

Islands Trust

Memorandum

Date January 28, 2009

File Number DE BL 186

To Executive Committee
From Chris Jackson, MCIP

Re Denman Island Land Use Bylaw 186

Attached is a copy of proposed Bylaw 186 for consideration of approval by the Executive Committee.

Proposed Bylaw 186 will replace the existing Denman Island Land Use Bylaw.

Referrals:

The Local Trust Committee heard concerns from the Ministry of Agriculture and Land and Ministry of Environment. The Committee amended proposed Bylaw 185 (proposed Official Community Plan) and proposed bylaw 186 (proposed Land Use Bylaw) to address the concerns raised and met with the Agricultural Land Commission to discuss issues that could be dealt with in the longer term.

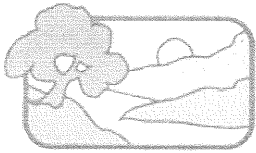
Staff recently heard from the Ministry of Agriculture and Lands, and Ministry of Environment. These ministries stated that they have concerns with proposed bylaw 185 (OCP) to the Ministry of Community Development. Staff has been and is continuing to work with these government departments and anticipates that their concerns will be resolved without the need to return both these proposed bylaws back to the LTC. If a successful outcome is not worked out, then both proposed bylaw 185 and proposed bylaw 186 will be returned to the LTC.

Staff is of the opinion that previous concerns of the Ministry of Agriculture and Lands, and the Ministry of Environment have already been satisfactorily dealt with. At this time, staff recommends that the Executive Committee approve proposed bylaw 186.

First Nations:

During the referral process, staff followed up with the First Nations by phone to ensure that the referral was received and to solicit feedback, comments and concerns. The K'omox First Nations responded just before the second Public Hearing with concerns that the process was not adequate and that they do not have the resources to respond.

pc

**Islands Trust****Bylaw: DE-186**

Trust Area: Denman Island Local Trust Committee
Type: Land Use Bylaw
Bylaw No: DE-186
Application No: DE-OCP-2007.1
Trust Initiated: Yes

Proofread By:

Clerk: No
Planner: Yes

Technical Staff: No

First Reading Date: Jun-26-2008

Bylaw Sent to Referrals: Yes
Date Proposed Bylaw to Web: 06/26/2008

Resolutions:

Resolution Waiving Public Hearing: Yes
Resolution Authorizing Public Hearing: Yes
Resolution to Proceed No Further Date:

Secretary Signature Block:

Secretary's Signature: Jacquie Hill

Date: 07/24/2008

File complete and ready for Public review: Yes

Public Hearings:

Location: Denman Island Community Hall
Proofread By: Jacquie Hill

Legal Paper:

First Publish Date: 07/24/2008

Second Publish Date: 07/31/2008

Alternate Paper:

First Publish Date:

Second Publish Date:

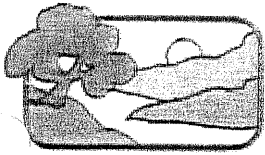
Mailout Date:

Second Reading Date: Oct-01-2008

Deliver Notices:

Date Public Hearing Held: 09/30/2008

Third Reading Date: Jan-02-2009



Islands Trust

* 1st Public Hearing**Bylaw: DE-186**

Referrals

Agency	Sent	Received
Private Managed Forest Land Council PO Box 31059 : Referral, Bylaw Comments:	Jul-07-2008	
Hornby Island Local Trust Committee 700 North Road : Trustees, Hornby Island Comments: Interests are unaffected	Jun-30-2008	Jul-23-2008
Agricultural Land Commission Rm. 133 4940 Canada Way : Cheetham, Roger Comments: See full comments	Jun-30-2008	Aug-05-2008
Department of Fisheries and Oceans Habitat Management Branch : Swift, Doug Comments:	Jun-30-2008	
Integrated Land Management Bureau Vancouver Island Region : Anderson, Keith Comments:	Jun-30-2008	
Ministry of Agriculture and Lands Aquaculture Branch : Collins, Clint Comments: Approval recommended as there are no changes to wording which pertains to aquaculture	Jun-30-2008	Aug-05-2008
Ministry of Agriculture and Lands BC Access Centre : Hatfield, Jill Comments: See full comments regarding concerns	Jun-30-2008	Aug-05-2008
Ministry of Community Development Planning Advice and Approvals Branch : Huot, Bill Comments:	Jun-30-2008	
Ministry of Environment BC Environment - Management Services : Barr, Brenda Comments:	Jun-30-2008	
Qualicum Indian Band 5850 River Road : Skuce, Alana Comments:	Jun-30-2008	
Sliammon First Nation RR #2, Sliammon Road : Galligos, Craig Comments: Defers the responsibility of responding to, identifying and resolving issues (including archaeological) to the Vancouver Island Bands.	Jun-30-2008	Jul-21-2008
Transport Canada Programs Property Services : Prud'homme, Robert Comments: Interests unaffected by bylaw	Jun-30-2008	Jul-07-2008
Vancouver Island Health Authority 355-11th Street : Cordner, Keir Comments: Approval not recommended for the following reason - Sections 3.3 and 3.4 that	Jun-30-2008	Jul-31-2008

allow for a density of greater than one home and well per 1 hectare put the ground water of Denman Island at risk

Comox Valley Regional District Jun-30-2008
600 Comox Road : Knight, Thomas

Comments:

Ministry of Forests and Range Jun-30-2008
South Island Forest District : Biggs, Dan

Comments:

Denman Island Advisory Planning Commission Jun-30-2008 Jul-21-2008
2661 Lacon Road : Hood, Derek

Comments: Approval recommended

Islands Trust Fund Jun-30-2008 Aug-11-2008
200, 1627 Fort Street : Eliason, Jennifer

Comments: Interests unaffected by bylaw

K'omoks First Nation Jun-30-2008
3320 Comox Road : Knox, Melinda

Comments:

Ministry of Energy, Mines & Petroleum Resources Jun-30-2008
PO Box 9395 : Anderssen, Hans

Comments:

Executive Committee, Islands Trust Jun-30-2008
Suite 200 - 1627 Fort Street : Smith, Marie

Comments:

