay. It would eliminate wait times at Buckley Bay and Denman East and West and save future capital dollars for terminal expansions at all terminals. It addresses a concern raised by the Hornby residents of school children and medical travel and reduces congestion at all terminal sites while better utilizing the Little River terminal. It would also reduce staffing costs and issues with fewer vessels operating, reduced capital cost for terminal expansion and addresses a seasonal issue with a seasonal solution.

While the operating costs for the voyage may be greater with some additional kilometres traveled, it addresses all the concerns, even the conflicting ones, raised by the residents of both islands and creates a better customer experience overall for all users of these routes.

An alternative would be to keep the regular service in place through the summer and use your reservation system to manage both the direct sailing for Hornby/Little River and Hornby via Buckley Bay/Denman East. I would suggest this is likely not necessary for current or future capacity, and it is more costly and subject to confusion and likely community complaints.

I would be happy to discuss further if you would like, I can be reached at 250-218-2985. I do have an understanding how challenging change management, capacity management and reservation systems can be and would be happy to discuss how some similar hurdles were handled in the rail/ intermodal industry if those are of interest for your consideration of other options.

I appreciate you coming to discuss with the community and have confidence that you are working hard to find solutions to the issues both the communities and BC Ferries face.

Melanie Hewson

17) Letter by Dr. Ron Wilson

June 15, 2023

Nicolas Jimenez, CEO
British Columbia Ferry Services Inc.
Suite 500 - 1321 Blanshard Street
Victoria, British Columbia V8W 0B7

Dear Mr. Jimenez,

Re: Denman Island East (Gravelly Bay) Terminal Expansion

I am writing as a recently (February 2023) retired physician on Denman Island where I have lived and worked for the last 10 years. I have been a strong advocate for being physically active and am Chairperson of our local Climate Action Network.

I would like to draw attention to the health risks associated with our current state of affairs due to the traffic on Denman crossing our Island to get to the Hornby Ferry and the return trip during the summer season. As plans go forward I believe there are factors that are worthy of consideration.

The large number of vehicles crossing Denman simply to get to Hornby is hazardous. Inevitably, cars are racing across the Island using both main roads in an attempt to beat the others and thus avoid a longer wait for the Hornby ferry. The sheer volume of vehicles as well as the speed and recklessness of drivers is a disaster waiting to happen. I frequently ride my bike between my house and the Hornby ferry (17 KM round trip). Just this week I was returning while the traffic from Hornby came along behind me. At one point I heard brakes squeal behind me as a vehicle that was passing me on a bend was forced to stop as an oncoming car appeared. Then twice more other cars raced passed me on bends in the road but fortunately there was no oncoming traffic then. As you no doubt hear from others on Denman, walking or cycling is now seen as a risk rather than an enjoyable experience.

The exhaust fumes from these cars are significant as they not only spew during the journey across the Island but often from idling, particularly on hot days when people run their air conditioning. These fumes contribute to carbon emissions in the environment. We desperately need to save our trees, not cut them down for some misguided plan. The health risks from climate change are the biggest threat we face as a species on this planet.

Two more points about vehicle traffic is that it contributes to poor air quality and when in combination with forest fires is very hazardous to our health. Air pollution is only second to high blood pressure as the leading cause of death worldwide. Secondly, even with the risk of forest fires, cigarette butts are still sometimes thrown out of the car window. Yikes. Clearly an alternative to this high volume of traffic during the summer needs to be put in place.

The Ferries are part of our Highway. People rely on them for shopping and more importantly often going to town for critical medical appointments and treatments. If there are long lineups due to high volume these can be missed which can affect people's lives.

As a physician I am aware of patients who need transport off the Island during emergencies. Just at the time of my retirement I was involved with a patient who was critically ill and needed emergency transport to hospital. There was no ferry available, nor was a helicopter available. A water taxi would have had to come from Campbell River which was inappropriate as there would have been no EHS attendants. Finally, the Coast Guard was sent but it took 5 hours to get this patient off the Island and they nearly died as a result. I realize that BCF does not see themselves as having a mandate to do emergency transport in off hours, but for Rural Islands such as Denman, BCF is part of the equation. I understand that you have stated that people are to be put first before things such as infrastructure. If this is the case, then would you please take a lead role in ensuring that these issues are brought forward to those doing the planning.

A side note about BCF which I was aware of as a physician working on Denman is that BCF is not a particularly supportive employer when staff are dealing with physical or mental health issues. More work needs to be done in this area.

I wish you well in your new position as your task is not an easy one. I am sure others on Denman are also drawing attention to the Ferry issues affecting us. I hope that you will put a high priority on them.

Sincerely,

A handwritten signature in blue ink that reads "Wilson MD".

Dr. Ron Wilson
1500 Dalziel Road
Denman Island, BC
VOR 1T0

18) Letter to MOTI by Harlene Holm, former trustee with Islands Trust

From: HHolm <ananke@telus.net>

Subject: May 8-23 Re: 315864 - Denman East ferry terminal

Date: May 8, 2023 at 9:23:04 PM PDT

To: "Minister, MOTI MOTI:EX" <Minister.MOTI@gov.bc.ca>

Dear Minister,

Thank you for taking time to answer my questions regarding the impact of expanding vehicle access for travellers to and from Hornby Island.

I'm surprised that BC Ferries' independence from the provincial government nevertheless allows it the privileges of a Crown corporation. In the present case, the right to convert a public access and portions of dedicated roadways to its own use. I have been trying to obtain copies of this land transfer agreement(s) and any referral comments. Additionally, I am dismayed that your Ministry appears to act in conflict with other Ministries and the public's priority to reduce climate change impacts by enabling the increase in traffic.

BC Ferries (BCF) hiatus regarding removal of trees at Gravelly Bay does not heal the cat-facing that opened these trees to disease and insects. Promised discussion with the Denman Island community is severely limited to window dressing as a consequence of the provincial government's granting BC Ferries the mandate solely to move passengers and vehicles. The Ferry Advisory Committee is not empowered to select the real option: separate ferry access to Hornby Island.

BCF plans for encouraging post-pandemic travel is to double ferry traffic by using two ferries onto Denman Island and our island as the 'bridge' to where a seasonal large- capacity ferry facilitates doubling traffic onto Hornby Island. Denman Island cross-island roads provide competing speedways and the problems will intensify with access by more vehicles. Whereas roads generally connect a rural community, the cross-island roads –Denman/East and Lacon/McFarlane– sever and disrupt.

As Hornby willingly and unwillingly plays host to an ever-increasing travelling public, freight traffic across Denman has also increased to bring drinking water, food, alcohol/ junk food and services. There is a betting pool as to when a portion of Lacon Road will collapse. On Denman Island near misses dictate that road use by islanders is planned between ferries; with two ferries, even that option vanishes.

The Denman community and environment are under siege The solution lies with the government just as the problem originates with the government via BC Ferries' narrow mandate.

Thank you for at least responding. That alone is unusual. I look forward to hearing what the provincial government will do. I already know what BC Ferries will do after the lessons dealt to

this community with the imposition of a disastrous cable ferry experiment and the conversion of the Denman West terminal into a heat-sink wasteland.

Regards,

Harlene Holm

3900 Lacon Road, Denman Island

19) Letter to BCF Commissioner Hage by Sharon Small

June 9, 2023

Dear Commissioner Hage,

I was very pleased that you attended the May meetings with BCF to hear Denman Islander's pressing concerns. Islanders were pleased also that 18 managers attended and that the facilitated round table event assured everyone in attendance could be heard. We hope that the engagement events signal BCF is finally engaging with DI to resolve our concerns.

In reviewing your recommendations to strengthen the role of FACs, however, I note that the Chair is responsible for representing the views of both islanders, not reaching consensus or championing personal agenda. As a Chair representing both islands disinterestedly, she disqualified herself for the following reasons:

The first time spoke at the May 26th meeting, Ms Ross passionately complained that Hornby needed better service and to get on the ferry like Denman. Given she is owner and part owner of a number of rentals, some high end, and staff of HI Community Economic Corp, which is promoting expanding tourism, she was championing a personal concern and demonstrated no interest in Denman's issues with tourist vehicles often dominating deck space and rendering our roads hazardous.

Ms Ross' May 26 meeting followup letter to your office complaining that the Friends of Denman Island were getting too much attention from BCF breaches the requirement to present community concerns, not critique them because they threaten her agenda.

By converting our anguish about the speeding issue or the excessively long lines at Gravelly Bay to FDF not wanting Hornby folks to park or drive across the island, Ms Ross cannot be trusted to communicate our concerns accurately.

I hope that your office will sit down with FACs and engagement staff to explain your expectations of their greater involvement in decision making and that you will resolve the chair issue before Karen Ross's personal agenda creates additional inter island conflict. Since BCF staff has had little experience negotiating transparently with communities, I suggest they get training on conflict management and reflective listening skills. With better training and strong leadership and oversight, we look forward to playing a stronger role in decision-making.

Respectfully, Sharon Small

20) Summary of Ferry Commissioner's Recommendations

The following is a list of the Ferry Commissioner's assurances about what actions should guide BC Ferries' public engagement policy and recommendations for broadening and clarifying the Ferry Advisory Committees. These lists are drawn from the Executive Summary of the 2022/06/24 draft of BCF's Strategy For Public Engagement Review whose aim ensures that BCF decision making is "collaborative" and "community centred".

<https://www.bcferrycommission.ca/download/review-of-bc-ferries-public-engagement-process-2022-06-24>

Assurance that BC Ferries

1. Update expressed goals, commitments and expectations for public engagement to ensure consistency across all BC Ferries' plans and frameworks and align those with corporate strategic goals;
2. Reaffirm the role of Ferry Advisory Committees (FACs) as committees that are to advise, advocate and inform the corporation and the communities on ferry-related matters;
3. Revisit how the FAC Terms of Reference (ToR) is implemented and engage with the FAC Chairs to achieve a common understanding of the ToR and communicate this understanding to FAC members;
4. Consider moving from primarily "inform" level to one of "involve" and "collaborate" levels of engagement as described by the IAP2 framework when working with the FACs;
5. Engage more frequently, as well as more intentionally, with Indigenous peoples, industry, and local governments in the communities being served, all in support of service level planning including the rationales for government support where appropriate;
6. Employ the full range of tools, where appropriate, identified in BC Ferries' Engagement Framework, including in-community open FAC meetings, focus groups, citizen panels and task forces where appropriate to explicitly obtain input in advance of service planning and scheduling decisions;
7. Develop a consistent engagement reporting template and incorporate into this template more detail on the engagement process and, specifically, how the engagement informed decisions; and
8. Adopt the use of reviews and performance measures to inform continual improvement of engagement practices and tools.
9. Develop an annual report on public engagement and share the report with the FACs, the Ministry of Transportation and Infrastructure, the B.C. Ferry Authority and the BC Ferries Commissioner. BC Ferries will determine the preferred content, format and structure of the report, but at a minimum the report should include:
 - a description of the issues that have been resolved and any outstanding items that are being carried forward in consultation with the FACs; and
 - key performance metrics and commentary that demonstrate the success and effectiveness of carried out public engagements.

Recommendations for Aligning Policy with Action:

1. BCF should improve their engagement system so that "goals, commitments and expectations" are consistent.

2. BCF should “affirm the full role of FACs” and how roles as informants, advisors and advocates are put into practice.
3. BCF should reinstate FAC public meetings with appropriate advertising.
4. BCF should create Engagement Results Reports that summarize dialogues and describe outcomes involving focus groups, task forces etc.
5. BCF should focus on establishing relationships with FN and communities in addition to engaging on specific projects or issues.
6. BCF should return to a mix of in-person and community meeting formats.
7. BCF should “reaffirm how the role of the FACs includes proactively advising on short to long term planning and advocating on community interests...”
8. BCF should “more explicitly involve and collaborate when working with the FACs.
9. BCF should incorporate a broader range of engagement tools to ensure greater involvement in decision making.
10. BCF should conduct evaluations to ensure continuous improvement.

21) A New Direction – alternative solutions to ferry traffic issues on DI

There are many problems associated with Routes 21 and 22 and it is time for a sustainable, long-term solution. The most logical and cost-effective solution would be one that would resolve all of the issues in one well-considered, innovative, environmentally-friendly plan. The residents of Denman Island believe that such a plan is possible.

Our survey generated a large volume of input from the Denman Island community. The following are some ideas that might be used as a starting point for BC Ferries in their search for the best possible solution(s) to the problems related to Routes 21 and 22.

- 1) The need for Hornby ferry traffic to speed across Denman and the congestion at Gravelly Bay could both be eliminated if there were more holding lanes in Buckley Bay where excess Hornby bound traffic could be held. Thus the number of vehicles loaded at Buckley Bay could be limited to the number of vehicles that could be accommodated on the Hornby ferry leaving from Gravelly Bay. There is an empty lot adjacent to the terminal at Buckley Bay that could be leased or purchased to use for this purpose. This would make more sense than using Gravelly Bay on Denman as a parking lot for excess ferry traffic as there are amenities and services at Buckley Bay and businesses that would benefit from the extra traffic. And there would be far less harm to environment.
- 2) Residents could have resident cards and line up in the already existing lanes and use the already existing ticket booth. Visitors, on the other hand, could make reservations and line up in the new holding lanes with a separate ticket booth. (If a direct ferry to Hornby is implemented, this configuration will make it a seamless transition.) [Please see diagram that was submitted to Brian Anderson on May 26 by the Friends of Denman Forests.]
- 3) People returning from Hornby could make reservations. This would eliminate congestion at Shingle Spit and at Denman West.
- 4) During summer months, a direct ferry to Hornby Island from Buckley Bay, Little River, Vancouver or French Creek would solve many problems.
- 5) A foot passenger ferry to Hornby from Buckley Bay, Little River or French Creek alongside a campaign for eco-tourism would reduce traffic on both islands.

When the cable ferry was installed, Denman West was expanded as far as it could go, and yet the safety issues that are still occurring there are arguably even more serious than what occurs at Gravelly Bay. Traffic is getting backed up past busy downtown Denman where there are far more cars and pedestrians than in Gravelly Bay. If Denman West is the test case, it has proven that expansion does not reduce or eliminate the congestion.

The time has come for BC Ferries to do a comprehensive feasibility study, informed by the Denman and Hornby communities, to determine the best possible way to resolve the issues on

routes 21 and 22, and this study, along with funds allocated for a long-term, sustainable solution need to be included in the upcoming budget.

Sincerely,

C. Urquhart
Member of the Friends of Denman Forests

22) Health and safety issues related to Hornby traffic

3680 Lacon Rd
Denman Island BC V0R 1T0

June 16, 2023

The Honourable Rob Fleming
Minister for Transportation and Infrastructure
Government of British Columbia

Dear Minister Fleming,

The undersigned are physicians, living on Denman Island, who are concerned about human health due to excessive traffic.

Exercise is major determinant of good health, especially good health in old age.

On Denman Island, especially in the summers, there is heavy traffic on the roads between the two ferries. Denman Island roads are rural and narrow without side-walks or shoulders. (There is a walking path on part of Denman Road.) Vehicles often speed and sometimes drive dangerously. For these reasons, many Denman residents, especially older people, are reluctant to use the roads for walking, cycling or horseback riding. This is because there is a risk of injury due to the traffic.

In our opinion, the best way to reduce the volume of traffic on Denman Island is to have a separate ferry that takes passengers straight to Hornby Island.

We understand that your ministry can direct BC Ferries to create a direct ferry route from Vancouver Island to Hornby Island, at least in the summers. We urge you to start investigating that possibility.

Thank you.

Yours truly,

Wendy Boothroyd BSc MD (retired)
Doreen Tetz MD (retired)
David Scruton MB ChB MRCP(UK) LMCC (retired)
Theresa Clinton BSc MD
Ron Wilson BSc MD CCFP (retired)
Lori McFarlane MD
Joan Scruton MB ChB (retired)

cc Nicolas Jimenez, BC Ferries CEO



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: July 25, 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
 Stephen Baugh, Planner 2 (attended electronically)
 Narissa Chadwick, Island Planner
 Stefan Cermak, Director, Planning Services (attended electronically)
 Warren Dingman, Manager, Bylaw Compliance & Enforcement (attended electronically)
 Vicky Bockman, Recorder

Others Present: There were approximately twenty-four (24) members of the public and no members of the media in attendance.

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."

Chair Maude called the meeting to order at 10:00 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He welcomed the public, introduced himself, Trustees, staff, and recorder; and advised that the meeting was being live streamed and recorded for viewing on the Islands Trust website.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - none

4. REPORTS

4.1 Trustee Reports

Trustee Borthwick reported on his attendance at the following:

- The Trust Council meeting which was held in-person on Gabriola Island;

- The Baynes Sound Lambert Channel Ecosystem Forum steering committee where water issues around the islands were discussed.

Trustee Graham reported on the following:

- He met with Islands Trust Communications staff to obtain brochures, general information and a fact sheet, which he brought to this meeting for the public;
- He responded to questions raised about the origin of the Density Bank with the following information: Trustees Louise Bell, David Graham and the Chairperson at that time asked staff to count the number of residential densities that had been removed from lands which, through rezoning, had been zoned conservation. They also asked staff to calculate 5% of all residential parcels that existed on Denman Island at the time of that report, as per the Official Community Plan (OCP) policy which allows Denman residential densities to increase by up to 5% for affordable and special needs residential densities. This number created the density bank which was attached to Bylaw 185 (Official Community Plan).

4.2 Chair's Report

Chair Maude commented on the following:

- The Islands Trust Governance Committee is advancing work on the governance review. The first set of recommendations is expected in September;
- Trust Council will be reviewing and voting on how they want to proceed with a broad government review of the Islands Trust in September;
- He assured the Denman Island community that this Local Trust Committee (LTC) is listening, understands the issues, and hopes to make decisions that benefit the community.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

- Following up on Trustee Graham's information regarding Density Bank creation, Denman Conservancy and community efforts should be acknowledged for their part in Density Bank transactions.
- A response to questions posed at the April 4 Public Comment session was requested.
 - Regarding the ask for a motion requesting a separate ferry connecting Hornby Island and Vancouver Island, it was Trustees' impression that a separate ferry route is not likely.
 - The issue of prohibition of purchase of residential property by non-citizens has not been brought forward to Executive Committee or Trust Council.
 - The current procedure for naming individual Trustees in resolution motions and votes was explained and no change is anticipated at this time.
- Personal experience with home renting difficulties on Denman Island was shared. Bylaws need to be changed to reflect the results of the studies.
- Concern was expressed regarding the large acreage clear cutting occurring on the North Lands and the Local Trust Committee (LTC) was encouraged to move forward with provisions for tree protection.

- Another housing study is not needed to address affordable and necessary housing on Denman Island. A referendum to assess support for creation of a tax to fund affordable housing was suggested.
- Trustees were urged to remove barriers to housing such as removing bylaws that prevent housing, removing Temporary Use Permits, and removing restrictions on secondary housing for certain zones to be determined.
- The Density Bank numbers need to be corrected; the Density Bank concept may actually be a barrier to affordable housing.
- The minutes from the June 6 LTC meeting asked for a Town Hall to be placed regularly at the end of each agenda; however, there isn't one in this meeting.
- Restrictive housing regulations have caused residents to move off island. Housing for workers in Denman Island restaurants, the general store, and ferries is lacking and is causing problems.
- Speaker would like to see the Islands Trust move more toward local, home-grown funding for housing solutions rather than government funding.
- Children are experiencing anxiety about insecure housing, causing an inability to function at full capacity. Solutions for cities and larger populations do not work here. The health of the community is dependent on housing.
- Housing is needed for young adults wanting to move back to their home community, and for elder parents needing family assistance. Most of the population increase that may occur from housing changes would not be "newcomers."
- Personal experience of housing insecurity was described. The lack of safe, secure housing is affecting children and generations, and impacting mental health. The bylaws need to protect the environment but also the community. Creative solutions should be considered; in Europe, above ground septic systems are authorized.
- Cross-island ferry traffic is unsafe and is contrary to the Islands Trust mandate to preserve and protect the environment as well as communities. The LTC was requested to advocate for a direct ferry from Vancouver Island to Hornby Island.
- A community member spoke to 20 years of housing insecurity on Denman Island and the effect it has had on her children. The community has been discussing the need for 20 years.
 - A Trustee acknowledged his desire to help with the housing problem. He noted that there is information available to assist the new Housing Advisory Planning Commission (HAPC) which is focusing on the Housing Review project, working hard to help create solutions. He asked the community to direct concerns to Trustees and not staff in this regard.
- Is the Standing Resolution to stop enforcement of non-permitted housing still in effect?
 - Yes, a Standing Resolution to withhold enforcement against unlawful dwellings, with some exceptions, is still in effect.
- Funding would be helpful to assist homeowners who are able to build secondary dwellings but cannot afford to do so.

- A community member with land and ample water wants to be able to have more people on the land; financing for those types of improvements needs to be implemented.

6. DELEGATIONS

6.1 Housing Action Group – Presentation on Community Petitions

A representative from the Housing Action Group spoke to the need to weigh the strengths and weaknesses of the tools that have been created relating to housing. Are the bylaws and Density Bank upholding the values that are trying to be upheld? There have been ten studies and surveys received over the years, repeating the message. Those vulnerable on Denman Island stay for the infrastructure and community that supports them; displacement creates more insecurity. For the most vulnerable, death from housing insecurity is the worst case scenario.

She outlined two petitions for LTC consideration: 1) Against enforcement and request for Official Community Plan (OCP) and Land Use Bylaw (LUB) housing regulation review signed by 541 residents and 2) ALR secondary dwelling regulations support signed by 601 residents. The petitions and comments associated were submitted for the record.

7. MINUTES

7.1 Local Trust Committee Minutes dated June 6, 2023- for adoption

The following amendment was presented for consideration:

- Page 6, resolution DE-2023-031, last line, change “Committee” to “Commission”

By general consent the minutes were adopted as amended.

7.2 Section 26 Resolutions-Without-Meeting Report – none

7.3 Advisory Planning Commission Minutes - dated July 6, 2023 - for receipt

Received for information.

By general consent the meeting recessed at 11:12 am and reconvened at 11:22 am.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated July 17, 2023

A Trustee requested an update on the April 4 activity regarding the production of a letter for setting up an introductory meeting with K'ómoks First Nation. Staff provided a status update and estimated a timeline of this or next week for completion.

9. APPLICATIONS AND REFERRALS

9.1 DE-LCB-2023.1 (Jones) - 8441 McFarlane Road - Staff Report

Planner 2 Baugh summarized the Staff Report that presents a referral from the Liquor and Cannabis Regulation Branch for a Lounge Area Endorsement at Corlan Vineyard & Farm for LTC consideration.

The applicant was in attendance. Trustees had no concerns with the application.

DE-2023-048

It was MOVED and SECONDED,

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.

CARRIED

9.2 DE-DP-2023.1 (Carballeira) - 3060 Lake Rd & 4060 Wren Rd - Staff Report

Planner 2 Baugh outlined the Staff Report that asks the LTC to consider a Development Permit application and a request to waive the minimum lot frontage requirement for a proposed lot line adjustment subdivision. He clarified that these form a part of the conditions for the subdivision separate from the legal non-conforming element that remains outstanding.

DE-2023-049

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2023.1.

CARRIED

DE-2023-050

It was MOVED and SECONDED,

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 have highway frontage that is greater than 10% of the perimeter of the lot.

CARRIED

By general consent agenda item 13.1 was moved to follow 9.2

13.1 Official Community Plan Policy 30 – Memorandum

Planner 2 Baugh summarized the Memorandum that responds to the LTC's request that staff consider OCP Policy 30 and the opportunity for the LTC to vote on whether the evidence submitted to establish the legal non-conforming nature for the dwelling meets LTC satisfaction. He reported that Policy 30 addresses zoning amendment applications, does not apply to subdivision application or empower the LTC to vote on whether or not a dwelling is legally non-conforming in that instance; and proposed that the applicant seek a zoning amendment to bring the non-conforming dwelling into conformity.

Discussion followed on potential alternative strategies to a rezoning application to resolve the legal non-conforming issue:

- Trustees commented that Policy 30 provides a method to establish confidence in the age of the dwelling through Trustee knowledge of history and quality of evidence and might be a valid way to show credibility in a different type of

application as well. They considered that there is precedent for the LTC to accept evidence of this nature to support this type of decision.

The applicant was in attendance and his comments included the following:

- He reported that correspondence he received from the Planner dated April 12, 2022 states that a letter from a long-term resident describing the houses as existing before Islands Trust would be sufficient to allow the Trust to designate the property as legal non-conforming. He distributed this email to staff and Trustees and asked why the letter submitted previously with this information was not acceptable to determine the legal non-conforming status.

Regional Planning Manager Jamurat explained that staff had researched and found examples in other application files where two pieces of evidence, such as a letter paired with other information were provided and considered as sufficient. She indicated that, with the information of the April 2022 email provided by the applicant, staff might re-evaluate the acceptability of the letter that has been considered satisfactory by the LTC.

DE-2023-051

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee ask staff to re-evaluate the materials to establish the legal non-conforming status regarding file DE-SUB-2022.1.

CARRIED

By general consent the meeting recessed at 12:19 pm and reconvened at 12:51 pm.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Housing Advisory Planning Commission Reporting - verbal update

The Chair of the Denman Island HAPC presented an overview of actions to date and submitted the document "Report from Denman Housing Advisory Planning Commission" dated for the meeting of July 25, 2023. She asked that the LTC consider endorsing the HAPC Terms of Reference (Appendix A), Housing Review Timeline and Public Engagement Process (Appendix B), and requested staff support for items identified (Appendix C).

Trustees proposed that the recommendations in this report be discussed with agenda item 10.2.

10.2 Major Project: Denman Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference, Engagement Plan) - Staff Report

Planner Chadwick outlined the Staff Report that asks the LTC to endorse the project's Project Charter, Terms of Reference for the HAPC, Public Engagement Plan, and Business Case for 2024/25. Discussion of each of the elements followed, with consideration given to Staff Report documents and HAPC recommendations.

LTC requested amendments to the documents included in the Staff Report and supporting comments are as follows:

Project Charter

In Scope

- First bullet: Action - remove first bullet.
The public already understands housing needs

Workplan Overview

Phase 1

- Housing needs assessment update: Action – delete.
Not considered necessary for this project
- First Nations engagement: Action - staff to prioritize and expedite.
- Suitable Land and Build Out Analysis – Regional Planning Team is working on this; most of potential housing solutions will occur on land already housed; however, the information will be useful and will not delay the project.
- Deliverable Dates are flexible and reasonably in alignment with expectations. Components can be advanced faster than the identified date if possible.

Workplan Overview

Phase 2

- Second Reading/third Reading/EC review - Action: add Public Hearing.

DE-2023-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Project Charter for the Denman Island Housing Review Project Stage 2, Phase 1 and 2 as amended.

