



DATE OF MEETING: May 1, 2018
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Proposed Bylaw No. 225 (Prohibiting the use of vehicles and ground-based machinery on the foreshore)

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”, be read a third time.
2. That Denman Island Local Trust Committee Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider reading Denman Island Local Trust Committee Bylaw No. 225 a third time and forwarding Bylaw No. 225 to the Secretary of the Islands Trust for consideration of the Executive Committee. Bylaw No. 225 is attached for reference.

BACKGROUND

Proposed Bylaw No. 225 would amend the Denman Island Land Use Bylaw (LUB) to add a general prohibition against the use of vehicles and ground-based machinery in the W1, W3 and W4 zones. A public hearing for Denman Island Local Trust Committee Bylaw No. 225 was held March 6, 2018. During the regular LTC meeting of March 6, 2018, after the close of the public hearing, the LTC passed the following resolution (excerpt from the draft minutes):

DE-2018-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring forward options to address the following issues regarding Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans staff.

CARRIED

ANALYSIS

Issues Raised at Public Hearing

Staff were asked to provide options to address the following issues raised at the Public Hearing for Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans (Fisheries and Oceans Canada) staff.

1. **Emergency Vehicles**

The use of vehicles in the W1, W3 and W4 zones for emergency purposes would not be subject to the provisions of Proposed Bylaw No. 225 where such vehicles would be operated under senior government legislation (e.g. *Emergency Program Act*, *Police Act*, *Public Health Act*, *Emergency Vehicle Driving Regulation*).

Options

No change to Proposed Bylaw No. 225 is required to address this issue.

2. **Vehicles Used in Ecological Projects**

Denman Island Land Use Bylaw No. 186 does not permit “ecological projects” (or similar activities) as a discrete use in the W1, W3 or W4 zones. Notwithstanding, ecological projects (or similar activities) may be conducted under the auspices of the *Fisheries Act* or other senior government environmental legislation.

Options

Should the LTC wish to provide an exemption for “ecological projects” in the W1, W3 or W4 (or other water) zones, this could occur through an amendment to Proposed Bylaw No. 225 or through a separate Land Use Bylaw amendment process. Should the LTC wish to amend a use provision of Proposed Bylaw No. 225, it would have to rescind 2nd reading of the bylaw, undertake the amendment, consider the option for supplemental referrals to agencies and First Nations, and hold another public hearing.

3. **Boat Launching**

Denman Island Land Use Bylaw No. 186 currently permits boat launching in the W2 and W4(1) zones only. Since boat launching is not a permitted use in the W1, W3 and W4 zones, the adoption of Bylaw No. 225 would result in no change respecting boat launching.

Options

Should the LTC wish to provide an exemption for boat launching in the W1, W3 or W4 (or other water) zones, this could occur through an amendment to Proposed Bylaw No. 225 or through a separate Land Use Bylaw amendment process. Should the LTC wish to amend a use provision of Proposed Bylaw No. 225, it would have to rescind 2nd reading of the bylaw, undertake the amendment, consider the option for supplemental referrals to agencies and First Nations, and hold another public hearing.

4. **Fisheries and Oceans Canada Staff**

Fisheries and Oceans Canada (DFO) staff using vehicles within the W1, W3 and W4 zones (or any water zones) would not be subject to Proposed Bylaw No. 225 where such vehicles are operated under the auspices of the *Fisheries Act*.

Options

No change to Proposed Bylaw No. 225 is required to address this issue.

Recommendation

Staff are of the opinion that the issues raised at the public hearing do not warrant changes to Proposed Bylaw No. 225. The LTC is asked to consider third reading of the bylaw and forward the bylaw to the Secretary of the Islands Trust for consideration of the Executive Committee. Recommended resolutions are noted on page 1 of the staff report.

ALTERNATIVES

1. Proceed no further with Bylaw No. 225

A decision to not proceed with Bylaw No. 225 could be formally recorded via the following resolution:

*That the Denman Island Local Trust Committee proceed no further with **Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”.***

2. Amend Proposed Bylaw No. 225 Land Use Provisions

Should the LTC wish to amend Bylaw No. 225 use provisions to, for instance, incorporate exemptions, the LTC would need to rescind 2nd reading of the bylaw and request staff to report back and provide revised bylaw wording. A subsequent public hearing would be required. The following is appropriate wording for such a resolution:

*That second reading of **Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”** be rescinded.*

*That the Denman Island Local Trust Committee request staff to provide amendments to **Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”** to address the following land use provisions [insert requested changes].*

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	April 24, 2018
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ATTACHMENT

1. Proposed Bylaw No. 225