Ministry of Small Business and Revenue - Policy and Jun-30-2008 Aug-01-2008
Legislation Branch

PO Box 9432 Stn Prov Govt : Mezynska, Urszula

Comments: Interests are unaffected by the bylaw

Ministry of Housing and Social Development Jun-30-2008
Legislation and Legal Services : Forest, Cindy

Comments:



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

30th July 2008

Reply to the attention of Roger Cheetham
ALC Files: # II 38359, II 38361

David Marlor, MCIP
Regional Planning Manager
Islands Trust, Northern Office
700 North Road
Gabriola Island, BC V0R 1X3

Dear Sir:

Re: New Denman Island Official Community Plan and Land Use Bylaw

Thank you for your letter dated 26th June 2008 providing the Commission with an opportunity to comment upon the two bylaws. In view of the request that we provide our comments prior to the public hearing on 6th August 2008 the comments that follow are those of the staff of the Commission. It is anticipated that the Island Panel of the Commission will have an opportunity to review the bylaws at its meeting scheduled for 8-10th September 2008 and any further comments on the bylaws will be provided thereafter. In the light of the staff comments which identify a number of important issues relating to the two bylaws we consider that a meeting between the Trust Committee and the Island Panel would be beneficial to help gain a better understanding of the issues. We anticipate that the Commissioners will be conducting site inspections on Denman Island during its September meeting and we suggest that a meeting be arranged at that time, if convenient to the Trust Committee. In this regard we will be getting in touch with you in the near future to discuss this possibility further.

Official Community Plan

Vision Statement Page 8

The vision statement recognizes the long history of farming on the island, over the years probably one of its most important economic activities. In the context of climate change we foresee that agriculture will continue to play an increasingly important role in the economic activity on the island. Accordingly we would also be supportive of a vision statement that lent even greater support to agriculture in general as well as associated activities.

Transportation and Utilities - Policies

Policy 19, page 36. We are pleased to note that this policy discourages the dedication and construction of roads through agricultural land. With regard to the qualification we suggest that the word "clearly" be included before the words "outweighs agricultural considerations". You may also like to include a note to indicate that the approval of the ALC is required.

Water Management , page 39 and 40

We suggest that the objectives include a recognition of the need to protect water resources for agriculture. We also have a concern regarding the application of Advocacy Policy 2 to areas with agricultural potential within the ALR. This potential often requires that drainage be undertaken in an appropriately managed way and as such, we suggest that a qualification be added to the effect that lands within the Agricultural Land Reserve may require drainage to improve agricultural potential.

Housing Policies 11, 14, 16, 17 and 18, pages 49 and 50.

The Commission does not generally support additional dwellings in the ALR. The exceptions are additional dwellings required for farm help, accommodation for agri-tourism permitted under part 2. 3.(1) (a) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the regulations) and secondary suites and manufactured homes permitted under Part 2.3 (1) (b) of the regulations. It is therefore anticipated that the Commission will be opposed to the proposed changes under these policies as they apply to land within the ALR. It is suggested that to ensure consistency with the *Agricultural Land Commission Act* (the ALC Act) the policies be amended for land within the ALR and that the issue be discussed at the suggested meeting between the Trust Committee and the Commission.

E.2 Economic Activities, page 53 and 54.

We understand that agriculture has historically provided the bulk of economic activity on the island and as indicated earlier it is likely that this contribution will continue in future years. It is thus suggested that this section recognize this importance and that the objectives specifically mention the need to support and encourage agriculture.

E.4 – Resources, page 60

The reference in the first paragraph should be to the *Agricultural Land Commission Act*. It is suggested that the introductory section be expanded in discussion with the Ministry of Agriculture and Lands to draw more attention to the future opportunities for agriculture on the island, in particular those relating to the wine industry.

Resource Objectives, page 60

The agricultural objectives could be strengthened by changing Objective 2 to state support for diverse agricultural activities including the marketing and promotion of locally grown product.

Policy 2 should refer to the Agricultural Land Reserve (ALR). All uses falling under the definition of Farm Use in the *Agricultural Land Commission Act* should be permitted to ensure consistency with the Act.

Resource – Advocacy Policies, Advocacy Policy 2, page 61.

We have no objection to this policy in recognition that the Commission and the Trust Committee will work together to the greatest extent possible, given their mandates, when dealing with issues that pertain to the ALR.

E.5 Crown Lands, page 62 and 63

It is suggested that mention be made in the introductory section of the fact that one of the quarter sections in the northern portion of the island is located within the ALR.

Policy 4 is potentially in conflict with the *Agricultural Land Commission Act* for Crown Land within the Agricultural Land Reserve and would require amendment to ensure consistency with the ALC Act.

Schedule B, Part F. Development Permits, page 65

You will recall that the primary focus of the 18th January 2005 meeting between the Commission and the Trust Committee was on the existing OCP provisions relating in particular to DPA 4 Streams, Lakes and Wetland Areas and the need to ensure that our respective mandates are observed in the application of the process to developments in this DPA. You indicated at the time that you were intending to prepare guidelines that would help overcome some of the concerns of the Commission and the Ministry of Agriculture relating to the process, in particular that it be simple, quick and inexpensive. In that regard we are pleased to note the inclusion of guidelines in the Land Use Bylaw, upon which we comment below. We note that some of the DPAs, in particular Nos. 1, 2 and 4 have a significant impact on the Agricultural Land Reserve and for us to better understand their effect we would appreciate being supplied with more detailed DPA maps so that we can better determine which areas within the ALR are affected.

Specifically with respect to DPA 4, page 69 we suggest that Objective 1 be clarified by providing assurances that those lands within the Agricultural Land Reserve, can be used for farm uses as defined in the *Agricultural Land Commission Act*."

Denman Island Land Use Bylaw

Resource Zoning Tables, Table 3, point 2, page 30

While the general intention of this provision is supported there may be situations arising where the Commission might wish to approve a subdivision in the ALR under the home site severance policy or perhaps for some other reason. In that event it would be appropriate to restrict the size of the parcel to the minimum permissible in terms of health requirements. In this light it is suggested that the bylaw be amended to provide for this contingency.

Table 6 – Floor Area Point 2., page 31.