CARRIED

Housing Advisory Planning Commission Terms of Reference

1. Purpose

- a) Action - Change text to read: Assist the LTC with engagement to support the Denman Island Housing Review Project.
- b) Action – Delete.
Limit participation in public consultation to LTC to protect HAPC from potential disagreement.
- c) Action - Change text to read: Conduct a focused review of Denman Island Land Use Bylaw No. 186 and Official Community Plan No. 185, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing the impacts of housing, generally, to better protect the environment while supporting equity, diversity and inclusion.
- e) Action - Remove “; and” at the end of the line.
Advocacy policies and additional action plan items may be considered; however, the main focus remains review of OCP and LUB housing policies and regulations
- f) Action – Delete.
Drafting policies and regulations to be completed by Islands Trust staff.

3. Duties and Responsibilities of the HAPC
 - c) Action – Change first sentence text to read “Islands Trust staff may be invited to serve as a resource at any meeting and may attend if availability permits.”
4. Role of Chair Person
 - Action – Change heading to: Roles of the Chair, Deputy Chair and the Secretary.
 - Action – Change text within this section to read: “Roles of the Chair, Deputy Chair and the Secretary are as outlined in the Denman Island Local Trust Committee Bylaw No. 231.”

DE-2023-053

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the amended Terms of Reference for the Housing Advisory Planning Commission (HAPC).

CARRIED

DE-2023-054

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island’s Housing Review Project.

CARRIED

Draft Engagement Plan for Phase 1 and Phase 2

- Action – Change heading to: Draft Engagement Plan for Phase 1, Phase 2, and Phase 3.
- Action: recognize the engagement work the HAPC has done; include dates listed in HAPC Appendix B.

Phase 1 – Laying the Groundwork

- Action – delete.
Community is aware of project

Phase 1 – Identification of Options and Opportunities

- Community Meeting 2: Action – Change to “Community Meeting 1”; and add “to include HAPC recommendations.”
Ensure the meeting has large format information and different methods of engaging the public
- Focussed meetings with on Island Housing Groups: Action – delete.
HAPC is conducting these meetings; staff engagement not necessary.
- Needs Assessment/Options survey: Action – delete.
Not necessary as reports and surveys have been conducted previously.

- HAPC: Action – remove.
Questionnaire not being conducted; community meetings limited to LTC engagement.
- Legal: Action – remove.
Premature at this point.

Phase 2 – Defining Options and Action Plan Development

- Community Meeting 3: Action – Change to Community Meeting 2.
- Focused follow-up with on-Island Housing Groups: Action – delete.

Phase 2 – Bylaw Drafting and Approval (Phase 2)

- Action – Change heading to: Phase 3 - Bylaw Drafting and Approval (Phase 2).
- Project Phase: - Action – change to April 2024 – December 2024.
- Community Information Meetings: Action – Change to Community Information and Public Hearing Meetings.

DE-2023-055

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the amended Engagement Plan for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3.

CARRIED

DE-2023-056

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Business Case for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3.

CARRIED

DE-2023-057

It was MOVED and SECONDED,

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.

CARRIED

DE-2023-058

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.

CARRIED

Discussion followed on the HAPC Appendix C: Support Requested from Staff with the following noted:

1. Mount Arrowsmith Biosphere Region Research Institute (MAABRI) survey comments: This information is currently not available in files; staff is researching availability.
2. Density Bank creation: Much of this covered in Trustee Graham's Trustee Report.
3. Actual number of densities left in Bank: Staff is currently working on this.
4. Tiny home regulations: Can be researched if determined this is needed once options are identified.
5. Housing Agreements: There are no "templates" however examples can be forwarded.
6. Integration of environmental considerations: Once options are identified, specifics can be provided.
7. Current Island Health and Provincial regulations: Information publically available; no additional information available at this time.
8. The acknowledgement regarding human rights is supported.

11. CORRESPONDENCE

(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

Received for information.

12. NEW BUSINESS - none

13. REPORTS

13.2 Bylaw Enforcement Notice Bylaw Amendments - Staff Report

The Director of Planning Services summarized the Staff Report that provides follow-up to the LTC's decision to restrict the use of the Bylaw Enforcement Notification (BEN) system to short-term vacation rental enforcement and Siting and Use permit infractions. He reported that this was not forwarded to Executive Committee for approval due to concerns about the extra resources that may be required for enforcement efforts and the potential to raise legal costs.

Alternative options to achieve the goal were provided and it was advised that the current amendments do not permit the issuance of bylaw notices for contravention in environmentally sensitive areas.

Trustees considered the matter and discussion included the following comments:

- They did not consider that the amended BEN Bylaw is contrary to Trust Council Policy 5.5.1 as noted in the Staff Report;
- "Options" first bullet is not feasible as the LTC only meets every two months;
- The LTC did greatly reduce the number of contraventions as suggested in "Options" second bullet;
- Education, voluntary compliance, and legal process if necessary were considered the most useful options;

- The issuance of bylaw notices for contraventions in environmentally sensitive areas was supported.

DE-2023-059

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff bring back to the Local Trust Committee those Denman Island bylaw infractions which are categorized by environmental harm, for possible inclusion to Schedule A or B of our Bylaw Notification Enforcement Bylaw.

CARRIED

A Trustee noted that Bylaw Enforcement Notification ticketing may be an effective tool to bring a landowner into compliance in this circumstance.

LTC members proposed that the decision to rescind or forward the amended BEN bylaw to Executive Committee be made subsequent to receipt of the Staff Report on bylaw infractions involving environmental contraventions.

The Bylaw Compliance and Enforcement Manager confirmed that BEN notices would be issued for Short-Term Vacation Rental infractions at this time; however, notices for non-compliance of Siting and Use permits will await resolution of the amending Bylaw matter.

13.3 Trust Conservancy Report dated June, 2023

Received for information.

13.4 Applications Report dated July 17, 2023

Received for information.

13.5 Trustee and Local Expense Report dated May, 2023

Received for information.

13.6 Adopted Policies and Standing Resolutions

Received for information.

13.7 Local Trust Committee Webpage

No changes or additions were requested.

14. WORK PROGRAM

14.1 Active Projects Report dated July 17, 2023

A Trustee recognized that the title of Active Project 1. Should read “Denman Housing Review Project – Phase 2”.

14.2 Future Projects Report dated July 17, 2023

Received for information.

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

The next regular meeting date, time and location were confirmed.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

DE-2023-060

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(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.

CARRIED

The meeting closed to the public at 3:01 pm.

16.2 Recall to Order

Chair Maude recalled the meeting to order at 3:32 pm.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:32 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: Monday July 3, 2023

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



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: July 11, 2023

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:

Others Present: 2 members of the public.

1. WELCOME AND CALL TO ORDER

The Chair called the meeting to order at 5:10pm. Participants were advised that the meeting would be recorded for the purposes of minute taking.

2. LAND ACKNOWLEDGEMENT

Land acknowledgement was completed by the Chair.

3. HOUSING AS A HUMAN RIGHT ACKNOWLEDGEMENT

Housing as a human right acknowledgement was completed by the Chair.

4. ROUNDTABLE

Members and public participants introduced themselves and stated their interest in the proceedings.

The following items were considered for addition to the agenda:
Minutes Requirements, Upcoming Orientation

5. APPROVAL OF AGENDA

By **general consent**, the agenda was approved as amended.

6. PREVIOUS/ONGOING BUSINESS

HAPC members discussed the following:

- a) Minutes Requirements: The secretary outlined the requirements and process for the approval of the minutes. A draft to be circulated to members and then forwarded to IT for inclusion in their formal process.
- b) Vision of what we want to accomplish: members and public participants outlined what they would like to see coming out of the OCP/Bylaw review.
A decision was made to invite individual Trustees to subsequent meetings to share their priorities for the review.
- c) Bylaw Review Model: Participants discussed several ways to approach the review. A decision was made to undertake a 2 part review: one an identification of the problems we're currently facing in our OCP and bylaws, and the second is the vision of what needs to be added.
- d) Orientation Session: Members are looking forward to the Orientation session on Friday. Some questions were raised by participants including how we can obtain current and historical information from Island Trust particularly regarding Density Bank and the Housing Review questionnaire comments. Also some procedural questions regarding expenses and management of public records were raised. The questions are to be brought forward to the Orientation session.

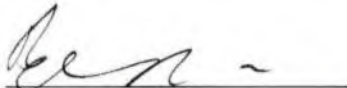
9. ITEMS FOR FUTURE AGENDA

- a) Report Outline
- b) Debrief from Orientation

10. NEXT MEETING: Next meeting will be the orientation session with staff on Friday July 14, 2023 as publicly announced

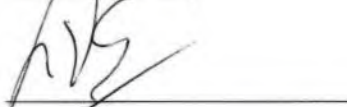
11. ADJOURNMENT

By general consent, the meeting was adjourned at 7:30pm.



Riane DaSilva, HAPC Chair

Certified Correct:



L. Vr5l5mney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting:	July 14, 2023
Location:	Denman Island Activity Centre 1111 Northwest Road, Denman Island, BC
Housing APC Members Present:	Riane daSilva, Chair Richard Day, Deputy Chair Virginia Spinney, Secretary Rosa Tegalus, Member
Staff Present:	Nerissa Chadwick, Planner Chloe Straw, Planning Team Assistant
Trustees Present:	Sam Borthwick
Others Present:	4 members of the public

1. WELCOME AND INTRODUCTIONS

The Chair called the meeting to order at 1:02pm.

1.1 TERRITORY ACKNOWLEDGEMENT

The Planner completed a territory acknowledgement.

1.2 HOUSING AS A HUMAN RIGHT ACKNOWLEDGEMENT

The Chair completed an acknowledgement of housing as a human right.

1.3 INTRODUCTION OF MEMBERS AND STAFF/ROUNDTABLE

All Participants introduced themselves and stated their interest in the proceedings.

1.4 OVERVIEW OF THE SESSION

The planner provided an overview of her project and the work staff have been doing to create a model for a needs assessment for housing.

2.0 Housing APC Orientation

2.1 Review of Operating Guidelines and Conflict of Interest

The Planning Team Assistant provided an overview of the APC bylaw and Island Trust processes that the APC will need to follow. Members had several questions on requirements including:

- Can the APC receive Denman individual and organization delegations and what are the process requirements. Question referred to the LTC.
- How can the APC obtain a legal opinion. The request should go through the through LTC.

3.0 Overview of Housing Review Project

3.1 Overview of Staff Role: This item was not covered.

3.2 Review of Reference Materials

The planner explained that staff is putting together an Island Trust housing toolkit. A list of potential OCP & LUB changes related to housing has been included. Every housing related bylaw in the Islands Trust by topic, maybe provided via a link.

Members requested the following information:

- MAABRI Housing Review questionnaire comments by the public.
- The updated baseline for the Density Bank
- All documentation related to the creation of the Density Bank presented to the LTC and any Public Hearings.

The Planner informed the Commission that every request for staff time needs to go through the LTC. The LTC, in turn, makes the request to staff and staff responds and identifies any conditions required.

3.3 Project Charter, Terms of Reference, and Public Engagement

The Planner informed the Commission that the Project Charter, Terms of Reference, and Public Engagement strategy documents were not available as planned for the session. Draft documents would not be available for discussion with the APC until they were published in the LTC agenda. The Trustee invited comments from the APC once the Agenda is published.

A lively discussion ensued.

The Planner informed the Commission that a two-step approach consultation project was envisioned. Step one was a public engagement strategy that would be implemented until December. This would consist of 3 community meetings focused engagement sessions with specific organizations and the planner only. Followed by a survey. The planner explained that some organizations wished to have private meetings with staff only.

The Chair informed the planner that this was not an appropriate approach especially given that Denman is half-way through an existing project.

3.4 Needs Assessment

This item was not covered.

4. Roundtable Discussion

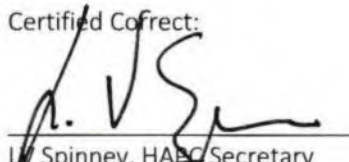
This item was not covered

5. ADJOURNEMENT

By **general consent**, the meeting was adjourned at 2:55 pm.


Adane DaSilva, HAPC Chair

Certified Correct:


L. Spinney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: July 18, 2023

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
Alan Friesen, Member

Staff Present:

Others Present: 2 members of the public.

1. WELCOME AND CALL TO ORDER

The Chair called the meeting to order at 5:03.

2. LAND ACKNOWLEDGEMENT

The Chair completed the land acknowledgement.

3. HOUSING AS A HUMAN RIGHT ACKNOWLEDGEMENT

The Chair acknowledged housing as a human right.

4. ROUNDTABLE

All Participants introduced themselves and stated their interest in the proceedings.

The following item was considered for addition to the agenda:

- Trust-wide development policies

5. APPROVAL OF AGENDA

By general consent, the agenda was approved as amended.

6. DELEGATIONS

No delegations were received.

7. PREVIOUS/ONGOING BUSINESS

1. Debrief from Orientation

Participants recapped the Orientation session for those absent. Draft minutes were provided. Concerns raised included: the extension of the project for an additional year, no provision of material regarding the project charter, terms of reference or the public engagement plan as promised for orientation. Verbal description of public engagement plan suggested a questionnaire followed by community organization consultations with staff only. APC was directed to the upcoming agenda for further information.

2. Project Charter, Terms of Reference, Public Engagement Plan

Staff Report for July 25th, 2023, LTC meeting was circulated to members prior to meeting. Participants reviewed the material. Concerns were again raised re the extended timelines and the staff-led community engagement plan and its lack of consultation with HAPC. The absence of any reference to the OCP/Bylaw review in the Terms of Reference was noted.

The Commission determined that it would fulfil its referral by the LTC and complete a report recommending OCP and LUB changes to the LTC. We will continue to implement our iterative open public consultation process as we complete this report.

3. Report Back July 25 Outline

Participants identified key components of the July 25th LTC report back.

4. Trust-wide development policies

Decision was made to add the need to streamline development processes to our draft vision working paper under the heading of barriers to building affordable housing.

8. CORRESPONDENCE

Trustee Borthwick email 2023-07-15: "The Denman LTC wishes to clarify that receiving delegations from community organisations as a part of their deliberations fall within our definition of "all things housing" from the referral." See Attachment 1. [Added as amendment to Minutes]

9. ITEMS FOR FUTURE AGENDA

- Debrief on LTC July 25, 2023 Items
- OCP/LUB Report Outline

10. **NEXT MEETING**

Next Meeting is scheduled for August 8, 2023 at 5:00 pm at the Denman Island Activity Center.

11. **ADJOURNMENT**

By general consent, the meeting was adjourned at 6:45 pm.

Riane daSilva, HAPC Chair

Certified Correct:

LV Spinney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: July 25, 2023

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

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

Staff Present:

Others Present: Approximately 2 members of the public.

1. **WELCOME AND CALL TO ORDER**
The Chair called the meeting to order at 5:07pm.
2. **LAND ACKNOWLEDGEMENT**
The Chair completed the land acknowledgement.
3. **HOUSING AS A HUMAN RIGHT ACKNOWLEDGEMENT**
The Chair acknowledged housing is a human right.
4. **ROUNDTABLE (including two members of the public)**
All Participants introduced themselves and stated their interest in the proceedings.
5. **APPROVAL OF AGENDA**

By **general consent**, the agenda was approved.
6. **DELEGATIONS**
No delegations were received.
7. **PREVIOUS/ONGOING BUSINESS**
Participants members discussed the following:
 - a) Debrief on LTC July 25 Meeting: Participants discussed impact of meeting on the project and reviewed notes on final terms of reference. Deadline for preliminary report remains October 3 (next) LTC meeting. Submission date confirmed as September 19, 2023.
 - b) OCP/LUB Review: Participants discussed possible ways forward in completing our review and drafting our preliminary report including potential appendices. Group

agreed to review and flag copies of the OCP and LUB for next meeting with reference to the MAABRI report recommendations. The Secretary to review our earlier material into an extremely rough outline for discussion.

- c) MAABRI report: Participants reviewed the recommendations of the MAABRI Report.

8. CORRESPONDENCE

The Secretary noted that we had received an email from Planner Chadwick dated July 19, 2023, with further draft components of the Housing Toolkit. This included a list of housing related bylaws in the Island Trust. (Cover E-mail attached for reference.)

9. ITEMS FOR FUTURE AGENDA

Next Meeting to be a working meeting to review:

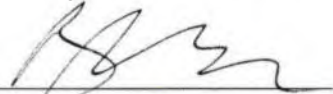
- a) sorted extreme draft outline,
- b) focus areas for further review and
- c) the list of bylaws we have flagged.

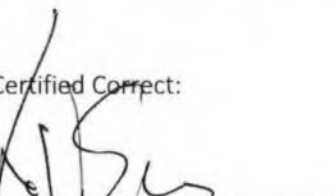
10. NEXT MEETING

Next meeting is scheduled for August 1, 2023, at 5:00 pm at the Denman Island Activity Center, 1111 Northwest Road, Denman Island, BC.

11. ADJOURNMENT

By general consent, the meeting was adjourned at 6:30pm.


Riane daSilva, HAPC Chair

Certified Correct:

L.V. Spinney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: August 1, 2023

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
Alan Friesen, Member
Rosa Telegas, Member

Trustee Present: David Graham

5 members of the public present

1. WELCOME AND CALL TO ORDER

The Chair called the meeting to order at 5:01 pm.

2. LAND ACKNOWLEDGEMENT

The Chair completed the land acknowledgement.

3. HOUSING AS A HUMAN RIGHT ACKNOWLEDGEMENT

The Chair acknowledged housing as a human right.

4. ROUNDTABLE

All Participants introduced themselves and stated their interest in the proceedings.

5. APPROVAL OF AGENDA

By **general consent**, the agenda was approved.

6. DELEGATIONS

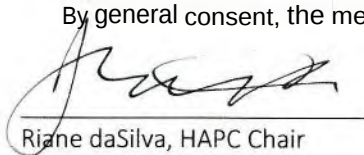
No delegations were received.

7. PREVIOUS/ONGOING BUSINESS

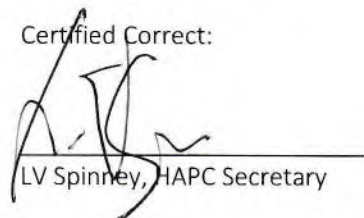
1. Extreme Draft Outline:

Participants reviewed an extreme draft outline for the report. A number of amendments were proposed. Draft document to be circulated.

2. Focus areas for review: Several potential focus areas were discussed including an overall review of the Land Use Bylaw, overall review of the OCP, alternatives to single household dwellings, options for using existing housing stock and building from there, potential new zones, environmental requirements, and enforcement among others. List to be finalized at next meeting.
8. CORRESPONDENCE
Keith Porteus submitted "A Scan of Leading Practices in Affordable Housing" by the BC Housing Research Centre. Correspondence including link attached as Attachment 1.
9. POTENTIAL ITEMS FOR FUTURE AGENDAS
- overall review of the Land Use Bylaw,
 - overall review of the OCP,
 - alternatives to single family dwellings,
 - options for using existing housing stock and building from there,
 - potential new zones,
 - environmental, and
 - enforcement among others
10. NEXT MEETING
- Next Meeting is scheduled for August 15, 2023 at 5:00 pm at the Denman Island Activity Center.
11. ADJOURNMENT
- By general consent, the meeting was adjourned at 8:25 pm.


Riane daSilva, HAPC Chair

Certified Correct:


LV Spinney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: August 8, 2023

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
Alan Friesen, Member
Rosa Telegas, Member

Trustee Present:

2 members of the public present

1. WELCOME AND CALL TO ORDER

The Chair called the meeting to order at 5:08 pm.

2. LAND ACKNOWLEDGEMENT

The Chair completed the land acknowledgement.

3. HOUSING AS A HUMAN RIGHT ACKNOWLEDGEMENT

The Chair acknowledged housing as a human right.

4. ROUNDTABLE

All Participants introduced themselves and stated their interest in the proceedings.

5. APPROVAL OF AGENDA

By general consent, the agenda was approved with the addition of an item: Report Writing.

6. DELEGATIONS

No delegations were received.

7. PREVIOUS/ONGOING BUSINESS

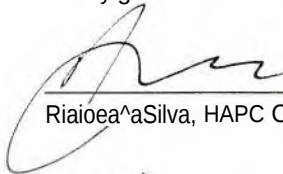
1. Topics List: Participants reviewed a draft Topics List and identified leads and some initial scheduling for presentation (See List Attached)

2. OCP Review Walkthrough: Participants were walked through the OCP and flagged potential items for change.
3. Land Use Bylaw review was deferred to next week.
4. Report Writing. Participants discussed the process for writing the report.
8. CORRESPONDENCE
9. POTENTIAL ITEMS FOR FUTURE AGENDAS
10. NEXT MEETING

Next Meeting is scheduled for August 15, 2023, at 5:00 pm at the Denman Island Activity Center.

11. ADJOURNMENT

By general consent, the meeting was adjourned at 8:25 pm.



Riaioea'a Silva, HAPC Chair

Certified Correct:



LV Spinney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: August 15, 2023

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
Alan Friesen, Member

Staff Present:

Others Present: Approximately 1 members of the public.

1. **WELCOME AND CALL TO ORDER**

The Deputy Chair called the meeting to order at 5:10. Both a land acknowledgement and an acknowledgement of housing as a human right were outlined.

2. **ROUNDTABLE**

The following item was considered for addition to the agenda:

- Indigenous Community Contact

3. **APPROVAL OF AGENDA**

By general consent, the agenda was approved as amended.

6. **DELEGATIONS:** no delegations were presented.

7. **PREVIOUS/ONGOING BUSINESS**

HAPC members and participant discussed the following:

- a) Report Outline was noted to be not available at this time. Item to be moved to next agenda.
- b) Participants walked through the Land Use Bylaw and flagged areas for further discussion.
- c) A member presented recommendations regarding accessory dwellings including:
 - o Eliminating the TUP as a requirement
 - o Expanding zones to include RI – one acre+

- o Not located more than 60 metres from principal dwelling
- o Requiring all secondary dwellings to have a cistern unless connected to a community water source.
- o Maintaining 140 sq metre limit for secondary dwellings
- o Eliminating the density bank
- o Requiring Housing agreements in place for any accessory dwelling
- o Prohibiting any rentals for less than x months and owner in place
- o Distributed sq footage approach

After discussion the following recommendations were slated for further discussion as future items were brought forward:

- o Requiring all secondary dwellings to have a cistern. (Size of cistern)
- o Eliminating the density bank
- o Requiring Housing agreements in place for any accessory dwelling
- o Distributed sq footage approach

d) Indigenous Community Contact

It was noted that the HAPC has been prohibited from contacting any government bodies including those of First Nations and that we were awaiting the results of the LTC's request for formal staff contact. It was resolved to contact the local friendship centre as one of the community groups the HAPC was canvassing.

8. CORRESPONDENCE

A HAPC member noted that no correspondence has been received.

9. ITEMS FOR FUTURE AGENDA

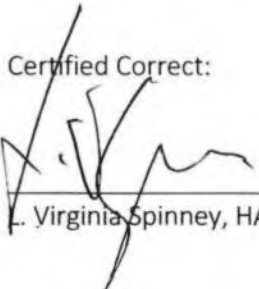
See attached – Draft HAPC Meeting Topics

10. NEXT MEETING was scheduled for August 22, 2023

11. ADJOURNMENT:

By general consent, the meeting was adjourned at 8:10 pm.


Riane DaSilva, HAPC Chair

Certified Correct:

L. Virginia Spinney, HAPC Secretary

Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: August 22, 2023

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 Telegas, Member

Trustee Present: David Graham

10 members of the public present

1-3 WELCOME AND CALL TO ORDER/Land Acknowledgement/Housing as a human right acknowledgement

The Deputy Chair called the meeting to order at 5:10 pm. Both a land acknowledgement and an acknowledgement of housing as a human right were outlined.

4. ROUNDTABLE

All Participants introduced themselves and stated their interest in the proceedings.

Requests were made to move the Report Outline item to the end of the agenda and to add an item: Friendship Centre Contact.

5. APPROVAL OF AGENDA

By **general consent**, the agenda was approved as amended.

6. DELEGATIONS

No delegations were received.

7. PREVIOUS/ONGOING BUSINESS

1. Friendship Centre Contact:

It was decided to wait 2 weeks to consider the best way to approach the friendship centre. Richard Day requested that his objection to this decision be noted for the record.

2. Alternatives to Single Family Dwellings

a) Secondary Suites & Room Rentals

Recommendations to extend the zoning which allows secondary suites and room rentals were discussed. Specific additional recommendations were made to amend the Land Use bylaws regarding secondary suites and room rentals.

b) Accessory Dwelling Units

The following recommendations were discussed:

- Adopt the term Accessory Dwelling Unit for all types of accessory dwellings including secondary houses.
- Use a BC Housing definition for ADUs.
- Adopt a distributed square footage approach to accessory dwelling units using a similar approach to some of Mayne Island's zones.

a) Use of Pre Zone

- Recommendation to establish pre-zones for collective ownership, tiny homes, and eco-village.
- Amend our OCP, to acknowledge our history of collective living and creative housing types, and that we encourage that to continue.

3. Density Baseline and Bank

(Legalizing Existing Housing deferred to August 29 meeting)

- Recommendations to either remove the Density Baseline and Bank from the OCP and Land Use Bylaw or to correct it by using a more accurate baseline.
- Concerns expressed about the density baseline and bank included that it was not supported by Section 473. The conclusion was to recommend its removal as it is currently constructed.

8. CORRESPONDENCE

9. POTENTIAL ITEMS FOR FUTURE AGENDAS

- Environmental requirements
- Enforcement
- Options for using existing housing
- Housing agreements,
- "Village" area,

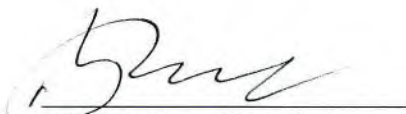
- potential new zones, and
- ALR

10. NEXT MEETING

Next Meeting is scheduled for August 29, 2023, at 5:00 pm at the Denman Island Activity Center.

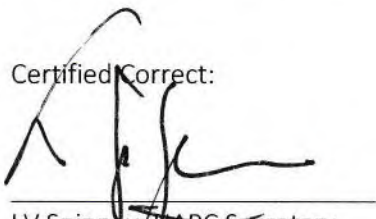
11. ADJOURNMENT

By general consent, the meeting was adjourned at 8:25 pm.



Riane daSilva, HAPC Chair

Certified Correct:



LV Spinney, HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: August 29, 2023

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

HAPC Members Present: Riane da Silva, Chair
Richard Day, Deputy Chair
Alan Friesen, Member

9 members of the public

1-3 WELCOME AND CALL TO ORDER/Land Acknowledgement/Housing as a human right acknowledgement

The Chair called the meeting to order at 5:10 pm. Both a land acknowledgement and an acknowledgement of housing as a human right were outlined.

