



Islands Trust

MEMORANDUM

File No.: DE-RZ-2023.1 (Komas Ranch Ltd.)

DATE OF MEETING: May 20, 2025

TO: Denman Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

SUBJECT: Application Status Update
Applicant: Komas Ranch Ltd.
Location: 7161 and 7676 Komas Rd, Denman Island, BC, V0R 1T0
(PIDs 000-211-338, 000-211-320, and 023-096-438)

PURPOSE

The purpose of this memorandum is to provide the Local Trust Committee (LTC) with an update on rezoning file DE-RZ-2023.1 (Komas Ranch Ltd.). Below is a comprehensive list of LTC resolutions regarding the file, including status and next steps as of May 8, 2025.

At the request of the applicant, the application was put on hold in late January 2025 when the LTC received a letter from a legal representative of Komas Ranch Ltd. A response was provided by the LTC's legal counsel in late March 2025 and staff have now received confirmation from the applicant to continue processing the application as of May 2025.

Attachment 1 is a statement from the Chief Councillor of K'ómoks First Nation to the LTC regarding the request for a Preliminary Field Reconnaissance, dated April 14, 2025.

Staff comments on next steps regarding this statement are provided in the table below.

LTC Resolution and Direction	Status as of May 8, 2025 and Next Steps
DE-2024-035: That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008 (OCP), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).	In progress. Staff will continue drafting language to amend the OCP bylaw and LUB, alongside Heritage Conservation Area guideline drafting.
DE-2024-036: That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Land Use Bylaw, 2008 (LUB), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).	
DE-2024-037: That the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of part of the Northern parcel and part of the	

Eastern parcel (PIDs 000-211-338 and 023-096-438) as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB.	
DE-2024-038: That the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of Site Specific Rural Residential zones in the LUB to permit the existing residential density on each of the subject properties.	
DE-2024-039: That the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding sewerage waste disposal on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320): a) Sewage disposal filings for each sewage disposal system on the subject properties; and b) A comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.	Received from the applicant August 2024. No further septic or sewage disposal information is required at this time.
DE-2024-040: That the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding the existing water quality and quantity on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320): a) Source of potable water for each building site; b) Distribution of potable water to each building site; c) Any historic or current water quality tests for existing potable water sources supplying the building sites; d) Any additional sources of water for irrigation (non-potable)	Received from the applicant August 2024. No further water quality and quantity information is required at this time.
DE-2024-041: That the Denman Island Local Trust Committee request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.	In progress. Staff will continue preparing a summary of the LTC options and staff resource implications. A draft DPA would be developed alongside Heritage Conservation Area guidelines.
DE-2024-042: That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program (NAPTEP) covenant to protect an environmentally sensitive portion of the Northern parcel.	Applicant has confirmed that a NAPTEP Covenant will not be pursued. Staff will draft restrictive covenant language to protect an environmentally sensitive portion of the northern parcel.
DE-2024-043: That the Denman Island Local Trust Committee request staff to engage with K'ómoks First Nation regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.	In progress. K'ómoks First Nation have identified interest in accessing Longbeak Point for cultural heritage and traditional land use practices/purposes. Staff

	will continue to draft language to amend the bylaw to include Heritage Conservation Area guidelines that support First Nations access.
DE-2024-044: That the Denman Island Local Trust Committee request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the <i>Heritage Conservation Act</i> .	<p>Complete.</p> <p>Report to the LTC on January 21, 2025 provided information about implementing a Heritage Conservation Area, and asked for LTC direction to begin drafting an HCA and a Section 219 restrictive covenant.</p>
DE-2024-045: That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks First Nation.	See resolution DE-2025-003 below. A Terms of Reference letter outlining the detailed Preliminary Field Reconnaissance requirements was endorsed by the LTC on January 21, 2025.
DE-2024-046: That the Denman Island Local Trust Committee request staff to send an early referral of the preliminary staff report and application DE-RZ-2023.1 (Komas Ranch Ltd.) to the following groups for comment: K'ómoks First Nation; Qualicum First Nation; Tla'amin Nation; Homalco First Nation (Xwemalhkwu); Wei Wai Kum Nation; We Wai Kai Nation; Nanwakolas Council; Te'Mexw Treaty Association; Snaw'Naw'As Nation; Snuneymuxw First Nation; Halalt First Nation; Stz'uminus First Nation; Tsu'uubaa-asatx First Nation; Lyackson First Nation; Penelakut Tribe; Cowichan Tribes; Comox Valley Regional District; BC Archaeology Branch; Islands Trust Conservancy; and the Islands Trust Senior Intergovernmental Policy Advisor.	<p>Early referral period is complete.</p> <p>Additional referral period to be completed after LTC first reading of draft Bylaws.</p> <p>Engagement with the K'ómoks First Nation is ongoing. Chief Councillor of K'ómoks First Nation, Nicole Rempel, has addressed a statement to the LTC/Islands Trust regarding the Preliminary Field Reconnaissance request, dated April 14, 2025 (see Attachment 1).</p> <p>The LTC's previous direction supports the Nation's request for a PFR and no further direction is required at this time.</p>
DE-2025-002: That the Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend the Denman Island Official Community Plan, 2008 (OCP), to introduce a new site-specific Heritage Conservation Area for the subject properties at PIDs 000-211-338, 000-211-320, and 023-096-438, application DE-RZ-2023.1 (Komas Ranch Ltd.) including draft objectives, exemptions, and guidelines.	<p>In progress.</p> <p>Staff will continue preparing draft bylaw language to amend the OCP to include new Heritage Conservation Area designation with draft justification, objectives, special features and characteristics of protected heritage, and guidelines.</p>
DE-2025-003: That the Denman Island Local Trust Committee endorse the draft Terms of Reference letter and direct staff to forward it to the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.), with a final deadline of December 31, 2025 to provide additional information requested in support of the application.	<p>In progress.</p> <p>A Terms of Reference letter was endorsed by the LTC, on January 21, 2025. The letter contains details about additional information requirements including a Preliminary Field Reconnaissance and a Section 219 draft covenant.</p> <p>The applicant's receipt of the Terms of Reference letter has been delayed due to the</p>

	application being on hold from late January to May 2025.
DE-2025-004: That the Denman Island Local Trust Committee request staff to develop a draft restrictive covenant in consultation with the applicant for application DE-RZ-2023.1 (Komas Ranch Ltd.) for Local Trust Committee consideration.	In progress. Staff will use existing covenant template language to develop a draft covenant for protection of part of the northern parcel of Komas Ranch, per the previous Land Use Contract. This may be shared with the Islands Trust legal counsel for review.
DE-2025-005: That the Denman Island Local Trust Committee enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant for application DE-RZ-2023.1 (Komas Ranch Ltd.).	To be determined. Staff will return to the LTC with a draft Cost Recovery Agreement if necessary.

NEXT STEPS

Staff will continue processing the file based on the previous LTC direction and next steps outlined above.

Submitted By:	Margot Thomaidis, Planner 2	April 28, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 12, 2025

ATTACHMENTS

1. Statement from Chief Councillor Nicole Rempel, K'ómoks First Nation, dated April 14, 2025



K'ómoks First Nation

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April 14, 2025

Sam Borthwick and David Graham, Denman Island Trustees
Local Trust Committee

and

Margot Thomaidis, Planner 2
Islands Trust

Re: Preliminary Field Reconnaissance (PFR) of the Komas Ranch Property (DjSf-1 and DjSf-4), on Denman Island

To Whom it May Concern,

We are writing to provide a public statement from the K'ómoks First Nation to support your allyship in protecting our ancestral village site on the Komas Ranch property, Denman Island.

We approve the use of this statement on your **website(s), public meeting agendas, and staff reports:**

“The Islands Trust and Local Trust Committees have been working closely with the K'ómoks First Nation (KFN) to protect our ancestral village and cemetery sites on Hornby and Denman Islands. Our ancestral (archaeological) sites are legally protected, tangible records our history on this land since time immemorial (at least 4,000 years). They have profound cultural, spiritual, and scientific importance not just to our people, but to our collective history on this land.

When sediments within an archaeological site are moved without the **legally-required** archaeological documentation and analysis, part of our history is **permanently erased**. Erasing archaeological “context” (vertical and horizontal associations between cultural materials) permanently eliminates the possibility of learning about the site through archaeological analysis (i.e., what happened at the site and how long ago).

The property known as “Komas Ranch” is one of our ancestral village and cemetery sites, known to our people as *Xélikw'*. In parts of *Xélikw'*, the tangible remains of our village are up to 5 meters deep, representing **thousands of years of continuous occupation** by our Pentlatch Ancestors. We have very few records of our (archaeological) cultural heritage at Komas Ranch due to more than 80 years of development **without any legally-required archaeological documentation or analysis**. With the exception of a few artifacts collected from the surface of the site by archaeologist Charles Borden in the mid-20th century and the installation of a few BC Hydro poles, **every ground alteration on this site** (i.e., every building, septic tank, road, ditch,



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trail, and borrow pit) **has illegally and permanently erased tangible records of our cultural heritage.**

In March 2024, we learned that the only property owner on Komas Ranch to apply for a provincial archaeological permit (legally required for ground alterations in an archaeological site) breached the terms of the permit, excavating our archaeological village and cemetery with no archaeological documentation or analysis, and no cultural workers on site.

There is a high likelihood that our Ancestors' burials were disturbed by this illegal act, and thrown in heaps of midden on the property as though they were garbage. We have yet to learn the extent of this damage and how many of our Ancestors' burials were desecrated since there has been no opportunity for archaeologists to access the site to analyze the damage, nor for our cultural workers to perform funerary rites for Ancestors whose burials were disturbed by this act.

As a small gesture of reconciliation for decades of illegal erasure of our history and desecration of our ancestral cemetery, we have asked the Islands Trust/Local Trustees to seek a Preliminary Field Reconnaissance (PFR) of Komas Ranch as a condition of the rezoning process. The goals of the PFR are to clarify the recorded boundaries of the archaeological site, and to record archaeological features evident on the surface of the site.

Given the history of development at Komas Ranch in the complete absence of legally-required archaeological permits and associated investigations, this PFR is necessary to provide critical baseline information regarding the archaeological remains on the property. A PFR is the least expensive and time-consuming form of archaeological analysis, consisting of only surface-level surveys and reporting of archaeological materials. A PFR by a local archaeologist should cost no more than \$20,000 (divided by 20 property owners).

Given the long history of settler occupation of Komas Ranch, many owners may also have knowledge of artifacts, ancestral remains, or archaeological features that have been observed here in the past, or may have collections of artifacts from the site. This sort of information is important, and we request that Komas Ranch owners offer any supplemental information they have regarding the archaeological site to the contracted archaeologist."

Respectfully,

Nicole Rempel
Chief Councillor K'ómoks First Nation