Under the regulations farm retail sales are permitted without limitation with regard to the area occupied, if only retailing on-farm farm product, or 300 m² if retailing up to 50% off farm product. The provision thus needs to be amended to ensure consistency with the Commission's legislation.

Table 8 – Site Specific Regulations, page 31.

A(1). A 64 ha minimum parcel size may not be appropriate for some or possibly most future agricultural activities established on the island, as borne out by the vision statement which places emphasis on small-scale activities. In particular, we note that parts of Denman Island appear to offer opportunities for grape production which is likely to require lot sizes significantly below 64 ha. We therefore consider it important that some discretion be provided to allow for this possibility, perhaps by outlining that the minimum may be reduced where a smaller lot size is appropriate for the proposed agricultural activity, as approved by the Agricultural Land Commission for land within the Agricultural Land Reserve.

A(6) As indicated under our comments under Housing Policies the Commission does not generally support secondary dwelling units for land within the ALR. To ensure consistency with the *Agricultural Land Commission Act* we suggest that the provision be re-examined.

Development Permit Area Guidelines, page 39

As a general comment the Commission is pleased to note that guidelines have now been prepared that clarify the process that has to be followed and establish criteria with regard to applications within such areas.

4.1 Development Permit Area 1: Komass Bluff – Guidelines, page 39

To enable the Commission to more fully understand the implications of this DPA for agriculture we would appreciate being provided with details of the area to which it applies above the bluffs and the criteria that were used to determine this area. In general terms the Commission supports the purpose of this DPA which is to protect the Komass Bluff but it wishes to confirm that the set back from the bluffs to which it applies can be supported from a geotechnical standpoint. With regard to the guidelines we consider that they are clear in what is required and upon first review we have no major objection to the process that is outlined or to the criteria that have been identified. We note, however, that there may be some overlap between the requirement that a geotechnical report be prepared and the subsequent guidelines that in some cases appear to anticipate the recommendations of the geotechnical report. For example guideline 6 suggests the retention of vegetation and trees whereas the geotechnical report may not identify this as necessary. We suggest that a comment be added to emphasize that they are guidelines – not requirements and that the assessment by the professional engineer will prevail.

4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands – Guidelines, page 41

We note the applicability of this DPA to areas within 30 metres of a major stream, lake or major wetland or 10 metres of a minor stream, or wetland. We also note that the definition of a natural boundary indicates that for wetland areas the boundary is taken as the area that includes all of the wetland area including areas with peat soils. We are unsure until we have had an opportunity to review the extent of the DPA in more detail as to how much land within the ALR is affected by this DPA but suspect that it will include significant areas with possibly some of the highest agricultural potential of land within the ALR. Given that land in the ALR is specifically preserved for agricultural use and that the ALC Act specifically requires that all local government bylaws be consistent therewith we have reservations about these provisions. We understand that there is a need to find solutions that satisfy both the mandates of the ALC and the Islands Trust mandates and suggest that these provisions should be discussed further by the Commission and the Trust Committee. For the Commission to fully support the application of the DPA process to wetland areas within the ALR more information would appear to be required to substantiate the environmental case.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Erik Karlsen, Chair



August 1, 2008

File 0280-30
Ref. 160999

David Marlor, MCIP
Regional Planning Manager
Islands Trust
200 -1627 Fort St
Victoria BC V8R 1H8

Re: Bylaw referral for Bylaw No.s 185 and 186

Dear David Marlor:

Thank you for the invitation to comment on the proposed new Official Community Plan (proposed Bylaw 185) and Land Use Bylaw (proposed Bylaw 186) for Denman Island including the surface of the sea surrounding Denman Island.

I would also like to thank you for the opportunity to comment on an earlier version of the proposed new OCP, email dated June 13, 2008, and for incorporating many of the suggested changes. I appreciate your response and provision of detailed background and information (letter dated June 23, 2008, File DE/04) on the points which were raised.

I note the community concerns mentioned in your letter of June 23, 2008 and within the OCP, that shellfish operations have been associated with considerable community discontent. I would like to inform you that in order to work to integrate community interests and values into aquaculture management and policy, the Ministry of Agriculture and Lands will be developing a Community Engagement Program. To that end, I look forward to working with you on the development and implementation of this program.

Bylaw 185: New Official Community Plan for Denman Island

Based on the Bylaw Referral Form submitted, the review of the proposed bylaw by this office has resulted in the following comments:

As this is a very comprehensive OCP I have focused my comments on items of concern but have not overlooked or undervalued the objectives and policies that are supportive of sustainable aquaculture.

.../2



C.3 – THE MARINE ENVIRONMENT

Objective 6

Suggest inserting 'environment' to the end of Objective 6.

Policy 12.

The wording is a little confusing and potentially contradictory. Initially, it appears that aquaculture-related structures are permitted, provided they are in line with provincial standards and the *Farm Practices Protection Act*. However the proceeding text, suggesting that buildings for storage habitation or shelter are not allowed, has the potential to contradict normal farm practices, thus coming into conflict with the *Farm Practices Protection Act*.

Suggest inserting 'for other uses' between 'however' and 'buildings'.

Policy 15

Strongly suggest changing zoning amendments to bring them in line with the Provincial Baynes Sound Shellfish Action Plan. This is largely in line with the proposed zoning, in the OCP as there are only two areas where this is not the case.

As a result of community concerns, the Province drafted a code of practice through consultation with growers, marine users, communities and other stakeholders. However, there were a number of problems with enforcement of this code of practice as all but one of the provisions repeated requirements of other agencies; and the current aquaculture licence already requires compliance with all laws, bylaws and order of government authority. In addition, the code of practice did not promote an approach that would facilitate understanding between farmers and non-farmers nor was it adaptive to changing local circumstances. As the Strengthening Farming Program does promote resolution on issues between farmers and non-farmers it was, and still is, viewed as an appropriate mechanism.

In the development of the Baynes Sound Shellfish Action Plan, the Province attempted to factor in public concern for visual impacts by designating high visual areas as appropriate only for sub-tidal culture (e.g. geoduck). The planning process also drew on a generic environmental assessment of shellfish culture using a risk analysis approach and a literature review of environmental impacts conducted by a marine environmental consultant.