4. ROUNDTABLE

All Participants introduced themselves and stated their interest in the proceedings. Members of the public discussed: housing equity; a less punitive approach by Island Trust; the example of Nanaimo helping people get access to water; and the need to ensure housing for children.

5-6. APPROVAL OF AGENDA/Delegations

By **general consent**, the agenda was approved. No delegations were received.

7. PREVIOUS/ONGOING BUSINESS

a) Section 473 of the Local Government Act

The Act requires local governments including Island Trust to meet specific requirements in their OCP to meet identified housing needs. It was suggested that we include the requirements of Section 473 in our report.

b) Legalizing existing housing

Various strategies to legalize existing housing were discussed. Wording to fully permit the use of all existing ADUs could be incorporated in the Land Use Bylaw.

c) Environment

Recommendations to ensure environmental protection were outlined. These included OCP amendments to encourage the protection of trees, water conservation measures, energy efficient building design elements, and the use of natural, reused and/or salvaged materials. LUB amendments to require cisterns with a minimum capacity for rainwater catchment for all new builds were discussed. Two advocacy recommendations to Island Health were endorsed. The first was to reform the "small water system" rules so that people can share. The second was to advocate the use of composting toilets and grey water systems and reuse.

d) **Enforcement** - Item to be carried forward to next week.

e) Anonymous submissions

A decision was made not to accept anonymous submissions.

8. CORRESPONDENCE

August 27 2023 letter from Denman Conservancy Association attached.

9. POTENTIAL ITEMS FOR FUTURE AGENDAS

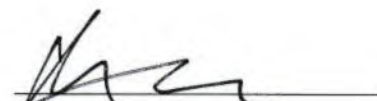
- Enforcement
- Housing agreements,
- "Village" area,
- Potential new zones, and
- ALR

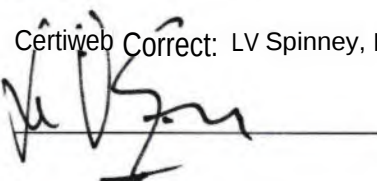
10. NEXT MEETING

Next Meeting is scheduled for September 5, 2023, at 5:00 pm at the Denman Island Activity Center.

11. ADJOURNMENT

By general consent, the meeting was adjourned at 8:25 pm.


Klane daSilva, HAPC Chair

Certiweb Correct: LV Spinney, HAPC Secretary


Minutes of the Denman Island
Housing Advisory Planning Commission

Date of Meeting: September 5, 2023

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
Alan Friesen, Member

7 members of the public present

1-3 WELCOME AND CALL TO ORDER/Land Acknowledgement/Housing as a Human Right Acknowledgement

The Deputy Chair called the meeting to order at 5:05 pm. Both a land acknowledgement and an acknowledgement of housing as a human right were outlined.

4. ROUNDTABLE

All Participants introduced themselves and stated their interest in increasing the amount of affordable housing on Denman based on their personal experience. One member of the public expressed concern with the introduction by Island Trust of a development permit deposit equal to 125% of remediation costs prior to approval of the development.

Request was made to add an item – Project Map to beginning of the agenda.

5-6 APPROVAL OF AGENDA/Delegations

By general consent, the agenda was approved as amended. No delegations were received.

7. PREVIOUS/ONGOING BUSINESS

a) Project Status Map

Four draft points of agreement based on discussions to date were outlined.

b) Bylaw Enforcement on Denman Island

A presentation on bylaw enforcement issues on Denman was made. It included an open discussion on six recommendations to better manage enforcement on island. All

another 2 recommendations focused on removing the anonymous complaint process and the creation of a citizen oversight body for enforcement on island.

c) **ALR**

A presentation which provided background on the ALR and the farm plan as it relates to housing was made. It was recommended that the bylaws allow for the maximum long term affordable housing possible under the ALR and that requirements for Temporary Use permits be eliminated.

d) **Housing agreements**

The role and requirements of using simple template housing agreements as a mechanism to control affordability for accessory dwelling units (ADUs) was outlined. A lively discussion ensued. Members agreed to come back next meeting with potential alternate control mechanisms for a broader discussion on how to ensure the ongoing affordability of new ADUs.

8. CORRESPONDENCE

Items of correspondence are attached.

9. POTENTIAL ITEMS FOR FUTURE AGENDAS

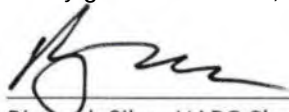
- Housing agreements Part 2,
- Downtown Denman,
- potential new zones,
- LUB/OCP clauses

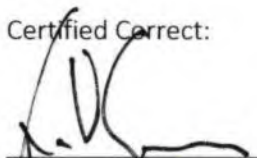
10. NEXT MEETING

Next Meeting is scheduled for September 12, 2023, at 5:00 pm at the Denman Island Activity Center.

11. ADJOURNMENT

By general consent, the meeting was adjourned at 8:25 pm.


Riane daSilva, HAPC Chair

Certified Correct:

Ly Spinney HAPC Secretary



Minutes of the Denman Island Housing Advisory Planning Commission

Date of Meeting: September 12, 2023

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

5 members of the public present

1. WELCOME AND CALL TO ORDER

The Chair called the meeting to order at 5:05 pm. Both a land acknowledgement and an acknowledgement of housing as a human right were outlined.

2. ROUNDTABLE

All Participants introduced themselves and stated their interest in increasing the amount of affordable housing on Denman.

Request was made to add an item – Progress Report as the second item on the agenda.

3. APPROVAL OF AGENDA

By **general consent**, the agenda was approved as amended.

4. PREVIOUS/ONGOING BUSINESS

a) Ensuring Affordability – Housing Agreements Part 2

Public participants outlined their concerns regarding housing agreements and their application. A discussion was held regarding the principles to assist us in making recommendations on how to ensure affordability. An alternate strategy to ensure accountability was reviewed. This item was then held over to the next meeting due to the need to discuss the progress report to LTC.

b) Progress Report to LTC

Members discussed developing a progress report which summarized the status of the review including the number of meetings, the amount of public participation, and topics

reviewed. The Commission affirmed its commitment to completing further necessary research and incorporating the requirements of Section 473 prior to filing our report for the November LTC Meeting.

Winter is coming and it is likely based on the schedule discussed at the last LTC actual bylaws will not be changed for another winter. The Commission will request LTC to: make a standing resolution to require 24 hours minimum notice to make an appointment for investigation; to contact the CVRD to be sure there are adequate services to help with need throughout the coming winter; and to request Islands Trust staff to find and share with the HAPC a density bank update as well as information on the density bank that predates the information publicly accessible on the Island Trust website.

c) Housekeeping: Minutes etc

Minutes from August 22, Aug 29, and September 5th were formally approved for sign-off. 3 items of correspondence were noted as received. See Appendix 1: Correspondence

d) Potential New Zones and e) Downtown Denman Area

These items were held over to next meeting.

5. POTENTIAL ITEMS FOR FUTURE AGENDAS

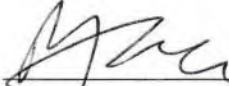
- Ensuring Affordability: Housing agreements Part 3,
- Downtown Denman,
- Potential new zones,
- LUB/OCP clauses

6. NEXT MEETING

Next Meeting is scheduled for September 19, 2023, at 5:00 pm at the Denman Island Activity Center.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 8:10 pm.


Riane daSilva, HAPC Chair

Certified Correct:


LV Spinney, HAPC Secretary

Follow Up Action Report

Denman Island

06-Jun-2023

Activity	Responsibility	Dates	Status
1 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

25-Jul-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

25-Jul-2023

Activity	Responsibility	Dates	Status
1 Actions for the Major Project - Denman Island Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference): 1. Staff to post Project Charter to project website, re: Denman Island Housing Review Project. - complete. 2. Staff note the endorsed amended project charter for the Denman Island Housing Review Project Stage 2, Phase 1 and 2. - complete. 3. Staff note the endorsed amended business case for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3. - complete. 4. Staff note the endorsed amended Terms of Reference for the Housing Advisory Planning Commission (HAPC). - complete. 5. Staff note the endorsed amended Engagement Plan for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3. 6. Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island's Housing Review Project. 7. Lead Planner to request the Regional Planning Committee submit a business case to Trust Council regarding water availability assessment and prioritize Denman Island in fiscal 2024/25. 8. Staff to schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.	Chloe Straw Narissa Chadwick Wil Cottingham		In Progress

DATE OF MEETING: October 3, 2023
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar
Northern Team
SUBJECT: Development Permit Application, DE-DP-2023.2 – Development Activities within DPA4
Applicant: Etienne De Villiers and Louise Fraser
Location: 2191 Tristone Rd., Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of development permit DE-DP-2023.2.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider a Development Permit (DP) application that is being sought retroactively for development activities (construction of a vehicle culvert crossing) that has occurred within Development Permit Area 4 (DPA 4) – Streams, Lakes and Wetlands.

The applicants retained Qualified Environmental Professional (QEP) Dusty Silvester (R.P. Bio) of Current Environmental Ltd. to prepare and submit a Conditions and Impact Assessment (CIA), dated March 16, 2023. The CIA provides an assessment of the site conditions, impacts of the development activities and site restoration measures within the riparian areas on the subject property.

Staff finds that the CIA report addresses the objectives and intent of the information required under the DPA 4 Guidelines and is therefore, recommending issuance of the permit.

BACKGROUND

The 3.17 ha (7.83 acres) subject property, as shown in Figure 1, is located in central Denman Island. The lot is currently undeveloped. The subject property is located near the headwaters of Valens' Brook.

This development permit application is to permit the culvert crossing constructed in November 2022, in Development Permit Area 4, to connect the western side to the eastern side of the subject property (see Figure 2). The culvert crossing was constructed on an existing roadway which previously had a simple log crossing for foot traffic. The property was subdivided in 2015 (DE-SUB-2015.1) and as a result, the eastern side of the property no longer has driveway access to Tristone Road as the previous driveway access is now on a separate property.

Valens' Brook is a fish bearing watershed. The applicant installed an unpermitted culverted road crossing to gain access to the northern portion of the property. The applicant is now seeking to bring the past works into compliance with Islands Trust regulations and provincial Best Management Practices for stream crossings.

If the applicant had enquired about the development permit before the works were completed, the works likely would have been exempt under Section 4.4.2(I) of the Denman Land Use Bylaw No. 186 and not required a

development permit. However, Provincial Section 11 and RAPR assessments and permits do not apply to works that have already occurred and therefore, the applicant cannot obtain an exemption and a development permit is required. The CIA report recommends improving the crossing by adding a third culvert. The proposed work to upgrade the crossing is authorized under the Section 11 of the Water Sustainability Act and therefore, exempt from DPA guidelines. If the LTC issues a DP it will be only for the past works that have already been completed.

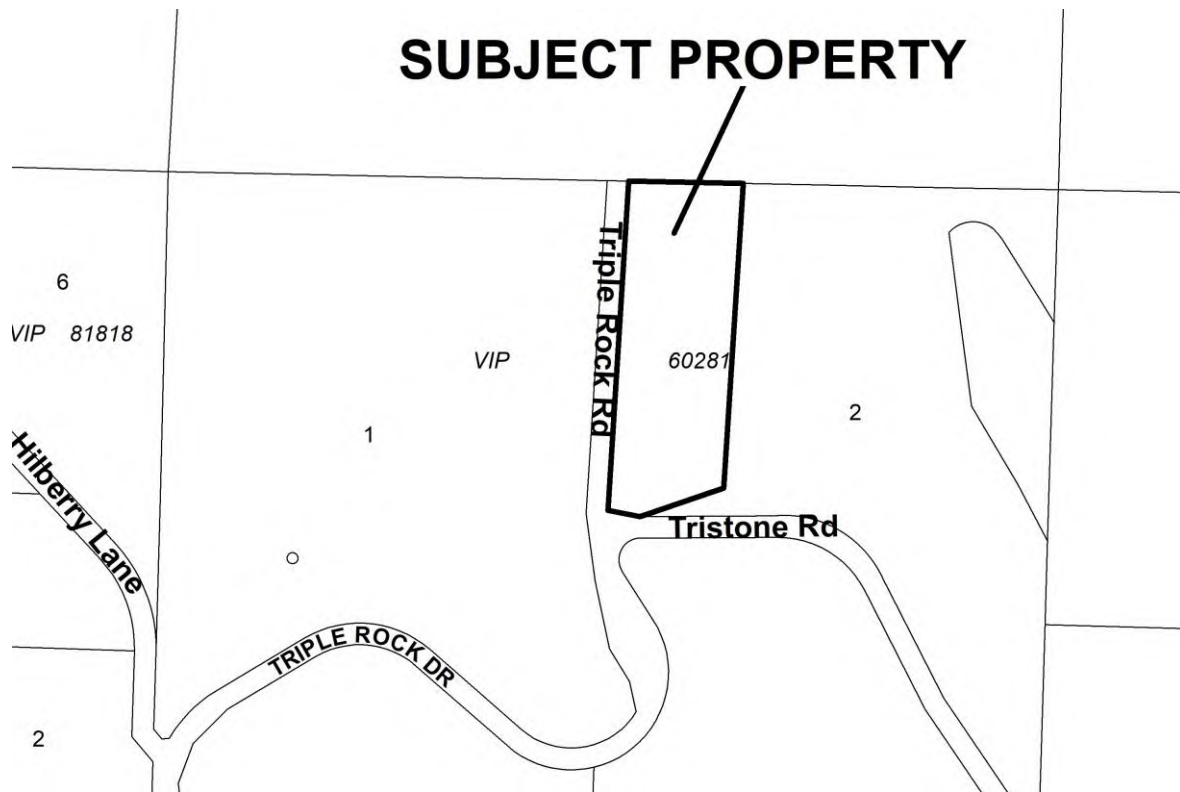


Figure 1 – Subject Property Map



Figure 2 – overview of subject property and Valens' Brook

Information about the subject property is contained within Attachment 1 – Site Context. Applicable DP guidelines are included in Attachment 2. The proposed development is shown on the site plan, and the Condition and Impact Assessment (CIA) Report, attached to the draft DP in Attachment 4.

ANALYSIS

Islands Trust Policy Statement:

The following Islands Trust Policy Statement (ITPS) directive policies are relevant to this application and are addressed through DPA 4 (Streams, Lakes and Wetlands):

- 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 to protect aquatic wildlife.*

Official Community Plan:

The subject property is currently designated Sustainable Resources (SR) in [Schedule C](#) of the Denman Island Official Community Plan (OCP) Bylaw No. 185, and is located within DPA 4 – Streams, Lakes and Wetlands.



**Figure 3: Location of DPA 4 covering portions of subject property
(RAR applicable shown in purple)**

The objectives of DPA 4 are:

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; and
6. To prevent water pollution.

Land Use Bylaw:

The subject property is currently zoned Forestry (F) under [Schedule B](#) of the LUB.

Prior to undertaking any development, subdivision or land alteration, an owner of a property within DPA 4 must apply to the LTC for a development pursuant to Section 4.4.1 of the LUB:

4.4.1 Applicability

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

- 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.*

The guidelines for DPA 4 are contained within Section 4.4.3 of the LUB. Staff's assessment of how the DPA 4 guidelines have been addressed and met by the application are provided in Attachment 2.

Issues and Opportunities

QEP Assessment and Recommendations

The CIA report by Current Environmental Ltd. (March 16, 2023) provides a retroactive assessment of changes to the subject property and makes recommendations for restoration and enhancement of the site.

Recommendations include:

- Upgrade the dual-culvert crossing by installing a third 0.45m diameter culvert to allow for a wider flow path and reduced flow velocity and scouring from the channel constriction.
- Follow DFO best practices for culvert installation.
- Complete construction within the least risk time window for fish streams (June 15 – September 15) after an extended dry period.
- Install geotextile fabric along the rock armoured headwalls at both up and downstream ends of the culverts
- No further disturbance to the instream habitat other than what is required for the upgrades.

No additional riparian clearing or other impacts should be required to complete crossing upgrades. The proposed work to upgrade the crossing is authorized under the Section 11 of the Water Sustainability Act (WSA) and therefore, exempt from DPA guidelines as per Section 4.4.2 of the LUB. A Section 11 notification has been submitted under the WSA (Attachment 3).

Site Restoration:

The CIA report estimates the restoration footprint of the disturbed site to be 50m². Restoration should include:

- Replantation with slough sledge and other forest species observed on site during late summer or fall.
- Inspect the disturbed area yearly and remove any invasive species.
- Monitor for survival of planted stock.
- Complete a "post-construction" monitoring report by a Qualified Environmental Professional that confirms work has been done in accordance with the recommendations in the CIA dated March 16, 2023.

Consultation

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

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.

Rationale for Recommendation

Considering that development activities have already occurred and would have likely fallen under the Section 11 Water Sustainability Act exemption, and that the QEP does not anticipate that the development has caused lasting negative impacts; and that the guidelines for DPA 4 appear to be satisfied through the recommendations of the CIA report, staff are recommending issuance of this DP as noted on page 1 of this report. It is noted that any future development within DPA 4 would require a new DP application, unless the activity is exempted from that requirement in Section 4.4.2 of the LUB.

Refer to the formal recommendation, included on Page 1 of the report.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC decision must be accompanied by reasons. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DP-2023.2 for the follows reasons [insert reasons provided by LTC].

2. Approve Permit with condition(s)

The LTC may wish to approve issuance of the permit with further conditions to the presented Draft Permit. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2023.2 conditional upon [insert conditions...].

NEXT STEPS

If the LTC resolves to issue the DP, the permit will be issued.

Submitted By:	Marlis McCargar, Island Planner	September 21, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	September 21, 2023

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Water Sustainability Act Section 11 Exemption
4. Draft Development Permit
5. Condition and Impact Assessment (CIA), March 16, 2023

ATTACHMENT #1 – SITE CONTEXT

LOCATION

Legal Description	LOT A SECTION 12 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP75820
PID	030-543-746
Civic Address	2191 Tristone Rd

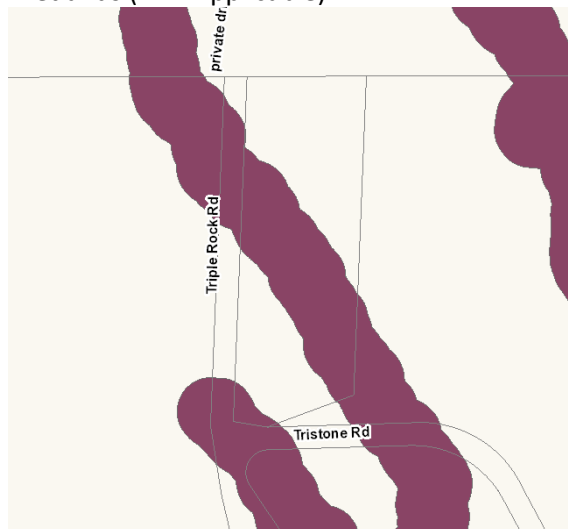
LAND USE

Current Land Use	Forestry (F)
Surrounding Land Use	Land use surrounding the subject property is sparsely developed. Adjacent properties to the east and west are zoned Forestry. The properties to the north and south are zoned Rural Residential (R2) and Agriculture (A).

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-1993.3	
DE-ALR-1993.4	
DE-SUB-1993.2	
DE-RZ-2003.3	Rezoning. Proceed no further and application closed.
DE-SUP-2010.15	Barn, shed, residence
DE-SUB-2015.1	2 lot subdivision.
DE-DP-2015.4	DP issued as part of subdivision requirements.

POLICY/REGULATORY

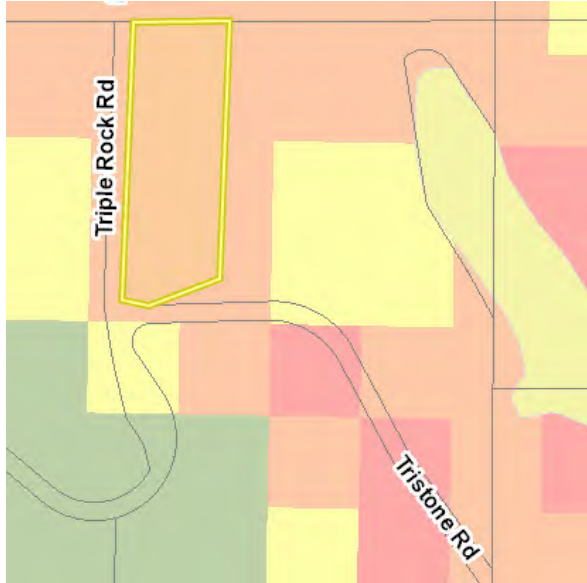
Official Community Plan Designations	The land use designation is sustainable resources (SR). The property is within Development Permit Area 4 – Streams, Lakes and Wetlands (RAR Applicable). 
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Land Use Bylaw	The property is zoned Forestry (F) From Section 3.4 of the Denman Land Use Bylaw no. 186: Permitted principal uses include: • Residential • Agriculture, including Intensive agriculture • Horticulture • Forest fungi production • Forestry • Parks • Utilities Permitted accessory uses include: • Permitted home occupation uses listed in Section 2.4 accessory to a principal residential use • Sale of forest products produced on-site and accessory to a principal forestry use • Wood working and wood processing accessory to a principal forestry use on lots 10.0 hectares or larger • 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 accessory to a principal use • Secondary suites and secondary dwelling units 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 or Steep Slopes. One mapped RAR watercourse.

	
Covenants	Section 215 Covenant EH155070 - no ground disturbance within 15m of Valens Creek. Covenant EH155071 with Denman LTC – no ground disturbance within 15m of Valens Creek. Covenant CA6983534 S. 219 Covenant CA6983536 with Denman LTC
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 Strategy	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	None mapped. CIA report confirms no eagle nests or heron colonies were observed during the site assessment. No red or blue-listed plant and wildlife species confirmed within the vicinity of the subject property.
Sensitive Ecosystems	None mapped.
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	n/a
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	n/a
Groundwater classification	Aquifer intrinsic vulnerability on this property is moderately high.  The map displays a property with different groundwater vulnerability zones. A yellow-outlined rectangle highlights a specific area in the upper left. The zones are color-coded: orange for moderate vulnerability, yellow for low to moderate, green for low, and pink for high. Two roads are shown: 'Triple Rock Rd' running vertically on the left and 'Tristone Rd' running diagonally from the bottom right towards the center.

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	The QEP completed a Conditions and Impact Assessment Report (CIA) because the applicant's development had already occurred. The QEP recommends some mitigation measures: • A third 0.45m diameter culvert be installed • Geotextile fabric be installed along the rock armored headwalls at both up and downstream ends of the culverts • Follow DFO best practices when installing culvert The QEP recommends the following restoration: • Replantation with slough sledge and other forest species observed on site during late summer or fall. • Inspect the disturbed area yearly and remove any invasive species. • Monitor for survival of planted stock. • Complete a "post-construction" monitoring report by a Qualified Environmental Professional that confirms work has been done in accordance with the recommendations in the CIA dated March 16, 2023.
<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	There will be no storage or application of chemicals or pesticides. The replanting plan includes slough sledge and other native forest species found on site.
<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	yes	It is recommended that a post construction monitoring report produced by a QEP that confirms work has been completed in accordance with recommendations outlined in the CIA and DPA.

other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.		
<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); 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.	n/a	No floats or associated structures proposed.
<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.

Dusty Silvester

From: Roden, Jacqueline FOR:EX <Jacqueline.Roden@gov.bc.ca>
Sent: June 8, 2023 8:08 AM
To: 'ecsdevilliers@gmail.com'; Dusty Silvester
Subject: Response to Section 11 Notification ~ 1005783 - Valens Br

Thank you for your Authorized Change Application for changes in and about a stream regarding the installation of a culvert crossing Valens' Brook on Denman Island. This email acknowledges that the proposed activities listed in your application meet the requirements as identified for Authorized Changes under the *Water Sustainability Act*.

Habitat Officer Leah Carlson has reviewed your application and has no concerns with the proposed culvert removal and installation as described in the application and the "Condition and Impact Assessment: 2192 Tristone Road, Denman Island, BC, Current Environmental, March 16th, 2023", under the following conditions:

- Have a Qualified Environmental Monitor on site as required to ensure all Best Management Practices outlined in the above mentioned assessment are implemented and with the authority to stop work if deemed necessary;
- Ensure riparian planting survival is monitored post-construction and replanting if required; and
- Complete works under low flow conditions, between June 15th and September 15th, 2023.

This document does not supersede the requirements of the *Water Sustainability Act* and Regulations, *Federal Fisheries Act* or any other related legislation. The proponent is obligated to comply with all applicable federal, provincial, or municipal enactments. For more information on the *Water Sustainability Act*, Section 11 Change Approval and Authorization for "Changes In and About a Stream" can be found at: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water>.

Retain a copy of this document on site during construction of the works.

If you have any questions or concerns, please contact Leah.Carlson@gov.bc.ca via email or by phone at (250) 850-1800.

Thank you,

Jacqueline Roden

Program Assistant
Ministry of Forests
Jacqueline.Roden@gov.bc.ca
Phone (250) 739-8272

xe'xe'tumuxw/ sacred land

With great respect and humility, we acknowledge and honor the lands of the Snuneymuxw people.

From: Roden, Jacqueline FOR:EX

Sent: Friday, May 26, 2023 2:35 PM

To: 'ecsdevilliers@gmail.com' <ecsdevilliers@gmail.com>; dusty@currentenv.ca

Subject: Section 11 Notification ~ 1005783 - Valens Br

File: 1005783

Tracking Number: 100417547

Ministry of Forests, Lands and Natural Resource Operations has received your *Water Sustainability Act* Section 11 Notification. Please quote the above file number, if you have any questions.

It is the applicant's responsibility to ensure that all sections of the notification form are complete, as processing of this notification will not commence until we have a complete application. We remind you that by signing the notification, ***you are accepting the legal responsibility for this work.***

The Habitat Officer will usually confirm acceptance of the application or ask for clarification of details of the project within 10 working days. Once the Habitat Officer has completed the review, you will receive a response that may include further conditions or information. If after 45 days you have not received a response from the Habitat Officer, you may proceed with the work, subject to the following:

- West Coast Region *Terms and Conditions of the Habitat Officer*

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water/regional-terms-conditions-timing-windows>

- *User's Guide to Working In and Around Water*

<https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/working-around-water>

We recommend that you also review the following information.

- *Best Management Practices (BMP's) Instream Works*

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices>

If you plan to remove/salvage fish, you will require a Fish Salvage Permit before work can proceed. Please contact FrontCounter BC at 1 877-855-3222 or go to <https://portal.nrs.gov.bc.ca/web/client/-/scientific-fish-collection-permit> for application forms and information. Please provide our office with a copy of your approved permit.

Thank you,

Jacqueline Roden

Program Assistant

Ministry of Forests

Jacqueline.Roden@gov.bc.ca

Phone (250) 739-8272

xe'xe'tumuxw/ sacred land

With great respect and humility, we acknowledge and honor the lands of the Snuneymuxw people.



**DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
DE-DP-2023.2**

TO: Etienne de Villiers and Louise Fraser,

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

PID: 030-543-746

LOT A SECTION 12 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP75820

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 this development permit is issued under Denman Island Land Use Bylaw No. 186, 2008 that authorizes the construction of a culvert crossing, in accordance with Schedules 'A', and 'B' attached to and forming part of this permit.

3. This permit is subject to the following conditions:

a. There shall be no development or land alteration except as in accordance with Schedule "B" Condition and Impact Assessment by Current Environmental Ltd., dated March 16, 2023, attached to and forming part of this permit.

4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.

6. This permit does not relieve the applicant from complying with the provisions of the Denman Island Official Community Plan Bylaw No. 185, 2008 and the Denman Island Land Use Bylaw No. 187, 2008, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XXXX, 2023.

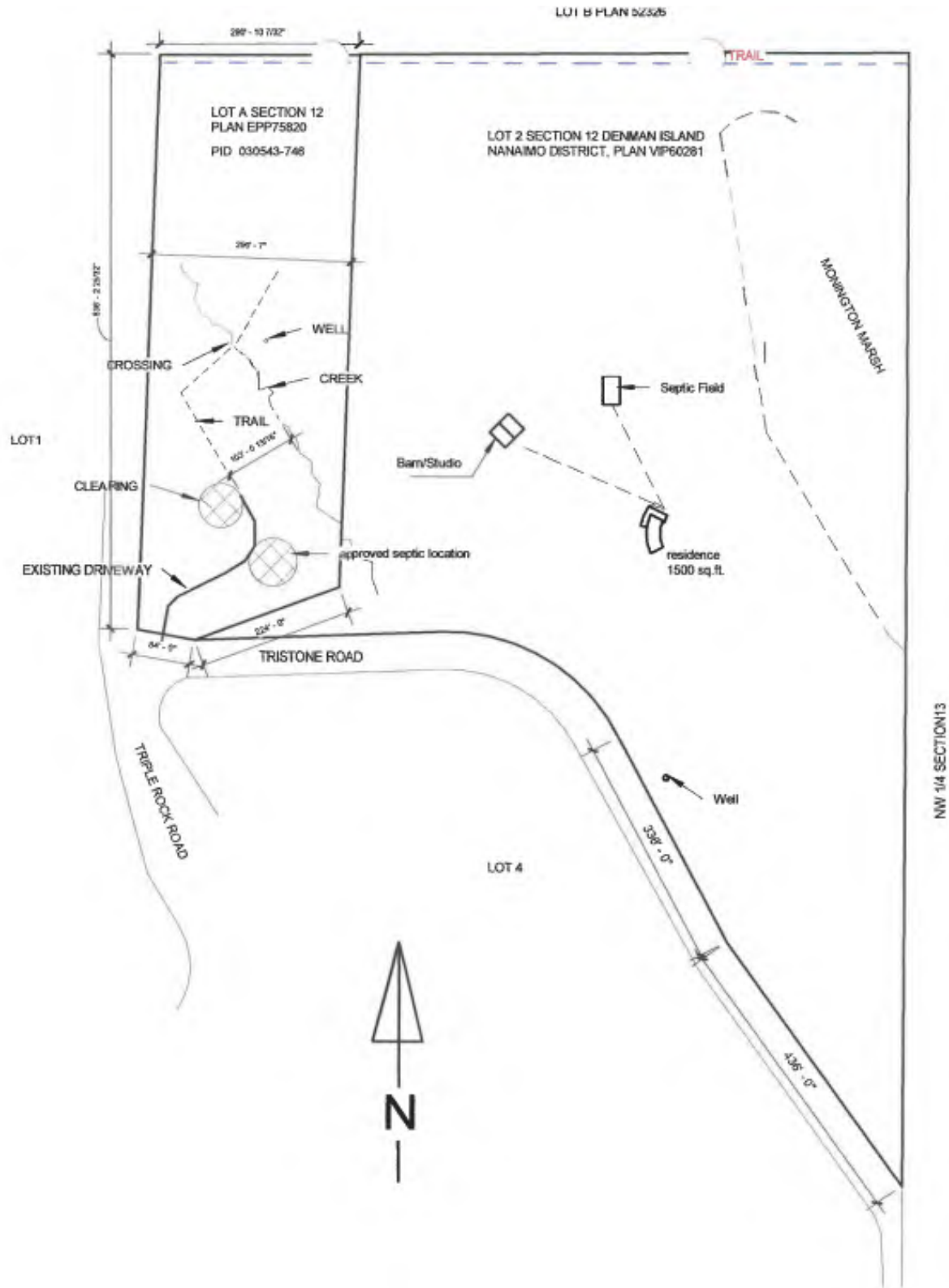
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XX DAY OF XXXX, 2025, THIS PERMIT AUTOMATICALLY LAPSES.

DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-DP-2023.2

Schedule "A" – Site Plan



**DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-DP-2023.2**

Schedule “B” – Condition and Impact Assessment Report

Condition and Impact Assessment Report by Current Environmental Ltd.

Prepared by Dusty Silvester of Current Environmental Ltd. and dated March 16, 2023

May 19th 2022

Ministry of Land, Water and Resource Stewardship
Front Counter BC

Attn: To Whom It May Concern,

This letter confirms that Current Environmental Ltd. can act as an agent for the land owners; Louise A. Fraser and Etienne de Villiers, with respect to submitting Section 11 applications under the provincial Water Sustainability Act.

Louise A. Fraser & Etienne de Villiers
2201 Tristone Road, Denman, Island, BC V0R1T0



To: Islands Trust Planning Dept. Date: March 16, 2023
From: Dusty Silvester, R.P. Bio. Pages: 20
Jamie Godfrey, Tech.
Cc: Etienne de Villiers, Proponent Project: 2245

RE: CONDITION & IMPACT ASSESSMENT – 2191 TRISTONE ROAD, DENMAN ISLAND, BC

This letter report prepared by Current Environmental Ltd. describes the outcomes of a Condition & Impact Assessment (CIA) conducted to determine potential environmental effects resulting from the installation of an unpermitted culvert creek crossing in a *Streams, Lakes, and Wetlands Development Permit Area* (SLWDPA) within the Islands Trust (IT). The subject property is located on Tristone Road in central Denman Island that was created via subdivision in 2015 and is situated within the headwaters of Valens' Brook. The property status as assessed on January 18, 2023, including modifications to Valens' Brook and recommendations for bringing the crossing location into compliance with municipal, provincial, and federal regulations is further described under the headings shown below.

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1.0 INTRODUCTION

Current Environmental Ltd. (CEL) was retained to assess a recently installed road crossing of Valens' Brook and determine if habitat restoration or upgrades to the crossing structure are required according to best management practices and current regulations. The works were completed on without a SLWDPA permit from the IT or submitting a notification of Changes in and About a Stream under the *Water Sustainability Act* (WSA) and the property owner is hoping to bring the works into compliance with SLWDPA guidelines and Best Management Practices (BMPs) for stream crossings in British Columbia. CEL conducted an initial site visit on January 18, 2023, to assess the condition of the works in question and collect information required to complete biophysical reporting requirements of the SLWDPA as well as provide guidance on stream restoration and crossing design as required.

The January 18, 2023 site visit confirmed the presence of two newly installed culverts in the stream known locally as Valens' Brook (Photos 1 and 2). Prior to installation of the crossing, the property owner had consulted the Department of Fisheries and Oceans' "Factsheet: Culvert Installations"¹; however, they did not initiate any formal approval process with federal or provincial regulators.

In its current state, the stream crossing does not comply with provincial best practices and should be improved. It appears, however, that the overall impact to Valens' Brook is relatively low and a high chance of success is expected for efforts to restore the stream to a near natural condition.

Following CAB guidelines, this CIA uses current best management practices and standards as well as pertinent legislation on stream crossings to guide further discussion. Relevant sources of information include:

- 1) Factsheet: Culvert Installations¹;
- 2) Fish Stream Crossing Guidebook: Revised Edition 2012²;
- 3) A Users' Guide for Changes In and About A Stream in British Columbia³.
- 4) Requirements and Best Management Practices for Making Changes In and About A Stream in British Columbia⁴
- 5) Riparian Areas Protection Regulation Assessment Manual⁵;

Furthermore, general construction BMPs and mitigation measures, including sediment and erosion control, have been provided in Appendix A that are intended to direct the Proponent through steps to minimize potential impacts of the work required to improve the stream crossing.

¹ Fisheries and Oceans Canada. N.D. Factsheet: Culvert Installations. [online]: <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/236958.pdf>

² B.C. Ministry of Forests, Lands and Natural Resource Operations, B.C. Ministry of Environment, and Fisheries and Oceans Canada. 2012. Fish-stream crossing guidebook. Rev. ed. For. Prac. Invest. Br. Victoria, B.C. [online]: https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/resource-roads/fish-stream_crossing_web.pdf

³ Government of British Columbia. 2022. A User's Guide for Changes In and About a Stream in British Columbia. Version 2022.01. [online]: https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/working-around-water/wsa-cias-users_guide.pdf

⁴ Government of British Columbia. 2022. Requirements and Best Management Practices for Making Changes In and About A Stream in British Columbia. [online]: <https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/working-around-water/wsa-cias-requirements-bmps.pdf>

⁵ BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development. 2019. Riparian Areas Protection Regulation Technical Assessment Manual. V1.1. [online]: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/fish/aquatic-habitat-management/riparian-areas-regulation>

1.1 OBJECTIVE

Pursuant to Section 2.5.2 of the College of Applied Biology's (CAB) *Professional Practice Guidelines for Legislated Riparian Assessments in BC*⁶, and following *Riparian Area Protection Regulation Assessment Methods*⁴, this Condition and Impact Assessment (CIA) is intended to provide a retroactive assessment of changes to the subject property up to January 18, 2023 and make recommendations for restoration/enhancement therein.

The installation of a culverted road crossing through Valens' Brook has triggered retroactive local development permit requirements for the Islands Trust (IT). Notably, provincial Section 11 and RAPR assessments and permits do not apply to changes that have already occurred⁷. The restoration prescriptions and biophysical reporting in this CIA are intended to achieve reporting requirements under Section 4.4 of the Denman Island Land Use Bylaw No. 186⁸. Although RAPR and WSA Section 11 reporting do not apply to works already completed, notifications under the WSA Section 11 and the federal *Fisheries Act* (FA) are anticipated as a requirement of installation of the improved crossing structure discussed in this document.

2.0 BACKGROUND

The property described in this report is a 3.17 ha lot on Denman Island bearing the legal description LOT A SECTION 12 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP75820 and PID: 030-543-746. The subject property is zoned Forestry (F) and is located at civic address 2191 Tristone Road centered approximately at Lat/Long coordinates 49.52566° N, 124.78224° W. Land use immediately surrounding the subject property is sparsely developed and has a patchy forest cover consistent with historic timber harvesting (Figure 1). The subject property lies near the headwaters of Valens' Brook, which is a small historically fish bearing watershed on southwest Denman Island. The property lies near the headwaters of Valens' Brook, which originates from three small tributaries to the northwest of the subject property which flow into a small wetland complex near the subject property's eastern border. This wetland complex becomes channelized near the center of the property as it flows to the southeast beyond the property boundary.

The subject property lies within the coastal Douglas-fir (moist maritime variant) biogeoclimatic zone (CDFmm). This zone is restricted to low elevations (<150m) in the rainshadow of southeast Vancouver Island and the Olympic Range, and is characterized by warm, dry summers and mild, wet winters. It is generally the mildest climate in Canada; however, extended dry periods in the summer can result in pronounced water deficits on some sites. Riparian vegetation surrounding Valens' Brook consists of a forest canopy dominated by red alder (*Alnus rubra*) and western redcedar (*Thuja plicata*) with sub-dominant Douglas fir (*Pseudotsuga menziesii*), grand fir (*Abies grandis*), and bigleaf maple (*Acer macrophyllum*). The understory was primarily made up of sword fern (*Polystichum munitum*), salmonberry (*Rubus spectabilis*) and salal (*Gaultheria shallon*) (Photo 3).

⁶ College of applied biology. 2017. Legislated Riparian Assessments in BC: APEGBC/ABCFF/CAB Professional Practice Guidelines V1.1 [online]. <https://www.cab-bc.org/file-download/legislated-riparian-assessments-bc-apegbcabcfpcab-professional-practice-guidelines>

⁷ Personal Comment. Kevin Telfer, BC Ecosystems Biologist/Habitat Officer. Feb. 18, 2021.

⁸ Islands Trust. 2008. Denman Island Land Use Bylaw: Bylaw No. 186, 2008. [online] <https://islandstrust.bc.ca/document/denman-ltc-land-use-bylaw-no-186/>

The subject property lies near the headwaters of Valens' Brook, which originates from three tributaries to the northeast of the subject property. It then flows across the subject property before The upper portion of Valens' Brook on the subject property consists of a very wide floodplain vegetated almost entirely by slough sedge (*Carex obnupta*), with floodplain edges dominated by a canopy of red alder (Photo 4).

The new vehicle crossing through Valens' Brook was constructed in dry conditions during November 2022 on an existing roadway which had most recently had a simple log crossing for foot traffic. The subject property was subdivided from a larger parent property in 2015, and the owner is now formalizing the access between two halves of the subdivided property and upgrading it for vehicle traffic as the previous driveway access is now on a different parcel (Photo 1). Prior to installation, the owner reviewed the DFO document "Factsheet: Culvert Installations"⁹ and followed recommendations therein; however, additional resources were not consulted.

Fish presence was not investigated within the scope of this CIA, and there is no existing data for Valens' Brook in the provincial Fish Inventories Data Queries⁹; however, local knowledge states that Valens' Brook is Denman Island's second largest salmon stream¹⁰. Valens' Brook is therefore considered a fish bearing stream for the discussion that follows.

3.0 RESULTS/DISCUSSION

The outcomes of a field survey of environmentally sensitive areas (ESA) completed on January 18, 2023 is intended to provide a description of the physical and biological conditions of the subject property; with particular attention to the 30 m SLWDPA of Valens' Brook and the extent of riparian modification.

3.1 RIPARIAN SETBACK CONDITION

Based on a previous RAPR assessment (Current Environmental, 2015), Valens' Brook has been prescribed a SPEA of 10 m from both banks, which is applied from the edge of the active floodplain (Figure 2). Although RAPR methods were used to calculate setbacks on Valens' Brook, the proposed culvert improvement will consist of instream works, and therefore is not subject to RAPR review.

The crossing services an existing gravel access road connecting the western side of the property across Valens' Brook with its eastern side (Photo 1, Figure 2). After subdivision from the parent lot, the eastern portion of the property no longer has road access from Tristone Road, and therefore must be connected across Valens' Brook. The access road is approximately 5 m wide, and cuts perpendicularly across Valens' Brook at one of its floodplain's narrower sections. Overall, the stream's floodplain and associated riparian forest are in relatively good condition with a well-established native plant community as described in Section 2 above (Photos 1-4).

The disturbance to the SPEA of Valens' Brook has resulted from the property owner upgrading a previously existing foot bridge which consisted of a log across the wetted portion of Valens' Brook to a culverted vehicle crossing. Two corrugated HDPE culverts have been installed (Photos 1, 2 and

⁹ Government of British Columbia. 2023. Fish Inventories Data Queries: Single Waterbody Query. [online]:

<https://a100.gov.bc.ca/pub/fidq/viewSingleWaterbody.do>

¹⁰ Islands Trust Conservancy. Valens Brook Nature Reserve Management Plan. 2020. [online]:

<https://islandstrust.bc.ca/document/valens-brook-management-plan/>

5), each with a diameter of 0.45 m, and a length of 4.5 m. At 0.9 m, the combined diameters of the pipes currently meet Section 39 (1)(a)(viii) *Water Sustainability Regulation* criteria of minimum 0.6 m diameter for authorized changes under a notification. There were no culverts observed in Valens' Brook upstream of the disturbance; however, two 0.45 m culverts were observed approximately 140 m downstream where Valens' Brook passes under Tristone (Figure 2, Photo 6). The addition of a third culvert to the newly constructed crossing will provide greater flow capacity than this downstream constriction and ensure that the new crossing is not posing a flood risk during winter high flow periods.

The width of the floodplain at the crossing location is approximately 5 m, and the footprint of the disturbance is approximately 50 m² (Photo 1, Figure 2). The culverts were partially embedded into the streambed and aligned parallel to thalweg flow with a slope of approximately 1%, which matches the natural slope of Valens' Brook upstream of the culverts. There is a slope break approximately 10 m downstream of the culverts after which Valens' Brook steepens slightly to an approximately 3% grade. Culverts were secured in place through the placement of large (1m diameter) boulders. The boulders were then backfilled with drain rock consisting of pebbles of approximately 3cm diameter (Photo 7), which have been partially covered with soil (Photo 1). No geotextile was used to prevent erosion of soil from the top of the crossing through the drain rock and into Valens' Brook. No outlet pool was constructed as part of the culvert installation; however, one could be seen occurring as a result of concentrated flows resulting from the twinned culvert installation (Photo 5). A third 0.45 m diameter culvert is recommended to be added to the crossing to better disperse flows across the floodplain and avoid the concentration of flows that appear to be causing localized scour and minor channelization.

3.2 STREAM CROSSING BEST MANAGEMENT PRACTICES

According to the provincial government's *Fish Stream Crossing Guidebook*², the first step in determining the appropriate type of stream crossing is to determine if the habitat type is *critical*, *important*, or *marginal*. The assessed reach does not have suitable substrates for spawning, and rearing habitat is limited by drying in the summer months leading to a classification of *marginal*. Closed bottom structures are suitable for streams with a classification of *marginal* provided that the stream channel width is less than 2.5m wide.

As described previously, the broad, slow-moving Valens' Brook does not have a well-defined contiguous stream channel upstream of the culvert installation, and the floodplain was measured at approximately 5 m wide (Photo 8). Due to the stream width not meeting the 2.5 m upper limit for CBS installation without review under the Fisheries Act, a Request for Review (RfR) must be submitted.

The provincial *Users' Guide for Changes in and About A Stream in British Columbia*³ denotes that construction of culverted stream crossings for roads constitutes an *Authorized Change* under Section 39(1)(a) of the WSA. *Authorized Changes* are considered relatively low risk or routine instream works and are subject to a minimal scrutiny under the WSA; however, a Notification must be submitted by the proponent to a Habitat Officer a minimum of 45 days prior to commencing works on the project.

Because this habitat is considered *marginal* a CBS may be allowed; however, the floodplain width over 2.5 m requires that an RfR under the *Fisheries Act* be submitted prior to further works being conducted.

Best practices for culvert installations in British Columbia, as outlined in Appendix 7 of the *Requirements and Best Management Practices for Making Changes in and About A Stream in British Columbia*⁴ are not mandatory unless made so under an authorization, change approval, or order, but are strongly recommended and included below:

- 1) Culverts must only be planned where alternative crossing structures (e.g., clear span bridges or other open bottom structures) are not practical.
- 2) Culverts must be planned to avoid sensitive areas such as floodplains, meander bends, high quality fish habitat, braided streams, unstable areas and alluvial fans.
- 3) Culverts must be designed by a Qualified Professional.
- 4) Climate change impacts must be considered in the design process.
- 5) Culverts must be sized such that the high-water width of the stream is not reduced by the culvert.
- 6) Culverts must be sized and installed to safely convey stream flows and to pass expected debris. Multiple culverts with a combined equivalent capacity of one larger culvert are not considered best practice as several small culverts increase risk of debris blockage.
- 7) Culvert inlets and outlets must be protected from scouring by armouring erodible surfaces against erosive water forces (e.g., by using riprap or concrete headwalls).
- 8) Culvert design must specify the culvert fill material compaction requirements (by the manufacturer or Qualified Professional) for the structural integrity of the culvert and to prevent piping (water flowing on the outside of the culvert).
- 9) Fish stream culverts must be designed to minimize and mitigate negative impacts to fish and wildlife passage during variable water levels. Fish stream culverts must be designed to provide fish passage at all water levels. The culvert outlet in reaches with fish must be submerged in all flow conditions.
- 10) Gradients must be designed such that embedded materials do not wash out of the culvert, excessive forces are not created at the culvert outlet, and fish passage is not negatively affected.
- 11) Alternatives to installing culverts in fish bearing streams with gradients over 6% must be considered and rationale provided.
- 12) Cross drain culverts must be installed near the stream crossing to direct any water from drainage ditches away from the stream as practicable.

Due to the suitability of Valens' Brook in the location of the existing culverts, and the costs associated with construction of a CSB in the location, culverts are considered a viable option for the creation of a stream crossing; however, the current dual-culvert system could be improved as described in the following section.

3.3 RECOMMENDED CROSSING DESIGN

In consideration of the BMPs listed in Section 3.2 above, the existing dual-culvert crossing can be improved. Due to the formation of an outlet pond downstream of the culverts observed during the January 18 site visit (Photo 5), it is evident that increased channelization of flow through the culverts is increasing water velocities and creating some scour. It is therefore recommended that a

third 0.45 m diameter culvert be installed. This will allow for a wider flow path and reduced flow velocity and scouring from the channel constriction. While this work is occurring, it is further recommended that geotextile fabric be installed along the rock armored headwalls at both up and downstream ends of the culverts equivalent to the inverts and tops of the culverts. Geotextile should be anchored on the upstream and downstream ends with ballast rock and covered with clean compacted gravels free of fines. The drain rock used in the current culvert installation (Photo 5) is suitable. As per DFO best practices¹, other installed culverts should also:

- 1) be embedded a minimum of 300 mm below the streambed;
- 2) be installed on a stable bedding surface. If needed, the existing streambed material must be excavated and replaced with clean granular material until firm (e.g., bedding sand);
- 3) extend beyond upstream and downstream ends of fill materials;
- 4) align parallel with the flow direction;
- 5) match the existing slope of the stream channel.

The existing road footprint through the SPEA of Valens Brook can be used for staging of machinery and materials and will therefore minimize further disturbance to the riparian area other than what is required to install a third culvert and geotextile fabric to the crossing. No additional riparian clearing or other impacts should be required to complete crossing upgrades.

To align with BMPs and minimize potential negative impacts associated with improving the crossing design:

- 1) The crossing upgrades will be timed during the reduced risk fisheries work window (June 15-Sept. 15) that would ideally be scheduled during the late summer months after an extended dry period.
 - a. There should be no surface flow through Valens' Brook, and the culverts should hold no water at the time of work.
- 2) Pumps and sandbags should be on hand to allow for the creation of sumps and dams to isolate the worksite in the event of rain during construction.
- 3) Soils removed from the floodplain during the original culvert installation (Photo 8) should be removed from or spread thinly throughout the riparian area. This should be done using hand tools to avoid additional impacts to riparian vegetation.
- 4) Disturbed areas of the floodplain outside of the road footprint should be replanted as prescribed in Section 3.4 below.

3.4 SITE RESTORATION

Overall, restoration of the disturbed site is expected to be relatively straightforward due to the small footprint (50 m²) of the disturbance and the well vegetated floodplain surrounding the disturbed area. Due to the prevalence of slough sedge throughout the floodplain, it is recommended that the footprint of disturbed soils associated with crossing upgrades in the floodplain be replanted entirely with slough sedge at 1 m spacing. Upland disturbed areas will be replanted with a mix of forest species observed on site. The use of slough sedge will ensure that the disturbed area re-establishes rapidly and will quickly become incorporated with the surrounding intact vegetation.

Restoration planting will ideally be timed during the late summer or fall season to maximize survival and allow newly planted plants to establish through the winter and therefore reduce the need for watering during the dry summer months. If the planted stock shows signs of stress during their first spring/summer installed plants must be irrigated as needed.

There were no invasive species found near the disturbance on the January 18, 2023 site visit; however, the use of machinery to install and remove culverts within the stream does pose a risk of invasive species introduction. It is recommended that the replanted areas be inspected yearly for occurrence of invasive plants, and all invasives found be removed for 3 years, or until the replanted native species are well established. Monitoring for survival of planted stock is recommended to coincide with substantial completion of residential development at which time a “post-construction” monitoring report will be produced by a QEP that confirms work has been completed in accordance with recommendations in this CIA and any other environmental conditions of an IT Development Permit.

Table 1. Recommended restoration plant species, numbers, and associated stock purchasing costs in the ARHDP on the subject property.

Common Name	Scientific Name	Number	Size	Cost/Unit	Total Cost (excluding taxes)	Notes
Slough sedge	<i>Carex obnupta</i>	20	1 gal pot	\$7.35	\$147.00	To be planted in floodplain at 1 m spacing. Use extent of slough sedge upstream and downstream of culverts to define extents of planting. Number may change depending on extent of floodplain disturbance.
Sword fern	<i>Polystichum munitum</i>	10	1 gal pot	\$7.35	\$73.50	To be planted outside of the floodplain. Common in forests on site.
Salmonberry	<i>Rubus spectabilis</i>	15	1 gal pot	\$7.35	\$110.25	To be planted outside of the floodplain. Common on property. Will rapidly recolonize disturbed areas.
Note: Plants can be purchased from a local native plant nursery such as Streamside Native Plants. Costs will vary according to supplier.						

Table 2. Estimated labor costs to install restoration plants prescribed in Table 1.

ITEM	TOTAL COST (NOT INCLUDING TAXES)
PLANT COST	\$330.75
Labour cost for planting (Crew of 2, 1 days, \$25.00/hour)*	\$400 *may be completed by landowner/contractor at no cost
Total planting cost	\$730.75

3.5 SPECIES AT RISK (SARA)

Denman Island’s land and forest policies encourage the protection of bald eagle (*Haliaeetus leucocephalus*) and blue heron (*Ardea herodias*) nests when developing private property. No eagle nests nor heron colonies were observed during the January 18, 2023 site assessment; and no known nests recorded in online databases are within range to be at risk of disruption from proposed

construction activities outlined in this CIA. The nearest known eagle nest was approximately 200 m from the subject property¹¹; while the nearest known heron colony was over 1 km from the subject property¹² (Figures 3 and 4).

The provincial Species and Ecosystems explorer returns 86 results for red or blue-listed plant and wildlife species for the habitat types found in the study area on Denman Island; however, there are no confirmed populations within the vicinity of the subject property, and none were observed on the January 18, 2023 site visit. It was confirmed by email on January 16, 2023 by Katrina Stipek from the BC Conservation Data Center that the project location is not within the vicinity of critical habitat on any known SARA on Denman Island. It is therefore assumed that the mitigation measures outlined in Appendix A will be sufficient to prevent negative impacts of chance occurrences of any SARA on the subject property.