Aquaculture is included in the proposed Land Use Bylaw 186 as an agriculture activity. However, there are many instances on land where agriculture directly borders residential or rural zones.

It should also be stressed that zoning amendments are not necessary during the process of replacement tenures.

As measures to mitigate potential negative impacts on herring spawning grounds are the purview of the federal Fisheries and Oceans Canada and are considered during the CEAA and MFEAP processes, it is not clear what measures the Local Trust Committee intends to promote.

David Marlor
Page 3

Therefore, I would like to request further information on measures that would be either acceptable or unacceptable.

Policy 16

As noted within the OCP, Marine navigation is under the jurisdiction of the *Federal Navigable Waters Act*, and all tenure applications must be consistent with this *Act*. As a result, it is not clear what the Local Trust Committee would determine to be interference with marine navigation. Therefore, I request further information on what the Local Trust Committee would determine to be interference with marine navigation.

Strongly suggest changing zoning amendments to bring them in line with the Provincial Baynes Sound Shellfish Action Plan. This is largely in line with the proposed zoning, in the OCP as there are only two areas where this is not the case.

As measures to mitigate potential negative impacts on herring spawning grounds are the purview of the federal Fisheries and Oceans Canada and are considered during the CEAA and MFEAP processes, it is not clear what measures the Local Trust Committee intends to promote. Therefore, I would like to request further information on measures that would be either acceptable or unacceptable.

Advocacy Policy 3

Please change from 'Land' to 'Lands'. I apologise for this typo as it likely came from my previous suggestions.

Bylaw 185: Land Use Bylaw

Based on the Bylaw Referral Form submitted, the review of the proposed bylaw by this office has resulted in approval recommended as there are no changes to wording which pertains to aquaculture.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Fiona Cubitt', with a stylized flourish at the end.

Fiona Cubitt, Ph.D.
Aquaculture and Communities Specialist

AUG. 5. 2008 8:38AM

MAL COURTENAY

NO. 0345 P. 1
2508977567 P.005



RECEIVED

AUG - 5 2008

ISLANDS TRUST
NORTHERN OFFICE

July 30, 2008

David Marlor
Regional Planning Manager
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

RECEIVED

AUG 05 2008

ISLANDS TRUST
VICTORIA BC

FAXED

To N.O.

Dear David Marlor:

Re: Land Use Bylaw 186 Denman Island

Thank you for the referral on the Denman Island Bylaw 186. I would like to inform Islands Trust that I have some concerns related to this Bylaw and how it could impact existing and future agricultural opportunities on Denman Island. It is for this reason that I suggest we continue a discussion we started in 2005 between the Islands Trust, Agricultural Land Commission and the Ministry Of Agriculture and Lands.

My concerns are related to specific sections in Bylaw 186 which may restrict agriculture on certain lands within the Agricultural Land Reserve. This could be in contradiction of the Farm Practices Protection Act. I believe with more information these concerns can be resolved. I therefore will make myself available to meet at the dates suggested by the Agricultural Land Commission in September.

If you have any questions regarding these comments please contact me, however please be advised I will be away from the office until September 5, 2008. In my absence please contact Roger Cheetham at the Agricultural Land Commission.

Sincerely,

Jill Hatfield, P.Ag.
Regional Agrologist



Ministry of Agriculture
and Lands

South Coast Region, District
Office

Mailing Address:
2500 Cliffe Avenue
Courtenay, BC V9N 5M6

Telephone: 250-697-7618
Facsimile: 250-697-7667

Web Address: <http://www.ag.gov.bc.ca>

Sliammon First Nation

Tla'Amin Timber Products Ltd.
RR#2, Sliammon Road, Powell River, B.C. V8A 4Z3
Phone (604) 483 9696 / Fax (604) 483 9645



July 21, 2008

Via Fax: (250) 247-7514

Dear David Marlor:

Re: Denman Island Official Community Plan and Land Use Bylaw 186 and 185.

Please note that the Sliammon First nation (SFN) hereby defers the responsibility of responding to, identifying and resolving issues (including archaeological) related to the referral noted above, to the Vancouver Island Bands.

If you have any questions, please feel free to call me at the number below, (604) 483-9696 ext. 224 or email craig.galligos@sliammon.bc.ca

Craig Galligos, Sliammon First Nation, Crown Land Referrals Manager

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☒ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

RECEIVED

JUL - 7 2008

ISLANDS TRUST
NORTHERN OFFICE

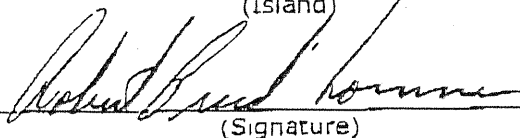
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ORIGINAL
CENTRAL FILE COPY
FILE # 7700-5

FAX: 1-250-247-7514

Denman Island

(Island)



(Signature)

July 7 2008

(Date)

Bylaw 186

(Bylaw Number)

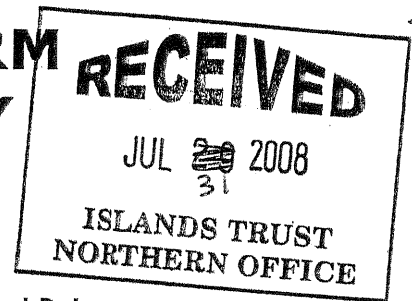
SUPERINTENDENT PROTECTIVE SERVICES

(Title)

TRANSPORT CANADA

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY



- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☒ Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION - REFERRAL AGENCY WILL COMPLETE SECTION)

Sections 3.3 and 3.4 that allow for a density of greater than one home and well per 1 hectare put the ground water of Denman Island at risk.