4.0 CONCLUSIONS

Based on the January 18, 2023 site assessment, the existing culverted stream crossing does not meet the current Best Management Practices as defined by provincial and federal regulators. The existing crossing can be improved by adding one more culvert to diffuse flows and reduce channelization and by adding geotextile fabric to prevent erosion into Valens' Brook. The following recommendations will ensure that no further damage is done to aquatic habitat:

- 1) Construction is completed entirely within the least risk work window for fish streams: June 15 – September 15 of a given year.
- 2) Work is completed during the summer months after an extended dry period.
 - a) There should be no flow through Valens' Brook, and the culverts should hold no water.
- 3) Culvert installation and design will follow best practices as outlined in *Factsheet: Culvert Installations*¹, and *Requirements and Best Management Practices for Making Changes In and About A Stream in British Columbia*⁴.
- 4) The soils removed from the floodplain left over from the original installation of the culverts be removed or spread through the riparian area using hand tools (Photo9).
- 5) There is no further disturbance to instream habitat other than what is required for the improvement of the existing crossing.
- 6) Loss of riparian vegetation outside of the floodplain during construction is minimized and the resulting construction footprint is replanted immediately after completion of works with a suitable assemblage of native plants.
- 7) A Section 11 notification is submitted under the WSA.
- 8) An RfR is submitted under the *Fisheries Act*
- 9) The reporting contained within this CIA is intended to achieve reporting requirements set out in Part F, Development Permit 4 of the Denman Island Official Community Plan Bylaw No. 185, 2008 and a retroactive DP will be acquired prior to these works occurring.
- 10) No additional modifications within the SLWDPA will be allowed that are not described in this document.
- 11) As per Appendix A any potential adverse effects from construction can be mitigated to result in no, negligible, or minor harmful effects on aquatic resources.

¹¹ Community Mapping Network. 2023. Wildlife Tree Stewardship Atlas. [online]: https://cmnmaps.ca/WITS_gomap/

¹² Community Mapping Network. 2023. Great Blue Heron Atlas. [online]: <https://cmnmaps.ca/GBHE/>

- 12) A post-restoration site-visit and report is required to ensure that the measures to protect and enhance the area contained within DPA 4 made in this report are adhered to and that no harmful alteration, disruption, or destruction to sensitive habitat results from construction activities on the subject property.

5.0 CLOSURE

We trust this assessment has satisfied your requirements to determine the potential negative effects the proposed re-development will have on adjacent sensitive habitat and address their avoidance and mitigation through the implementation of BMPs for Changes in and About Water.

Please contact the undersigned if you have any queries.



DUSTY SILVESTER, RPBIO
CURRENT ENVIRONMENTAL LTD.

A handwritten signature in black ink that reads "Jamie Godfrey".

JAMIE GODFREY, ENV. TECH.

6.0 DISCLAIMER

This report was prepared exclusively for Etienne de Villiers (the "Proponent"), by Current Environmental. The quality of information, conclusions and estimates contained herein is consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by the authors and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in this report. This report is intended to be used by the Proponent only, subject to the terms and conditions of its contract or understanding with Current Environmental. Other use or reliance on this report by any third party is at that party's sole risk.

7.0 FIGURES



Figure 1. Subject property (yellow outline) and surrounding land use on Denman Island, BC.

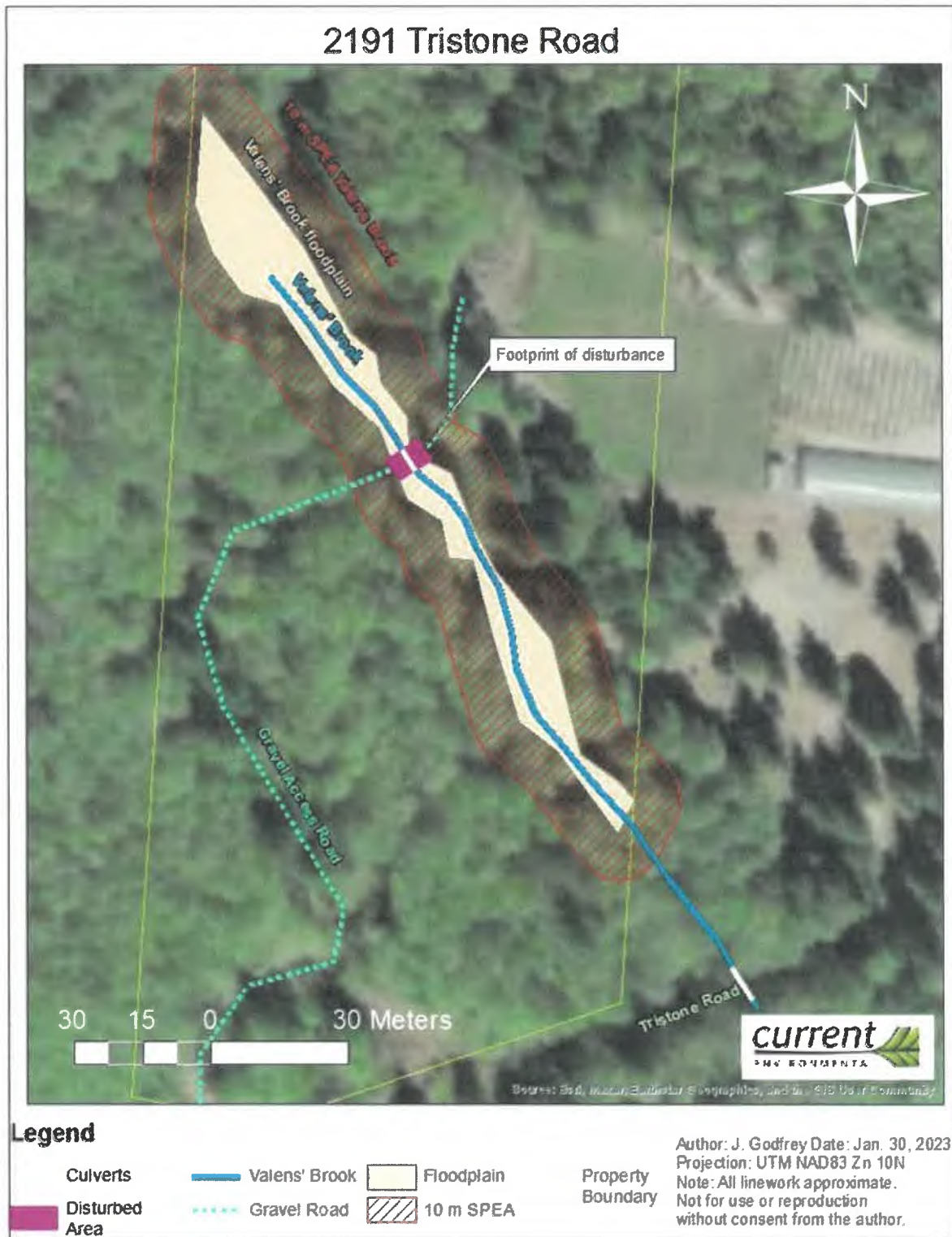


Figure 2: Overview of subject property and Valens' Brook in the vicinity of the stream crossing of concern.



Figures 2 and 3: Nearest bald eagle (left) and heron (right) nesting sites to the subject property showing a 200 m and 1 km buffer, respectively. Subject property shown approximately by the red boxes.

8.0 PHOTOS



Photo 1. Newly installed stream crossing in Valens' Brook on the subject property. Valens' Brook is flowing from right to left in this photo.



Photo 2. Downstream view of the outlets of the two newly installed culverts in Valens' Brook. Note channel width at left is 14 approx. 1.5 m while floodplain at right is 5 m wide.



Photo 3. Representative photo of riparian vegetation for most of Valens' Brook taken approximately 50 m downstream of the crossing location.



Photo 4. The upper portion of the Valens' Brook watershed on the subject property with emergent and riparian vegetation dominated by slough sedge and red alder/swordfern, respectively.



Photo 5: The downstream end of the two culverts with the outlet pool invert visible and minor scour to be substrates resulting from concentrated flows that will be diffused by the addition of a third culvert.



Photo 6: Twin 0.45 m diameter culverts installed under Tristone Road approximately 140 m downstream of the crossing on the subject property.



Photo 7: *Carex obnupta* laying on top gravels used as road base.



Photo 8: The upstream end of the culverts installed in Valens' Brook. Note the lack of a clearly defined channel free of vegetation (in contrast to Photo 2 above of the outflow). Both up and downstream sides of the crossing will be upgraded by installing non-woven geotextile over its banks and covered with larger diameter rock to avoid erosion of fine materials.



Photo 9: Soils removed from Valens' Brook during initial installation of two 0.45 m culverts that have been sidecast onto riparian vegetation. These materials should be removed and replaced into the streambed to fill the channel and pool created by the newly installed culverts (Photo 2) and/or spread thinly into surrounding riparian vegetation so as not to suffocate existing plants. The area underneath the soil pile should be replanted as needed.

APPENDIX A – GENERAL CONSTRUCTION BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES

Fuels and Hazardous Materials

The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze, or other hazardous materials onto land surfaces or into waterbodies is an offence under the Federal *Fisheries Act* and may result in degradation of habitat quality and could be a threat to human health. Machinery required for the proposed development will likely include vehicles delivering materials, a mini excavator, and generators for power tools.

Environmental protection procedures for handling and storage of fuels and hazardous materials shall include the following items:

- a) A spill kit of appropriate capacity will be on hand at all times heavy machinery or gas-powered tools are in use during construction.
- b) All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
- c) Refueling of equipment is to occur only at designated fueling stations and located at least 30 m from all waterbodies.
 - a. A recommended refueling station is in the field northeast of the worksite (Figure 2).
- d) All fuel, chemicals, and hazardous materials will be clearly marked.
- e) All equipment maintenance with the potential for accidental spills (e.g., oil changes, lubrications) will be done on a designated area at least 30 m from any waterbody. Tarps should be laid down prior to commencement of work to facilitate clean up.
- f) In the event of a spill, the following guidelines should be followed:
 - Spills to the receiving environment (terrestrial lands) are to be reported to the BC Provincial Emergency Program (1-800-663-3456) if they exceed the reportable limits (e.g. 100 liters of fuel or oil) while spills of any volume to water are reportable.
 - Apply sorbent pads and booms as necessary.
 - Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.

Sediment and Erosion Control

Specific measures to control sediment during construction will include:

- a) All work within the floodplain of Valens' Brook must occur in the summer months when there is no surface flow through the stream, and the culverts are holding no water.
- b) Where there is a potential for silt runoff in the proximity of existing waterbodies, control devices will be installed prior to construction activities commencing.
- c) Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks and elevated using stakes or straw bales. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas and for use as baffles to slow water velocities.
- d) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting nearby waterbodies.
- e) Machinery must not traverse the floodplain of Valens' Brook once the existing culvert structure has been removed.
- f) Soil stockpiles will be placed a minimum of 15 m from any waterbody and in a location where erosion back into the aquatic environment cannot occur and will not impede any drainage. They should also be tarped and piled on unvegetated areas.
- g) Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed.
- h) Revegetation of any disturbed soils should be completed immediately after completion of construction.

October 3, 2023 - Progress Report from the Denman Island Housing APC

The Housing Advisory Planning Commission (HAPC) was created last Spring by the Denman Island Local Trust Committee (LTC) to consider "all things housing". HAPC members are grateful that our community now has an opportunity to make recommendations for change.

Our terms of reference (as we understand them to be) are to:

- a) Assist the LTC with engagement to support the Denman Island Housing Project
- b) Conduct a focused review of "Denman Island Land Use Bylaw No. 186 and Official Community Plan No. 185, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing the impacts of housing generally to better protect the environment while supporting equity, diversity and inclusion"
- c) Consider "all things Housing" - including identification of options for the LUB and OCP; staff reports; previous studies; other materials about housing provided by Denman community members. This includes but is not limited to the recommendations from the Denman Island Housing Review and subsequent input.
- d) Review the recommendations coming out of the Denman Island Housing Review and related and additional, public input;
- e) Identify potential options to address housing needs including general locations/zones

Since our first meeting on July 3, we have met every week through some hot months and into fall. We will continue to meet every Tuesday at 5:00 in the Lounge at the Activity/Senior's Centre, until and including October 17. All are welcome at our table.

The HAPC's task is a complicated one. Housing touches many people deeply. We each share the human need for a safe home. The Government of Canada affirms that housing is a human right. Many people see housing simply as an investment. Some fear housing will harm the environment. Every person brings their own unique perspective to the topic of housing.

We've had a cross-section of about 50 community members engage either in writing or by joining us at the Housing APC table. Some folks are regulars, others have come to a single meeting or two. These folks have shared their experiences, their concerns, their fears, their hopes and their ideas for how to make housing better on Denman.

We have had extensive and wide-ranging discussions on the following (sometimes thorny) topics: Accessory Dwellings; Alternatives to Single Family Dwellings; Enforcement; Affordability; How to protect the Environment; the Downtown core; Agricultural Land Reserve; Official Community Plan; Land Use Bylaws; and so much more.

One topic of repeated discussion are the requirements of Section 473 of the Local Government Act. These state in part: "An official community plan must include housing policies of the local government respecting affordable housing, rental housing and special needs housing." Section 473 must be added to our Denman Island OCP, as it is a requirement of the Provincial Government of BC.

With autumn upon us, the Housing APC is working toward submitting a report to Denman Trustees in early November. Once the report is received it will be at least a year (optimistically) before any bylaw changes to support housing options. That is a long, cold, dire time for those living insecurely or without housing.

Official estimates are that over 120 Denman community members here and now are living in precarious housing – whether from lack of affordability, stability, safety, or legal status. The effects

of this are far reaching and intergenerational. Whether child, adult or senior - living in precarious housing directly impacts every person's health. People in insecure housing are at an increased risk of mental health conditions, infectious diseases, violence, and substance use, among other things.

Housing has a significant impact on all people's physical and mental health, that of their family, and their community. Fortunately, Denman residents overwhelmingly want to help, and to see community members safely and lawfully housed.

This is evidenced by the facts. Our Denman Local Trust Committee has called together the Housing APC and begun legally supporting housing options, as they were elected to do. Each week, the Housing APC receives engagement from a cross section of enthusiastic community members. Many Denman landowners continue to rent out spaces to house community members, despite potential legal risks. Denman's Housing Action Group continues to be active and vocal, in proxy for those who must remain silent. A great many community members are volunteers and/or financial supporters of the Denman Housing Association, and the Denman Community Land Trust Association and their respective housing projects. Denman clearly wants to bring Denman home safely!

The work of the HAPC is complicated and ongoing. We have identified values shared (between committee members and throughout our community) and we have identified a variety of changes that may be helpful. Our discussions and inquiries continue, as we seek agreement, and craft wise recommendations for our Local Trust Committee.

We ask the Denman LTC to please grant us another month's time to prepare our report, which we will submit for the November 7, 2023 LTC meeting. In the interim, with the aim to help people have a little more room to breathe in their precarious housing, and to help us complete our report, we request the following of the Denman Local Trust Committee to please:

1. Make a Standing Resolution requiring Bylaw Enforcement Officers to make an appointment, with a minimum of 24 hours notice, before they conduct any site visit to investigate a bylaw complaint at any person's home - lawful or unlawful.
2. Contact the CVRD to collaborate on services to help with housing and other safety needs throughout the coming winter. Are there ways the Islands Trust can help with, or fund solutions in this emergency, as these processes take the time they need?
3. Instruct Islands Trust staff to find and expeditiously share with the HAPC all information they have about the origin or creation of the Density Bank; along with an accounting of all densities added to, removed from, or that have passed through Denman's Density Bank through its lifetime.
4. Instruct IT Staff to update the Density Bank numbers, or to report on any obstructions or other reasons this request has not yet been completed, along with a date for when this request will be completed.

We appreciate the process of change takes time, but in situations like this, it must not take too much time. While time is of the essence, the need to do a thorough job is important. As we seek to balance sometimes conflicting needs, the HAPC continues to work toward a solid recommendation package to share with our community and our Denman Island Local Trust Committee, which we aim to submit for the November 7, 2023 LTC meeting.

If you have any questions about our Commission's work, or process, please feel free to ask them, now, at one of our meetings, or by correspondence. .

Thank you for your time and for your support in our process to better house our community.

Riane da Silva
Chair, Denman HAPC

From: Simon Palmer [REDACTED] [\[REDACTED\]@mail.com](mailto:[REDACTED]@mail.com)>
Sent: Saturday, July 29, 2023 3:40 PM
To: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Cc: Dave Ricketts [REDACTED]; Pamela Willis [REDACTED] Simon Palmer
[REDACTED]
Subject: Section 219 Covenant

Good Monday Morning Sonja,

We are becoming ever more mindful of the extreme competition for construction financing and the need to cut all unnecessary expenditure.

One item that, in our view, could be dispensed with is 2. (a) of the above Covenant, that reads

"2. No Build – The Grantor will not develop or build on the Land until:
(a) It erects (and thereafter maintains) a solid wood fence or landscape screen or combination of both, suitable to enhance visual privacy and mitigate dust along its entire length of its northern interior lot line;"

Would you please let us know what is the procedure for amending the Covenant?

Many thanks - Simon

ps We have other reasons for believing such a fence should not be built, but they are irrelevant at this time

Denman Housing Association
3720 East Road, Denman Island, B.C. V0R 1T0
DenmanAffordableHousing@gmail.com 250 335 2559
Registered Charity #84680 0936 RR0001

To: Denman Island Local Trust Committee

August 21 2023

Re: 219 Covenant on 1151 Northwest Road Title

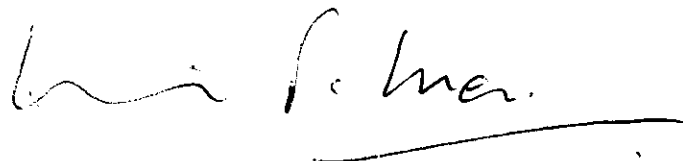
We would request that you approve an amendment to the 219 Covenant on the Title to our land at 1151 Northwest Road (PID 000-393-941) to remove Clause 2. (a) which reads -

2. No Build - The Grantor will not develop or build on the Land until:

(a) It erects (and thereafter maintains) a solid wood fence or landscape screen or combination of both, suitable to enhance visual privacy and mitigate dust along its entire length of its northern interior lot line

Mr. Frank Rizzardo, President, Emcon Services Inc. that owns the neighbouring property to the North, has confirmed that a second fence is unnecessary. See his separate memo to that effect.

We confirm that, once approved, we will prepare the amendment to the Covenant and have it registered on Title at our cost

A handwritten signature in black ink, appearing to read "Simon Palmer", with a long horizontal line extending from the end of the signature.

Simon Palmer, President



Maintaining
Canadian Roads
Since 1988



August 22, 2023

Denman Island Local Trust Committee
3771 East Road
Denman Island, BC V0R 1T0

RE: FENCE REQUIREMENT IN 219 COVENANT ON PID 000-393-941 TITLE

Emcon Services Inc, owner of the Works Yard immediately North of the Denman Housing Association's above property at 1151 Northwest Road, believes that a second fence, currently required under the 219 Covenant on the Title of that land, is superfluous and unnecessary.

Yours truly,

Frank Rizzardo, ASCT, GSC
President & GM

/nl

Attachment

cc: Dave Ricketts: DRicketts@rdh.com, Simon Palmer: simonpalmer3720@gmail.com

www.careersincivilconstruction.ca

For a complete Division list please visit: www.emconservices.ca

□ **CORPORATE OFFICE:**
105-1121 McFarlane Way
Merritt, BC
V1K 1B9
P: 250-378-4176
F: 250-378-4106

□ **ALBERTA DIVISION:**
9050 14th Street
Edmonton, AB
T6P 0B7
P: 780-449-0502
F: 780-449-0574

□ **ONTARIO DIVISION:**
6130 Edwards Blvd
Mississauga, ON
L5T 2V7
P: 905-670-3080
F: 905-670-3716



1. Application

**LOGAN N. LAPOINTE
SWIFT DATOO LLP
201-467 Cumberland Road
Courtenay BC V9N 2C5
2503344461**

2. Description of Land

PID/Plan Number	Legal Description
000-393-941	LOT B, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 36263 EXCEPT PLAN EPP113337

3. Nature of Interest

Type	Number	Additional Information
COVENANT		S.219

4. Terms

Part 2 of this instrument consists of:
(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

DENMAN HOUSING ASSOCIATION

6. Transferee(s)

**DENMAN ISLAND LOCAL TRUST COMMITTEE
2ND FLOOR, 1627 FORT STREET
VICTORIA BC V8R 1H8**

7. Additional or Modified Terms

8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

DENMAN HOUSING ASSOCIATION
By their Authorized Signatory

SIMON PALMER

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)



DAVID JOHN MARLOR
Commissioner for Taking Affidavits
For British Columbia
200-1627 Fort Street
Victoria BC V8R 1H8
Commission Expires: May 31, 2025

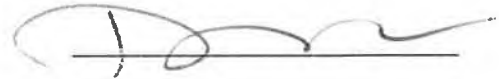
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YYYY-MM-DD

 2023-03-22

**DENMAN ISLAND LOCAL TRUST
COMMITTEE**
By their Authorized Signatory



Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.



8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)

YYYY-MM-DD

DENMAN HOUSING ASSOCIATION
By their Authorized Signatory

SIMON PALMER

Officer Certification

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Witnessing Officer Signature

Execution Date

Transferor / Transferee / Party Signature(s)



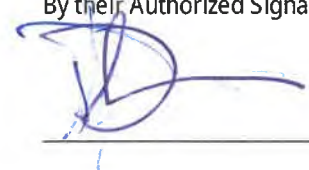
YYYY-MM-DD

**DENMAN ISLAND LOCAL TRUST
COMMITTEE**

By their Authorized Signatory

Nadine Lynn Mourao
Commissioner for Taking Affidavits
For British Columbia
700 North Road
Gabriola, BC V0R 1X3
Commission Expires April 30 2026

2023-05-09



Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

~~TERMS OF INSTRUMENT – PART 2~~

~~SECTION 219 COVENANT – DEVELOPMENT~~

THIS AGREEMENT dated for reference the __ day of _____, 2023 is

BETWEEN:

DENMAN HOUSING ASSOCIATION

3720 East Road
Denman Island, B.C. V0R 1T0

(the “Grantor”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE

a corporation under the *Islands Trust Act*
having an office at 2 Floor, 1627 Fort Street, Victoria, B.C.
V8R 1H8

(the “Trust Committee”)

WHEREAS:

- A. The Grantor is the registered owner in fee simple of land located on Denman Island, British Columbia and more particularly described as:

PID: 000-393-941

LOT B, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 36263 EXCEPT PLAN EPP113337

(the “Land”);

- B. The Grantor has submitted a rezoning application (under reference number DE-RZ-2021.1) to allow it to develop and construct up to 20 affordable rental dwelling units, and as part of its rezoning application, the Grantor wishes to enter into a covenant with the Trust Committee under which it agrees to fulfil certain development requirements;
- C. Section 219 of the *Land Title Act* of British Columbia permits the registration of a covenant of a negative or positive nature in favour of a municipality in respect of the use of land and buildings on land; and
- D. The Grantor wishes to grant and the Trust Committee wishes to accept these covenants over the Land restricting the use of the Land and building thereon in the manner herein provided.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein and the sum of One Dollar (\$1.00) now paid to the Grantor by the Trust Committee (the

receipt and sufficiency of which is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. **Definitions** – In this Agreement, the following terms have the following meanings:
 - (a) **“Datalogger”** means a device that can record data from a water piezometric pressure transducer, temperature detector and conductivity sensor, at intervals of once per hour (24 times per day).
 - (b) **“Dwelling Unit”** means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.
 - (c) **“Energy Step Code”** means Article 10.2.3 of Division B of the *British Columbia Building Code*, and a reference to a numbered step in the Energy Step Code is a reference to a step established in the Energy Step Code.
2. **No Build** – The Grantor will not develop or build on the Land until:
 - (a) It erects (and thereafter maintains) a solid wood fence or landscape screen or combination of both, suitable to enhance visual privacy and mitigate dust along its entire length of its northern interior lot line;
 - (b) It erects (and thereafter maintains) suitable fencing along the eastern boundary of the wetland to prevent access to the wetland area as delineated in Figure 2. Polygon 3 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (c) A drainage plan prepared by a qualified professional has been submitted to and approved by the Trust Committee in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
3. **Concurrent Construction Requirements** – Concurrently with its construction of any dwelling unit on the Land, the Grantor will:
 - (a) install a down-well continuous datalogger (the “Datalogger”) with a water level pressure transducer, temperature sensor, and electric conductivity sensor, that will allow the Grantor to meet the monitoring requirements imposed on it in section 6, and that is on a direct read smart cable that allows for downloading at the well head or will be installed with telemetry to upload to a desktop application remotely;

- (b) Establish and maintain tree protection zones along the eastern wetland boundary throughout the construction phase in consultation with an ISA certified arborist and in accordance with recommendation 10.1 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (c) Restore the eastern edge of the wetland boundary with clean fill and establish a 3.0 metre vegetated native plant buffer area, in consultation with a professional landscape architect and in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (d) Ensure no buildings or structures, excluding a pedestrian trail and fencing, are sited within 3.0 metres of the eastern edge of the wetland boundary in substantial accordance with the Denman Green Site Plan dated March 11, 2022 prepared by VHA attached to and forming part of this agreement.
- 4. **Energy Step Code Requirements** – The Grantor shall construct all dwellings on the Land, to meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.
- 5. **No Occupancy** – The Grantor covenants and agrees with the Trust Committee that the Grantor shall not occupy nor allow any one to occupy any building that may be constructed on the Land unless the Grantor has:
 - (a) provided written certification from an appropriately qualified engineer that the Datalogger has been installed in accordance with the terms of this Agreement; and
 - (b) provided written certification from an appropriately qualified professional architect; engineer or energy advisor that all Dwelling Units meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement;
 - (c) provided written certification from an appropriately qualified professional biologist that the wetland buffer fencing, trail construction and native plant vegetative buffer are in accordance with the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement.
- 6. **Monitoring and Reporting Requirements** – After the Datalogger is installed and the Trust Committee has received confirmation of the same in accordance with the terms of this Agreement, the Grantor will, while this Agreement is in place:

- (a) Be responsible to ensure the datalogger provides continuous groundwater monitoring at a rate of no less than 24 times per day;
 - (b) as part of the aforementioned monitoring, the Grantor will record the groundwater:
 - (i) levels, adjusted for barometric pressure,
 - (ii) temperature, and
 - (iii) electric conductivity;
 - (c) annually, by the date that is no later than 15 days after the anniversary of the date this Agreement is registered in the Land Title Office, provide the Trust Committee with:
 - (i) all raw data recorded pursuant to subsections 6(a) and (b); and
 - (ii) a fully completed “Water Champion Covenant Annual Report” in the form attached hereto as Schedule “A”.
- 7. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Grantor hereby indemnifies the Trust Committee from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the Trust Committee, or any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the granting or existence of this Agreement, the performance of any of the Grantor’s obligations under this Agreement, any breach of any provision under this Agreement or the enforcement by the Trust Committee of this Agreement.
- 8. **Specific Relief** – The Grantor agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the Trust Committee, in the event of an actual or threatened breach of this Agreement.
- 9. **No Effect on Powers** – Nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or

- (c) relieve the Grantor from complying with any enactment, including in relation to the use, development or subdivision of the Land.
10. **Trust Committee Discretion** – Where the Trust Committee or a representative of the Trust Committee is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
- (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the Trust Committee or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the Trust Committee or the representative, as the case may be; and
 - (c) the Trust Committee or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the Trust Committee or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.
11. **No Obligation to Enforce** – The rights given to the Trust Committee under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the Trust Committee to anyone or obligate the Trust Committee to enforce this Agreement or to perform any act or incur any expense.
12. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
13. **Waiver** – No waiver by the Trust Committee of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
14. **Remedies** - No reference to or exercise of any specific right or remedy by the Trust Committee shall prejudice or preclude the Trust Committee from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the Trust Committee may from time to time exercise any one or more of such remedies independently or in combination.
15. **Priority** – The Grantor shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the

holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the Trust Committee under which such holder postpones all of the holder's rights to those of the Trust Committee under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.

16. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Grantor or its successor in title and the Trust Committee or a successor or assignee.
17. **Further Assurances** – The Grantor shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
18. **Grantor's Expense** – The Grantor shall perform its obligations under this Agreement at its own expense and without compensation from the Trust Committee.
19. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
20. **Interpretation** - In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;

- (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
- 21. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
 - 22. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
 - 23. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.
 - 24. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement.

From: Marjorie Gang [REDACTED]
Sent: August 18, 2023 1:39:56 PM
To: David Graham; Sam Borthwick; David Maude
Subject: FireSmart vs. the Islands Trust

Dear Trustees,

I've been comparing B.C.'s FireSmart policies to some recommendations concerning "Forest Stewardship" coming from the Islands' Trust and its related committees. It seems that the Islands' Trust doesn't support Provincial FireSmart guidelines.

From the Provincial Wildfire Service: "FireSmart principles have shown that they are effective at reducing the risk to life and property in the most extreme wildfire conditions. The FireSmart program is backed by a vast amount of field, laboratory and wildfire modelling research. Its methods help reduce the risk of losses under even the most extreme fire conditions."

FireSmart for Homeowners:

NON-COMBUSTIBLE ZONE

0 – 1.5 METRES

A minimum 1.5 metre non- combustible surface should extend around the entire home and any attachments, such as decks.

ZONE 1

1.5 – 10 METRES

This should be a fire-resistant zone, free of all materials that could easily ignite from a wildfire.

ZONE 2

10 – 30 METRES

Thin and prune evergreen trees to reduce hazard in this area. Regularly clean up accumulations of fallen branches, dry grass and needles from on the ground to eliminate potential surface fuels.

ZONE 3

30 – 100 METRES

Look for opportunities to create a fire break by creating space between trees and other potentially flammable vegetation. Thinning and pruning is effective here as well. These actions will help reduce the intensity of a wildfire.

Yet this poster below, which displays the Islands' Trust's logo, is posted on the websites of IT-affiliated Transitions SaltSpring Island and also on the website of Salt Spring Island Coastal Douglas-Fir Project, Posted on July 22, 2021:
<clip_image001.jpeg>

Summarizing the recommendations on the graphic, which displays the IT logo, that conflict with FireSmart policies and are supported by the N. Pender LTC and the IT brochures:

- 1) The graphic suggests that if forests are left in their natural state, absorbed water in the trees, soil, ground debris will prevent wildland fires. (Natural forests can burn and have burned)
- 2) It advises against clearing / cutting trees as a way of reducing fire risk.
- 3) It suggests that after logging, soil can't store water so loses its ability to prevent the spread of wildland fires.
- 4) It recommends keeping woody debris on the forest floor.
- 5) It states that limbing lower branches exposes roots to sunlight and encourages the spread of wildland fire.
- 6) It suggests that invasive species are more flammable than native ones.
- 7) It recommends bringing laddered woody debris in contact with the forest floor or moving it to a wetter area rather than just suggesting removing it.
- 8) It suggests that slash piles in cleared areas are more of a fire risk than such piles in forested areas.
- 9) It suggests that roots of logged tree stumps can spread fire underground faster than roots of standing trees.

Ruth Waldick of Transitions SaltSpring wrote, "Yes, you are correct, our recommendations are not consistent with Fire Smart guidelines." and, "Our fire fighter, Lt. Mitchell Sherrin has been doing some outreach in the community with us, and is aware of some inconsistencies with Fire Smart, and has discussed these with the Fire Smart team on Vancouver Island..."

Another of Transition SSI's posters display this recommendation:

"Enhance water storage by keeping large woody debris on forest floor and bringing small suspended woody debris down in contact with forest soil."

FireSmart education and practices are important. It's astonishing that the IT wants to undermine them. Is your Ministry aware of this dangerous situation?

We had fires on Denman – not recently thankfully but over a year ago, but there are many fires in B.C. now; the fire season is historic and well underway. My partner is a member of the Denman Island Fire Rescue Department. He and his colleagues could be victims of this bad advice.

The image at the end of this letter comes from an Islands' Trust Conservancy May 2020 Conservancy Newsletter.

And these recommendations re. "Forest Stewardship" are in the Islands' Trust's "Stewardship Tips" brochure. These brochures have now been sent to 1000 Islands' Trust area residents, and the current plan is to send these to all new-ish area residents. I think \$15,000 is allocated for that.

"Minimize tree cutting and soil disturbance... Protect forests on your property to support their key functions. Healthy forests protect against extreme wildfires, drought, and flooding."

"Leave some fallen trees, logs, and branches on the ground for insects, amphibians, reptiles, small mammals, and birds. These materials also improve soil nutrients and moisture retention and reduce fire hazard."

I saw a Globe and Mail article about the Lytton fire. It said the fire-fighters faced a hopeless situation because there was so much fuel on the forest floor.

TO: The Islands' Trust June 22, 2021 from the Saturna Island Fire Chief:

As it is a Fire Chief's job to protect the safety of their community from wildfire, it is occasionally also their job to advise local government on the effect of proposed legislation on the safety of a community. One of the greatest risks affecting entire communities in the Gulf Islands is the risk of a large wildfire.

It is clear that the new Policy Statement, as drafted, will have a great power over what future bylaws and regulations will be created in the affected communities.

That being the case, it is alarming that section 4.3, which aims to regulate tree cutting practices in the Trust area, includes no mention whatsoever of wildfires, and their danger to life, property or ecosystems. The principles of “Firesmart” do not necessarily conflict with the principles of “Forest Stewardship”. However, the policy statement, as written, could lead to the banning of such practices as building fire breaks, treatment of ground fuels, and other methods of proactively controlling wildfire risk.

It is essential that section 4.3 includes at least a mention of balancing “Firesmart” principles with ecosystem stewardship.

Sincerely,

Peter Clark

CHIEF, SATURNA ISLAND VOLUNTEER FIRE DEPARTMENT

So residents of the islands’ Trust area are getting mixed messages about how to be prepared. Can trustees intervene on this in any way, to emphasize to the Trust staff that FireSmart education and practices are important?

Sincerely,

Marjorie Gang

July 29, 2023

Dear Denman Island Trustees, Islands Trust Council and Planners:

Closing loop-hole to reduce real estate profiteering on Gulf Islands

The Gulf Islands are not included in the federal legislation: Prohibition on the Purchase of Residential Property by Non-Canadians.

Why not?

One “high-tech real-estate flipping business run out of the USA,” Zillow, lists 4 properties on Denman Island. These are not for sale or for rent.

Speculators/enablers, such as Zillow, are facilitating foreign buyer access and appear to be ‘enhancing’ the sale value to the detriment of residents in need of housing. Anything that puts upward pressure on the price of housing is bad.

Keeping out foreign buyers might make things less bad.

I have sent a similar letter to my MP and MLA. I am not sure whose decision it would be to add the Gulf Islands to this legislation. If it is not in the Islands Trust jurisdiction, then I hope you will make a similar request to the appropriate level of government.

Yours truly,

Wendy Boothroyd

██████████

Denman Island

Sam Borthwick, Denman Island Trustee
David Graham, Denman Island Trustee
David Maude, Denman Island Trust Council Chair
Peter Luckham, Chair of Executive Council
Tobi Elliott, Vice-chair of Executive Council
Timothy Peterson, Vice-chair of Executive Council

Renée Jamurat ,Regional Planning Director for the Northern Office
Narissa Chadwick , Trust Planner
Marlis McCargar , Trust Planner

From: Community Services <communityservices@comoxvalleyrd.ca>
Sent: Thursday, September 7, 2023 4:17 PM
To: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: CVRD Regional Parks and Trails Strategic Plan Update

Dear Sonja;
Care of: Islands Trust

The Comox Valley Regional District is developing our first **Regional Parks and Trails Strategic Plan** to guide the future of regional parks and trails over the next 20 years and beyond. The Strategic Plan will inform service delivery to protect regionally significant natural areas, develop a network of regional trails, and complement the existing community and provincial parks networks as the region grows. The planning process is just getting underway and will run through fall 2024.

Part of this process will be hearing from interest groups and community members about potential areas of interest for future regional parks and trails. Interests may include lands where informal recreation currently occurs or that are considered to have regionally-significant natural or cultural values.

As a large landholder in the region, we wanted to inform you about the planning process. The intention is to keep you informed throughout the process, including an update in early 2024 to invite your comment on emerging directions. If you have questions in the meantime, please contact Mark Harrison, CVRD Manager of Parks, at the contact details listed below.

Please visit our Project page to learn more: <https://engagecomoxvalley.ca/RegionalParksPlan>

Sent on behalf of Mark Harrison, Manager of Parks:

CVRD Community Services
770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000

The CVRD respectfully acknowledges the land on which it operates is on the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land.



Looking for More Information?

- ▶ Visit engagecomoxvalley.ca/RegionalParksPlan to learn more about the project, process, and upcoming opportunities for involvement
- ▶ Email Mark Harrison, Manager of Parks at mharrison@comoxvalleyrd.ca
- ▶ Phone: 250-334-6000

Applications

Development Permit

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			
Status Date: 01-Sep-2023			
Planner reviewing file.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planner: Ian Cox			
Planning Status			
Status Date: 05-Sep-2023			
File reassigned from SB to IC			
Status Date: 04-Oct-2022			
Applicant seeking permit from Arch Branch			
Status Date: 21-Sep-2022			
Update requested from applicant within 30 days.			

Applications

Siting and use Permit

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.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2022.1	Carballeira, Steven Planner: Ian Cox	28-Feb-2022	PIDs: 002-747-430 and 002-748-258. Lot line adjustment, no new lots created. Civic: 3060 Lake Road and 4060 Wren Road, Denman Island, BC.
Planning Status			
Status Date: 05-Sep-2023 File reassigned from SB to IC			
Status Date: 14-Aug-2023 RPM decision that the 2 dwellings at 3060 Lake Rd are legal non-conforming.			
Status Date: 19-May-2023 RAPR Assessment report received from Ministry of Water, Land and Resource Stewardship.			

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

615 Denman	Invoices posted to Month ending July 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	1,535.95	-125.95
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	453.88	-54.88
65220-615	LTC - Local Exp - Communications	250.00	296.77	-46.77
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>2,286.60</u>	<u>48.40</u>
Projects				
73001-615-4025	Denman Housing Review	18,000.00	363.32	17,636.68
73001-615-4127	Denman Farming Regulations Review	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>20,000.00</u>	<u>363.32</u>	<u>19,636.68</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																	
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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.			



File No.: 3050-20 (APC)

DATE OF MEETING: October 3, 2023
TO: Denman Island Local Trust Committee
FROM: Chloë Straw, Planning Team Assistant, Northern Team
SUBJECT: Expiry of Advisory Planning Commission Term

UPDATE

At the June 6th business meeting, the Denman Island Local Trust Committee requested that staff send letters to members of the Advisory Planning Commission whose terms expired on July 6, 2023, thanking them for their participation and inviting their expressions of interest for reappointment to the Advisory Planning Commission, as well as advertise for new members.

To date, only one expression of interest has been received.

This means, as it stands, there will be no APC; however, that in the future if the LTC wishes to refer projects to the APC, it would need to request staff to send out another expression of interest to appoint new members for an APC.

NEXT STEPS

Should the LTC wish to have a new Advisory Planning Commission in place prior to a future project referral, it may pass a resolution requesting staff advertise for members a second time, and bring forward expressions of interest to the October 3, 2023 LTC business meeting.

Submitted By:	Chloë Straw, Planning Team Assistant	August 24, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	August 30, 2023

ATTACHMENTS

Bylaw no. 231.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 231

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

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

1. Establishment

- a) The Denman Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an Official Community Plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve a two-year term, and may reappoint those members for a subsequent two-year term.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.
- c) The Deputy Chairperson will:

- i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than (40) days after the date of receipt of that referral unless the Local Trust Committee has, by resolution, requested a response by an earlier specified date or authorized the referral to be considered at a later date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) The Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) If the APC has been referred an application, the Islands Trust must ensure that the applicant is notified of the date, time and place of the meeting at which their application will be discussed, at least five (5) calendar days prior to the meeting.
- c) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- d) The Secretary must post the notice of meeting indicating the date, time, and place of any APC meeting at least five (5) calendar days prior to the meeting on a bulletin board that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50% of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.

- e) At the request of any APC member, the Chairperson must invite an elected official, Islands Trust staff, or member of the public present at the meeting to comment on the matters before the Commission.
- f) The APC must not receive development proposals or other applications directly from applicants.
- g) The APC must not consult directly with other government agencies or organizations.
- h) If the Chairperson considers that another person at the meeting is acting improperly and in a manner that is disrupting the deliberations of the APC, the Chairperson may order that person expelled from the meeting.

7. Notice of Recommendation

- a) All APC recommendations shall be recorded as part of the meeting minutes, and may be recorded as resolutions, provided that, where requested by any member, all dissenting opinions are also recorded.
- b) Draft minutes will be forwarded directly to the Islands Trust Office within (7) days of an APC meeting.
- c) Upon receipt of draft minutes, Islands Trust staff will conduct a review and revise the minutes insofar as to ensure that the draft minutes can be published in accordance with the Islands Trust policies and provincial legislation.
- d) If the Local Trustees did not attend an APC meeting, they may request a verbal report from the Chairperson at a subsequent meeting of the Local Trust Committee.

8. Transition

- a) Denman Island Local Trust Committee Bylaw No. 89 cited as "Denman Island Trust Committee Advisory Planning Commission Bylaw, 1987", is repealed.

9. Citation

- a) This Bylaw may be cited as "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2019".

READ A FIRST TIME THIS	24 TH	DAY OF	APRIL	, 2019
READ A SECOND TIME THIS	24 TH	DAY OF	APRIL	, 2019
READ A THIRD TIME THIS	24 TH	DAY OF	APRIL	, 2019
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	8 TH	DAY OF	MAY	, 2019
ADOPTED THIS	6 TH	DAY OF	JUNE	, 2019

SECRETARY

CHAIRPERSON

BRIEFING

To:	Denman Island Local Trust Committee	For the Meeting of:	October 3, 2023
From:	Trust Area Services	Date Prepared:	July 19, 2023
SUBJECT:	Census infographics		

PURPOSE: To provide local trust committees with infographics regarding trends in local trust areas and the Islands Trust Area.

BACKGROUND: Trust Area Services staff contracted Statistics Canada to provide a set of infographics for both the Trust Area and local trust areas/Bowen Island (see attached).

To develop the infographics, there was a need for Statistics Canada to undertake geocoding and custom tabulations of past Census years as local trust area Census boundaries have shifted through the decades. This work completes efforts that began in 2016 to identify trends in the Trust Area and improve Census data sets for the Islands Trust Area.

ATTACHMENTS:

1. 2021 Census Infographics – Denman Island Local Trust Area
2. 2021 Census Infographics – comparisons across the Trust Area

FOLLOW-UP: These products will inform work throughout the Islands Trust including land use planning, communications, and advocacy. They can be found under the Trend Monitoring webpage on the website, and staff plan to feature the infographics on Islands Trust social media.

Since production of the infographics, planning staff have identified that it would be helpful to also seek an infographic showing the trend in number of dwellings in each jurisdiction over time. Staff intend to order this additional data set and associated infographics at a cost between \$275 and \$457 before applicable taxes.

Prepared By: Clare Frater, Director, Trust Area Services

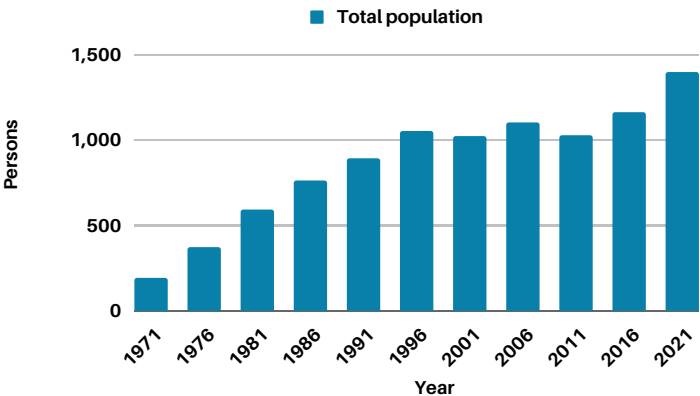
Reviewed By/Date: Renée Jamurat, Regional Planning Manager/August 8, 2023

2021 Census Profile

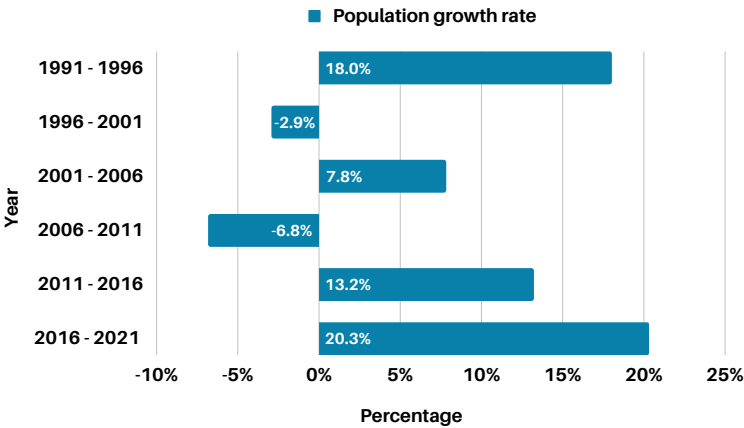
Denman Island Local Trust Area

Total population

The total population of Denman Island Local Trust Area was 1,395 in 2021.



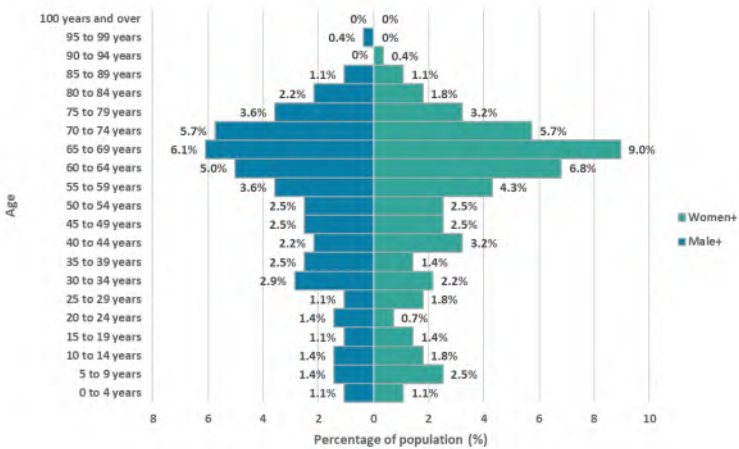
Total population growth rate



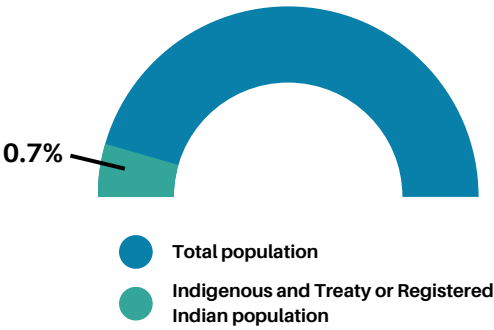
Between 1991 and 2021 the population of Denman Island Local Trust Area grew by 56.7%.

Total population by gender, 2021

The median age of Denman Island Local Trust Area was 60.8 in 2021.

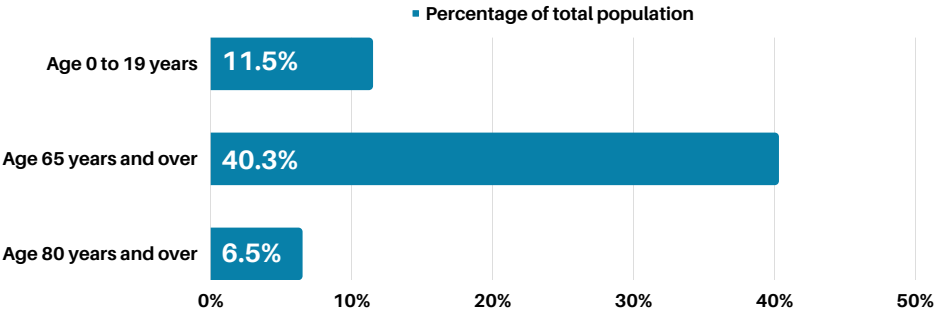


Population by Indigenous and Registered or Treaty Indian status, 2021

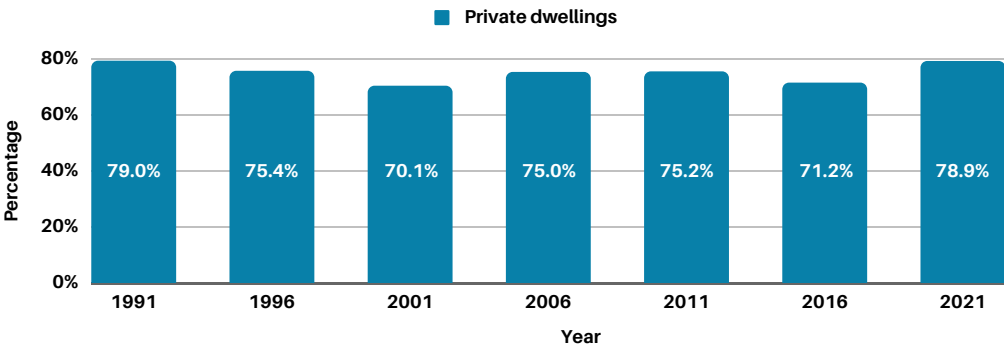


In 2021, 0.7% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- 1971 and 1976 Census, Hornby Island Local Trust Area split into Denman Island Local Trust Area and Hornby Island Local Trust Area by using the 1981 population and dwelling proportion.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

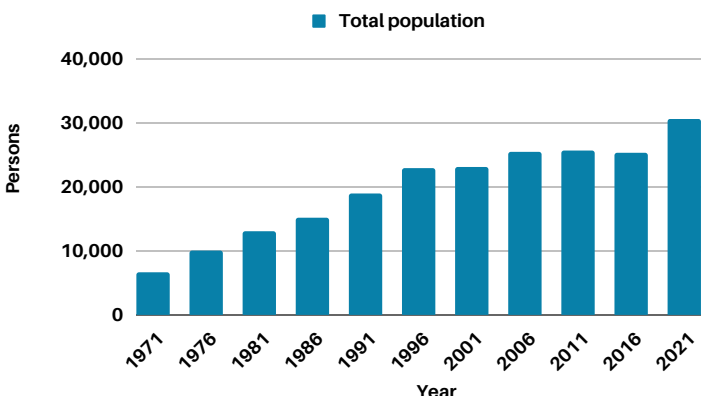


2021 Census Profile

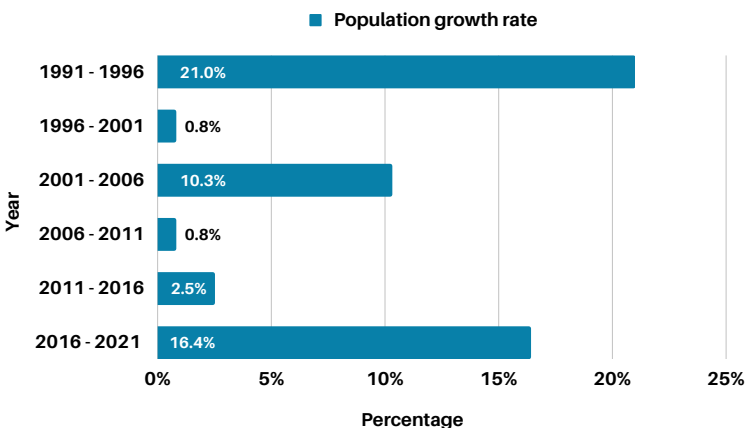
Islands Trust Area

Total population

The total population of Islands Trust Area was 30,510 in 2021.



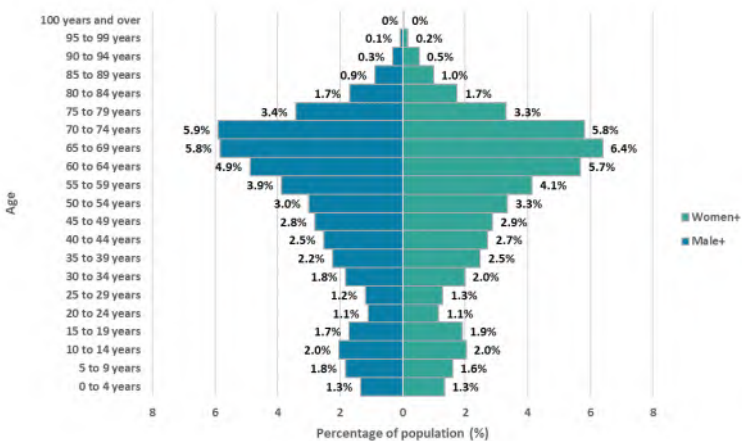
Total population growth rate



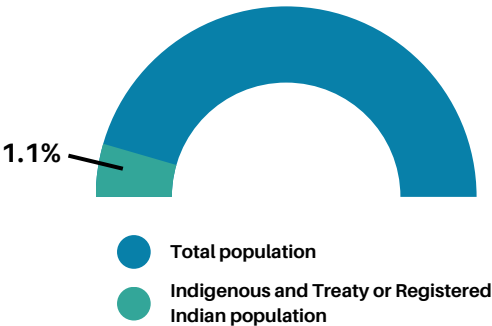
Between 1991 and 2021 the population of Islands Trust Area grew by 61.7%.

Total population by gender, 2021

The median age of Islands Trust Area was 58.8 in 2021.

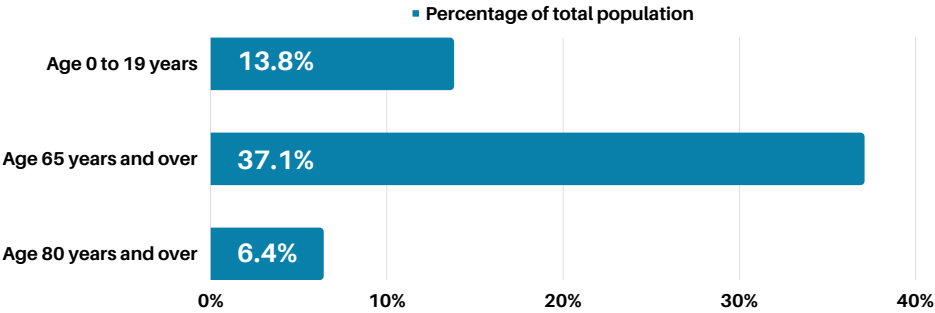


Population by Indigenous and Registered or Treaty Indian status, 2021

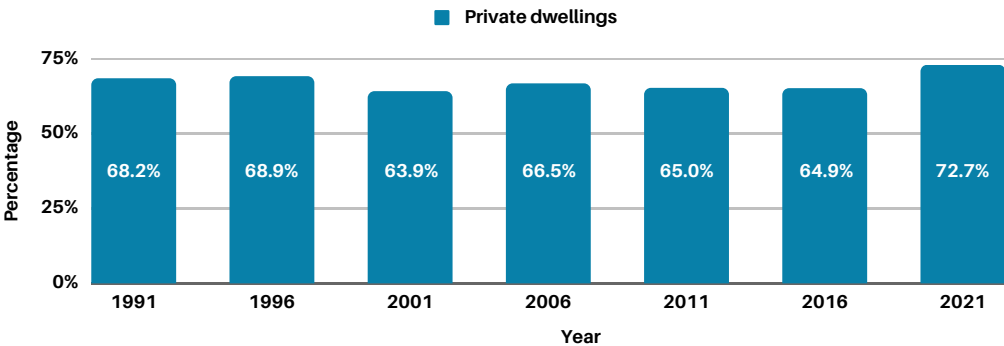


In 2021, 1.1% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

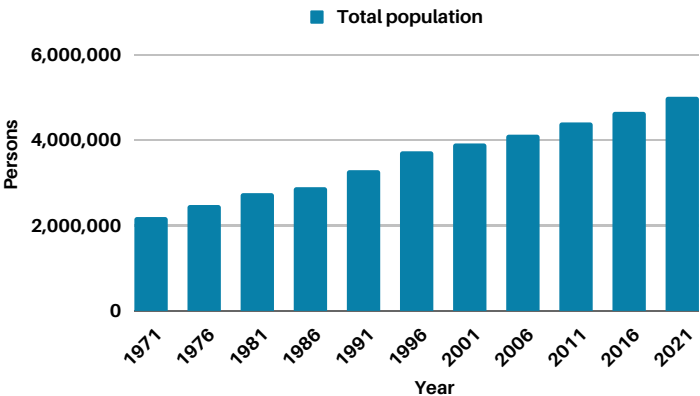
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

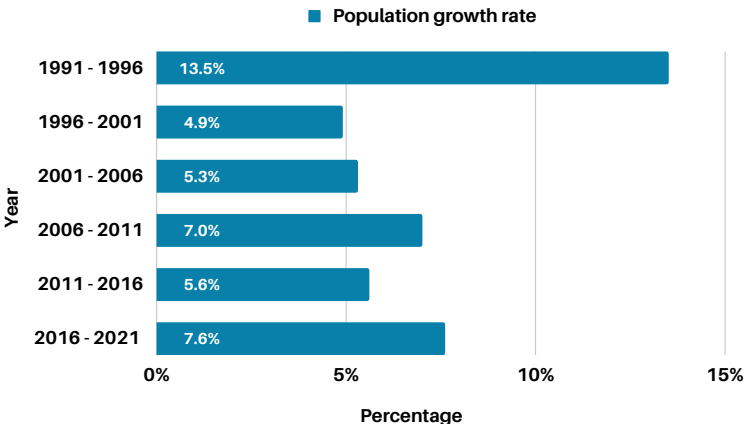
British Columbia

Total population

The total population of British Columbia was 5,000,875 in 2021.



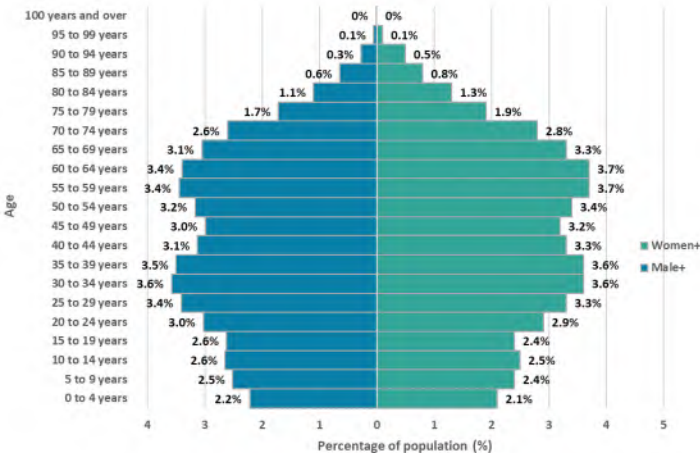
Total population growth rate



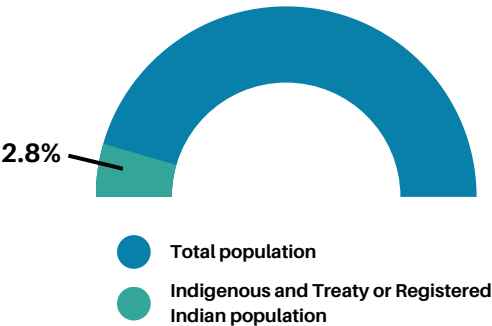
Between 1991 and 2021 the population of British Columbia grew by 52.4%.

Total population by gender, 2021

The median age of British Columbia was 42.8 in 2021.

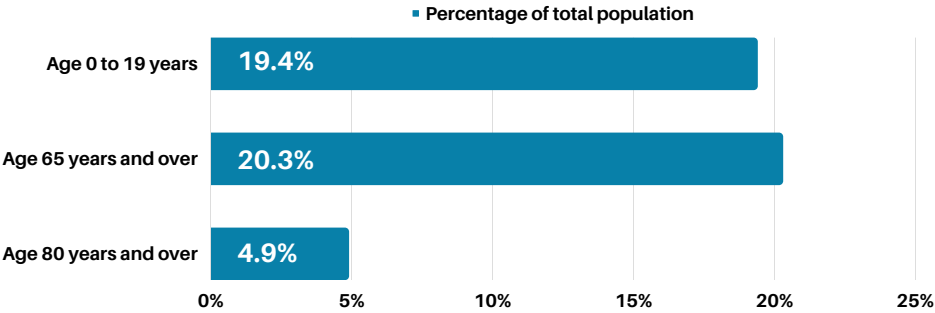


Population by Indigenous and Registered or Treaty Indian status, 2021

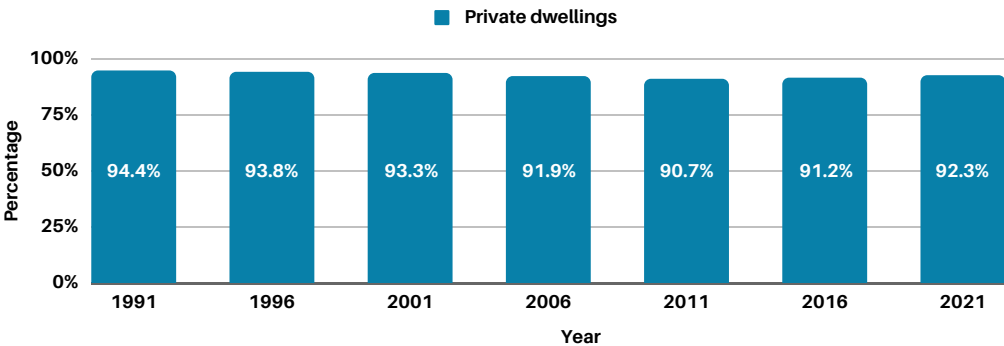


In 2021, 2.8% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Note:

- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10'. To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

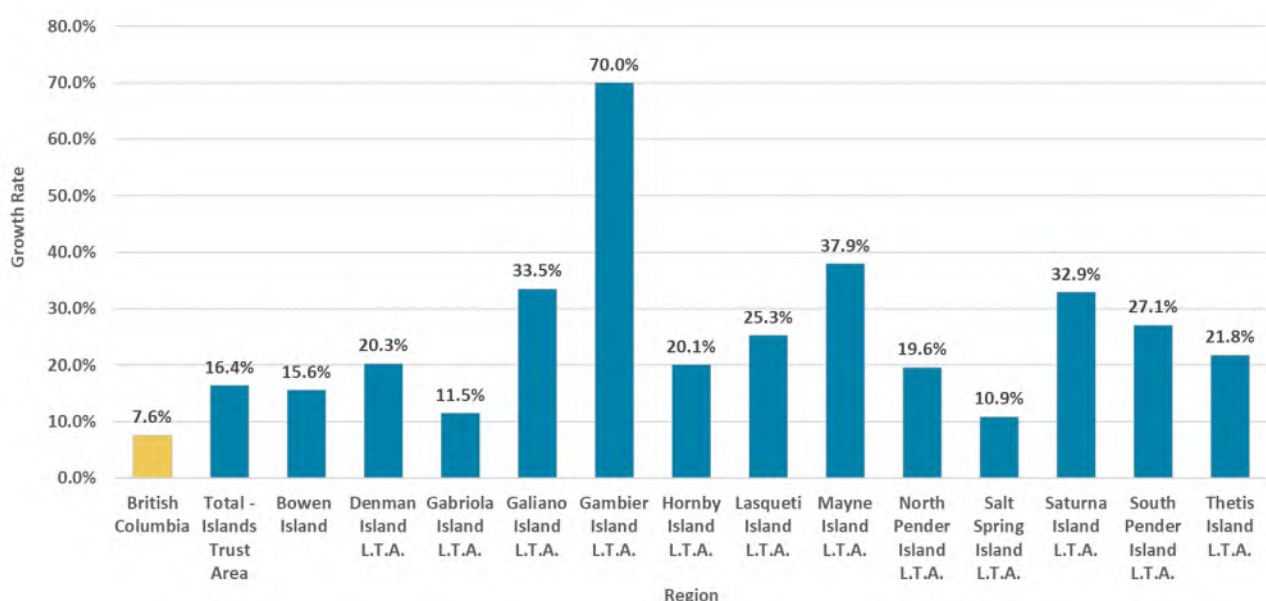
Sources: Statistics Canada, Census of Canada, 1971, vol. 1, part 2, table 14, (Catalogue 92-716); Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

Islands Trust Area Census Profile 2021

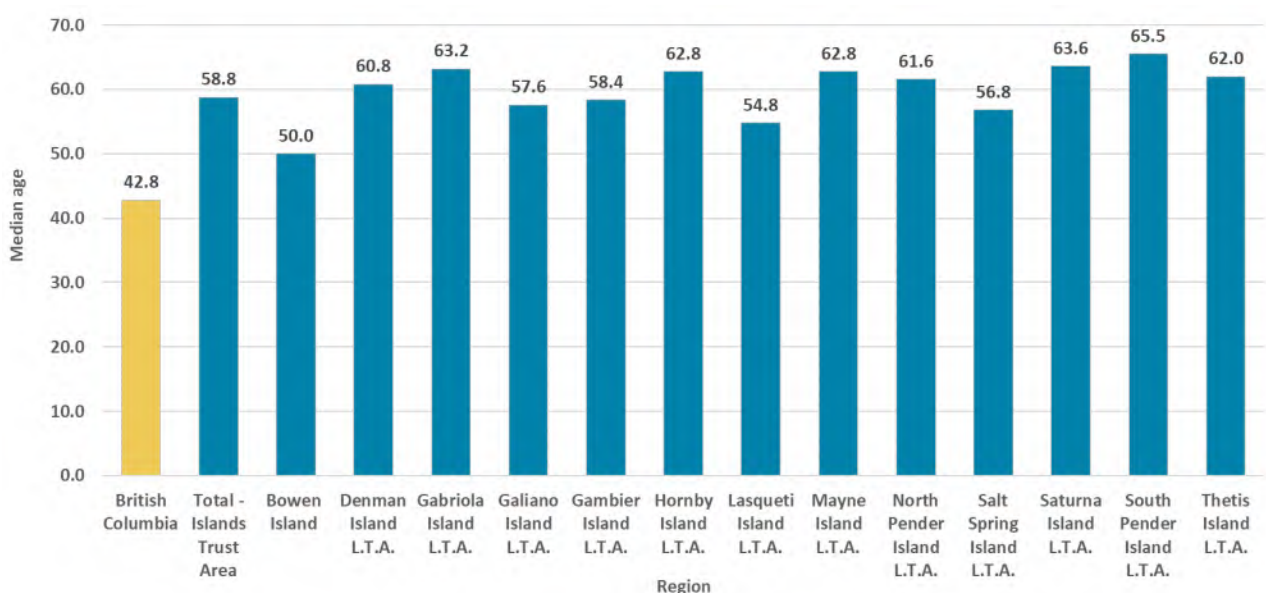


People

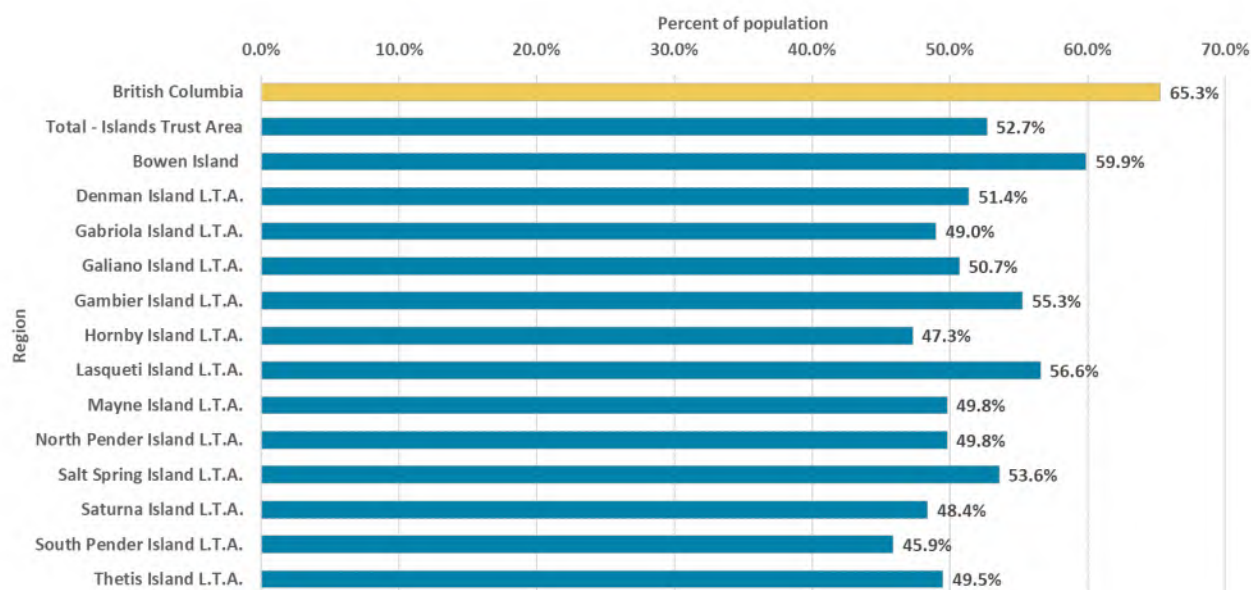
Population growth rate, 2016 to 2021



Median age of population, 2021

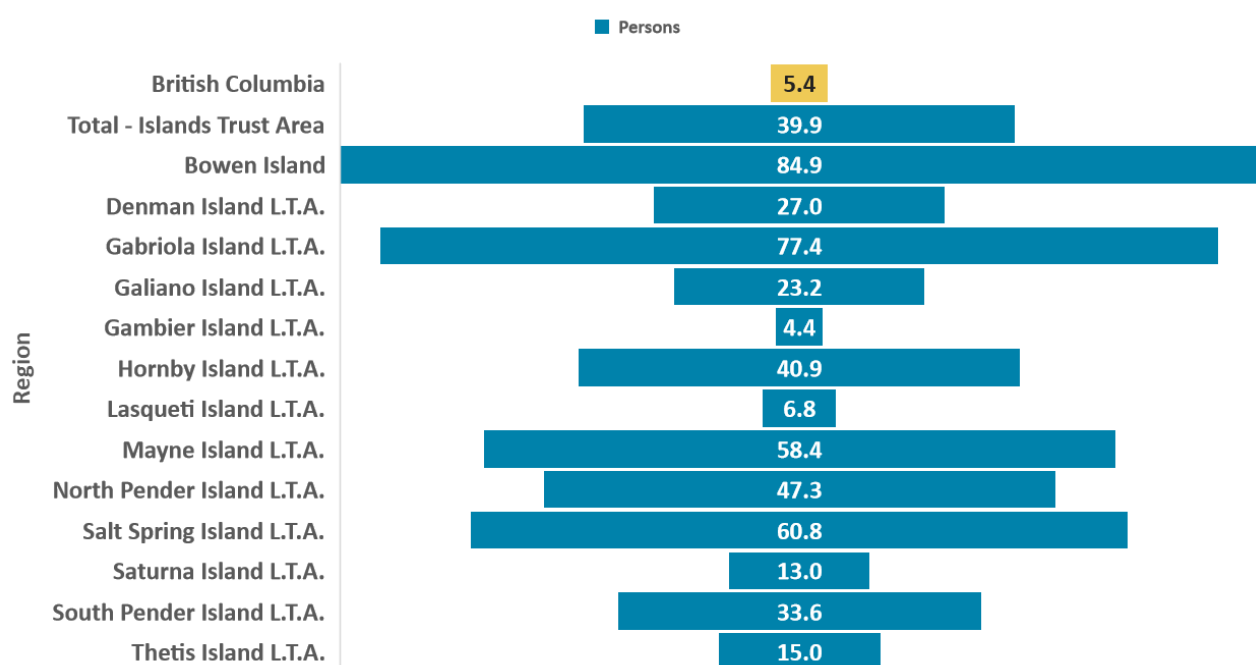


Working age population, 2021*



*Working age is 15 to 64 years old

Population density per square kilometer, 2021



Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



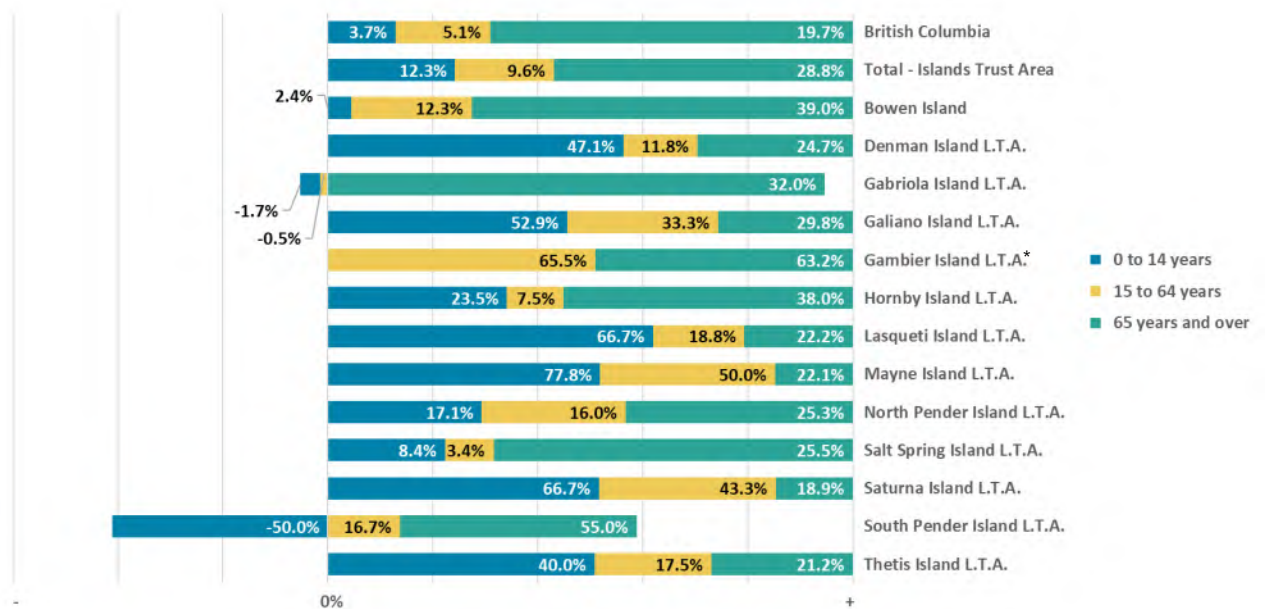
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www.statcan.gc.ca

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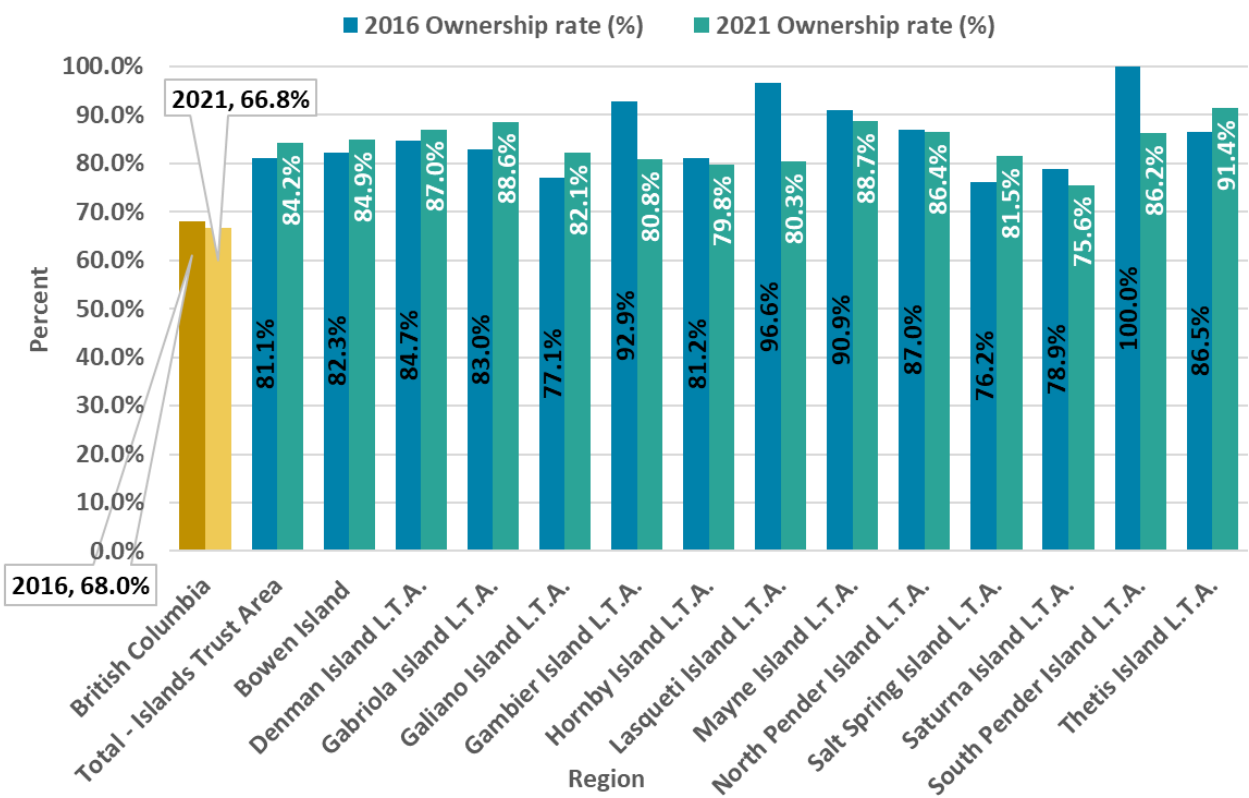
Population change by broad age group, 2016 to 2021



* The population change of 0 to 14 years age group was 250.0% in Gambier Island.