Denman Island

(Island)

(Signature)

(Date)

Bylaw 186

(Bylaw Number)

(Title)

(Agency)

July 31, 2008

Environmental Health Officer
Vancouver Island Health Authority

186

BYLAW REFERRAL FORM RESPONSE SUMMARY

☒

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

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Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island
(Island)

APC


(Signature)

16 Dec 2008
(Date)

Bylaw 186
(Bylaw Number)

(Title)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

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Approval Recommended for Reasons Outlined Below

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Approval Recommended Subject to Conditions Outlined Below

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Interests Unaffected by Bylaw

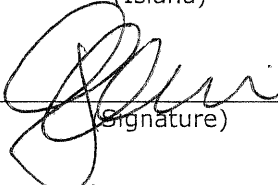
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Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island

(Island)



(Signature)

July 28/08

(Date)

Bylaw 186

(Bylaw Number)

Manager

(Title)

Islands Trust Fund

(Agency)



RECEIVED

AUG - 1 2008

ISLANDS TRUST
NORTHERN OFFICE

July 29, 2008

David Marlor
Regional Planning Manager, Islands Trust
700 North Road
Gabriola Island BC VOR 1X3

Dear David Marlor:

Thank you for providing the Policy and Legislation Branch, Ministry of Small Business and Revenue with the opportunity to review the Denman Island Official Community Plan and Land Use Bylaw.

Based on my consultation with other staff, interests of the Ministry are unaffected by the bylaws.

Thank you,

Urszula Mezynska
Policy and Legislation Analyst

cc: Art Chambers
Director, Real Property Taxation



BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

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Approval Recommended Subject to Conditions Outlined Below

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Interests Unaffected by Bylaw

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Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island
(Island)

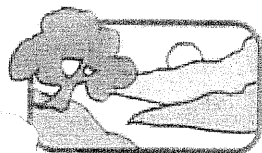
Ursula Meyer
(Signature)

July 29/08
(Date)

Bylaw 186
(Bylaw Number)

Policy & Legislation Analyst
(Title)

Ministry of Small Business & Revenue
(Agency)



Islands Trust

* 2nd Public Hearing**Bylaw: DE-186**

Referrals

Agency	Sent	Received
Agricultural Land Commission Rm. 133 4940 Canada Way : Cheetham, Roger Comments: Referral sent to Erik Karlsen, Chair	Aug-28-2008	
Department of Fisheries and Oceans Habitat Management Branch : Swift, Doug Comments:	Aug-28-2008	
Integrated Land Management Bureau Vancouver Island Region : Anderson, Keith Comments:	Aug-28-2008	
Ministry of Agriculture and Lands BC Access Centre : Hatfield, Jill Comments: See letter outlining a number of concerns	Aug-28-2008	Sep-28-2008
Ministry of Agriculture and Lands Capital Region - Southern Gulf Islands : Cubitt, Ph.D, Fiona Comments:	Aug-28-2008	
Ministry of Community Development Planning Advice and Approvals Branch : Huot, Bill Comments:	Aug-28-2008	
Ministry of Environment BC Environment - Management Services : Barr, Brenda Comments:	Aug-28-2008	
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Transport Canada Programs Property Services : Prud'homme, Robert Comments: Interests unaffected by bylaw	Aug-28-2008	Sep-04-2008
Vancouver Island Health Authority 355-11th Street : Cordner, Keir Comments:	Aug-28-2008	
Comox Valley Regional District 600 Comox Road : Knight, Thomas Comments: No comment	Aug-28-2008	Sep-18-2008
Ministry of Forests and Range South Island Forest District : Biggs, Dan Comments:	Aug-28-2008	

Denman Island Advisory Planning Commission 2661 Lacon Road : Hood, Derek	Aug-28-2008	Sep-22-2008
Comments: Approval recommended subject to conditions in attached resolution		
Islands Trust Fund 200, 1627 Fort Street : Eliason, Jennifer	Aug-28-2008	Sep-11-2008
Comments: Interests unaffected by bylaws		
K'omoks First Nation 3320 Comox Road : Knox, Melinda	Aug-28-2008	Sep-29-2008
Comments: Unable to approve bylaw until we have the time and money to review it (please see full comment in letter dated September 29, 2008 from Chief Ernie Hardy).		
Ministry of Energy, Mines & Petroleum Resources PO Box 9395 : Anderssen, Hans	Aug-28-2008	
Comments:		
Ministry of Small Business and Revenue - Policy and Legislation Branch PO Box 9432 Stn Prov Govt : Mezynska, Urszula	Aug-28-2008	
Comments:		
Ministry of Housing and Social Development Legislation and Legal Services : Forest, Cindy	Aug-28-2008	Sep-05-2008
Comments: Ministry does not comment on Islands Trust bylaws		
Private Managed Forest Land Council PO Box 31059 : Referral, Bylaw	Aug-28-2008	
Comments:		



September 26, 2008

David Marlor
Regional Planning Manager
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8

Dear David Marlor:

Re: August 28 Changes to Land Use Bylaw 186 Denman Island

Thank you for the meeting September 8th, 2008 with the Denman Island Trustees, Chris Jackson, the Agricultural Land Commission and myself. Unfortunately the meeting did not resolve a number of concerns I still have related to this bylaw's impact on existing and future agricultural opportunities on Denman Island.

Below are the specific sections in Bylaw 186 which may restrict agriculture on certain lands within the Agricultural Land Reserve.

Definition: "Natural Boundary": The definition is sufficiently broad to include low lying agricultural operations. I would recommend that you add a definition: "Seasonally-flooded Agricultural Fields" which acknowledges that periodic inundation, peat soils or natural sedge grasses often occur in productive farming areas. Another concern is that section 4 relating to beaver and man-made manipulation of the stream, was left off the latest draft. This would imply that flooding caused by beavers or human activity, impacting an adjacent property now becomes a wetland as long as the obstruction is in place. This situation can negatively impact agricultural productivity if the water table is raised or the duration of flooding is prolonged. I request that there be recognition of this possible scenario, which has occurred on the Island, by re-inserting section 4 or something very similar.

During our meeting, we discussed mapping the various DPA's in relation to the ALR. In order to provide a better understanding of what and how much land is impacted and avoid situations of conflict in the future, I requested the attached map layers from Chris Jackson on September 15, 2008. This information would allow the Ministry's GIS specialists to conduct the analysis which we would provide to Islands Trust. Until such time we know the extent that these bylaw provisions impact farming in the ALR, we cannot give our support.