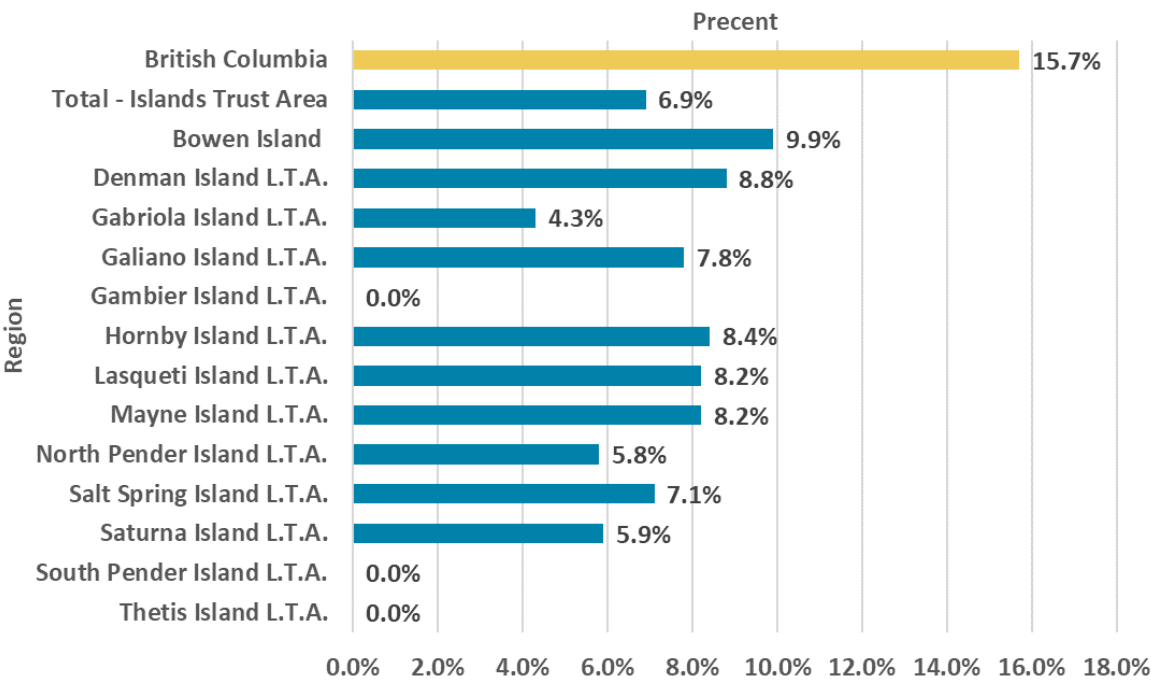
Dwelling

Homeownership rate, 2016 and 2021*

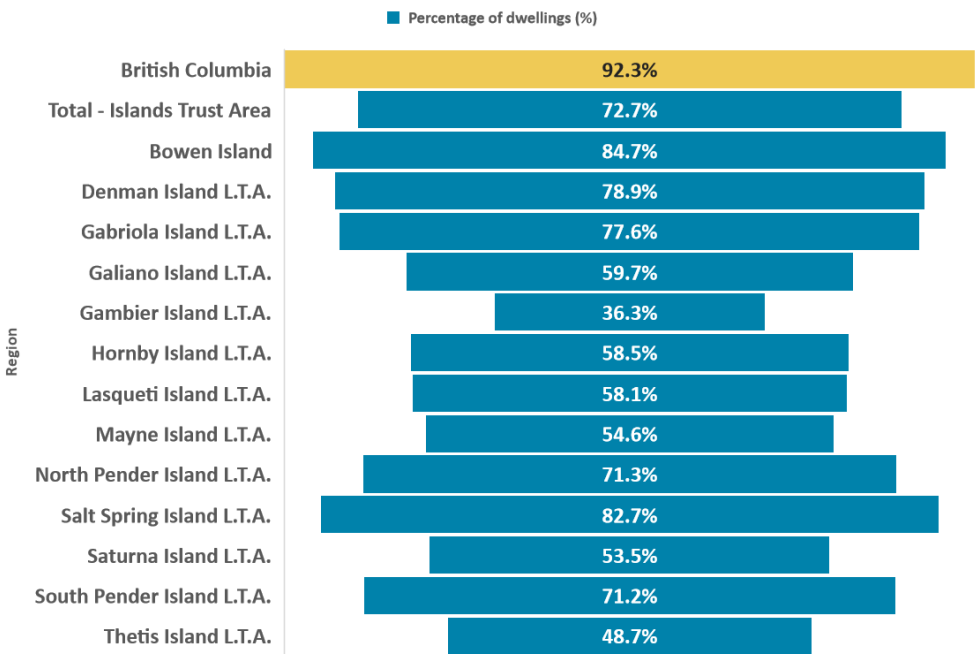


*Owner household refers to a private household where some member of the household owns the dwelling, even if it is still being paid for.

Homeownership rate among 25 to 39 year olds, 2021



Percentage of dwellings occupied by usual residents, 2021

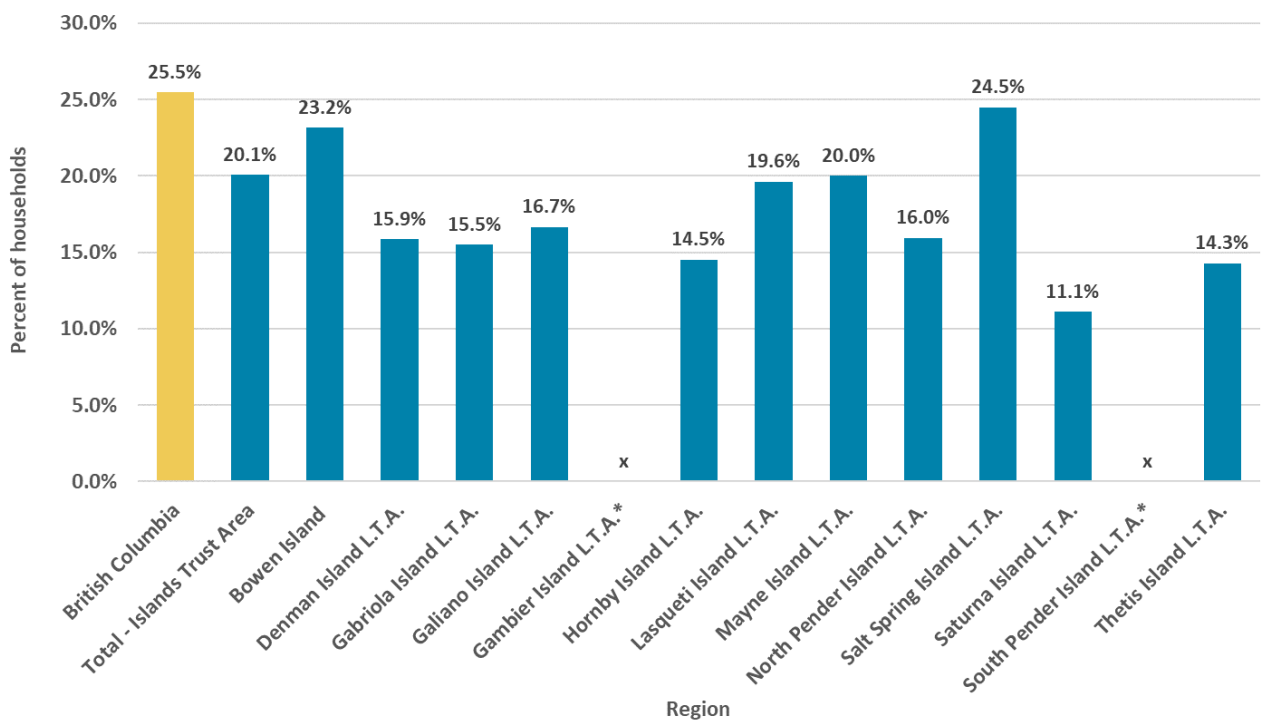


Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
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- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

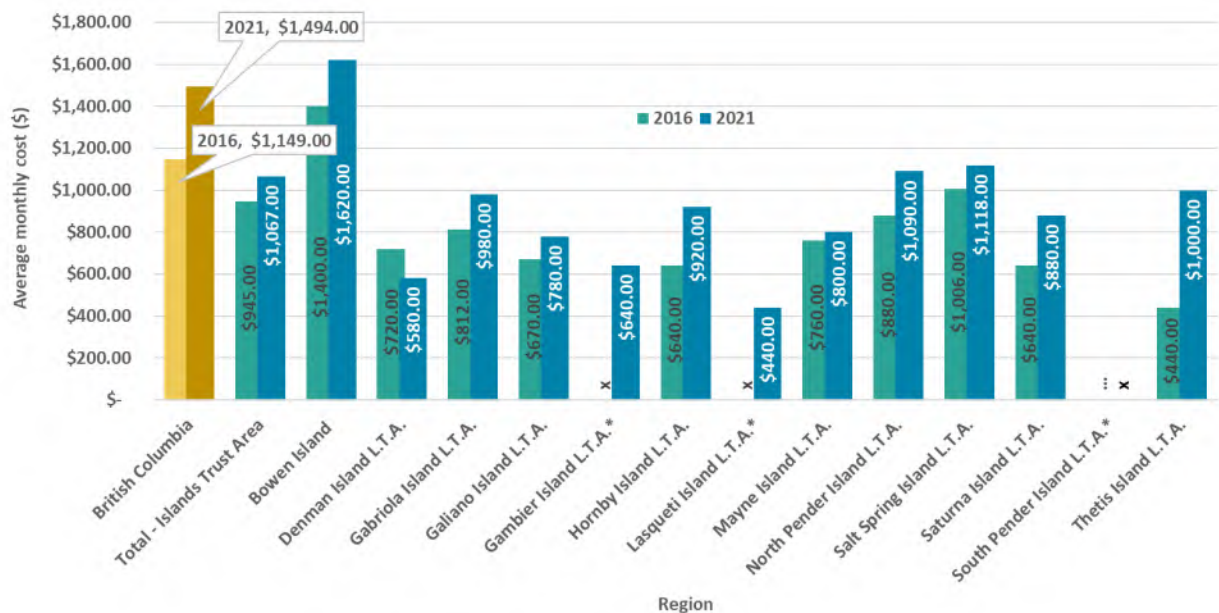
Percentage of households that spend 30% or more of income on shelter costs, 2021¹



*Data for Gambier Island Local Trust Area and South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

1. Total - Owner and tenant households with household total income greater than zero, in non-farm, non-reserve private dwellings by shelter-cost-to-income ratio.

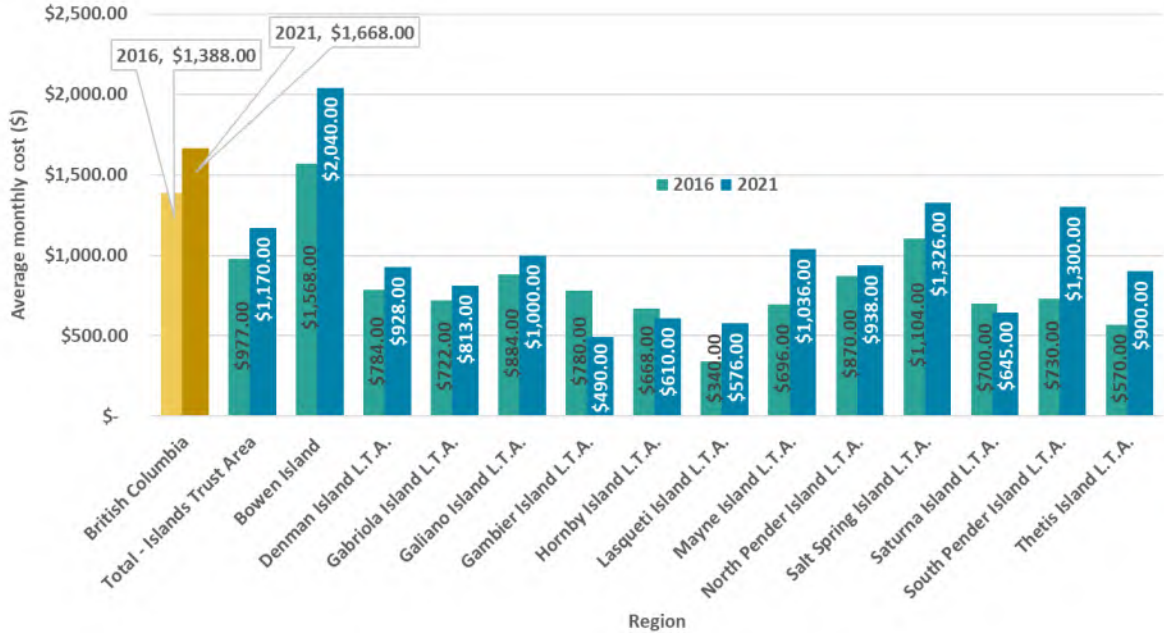
Average monthly shelter cost for renters, 2016 and 2021



Average monthly shelter costs for renters increased by 30.0% in B.C. while the Islands Trust Area saw an increase of 12.9%.

*2016 Census data for Gambier Island Local Trust Area and Lasqueti Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act. 2016 Census data for South Pender Island Local Trust Area not applicable (...). 2021 Census data for South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

Average monthly shelter cost for owners, 2016 and 2021



Average monthly shelter costs for owners increased by 20.2% in B.C. while the Islands Local Trust Area saw an increase of 19.8%.

Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

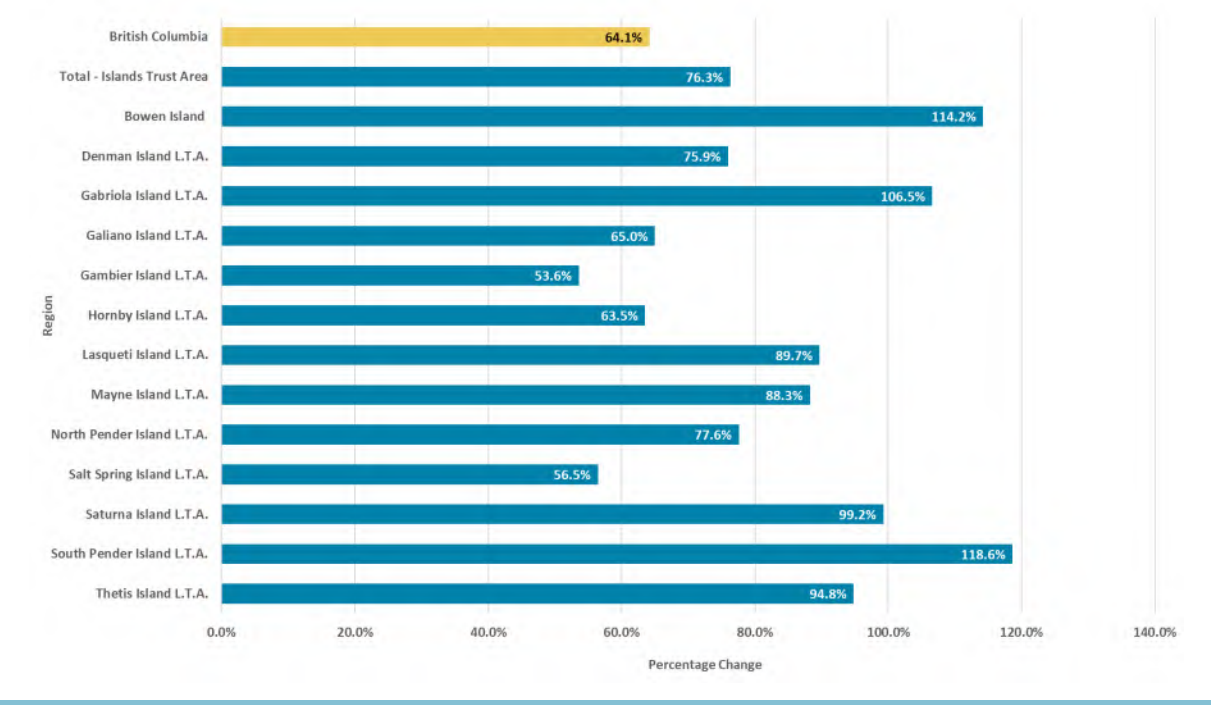
Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



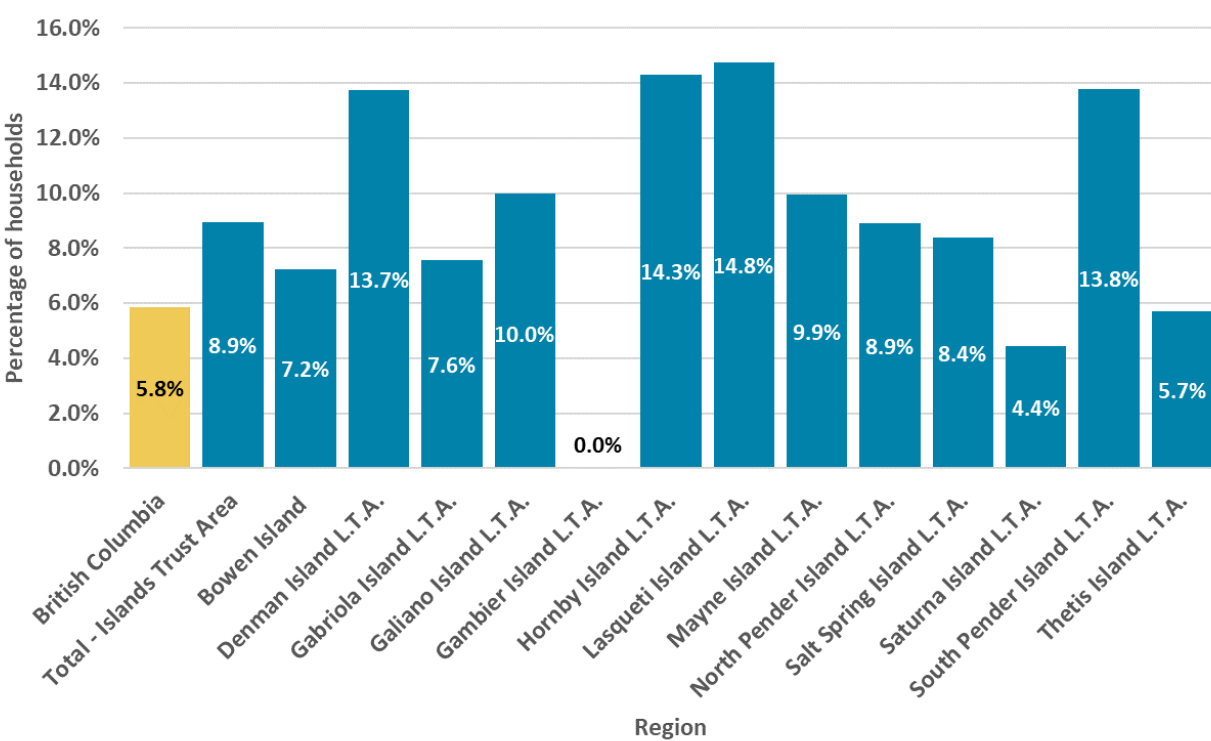
Statistics Canada
Statistique Canada

www.statcan.gc.ca

Percentage change in private dwellings occupied by usual residents, 1991 to 2021



Percentage of households with inadequate housing, 2021*



*Housing is considered adequate when it isn't in need of major repairs. Major repairs include defective plumbing or electrical wiring, or structural repairs to walls, floors, or ceilings.
<https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/core-housing-need/identifying-core-housing-need>



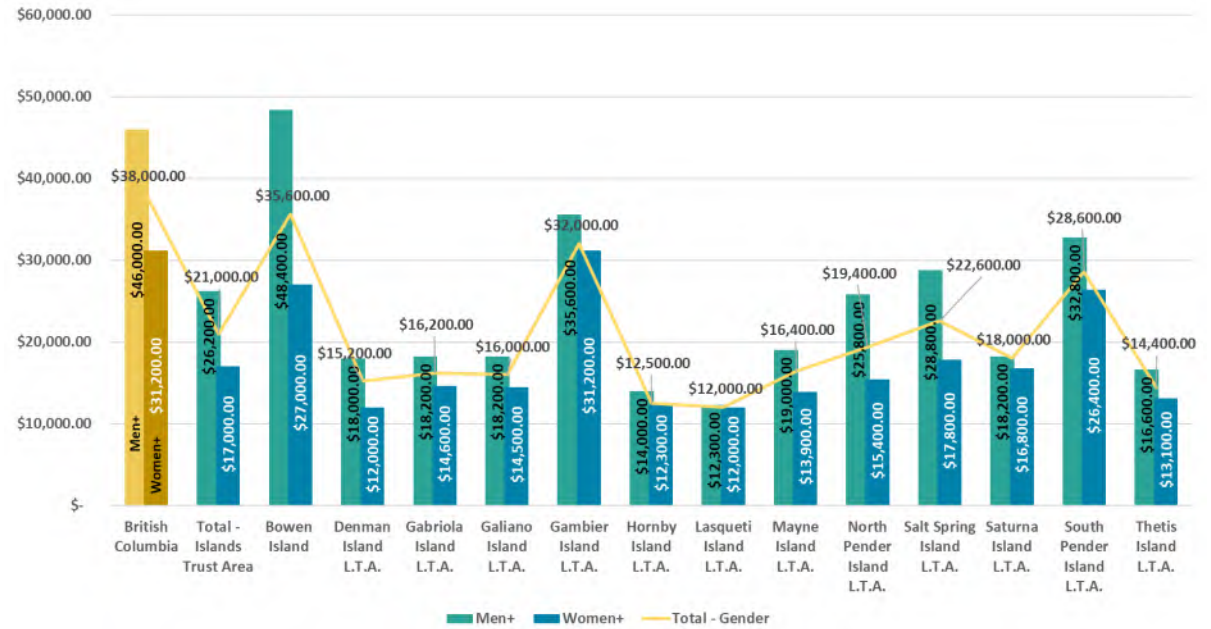
Income

Median after-tax income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Median employment income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



DATE OF MEETING: October 3, 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 the Denman Island Local Trust Committee rescind third reading of Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”.
2. That Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No.1, 2023”, be amended by replacing with original Schedule A with the revised Schedule A, Denman Island Land Use Bylaw No. 186 Contraventions and Penalties, submitted with this report.
3. 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.
4. 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.

REPORT SUMMARY

The report provides the current amendments for the contravention Schedules for the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, and enforcement options for consideration by the Local Trust Committee.

BACKGROUND

The work to amend the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw (BEN) was initiated after Siting and Use Bylaw No. 52 was rescinded in May 2022 and the new Siting and Use Permit Bylaw No. 240 was adopted. In order to make use of the BEN system to ensure siting and use permit contraventions could be enforced, amendments to the contravention schedule were required to reference the new bylaw. In April, the Local Trust Committee (LTC) was asked to consider and adopt amended contravention schedules for the BEN bylaw for both the Land Use Bylaw and the Siting and Use Bylaw, and at that time, the LTC reduced the number of contraventions to just two: one contravention for the LUB Schedule A regarding unlawful short-term vacation rentals, and one for the Siting and Use Bylaw Schedule B for the lack a siting and use permit.

The Local Trust Committee reduced the number of contraventions after a discussion regarding the disproportionate impact of fines on low-income residents and the need for enforcement specifically on short-term vacation rentals that generate income while limiting the housing supply.

After the initial first three readings of Bylaw No. 247, it was placed in the workflow for Executive Committee for approval. However, the Director of Planning Services, Stefan Cermak, had concerns about the extent of the elimination of contraventions in Schedule A and Bylaw No. 247 was returned to the Local Trust Committee for re-consideration. At a subsequent LTC meeting further information and options for enforcement when it comes to environmentally sensitive areas of the Local Trust Area were requested.

A revised Schedule A has been provided that ensures that Bylaw Violation Notices can be issued for the encroachments to a cliff, encroachment into setbacks from streams, lakes or wetlands, and the natural boundary of the sea, all of which are environmentally sensitive areas. Contraventions are also listed for non-permitted uses or structures within the water zones around Denman Island.

The Denman Land Use Bylaw does not list specific prohibitions on the dumping of waste materials on land or water, and section 1.3.5 of the Land Use Bylaw can be used to enforce against these types of activities, or any other uses that are considered harmful to the natural environment or pose a risk to health and safety.

TRUSTEE AND LOCAL TRUST COMMITTEE ROLES

Trustees currently have limited involvement with the enforcement process, and this complies with the following guidelines from the ***Ombudsperson Bylaw Enforcement Best Practices Guide for Local Governments and the role of Council in the Enforcement Process***:

“As discussed in previous sections, council establishes overall priorities for enforcement, enacts bylaws, and adopts bylaw enforcement policies and standards of conduct for bylaw enforcement staff. Council may also provide direction on specific types of bylaw enforcement issues. For example, council may direct its enforcement staff to prioritize enforcement of certain bylaws, or to issue warnings rather than tickets for specific categories of violations.

Within this framework, everyday enforcement decisions are delegated to staff. Defining and maintaining separation between council and front-line enforcement staff is essential to an administratively fair bylaw enforcement system. It is important for council members to be aware of how their own actions can affect the fairness of an enforcement process. This means that while council sets policy and provides general direction on enforcement priorities, its individual members should not become directly involved in enforcement action by directing enforcement against specific residents, groups or businesses, or by directing that enforcement action not occur in a particular circumstance. Rather, individual enforcement decisions should be made by delegated bylaw enforcement staff or contractors.”

Staff would not recommend removing or drastically limiting use of the BEN system as that would restrict bylaw officers' enforcement options and increase the amount of time involved in addressing individual bylaw matters on the agenda of the Local Trust Committee, increase the number of violations that languish unresolved, and increase legal costs if those matters must be resolved by civil claim in BC Supreme Court. However, given the concerns about the use of the BEN system, and the financial impact of issuing penalties for contravention of bylaws, staff have considered and prepared options that are available to the LTC for consideration.

ENFORCEMENT OPTIONS

The following options are available to an LTC to provide additional oversight for the system and to ensure that community or public needs are met during the enforcement process and also to ensure that the integrity of the adopted bylaws are upheld.

1. The Local Trust Committee request regular reporting from the Bylaw Compliance & Enforcement Manager so that the LTC can review and prioritize enforcement and enforcement resources

This would ensure the LTC is updated and reviews enforcement files regularly, and that the LTC can prioritize enforcement of specific types of violations and can close individual files. This avoids the LTC having to request reports and updates from the Bylaw Compliance and Enforcement Manager on an *ad hoc* basis. Bylaw enforcement staff would only issue Warning Notices until after a file has been reported to the LTC in a regular update.

2. Maintain the current BEN system that delegates Bylaw Officers to issue violation notices.

This is the status quo approach.

3. The Local Trust Committee adopt a policy that only warning notices be issued by Bylaw Officers and that violation notices only be issued after review by the Regional Planning Manager and approval by the Bylaw Compliance & Enforcement Manager.

This option would result in regular review of violations by planning staff prior to issuance of penalties, potentially allowing for earlier consideration of variances or other planning options.

4. The Local Trust Committee adopt a policy that would establish criteria for issuance of bylaw violation notices.

This option would involve the LTC identifying only certain types of violations for ticketing (e.g. buildings and structures in setbacks, etc.) This would require further consideration of the criteria by the LTC.

RATIONALE FOR RECOMMENDATION

The revised Schedule A provides a limited number of contraventions subject to penalty, as requested by the Local Trust Committee, and ensures that enforcement can proceed against uses or structures in proximity to environmentally sensitive areas.

Submitted By:	Warren Dingman Bylaw Compliance & Enforcement Manager	September 20, 2023
Concurrence:	Renée Jamurat, RPP, MCIP, Regional Planning Manager	September 20, 2023

Attachment

1. Draft Bylaw No. 247

Schedule A
DENMAN ISLAND LAND USE BYLAW NO. 186
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Description The following fines apply To the contraventions below:	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
1.3.5	Non Permitted Use in Any Zone	\$500.00	\$375.00	\$750.00	Yes	100%
2.1.2	Non Permitted Use Of Dwelling For Vacation Rental/Paying Guests	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.1	Building within setback of Cliff	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.2	Encroachment into setback from Natural Boundary of Stream, Lake or Wetland	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.3	Encroachment into setback from Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
2.3.4	Exceed minimum difference in elevation of building/structure and Natural Boundary of the Sea	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 1	Non Permitted Use in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 2	Non Permitted Building/Structure in Water Zone	\$500.00	\$375.00	\$750.00	Yes	100%
3.7 Table 5	Non Permitted use of vehicles or machinery on the foreshore	\$500.00	\$375.00	\$750.00	Yes	100%

BYLAW NO. 247

Active Projects Report

Denman Island

1. Denman Housing Review Project - Stage 2

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.*

Update July 20, 2023 - 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.

Responsible

Dates

Chloe Straw
Narissa Chadwick
Renee Jamurat

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

Dates

Marlis McCargar

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.