Definition "Occasional": I am a little unclear if the "occasional" applies farm markets on A zoned land? Farm markets generally operate during the season and for some commodities such as vegetables this can be as long as 4 months. A farm's economic viability could be reduced by restricting market operations to



Ministry of Agriculture
and Lands

South Coast Region, District
Office

Mailing Address:
2500 Cliffe Avenue
Courtenay, BC V9N 5M6

Telephone: 250-897-7518
Facsimile: 250-897-7567

Web Address: <http://www.al.gov.bc.ca>

Page 2

only 45 days, with no more than two consecutive days per week. Can you please clarify if the occasional applies to on-farm markets?

Development Permit No. 4: Guideline 3 Clearing for Farm Operation: This provision was conditionally approved in Bylaw 112 to address a specific circumstance which to my knowledge has largely been resolved. The conditions that the ALC and MAL agreed to were that the application process would be minimal, not onerous, time consuming or expensive for the landowner. The applications that we have been involved in have not lived up to these expectations. I would be interested in hearing about any applications that have. The situations have been varied and I am not aware if the Trust has the agricultural expertise to determine the validity of the farming information provided, often necessitating our involvement. Therefore, I would like to suggest a compromise that there be a minimum acreage required before applying this provision. I suggest that land clearing, outside the setback from a natural boundary, less than 10 ha or 25 acres, in any 24 calendar-month period, would not require a permit under this section. Above this minimum, the Local Trust Committee would commission jointly with the farmer any necessary studies. This minimum area would encourage the OCP-supported, smaller-scale agricultural production to go forward unimpeded while providing a review of larger-scale land clearing proposals. Unless there are changes to this provision, this section is likely not consistent with the *Farm Practices Protection Act* or *Local Government Act* Section 917.

Resource Zoning Tables: The GIS staff of the Ministry has estimated that 13 lots in the A zone in the ALR have potential to be subdivided into 15 ha parcels, creating 21 additional lots. But, in the A(1) zone in the ALR, no lots have potential to be subdivided into 64 ha parcels. However, if the A(1) zone had a minimum lot size of 15 ha, nine lots would have potential to be subdivided and 20 additional lots could be created. Assuming that all lots currently proposed as A and A(1) had a 15 ha minimum, a total of 41 additional lots might result.

I would encourage the Trust to zone all land in the ALR the same. Combining the A and A(1) zones with a 15 ha minimum lot size could have limited impact (potential 41 additional lots). Given that the Trust allows a house for every 15 ha on these 64 ha lots this would essentially amount to the same impact. However I suggest we look at ways to provide the best parcel configuration so that these properties will be utilized for agriculture in the future.

If you have any questions regarding these comments, please contact me.

Sincerely,



Phil Hatfield, P.Ag.
Regional Agrologist

cc Roger Cheetham, Agricultural Land Commission

Page 3

Requested GIS layers for the OCP and Land Use Bylaws:

- OCP bylaw no. 185:
 - Schedule C - land use designations
 - Schedule E, maps 1 & 2 - development permit areas (DPA)
- Land Use Bylaw no. 186:
 - Schedule B, both North and South - zoning
- As background for the DPAs, we request the Ecosystem Map (north and south) layers.

Sliammon First Nation

Tla'Amin Timber Products Ltd.
RR#2, Sliammon Road, Powell River, B.C. V8A 4Z3
Phone (604) 483 9696 / Fax (604) 483 9645



September 3, 2008

Via Email: jhill@islandstrust.bc.ca

Dear Jacquie Hill:

Re: Application for Permit Files: HO BL 128, Bylaw 185, Bylaw 186

Please note that the Sliammon First nation hereby defers the responsibility of responding to, identifying and resolving issues (including archaeological) related to the referral noted above, to the Comox First Nation.

This area is under Sliammon protected areas vision, and it is identified as a resource stewardship zone. This is still in the draft stages with the four nations process.

If you have any questions, please feel free to call me at the number below, (604) 483-9696 ext. 224 or email craig.galligos@sliammon.bc.ca

Craig Galligos, Sliammon First Nation, Crown Land Referrals Manager

Jacquie Hill

To: Craig Galligos
Subject: RE:

Sliammon -
Addendum response

From: Craig Galligos [mailto:craig.galligos@sliammon.bc.ca]
Sent: Thursday, September 18, 2008 8:53 AM
To: Jacquie Hill
Subject: RE:

Sound good just make a note that my original response applies too this as well.
Craig

From: Jacquie Hill [mailto:jhill@islandstrust.bc.ca]
Sent: September 18, 2008 8:36 AM
To: Craig Galligos
Subject: RE:

Hi Craig,

You replied to our August 28th referral of these bylaws on September 3rd. The memo dated September 11th was just an addendum to that referral (a site specific rezoning to accommodate a medical health centre). We haven't received any comment on the addendum. If you like, I can make a note that your response to the original referral applies to the addendum as well (specifically, deferring comment to the Comox First Nation).

Jacquie

From: Craig Galligos [mailto:craig.galligos@sliammon.bc.ca]
Sent: Wednesday, September 17, 2008 3:02 PM
To: Jacquie Hill
Subject:

Hi Jacquie:
I received a letter dated September 11 about bylaw 186, 185. I think I already responded to this bylaw didn't I?

Craig Galligos
Operational Forester/Crown Lands Manager
Tla'amin Timber Products Ltd.
Sliammon First Nation
Ph# (604) 483-9696
Fax# (604) 483-9645

9/18/2008

RECEIVED

SEP 04 2008

BYLAW REFERRAL FORM
RESPONSE SUMMARYORIGINAL
CENTRAL FILE COPYISLANDS TRUST
VICTORIA BC☐

Approval Recommended for Reasons Outlined Below

FILE # 7700-5

☐

Approval Recommended Subject to Conditions Outlined Below

☒

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

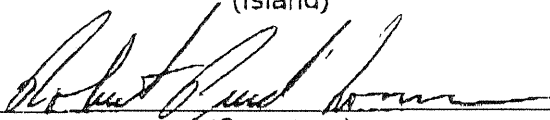
(DO NOT FILL OUT BEYOND THIS SECTION - REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island Trust Area

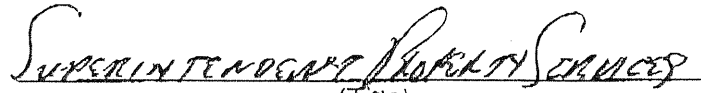
(Island)

186

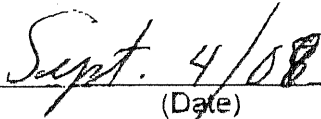
(Bylaw Number)



(Signature)



(Title)



(Date)



(Agency)

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca

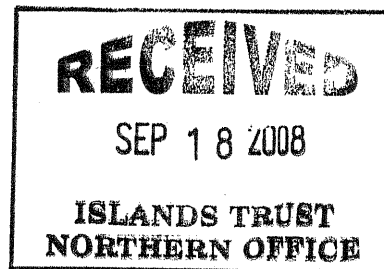


File: 0470-20/Denman Island

September 5, 2008

Islands Trust
Northern Office
700 North Road
Gabriola Island, BC V0R 1X3

Attention: David Marlor



Dear Mr. Marlor:

Re: Island Trust Referral – New Land Use Bylaw for Denman Island – Bylaw No. 186

Thank you for forwarding the above-noted referral for our comments. Your agency referral has been circulated to the Comox Valley Regional District (CVRD) community planning services and parks and recreational services. Please be advised that this area is located outside the jurisdiction of the CVRD. Accordingly, the regional district has no comments on this referral. In addition, the CVRD parks department has also advised that parks interests are unaffected by this proposed bylaw.

Thank you for sending this referral for the regional district's consideration, should you have any questions; please contact Kent Leontowich at 250-334-6041 or by email at kleontowich@comoxvalleyrd.ca.

Yours truly,

A handwritten signature in black ink, appearing to be 'Debra Oakman', written over a horizontal line.

Debra Oakman
Chief Administrative Officer

cc: Director Quin, Denman-Hornby Islands (Electoral Area 'K')

/kl

BYLAW REFERRAL FORM RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☒ Approval Recommended Subject to Conditions Outlined Below
SEE ATTACHED RESOLUTION
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island Trust Area

(Island)

[Signature]

(Signature)

18 Sep 2008

(Date)

186

(Bylaw Number)

(Title)

(Agency)

RESOLUTION OF THE DENMAN ISLAND ADVISORY PLANNING COMMISSION:**MADE ON SEPT 17, 2008 AT THE MARCUS ISBISTER OLD SCHOOL.**

The following resolution was passed at a regular meeting of the Denman Island Planning Commission:

1. APC recommends approval of the proposed amendment to By Law 185, Schedule "C" Land Use Designation changing an area of approximately .43 ha in the eastern portion of Lot A, Section 18 and 19, Denman Island Nanaimo District, Plan 36263, from Residential to Institutional to facilitate the intended use of a Medical Health Centre; and of the proposed amendment to rezone the described portion of the parcel from R1 to IN, site specific for a medical clinic.

2. The APC recommends approval of all other proposed amendments to By Laws 185 and 186 Subject to Conditions Outlined Below:

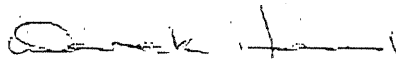
- (i) Part D The Social Fabric
D.2 Transportation
Policy 18

Replace "conditional on an environmental assessment" with "with the consideration of sensitive environmental features".

- (ii) Part E Families and Individuals
E.3 Recreation/Conservation
Policy 7

Amend the fourth bullet to read "Fresh water and beach rights of way".

Signed by:



Chairperson

On

18 Sept 2008

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☒

Interests Unaffected by Bylaw

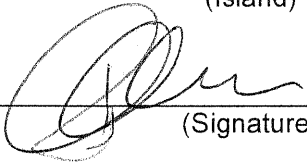
☐

Approval Not Recommended Due to Reason Outlined Below

(DO NOT FILL OUT BEYOND THIS SECTION – REFERRAL AGENCY WILL COMPLETE SECTION)

Denman Island Trust Area

(Island)



(Signature)

Sept 8/08

(Date)

186

(Bylaw Number)

Manager

(Title)

Islands Trust Fund

(Agency)

**K'ómoks First Nation**

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

September 29, 2008

Island Trust
Attention: David Marlor
200 1627 Fort Street
Victoria, BC
V8R 1H8

Dear Mr. David Marlor;

Re: Bylaw Referral Denman Island - Bylaw No: 185 & 186

The K'ómoks First Nation received the above referral dated August 28, 2008 and have the following comments. Although we wish to undertake and respond to the above, the current human resource capacity of our Nation is fully devoted to providing ongoing aid to our membership and Treaty Negotiations. Due to these numerous activities, and our limited capacity, we will not be in a position to undertake the reviewing of your proposed new OCP (proposed Bylaw 185) and Land Use Bylaw (proposed Bylaw 186) in the short time constraint that you have given us. There is also a cost factor for our Nation to review these Bylaws which will have to be addressed.

The Supreme Court of Canada made it clear that both provincial and the federal governments owe a fiduciary duty of utmost good faith to consult with the First Nations with respect to our lands and resources. This consultation must at a minimum be in good faith with the intention of substantially addressing the concerns of the First Nations whose lands are at issue. The courts have also confirmed that government is obliged to make an initial assessment of our rights and must not only engage in meaningful consultation, but also must seek an accommodation of our interests which include cultural and economic ones.

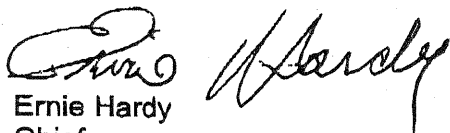
We would like to remind you that we are legally entitled to meaningful and effective consultation and accommodation of our interests with respect to any resource or land use decisions. We are committed to negotiate, have a qualified negotiator, sufficient resources, a mandate and a process to develop that mandate and ratification of procedures. These projects fall within our traditional territory as described in the map provided to the BC Treaty Commission in our statement of intent.

"Comox" is an Anglicization of kw'umuxws, which is derived from the kwakw'ala term, kw'umalha, meaning "plentiful; rich, wealthy". The K'ómoks people are classified as Northern Coast Salish. Traditionally they spoke Island K'ómoks dialect of the K'ómoks Coast Salish language. In 1940, both the K'ahkahmatsis Nation (Salmon River) and K'ómoks First Nation voted independently to amalgamate. The amalgamation was approved by the Indian Commissioner in 1941.

At this time we cannot approve your proposed new OCP (proposed Bylaw 185) and Land Use Bylaw (proposed Bylaw 186) until we have the time and money to review these two Bylaws. We need to come up with a common understanding of what needs to be done to address our concerns.

If further information is required, please call at the above telephone number.

Yours truly,

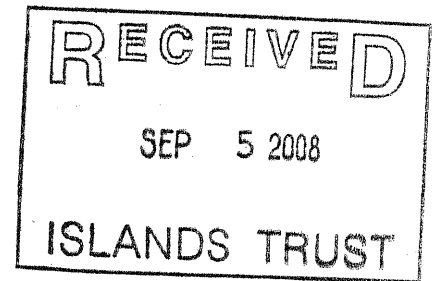

Ernie Hardy
Chief

cc. Jacquie Hill, Planning Clerk, Local Planning Services via fax.

MEMORANDUM

September 2, 2008

To: Ministry of Community Development
Islands Trust
Suite 200 1627 Fort Street
Victoria BC V8R 1H8



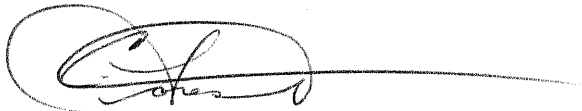
RE: Denman Island Trust Area

Enclosed please find a package we have received from the North Office of Islands Trusts.

A few months ago (when the ministries were changed) we received a phone call from someone at the Denman Island Trust office asking where they should be sending a package they had. Because of the new programs coming into the Ministry of Housing and Social Development we were unsure and requested the caller to send it to my attention and we would ensure the package was sent to the correct office. This package subsequently went back and forth and we finally got it to the correct office but we neglected to write down who that was.

Today, we have received another package and as stated we can't recall who or where we sent the first one to. We are sending the new package to you with the hopes you can re-direct it and inform the North office that Legislation and Legal Services Branch does not deal with Islands Trust.

Thank you for your assistance with this matter.

A handwritten signature in black ink, appearing to read "C. Forest", with a long horizontal line extending to the right.

Cindy Forest
Section Administrator
Legal Services and Stakeholder Relations
Legislation and Legal Services Branch

Enclosure



Islands Trust

Bylaw: DE-186

Executive Committee

Policy Checklist

Checklist Key:

- | | |
|----------------|--|
| Consistent | The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv |
| Contrary | The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv |
| Not-Applicable | The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv . |

Executive Committee Policy (2.3)

- | | | |
|------------|---------|--|
| Consistent | 2.3.i | Carrying out the object of the Islands Trust s. 21(i) |
| Consistent | 2.3.ii | A provision of the Trust Policy Statement S. 15(4) (a) |
| Consistent | 2.3.iii | A policy of the Trust Council established by bylaw or resolution |
| Consistent | 2.3.iv | The matters set out in the Local Trust Committee checklist adopted by Trust Council |
| Consistent | 2.3.v | The applicable Official Community Plan (OCP) |
| Consistent | 2.3.vi | Receipt of an objection from an affected local government in respect of an Official Community Plan (OCP) |
| Consistent | 2.3.vii | The bylaw is, in the opinion of the Executive Committee enacted without authority |

Checklist Key:

- | | |
|-----------------------|---|
| Requires Resources | Staff resources required to assist with administration. |
| No Resources Required | No staff resources required. |

The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

- | | | |
|-----------------------|------|---|
| No Resources Required | B.5 | Staff will provide Local Trust Committees (LTC) and Executive Committee with advice regarding proposed Official Community Plan (OCP) amendments that may require additional staff resources for administration or enforcement and will confirm the availability of those resources before bylaw adoption. |
| No Resources Required | B.10 | Staff will provide Local Trust Committees and Executive Committee with advice regarding any proposed Land Use Bylaw (LUB) or other regulatory amendment that may require additional staff resources for administration or enforcement and will confirm the availability of those resources before bylaw adoption. |

Comments:

Staff recently heard from the Ministry of Agriculture and Lands, and Ministry of Environment. These ministries state that they have concerns with proposed bylaw 185 (OCP) to the Ministry of Community Development. Staff is now working with these government departments and anticipates that their concerns will be resolved without the need to return these proposed bylaws back to the LTC. If a successful outcome is not worked out, then both proposed bylaw 185 and proposed bylaw 186 will be returned to the LTC. Staff is of the opinion that previous concerns of the Ministry of Agriculture and Lands, and the Ministry of Environment have already been dealt with. At this time, staff recommends that the Executive Committee approve proposed bylaw 186.

Completed By: Chris Jackson

All administrative procedure bylaws are considered to be in compliance with the policy statement and the object of the Islands Trust.

Status:

Date Resolution Referred to Exective Jan-02-2009
Committee:

Readings:



Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: Denman Bylaw 186

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

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

Part III Policies for Ecosystem Preservation and Protection

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

PART IV: Policies for the Stewardship of Resources

CONSISTENT		NO.	DIRECTIVE POLICY
		4.1	Agricultural Land
✓		4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓		4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓		4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.

CONSISTENT		NO.		DIRECTIVE POLICY	
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture			
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.			
✓	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.			
	4.2	Forests			
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.			
✓	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.			
✓	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.			
	4.3	Wildlife and Vegetation			
	4.4	Freshwater Resources			
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.			
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses			
	4.5	Coastal Areas and Marine Shorelands			
✓	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.			
✓	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.			
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.			
✓	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.			
	4.6	Soils and Other Resources			
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the			

		protection of productive soils.
--	--	---------------------------------

PART V: Policies for Sustainable Communities

CONSISTENT		NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities	
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.	
	5.2	Growth and Development	
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.	
	5.3	Transportation and Utilities	
✓	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.	
✓	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.	
✓	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.	
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	
	5.4	Disposal of Waste	
✓	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.	

CONSISTENT **NO.** **DIRECTIVE POLICY**

	5.5	Recreation
✓	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
✓	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
✓	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
✓	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
✓	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE

✓	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons: