



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

DATE OF MEETING: June 23, 2026
TO: Denman Island Local Trust Committee
FROM: Margot Thomaidis, Planner 2
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Komas Ranch Rezoning – Staff Report
Applicant: John Andrew on behalf of 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)

RECOMMENDATION

That the Denman Island Local Trust Committee has reviewed Draft Bylaw No. 252, cited as “Denman Island Official Community Plan Bylaw No. 185, Amendment No. 1, 2025” and Draft Bylaw No. 253, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2025” and requests the Applicant provide the following information regarding DE-RZ-2023.1 (Komas Ranch Ltd.):

- a. **The total number of existing accessory dwellings:**
 - i. **greater than 37.2 square metres (400 square feet) in floor area; and**
 - ii. **smaller than 37.2 square metres (400 square feet) in floor area.**
- b. **Confirmation explaining how the proposed the rezoning application will address any non-conforming dwellings.**
- c. **A final Building Site Plan to be included in Draft Bylaw No. 253.**

REPORT SUMMARY

The purpose of this staff report is to present the Denman Island Local Trust Committee (LTC) with status updates regarding the file; introduce draft Bylaw Nos. 252 (OCP) and 253 (LUB) for information, and request additional technical information from the Applicant to inform the draft Bylaws prior to First Reading.

BACKGROUND

A rezoning application was submitted in December 2023 for the three subject properties which are approximately 20.5, 27.1, and 29.3 hectares in size. Previous Staff Reports are posted to the applications page on the website. The applicant seeks to rezone the properties from Rural Residential (R2) to a new Site-Specific zone and new Land Use Designation to replace the use and density permissions in a historic Land Use Contract, which expired in June 2024.

The following table includes all LTC resolutions passed to-date regarding this application, as well as staff comments regarding the status of each LTC direction.

Table 1. Application Status

LTC Resolution and Direction	Status as of June 10, 2026 and Next Steps
<p>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.).</p>	<p>STATUS: COMPLETED Staff have drafted bylaws to amend the OCP and LUB to align as closely as possible with the historic Land Use Contract while modernizing specific elements of the zoning regulations. See Attachments 1 and 2. See staff analysis below and a Summary Table comparing the LUC provisions from 1978 and the Draft LUB in Attachment 3.</p>
<p>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.).</p>	
<p>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.</p>	
<p>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.</p>	
<p>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.</p>	<p>STATUS: COMPLETED Received from the Applicant August 2024 with additional updates June 2026.</p> <p>Some existing septic fields are located within 30 metres of the natural boundary of the sea, as indicated on the site survey provided by the Applicant. A summary table of possible non-compliance and non-conformity is provided in Attachment 4. Staff recommend the non-compliant siting of septic fields be dealt with on a case-by-case basis as each of the systems require replacement in the future, or should environmental or public health concerns arise.</p>
<p>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-</p>	<p>STATUS: PENDING FURTHER DIRECTION FROM LTC Received from the applicant August 2024.</p> <p>The Land Use Contract required that the owners provide proof of water in an amount of 300 gallons per day per dwelling unit before dwelling unit construction. Since 1978 when the LUC was adopted, there are no records on file of proof of water prior to</p>

<p>211-320):</p> <p>a) Source of potable water for each building site;</p> <p>b) Distribution of potable water to each building site;</p> <p>c) Any historic or current water quality tests for existing potable water sources supplying the building sites;</p> <p>d) Any additional sources of water for irrigation (non-potable)</p>	<p>constructing new dwellings. The LTC may decide to request proof of water and/or a water management plan prior to rezoning approval. See further analysis in Attachment 3.</p>
<p>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.</p>	<p>STATUS: IN PROCESS</p> <p>Options and analysis are outlined in Attachment 5.</p> <p>A shoreline DPA for just the subject properties is not recommended at this time, due to the existing shoreline setbacks and riparian Development Permit Areas that already apply to the properties.</p>
<p>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.</p>	<p>STATUS: COMPLETED</p> <p>Applicant has confirmed that a NAPTEP Covenant will not be pursued.</p> <p>Staff recommend a Section 219 restrictive covenant be registered on title for environmental protection in this sensitive mature forest area.</p> <p>See staff comments regarding DE-2025-004 below.</p>
<p>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.</p>	<p>STATUS: COMPLETED</p> <p>K'ómoks First Nation have identified interest in accessing Longbeak Point for cultural heritage and traditional land use practices/purposes. KFN and the Owners may enter into an agreement to allow the Nation access to these areas, at the request of the LTC.</p> <p>Formalized <i>public</i> access through the property to Longbeak Point is not recommended as part of this application.</p>
<p>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>	<p>STATUS: IN PROCESS</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. Staff drafted a Heritage Conservation Area; however, upon review, it was found not to be capable of addressing archaeological protection concerns.</p> <p>A Section 219 restrictive covenant has been identified as an alternative tool for protection, instead of a Heritage Conservation Area. Through the registration of a legal agreement on title, this would create additional requirements regarding archaeological site and heritage conservation, prior to development or land alteration. The LTC may request that this type of covenant be registered on title prior to adoption, once draft bylaws are given First Reading. See staff analysis under the 'Issues and Opportunities' section below.</p>

<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.</p>	<p>STATUS: INCOMPLETE The applicant has not provided a Preliminary Field Reconnaissance, citing that this request is out of scope. This information is still necessary to inform a Section 219 restrictive covenant.</p>
<p>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 (Xwemalhkwa); 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>	<p>STATUS: COMPLETED Early referral period is complete. See a summary of early referral feedback below.</p> <p>Additional referral period to be completed after First Reading.</p>
<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>	<p>STATUS: COMPLETED Staff drafted a Heritage Conservation Area; however, upon review, it was found not to be capable of addressing archaeological protection concerns. See above comments regarding DE-2024-044.</p>
<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>	<p>STATUS: INCOMPLETE and PENDING ADDITIONAL LTC DIRECTION A Terms of Reference letter outlining the detailed requirements was endorsed by the LTC on January 21, 2025.</p> <p>The Applicant has not provided a Preliminary Field Reconnaissance to date, citing that this request is out of scope of the rezoning application. This information is still necessary to inform a Section 219 restrictive covenant.</p>
<p>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.</p>	<p>STATUS: PENDING ADDITIONAL LTC DIRECTION The LTC previously requested a restrictive a covenant to prohibit tree and vegetation removal and land alteration on part of the northern parcel. Staff shared a sample standard ecosystem protection covenant with the Applicant and they have expressed the following concerns:</p>

	<ul style="list-style-type: none"> • <i>The covenant would effectively eliminate the Owners' use of the land.</i> • <i>Owners would not be able to remove any dead fall trees and other fire hazards.</i> • <i>Owners would not be able to practice forestry improvements.</i> • <i>No removal of diseased trees or maintenance of private trails through the forests - all with the threat of \$15,000 fines for violations.</i> • <i>There is no justification for such onerous demands, which would expose the Owners to significant additional fire risk and liability, as well as unreasonably limit the use of their land.</i> <p>A final draft covenant template will be prepared by staff and shared with the Applicant, for further review, before being presented to the LTC for consideration prior to final adoption of Bylaws.</p>
<p>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.).</p>	<p>STATUS: PENDING ADDITIONAL LTC DIRECTION Staff will return to the LTC with a draft Cost Recovery Agreement, when necessary, for both covenant requests.</p>

ANALYSIS

Islands Trust Policy Statement:

The proposal appears inconsistent with the following Islands Trust Policy Statement (ITPS) policies:

- 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 instream uses.
- 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.

Table 1 staff comments and draft Bylaw Nos. 252 and 253 have been prepared to address these inconsistencies.

Official Community Plan:

Draft bylaw No. 252 (Attachment 1) would amend the Denman Island Official Community Plan (OCP) No. 185 by re-designating portions of the subject properties from Rural (RU) to a new land use designation, Rural Comprehensive (RC). In addition, the following new policies would be added to the HOUSING section of the OCP:

Policy 2.1 In the Rural Comprehensive designation, subdivision shall only be permitted for parkland dedication or ecological conservation uses.

Policy 11.1 In the Rural Comprehensive designation density may not exceed a maximum total of 20 single family dwelling units and 20 accessory guest dwelling units. Regulations may specify the following in order to minimize potential negative impacts, while encouraging stewardship of the ecological integrity, unique cultural heritage, and rural character of Komasa Ranch:

- a) Areas where no development may occur.*
- b) The location of any new development as a means to:
 - i. maintain unique rural character and natural beauty;*
 - ii. minimize road and driveway expansion;*
 - iii. minimize forest and ecosystem fragmentation;*
 - iv. protect groundwater and recharge areas;*
 - v. minimize impact to cultural heritage including archeological sites; and*
 - vi. ensure that development is located in areas which are suitable to support the intended use.**
- c) The approximate location and type of existing and proposed common use facilities and buildings such as: water supply, sewage disposal, fire protection, access, transportation and utility infrastructure; and shared recreation and meeting areas and facilities.*
- d) The approximate location and type of existing and proposed protected conservation areas, sensitive ecosystems and habitat, significant natural features, significant cultural heritage features, areas of extensive mature forest, lands hazardous to development, or land with no future development potential.*

Land Use Bylaw:

Draft Bylaw No. 253 (Attachment 2) would amend the Denman Island Land Use Bylaw (LUB), 2008 by rezoning portions of the subject properties from Rural Residential (R2) to a new rural zone – Rural Comprehensive 1 (RC1). The proposed amendments would generally allow a maximum of 20 principal dwelling units as well as 20 accessory guest dwelling units no greater than 37.2 square metres (400 square feet) in floor area, under specific conditions and replacing what the Land Use Contract historically permitted.

Issues and Opportunities

Land Use Contract 1978 vs. Draft Bylaw No. 253

The purpose of the application is to ‘replace’ the provisions of the Land Use Contract from 1978 with modern land use planning tools such as zoning, covenants, rights of way or easements. Staff have made annotations in the Draft Bylaw No. 253 (Attachment 2) where modernized use, density, siting, setback, or other development regulations and conditions are being proposed.

A detailed table comparing the provisions in the Land Use Contract from 1978 to the Draft Bylaw No. 253 is provided in Attachment 3. This table also provides an analysis of other local government tools that may be used to fully ‘replace’ all provisions of the Land Use Contract, including:

- Statutory Rights of Way with the Comox Valley Regional District to replace historic public access provisions; and
- A Section 219 covenant to protect 14 hectares of sensitive ecosystem.

The LTC has already requested a Section 219 covenant for the protection of 14 hectares of sensitive ecosystem on the northern parcel, and staff recommend the LTC confirm any additional agreements and covenants that would be necessary to advance this application at the time of First Reading.

Non-compliance and non-conformity

It is unclear whether all of the existing development at Komas Ranch complied with the historic Land Use Contract and the underlying zoning regulations at the time of development. The site surveys provided by the Applicant indicate a number of buildings and structures in the lot line setback and natural boundary setback areas. Some of these buildings and structures could be considered ‘non-conforming’ because previous Land Use Bylaw setback and siting regulations may have been more permissive. Others may actually be non-compliant because they were constructed without permits or they do not align with the issued permits. A summary of all buildings and structures and potential non-compliance and non-conformity issues has been provided in Attachment 4.

Namely, there are a number of septic fields located in the 30-metre setback to the natural boundary of the sea. Land Use Bylaws applicable to Denman Island have required that septic fields be located at least 30 metres from the natural boundary or high-water mark of the sea since at least August of 1972, beginning with the *Regional District of Comox - Strathcona – Denman Island Zoning Bylaw 1972* – adopted August 21, 1972.

These non-conformity and non-compliance issues are not an impediment to the LTC approving the rezoning application, but the Applicant and the LTC should understand the required process to address these issues in the future. Approval of the rezoning application will not grant the Owners the authority to expand, replace, or reconstruct buildings and structures in the setback areas. Staff do not recommend allowing any buildings and structures in the setbacks in perpetuity through this rezoning, and recommend the applicant address them in the future on a case-by-case basis through variance application if there are bylaw compliance and enforcement actions or public health and safety concerns.

Guest Dwellings and Secondary Dwellings

Table 10, Section 3b) of the draft Bylaw No. 253 provides for a maximum combined total of 20 accessory guest dwelling units. Two guest dwellings no greater than 37.2 square metres (400 square feet) in gross floor area have been constructed on building sites 2 and 15 according to the survey provided by the Applicant. An additional five accessory secondary dwellings greater than 37.2 square metres in floor area appear to have been constructed on building sites 7, 11, 14, 18, and 20 according to the survey provided by the Applicant. The Applicant has not confirmed whether they would like to legalize these larger

accessory dwellings as part of the rezoning process. They are not considered non-conforming because they were never permitted under the Land Use Contract.

If the LTC adopts zoning to 'replace' the LUC to allow what was previously permitted, including a maximum of 20 accessory guest dwellings no greater than 37.2 square metres (400 square feet) in gross floor area, these larger accessory dwellings will not be legal and will be considered non-compliant. **Recommendation #1 on page 1 of this report recommends the LTC request information from the Applicant confirming the total number of guest and accessory dwellings, and confirm how they would like to address the existing larger accessory dwellings through this rezoning application, before staff complete draft Bylaws.**

Archaeological Site Protection

Early in the rezoning review, staff identified archaeological site and cultural heritage protection as a high priority due to historic instances of land alteration in archaeological sites without permits.

The LTC directed staff to draft a Heritage Conservation Area but upon drafting and review, it was found not to be capable of adequately addressing archaeological site protection concerns expressed by K'ómoks First Nation. The Heritage Conservation Area was initially considered an effective tool to regulate development in areas of high archaeological potential. Yet the purpose of the Heritage Conservation Area would only be to conserve 'intangible' cultural heritage (not archaeological sites) and cannot address actual archaeological site protection beyond what the *Heritage Conservation Act* already addresses.

A Section 219 restrictive covenant has been identified as an alternative tool for protection, instead of a Heritage Conservation Area. Through the registration of a legal covenant on title, this would create additional requirements regarding heritage protection and conservation, prior to development and/or land alteration. The LTC may request that this type of covenant be registered on title prior to adoption, once draft Bylaws are given First Reading.

Consultation

Agencies

Early referral was sent to the Comox Valley Regional District (CVRD) as well as the BC Archaeology Branch in August 2024. No response was received from the CVRD. Staff spoke with the BC Archaeology Branch and confirmed the following information regarding the *Heritage Conservation Act* permitting process:

- BC Archaeology Branch recommends conducting an Archaeological Impact Assessment to fully understand the impacts to recorded and unrecorded archaeological sites prior to development, or as an appropriate and fulsome approach to post-impact assessment. If there is no proposed ground disturbance or development as a result of the rezoning application, an AIA is not required.
- A Preliminary Field Reconnaissance (PFR), as well as a 'desktop' Archaeological Overview Assessment (AOA) are not BC Archaeology Branch regulated forms of assessment and can offer only limited information. While they can indicate the presence of certain archaeological features, they cannot delineate site boundaries, sub-surface features and do not involve sub-surface testing.
- Preliminary studies can determine areas of high archaeological potential which may require further study prior to ground disturbance in the future.
- It would be at the cost of the Applicant/Owners to hire a qualified professional to perform a PFR and a 'desktop' AOA as part of the rezoning.

First Nations

Early referral was sent to First Nations on August 8 and 9, 2024. All responses are compiled in Attachment 6. No responses were received from Qualicum First 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; Lyackson First Nation; or Penelakut Tribe. A summary of all referral comments and responses is provided in the table below. Referrals will be sent again after the draft Bylaws are given First Reading.

First Nation	Summary of referral responses as of May 2026
K'ómoks First Nation	<p>Early engagement has been ongoing with K'ómoks First Nation. See Attachment 6 for a letter addressed to the LTC from Chief Nicole Rempel dated April 14, 2025. This was originally shared with the LTC on May 20, 2025 as part of an application update and is summarized as follows:</p> <ul style="list-style-type: none"> • <i>The property known as “Komas Ranch” is one of KFN’s ancestral village and cemetery sites. The tangible remains of KFN’s village are up to 5 meters deep, representing thousands of years of continuous occupation by KFN’s Pentlatch Ancestors.</i> • <i>KFN has very few records of (archaeological) cultural heritage at Komas Ranch due to more than 80 years of development without legally-required archaeological documentation or analysis.</i> • <i>Every ground alteration on this site (i.e., every building, septic tank, road, ditch, trail, and borrow pit) has illegally and permanently erased tangible records of KFN’s cultural heritage.</i> • <i>In March 2024, KFN 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 KFN’s archaeological village and cemetery with no archaeological documentation or analysis, and no cultural workers on site.</i> • <i>They have yet to learn the extent of this damage and how many of their Ancestors’ burials were desecrated since there has been no opportunity for archaeologists to access the site to analyze the damage, nor for their cultural workers to perform funerary rites for Ancestors whose burials were disturbed by this act.</i> <p><i>As a small gesture of reconciliation for decades of illegal erasure of KFN’s history and desecration of their ancestral cemetery, they have asked the Islands Trust/Local Trustees to seek a Preliminary Field Reconnaissance (PFR) of Komas Ranch as a condition of the rezoning process.</i></p>
Tsu'uubaa-asatx First Nation	<p><i>Generally defer to the First Nation(s) whose traditional territory fronts this area.</i></p> <p><i>Should Ts'uubaa-asatx Nation identify greater interests in the future they retain the right to revise this assessment.</i></p>
Cowichan Tribes	<p><i>Given the location, Cowichan Tribes has no comments at this time and will defer to those communities closer to Denman Island.</i></p>
Tla'amin Nation	<p><i>Application is for an area outside of Tla'amin Nation’s core territory.</i></p>

	<i>Defer to the directly affected Nation(s) and support their decision making.</i>
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Rationale for Recommendations

Staff have presented early, annotated versions of the draft OCP and LUB amending bylaws, and identified the necessary information required from the Applicant to confirm site details and complete the draft Bylaws, prior to recommending First Reading. Staff recommendation is on Page 1.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

That the Denman Island Local Trust Committee request that the Applicant for DE-RZ-2023.1 (Andrew) submit to the Islands Trust_____.

2. Deny the application

That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2023.1 (Andrew).

NEXT STEPS

Upon LTC direction, staff will continue to work with the Applicant to obtain information in order to complete Draft Bylaw Nos. 252 and 253 and return to the LTC for consideration of First Reading.

Submitted By:	Margot Thomaidis, Planner 2	June 10, 2026
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	June 15, 2026

ATTACHMENTS

- 1. Draft Bylaw No. 252 (OCP)
- 2. Draft Bylaw No. 253 (LUB), Annotated
- 3. Land Use Contract 1978 Provisions and Local Government Tools
- 4. Summary of Non-conformity and Non-compliance
- 5. Shoreline Development Permit Area Options and Analysis
- 6. Referral Responses up to May 2026

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 252

ATTACHMENT 1

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 185, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Denman Island Official Community Plan Bylaw No. 185, 2008, Amendment No. 1, 2025”.

2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 252**

SCHEDULE 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:
- 1.1 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by adding the following directly after the fourth paragraph:

“The Rural Comprehensive designation, shown on Schedule C, includes portions of three lots commonly referred to as “Komas Ranch”. The area was the subject of a Land Use Contract from 1978-2024, and is currently governed by a corporate homeowner share cooperative agreement. The Rural Comprehensive designation includes residential, nature conservation, and common area uses.”

- 1.2 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, is amended by adding a policy after Policy 2

“Policy 2.1 In the Rural Comprehensive designation, subdivision shall only be permitted for parkland dedication or ecological conservation uses.”

- 1.3 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, is amended by adding a policy after Policy 11

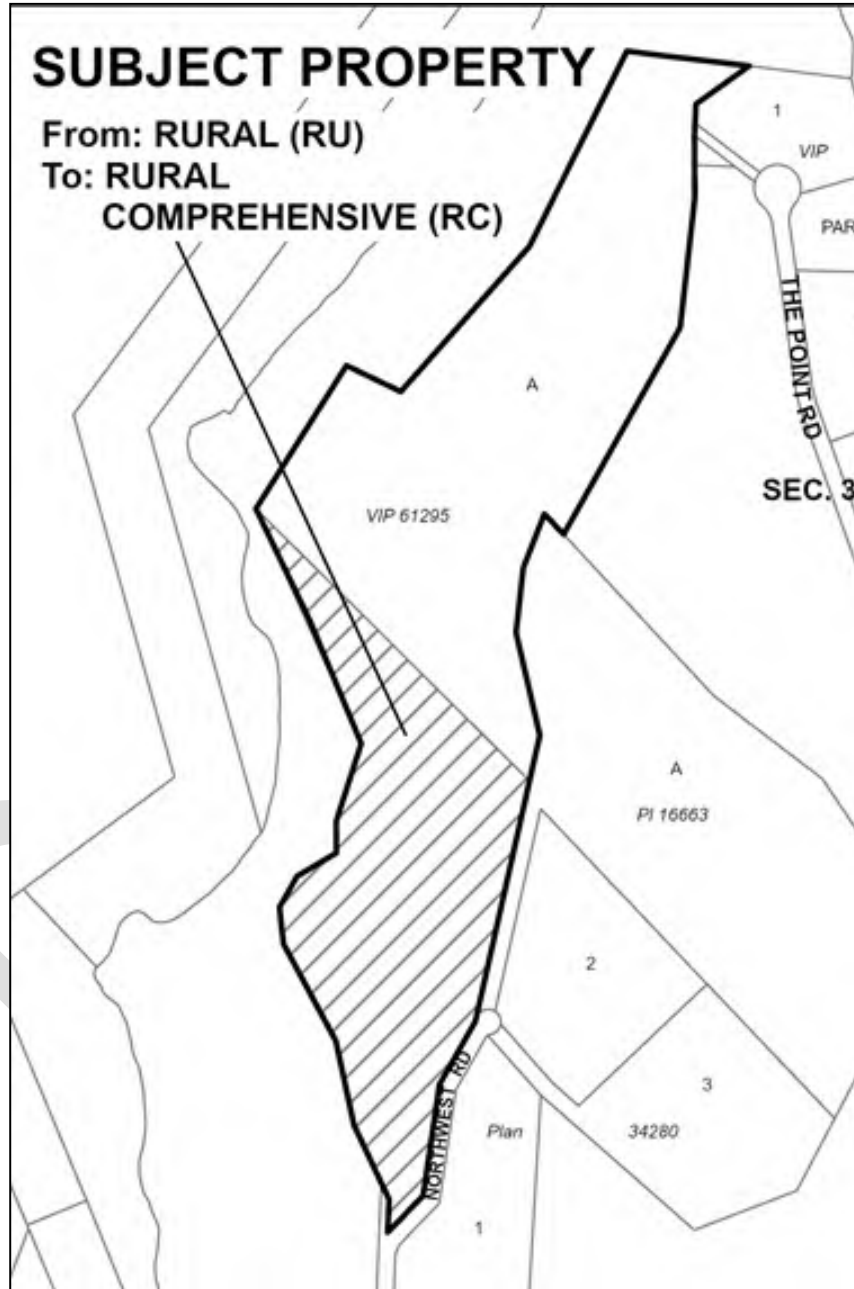
Policy 11.1 In the Rural Comprehensive designation density may not exceed a maximum total of 20 single family dwelling units and 20 accessory guest dwelling units. Regulations may specify the following in order to minimize potential negative impacts, while encouraging stewardship of the ecological integrity, unique cultural heritage, and rural character of Komas Ranch:

- a) Areas where no development may occur.
- b) The location of any new development as a means to:
 - i. maintain unique rural character and natural beauty;
 - ii. minimize road and driveway expansion;
 - iii. minimize forest and ecosystem fragmentation;
 - iv. protect groundwater and recharge areas;
 - v. minimize impact to cultural heritage including archeological sites; and

- vi. ensure that development is located in areas which are suitable to support the intended use.
 - c) The approximate location and type of existing and proposed common use facilities and buildings such as: water supply, sewage disposal, fire protection, access, transportation and utility infrastructure; and shared recreation and meeting areas and facilities.
 - d) The approximate location and type of existing and proposed protected conservation areas, sensitive ecosystems and habitat, significant natural features, significant cultural heritage features, areas of extensive mature forest, lands hazardous to development, or land with no future development potential.”
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “C” [Land Use Designation Map] is amended by changing the land use designations as follows:
- a) On portions of land legally described as LOT A SECTION 32 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP61295 the land use designation is changed:
from a split “Rural” and “Agriculture” designation to a split “Rural Comprehensive” and “Agriculture” designation;
as shown on Attachment 1 attached to and forming part of this Bylaw.
 - b) On portions of land legally described as SECTION 33, NANAIMO LAND DISTRICT, DENMAN ISLAND the land use designation is changed:
from a split “Rural” and “Conservation/Recreation” designation to split “Rural Comprehensive” and “Conservation/Recreation” designation;
as shown on Attachment 2 attached to and forming part of this Bylaw.
 - c) On portions of land legally described as SECTION 32 DENMAN ISLAND NANAIMO DISTRICT EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND 26016 the land use designation is changed:
from “Rural” designation to “Rural Comprehensive” designation;
as shown on Attachment 3 attached to and forming part of this Bylaw.

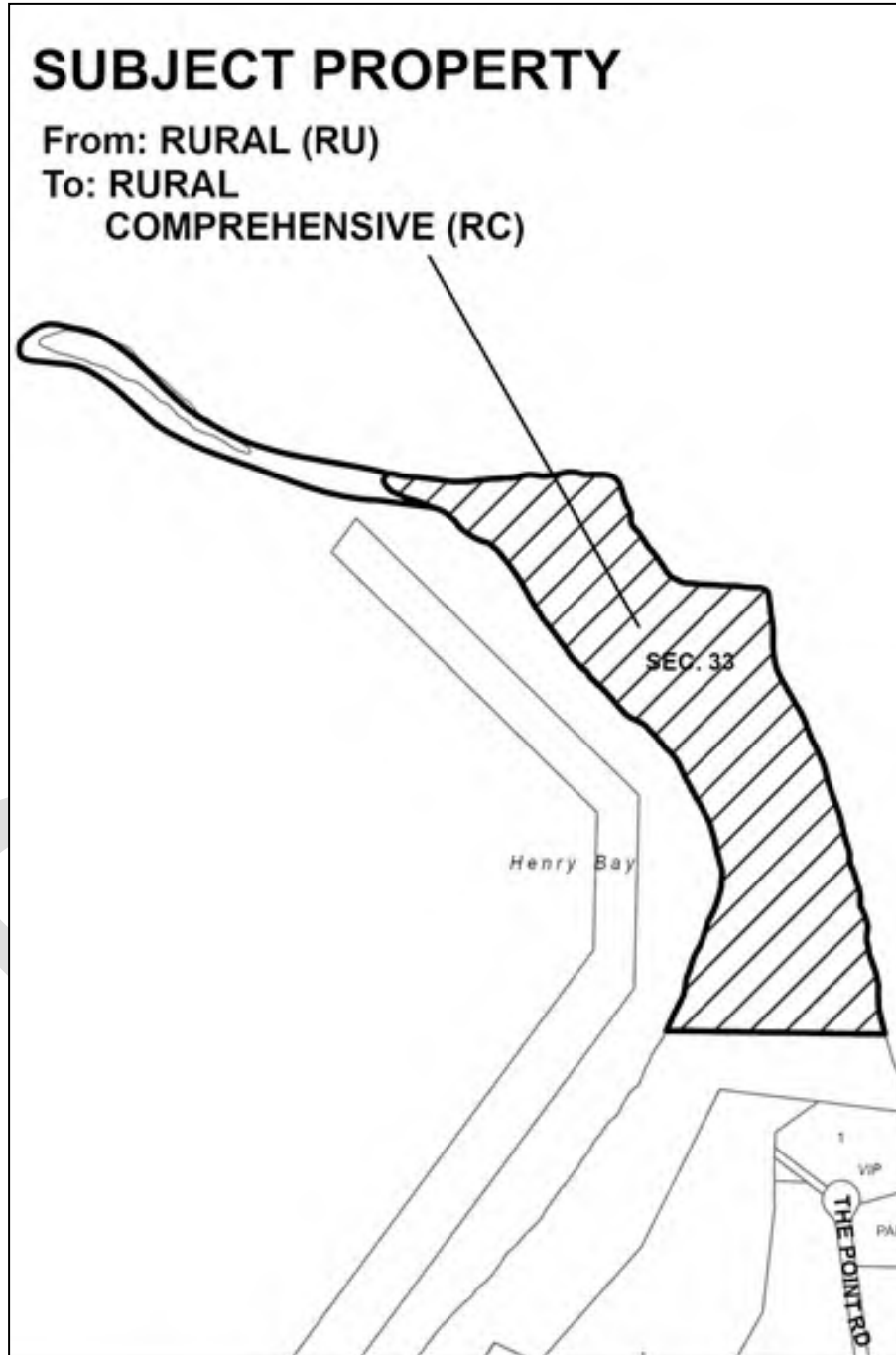
DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 252

Attachment 1



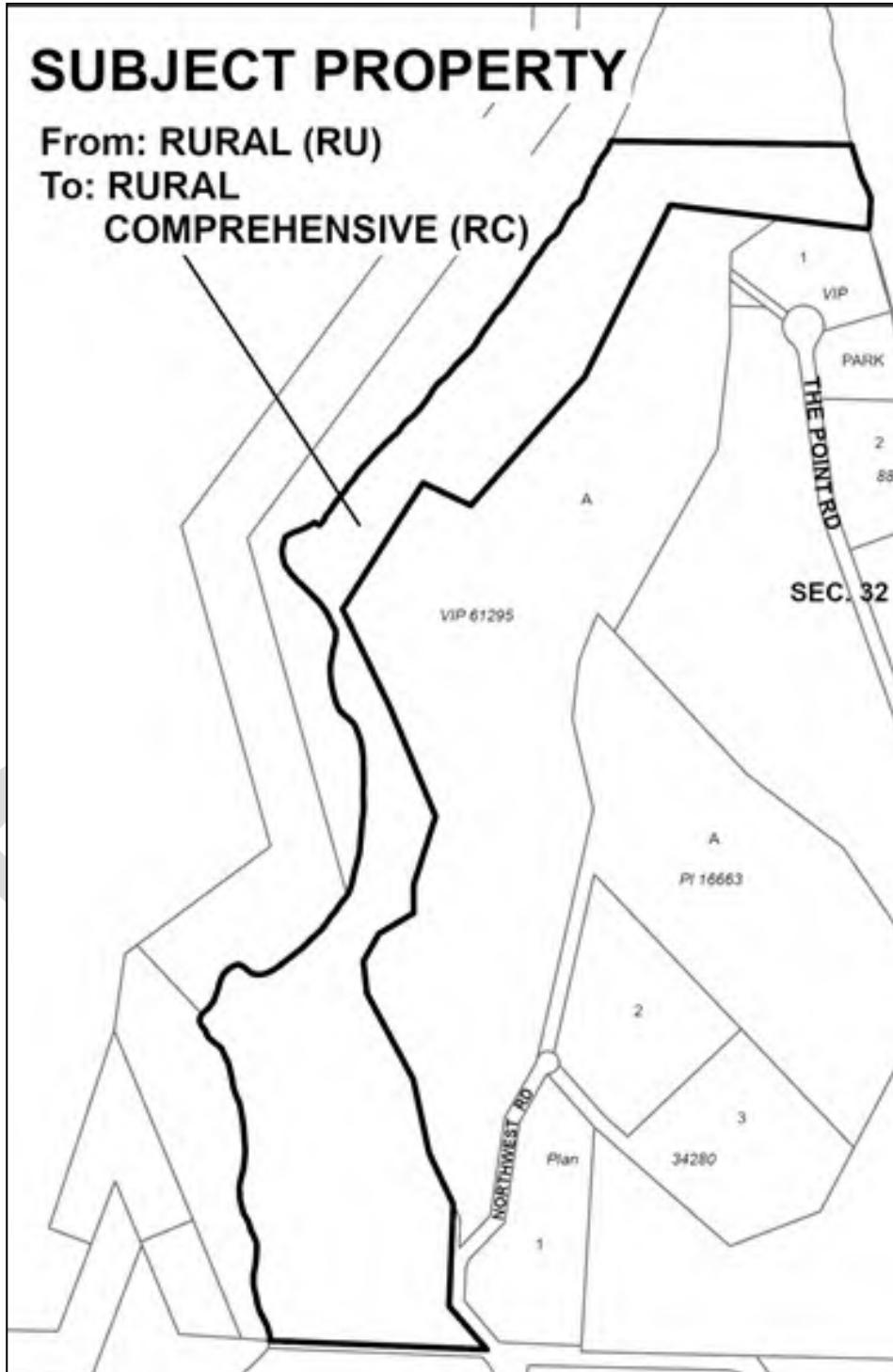
DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 252

Attachment 2



DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 252

Attachment 3



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**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 253**

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2025”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008” is amended as per Schedule 1 attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 253**

Schedule 1

1. Schedule “A” of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 PART 1 – ADMINISTRATION, Section 1.1 – Definitions, is amended by adding a new definition after the definition of “*guest accommodation*”, as follows:

“guest dwelling unit means a dwelling within an accessory building for use exclusively by temporary, nonpaying guests of the resident family, having a maximum floor area no greater than 37.2 square metres (400 square feet).”
 - 1.2 PART 2 – GENERAL REGULATIONS, Section 2.6 – Signs Regulations, Subsection 1, is amended by removing the ‘and’, and adding after ‘Affordable Rental Housing (R4)’:

, and Rural Comprehensive One (RC1)
 - 1.3 PART 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations, Subsection 5 is amended by removing the ‘or’ and replacing it with a comma, and adding after ‘Rural Residential (R2)’:

, or Rural Comprehensive One (RC1)
 - 1.4 PART 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 1, is amended by adding a new Residential Zone Classification and Zoning Code after Affordable Rental Housing R4 as follows:

Rural Comprehensive One RC1
 - 1.5 PART 3 – ZONE REGULATIONS, Section 3.3 – “Residential Zoning Tables”, is amended by adding a new Table directly after Table 9:

Table 10 – Rural Comprehensive One Zoning Regulations

The regulations listed in Tables 1 through 9 of this section do not apply to the land identified in Schedule B by the Rural Comprehensive One (RC1) zoning code.

INFORMATION NOTE: The purpose of the Rural Comprehensive One Zone is to permit the historical uses and density on portions of three lots on Denman Island generally known as “Komas Ranch”. Any land use planning application for the lots zoned Rural Comprehensive One must conform to the maximum permitted density specified in the RC1 Zone.

1. Permitted Uses

The following uses are permitted in the RC1 zone subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

Principal Uses

- a) Residential
- b) Parks
- c) Utilities
- d) Passive recreation
- e) Conservation

Accessory Uses

- f) *Guest dwelling unit* accessory to principal residential use
- g) Home occupation uses listed in Section 2.4 accessory to a principal residential use
- h) Horticulture and agriculture, accessory to a principal residential use;
- i) Wood working and wood processing accessory to a principal residential use
- j) Access roads
- k) Common recreation facilities
- l) Informational signs and interpretive structures

2. Permitted Buildings and Structures

- a) Single family dwelling unit
- b) *Guest dwelling unit* accessory to a permitted single family dwelling unit on the same lot
- c) Buildings and structures accessory to a constructed single family dwelling unit on the same lot
- d) Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products
- e) Buildings and structures to accommodate common recreation facilities, parks, and utilities
- f) One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area

3. Density of Uses, Buildings and Structures

- a) The maximum combined total number of single family dwelling units permitted across all parcels in the RC1 zone shall not exceed twenty (20).
- b) The maximum combined total number of accessory *guest dwelling units* permitted across the three lots in the RC1 zone shall not exceed twenty (20), subject to the conditions of use in Table 10, Section 8.
- c) A maximum of seventeen (17) single family dwelling units are permitted within SECTION 32 DENMAN ISLAND NANAIMO DISTRICT EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND

Commented [MT1]: This section permits outright what the Land Use Contract used to permit in terms of density of single-family dwellings and accessory guest dwellings. There is one extra density in the A zoned/ALR portion of the property which is not included in the proposed RC1 zone. 21 total existing dwellings – 20 in Rural Comprehensive 1 (RC1) zone and one in Agriculture (A) zone.

Commented [MT2]: Applicant to confirm number of existing guest dwelling units.

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DE-BL-253

26016, and a maximum of three (3) single family dwelling units are permitted within SECTION 33 DENMAN ISLAND NANAIMO DISTRICT.

- d) Single family dwelling units, accessory residential uses, buildings, and structures must be sited entirely within Building Sites One (1) through Twenty (20) as shown on Schedule A-1.
- e) Buildings and structures are not permitted on SECTION 33 DENMAN ISLAND NANAIMO DISTRICT outside the boundaries of Building Sites One (1), Two (2), and Three (3) as shown on Schedule A-1, except for informational signs and interpretive structures associated with passive recreation, park, and conservation uses.
- f) Buildings and structures are not permitted on LOT A SECTION 32 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP61295 in the RC1 zone, except for buildings and structures to accommodate utilities and/or common recreation facilities.
- g) Maximum combined lot coverage of all buildings and structures in the RC1 zone is 5 percent.

Commented [MT3]: Northernmost lot – conservation covenant is also being requested for this area.

Commented [MT4]: There are a few accessory residential structures on this lot associated with Building Sites #10 and #13 – shed, two septic fields, well connection.

Commented [MT5]: LUB currently allows 25% lot coverage, but staff recommend reducing it due to the larger size of the lots. The current level of development is well below 5% lot coverage so this will allow for flexibility to increase lot coverage slightly while keeping with large lot rural character.

Commented [MT6]: Same as the existing underlying R2 zoning. Unknown whether there are height compliance issues with the existing buildings and structures.

4. Height

- a) Maximum height of principal buildings and structures is 7.0 metres if located less than 100 metres from the natural boundary of the sea, and 9.0 metres if located 100 metres or more from the natural boundary of the sea
- b) Maximum height of buildings and structures accessory to a residential use is 6.0 metres
- c) Maximum height of a fence is 2.0 metres
- d) Maximum height of a pump/utility house located within a setback area is 2.5 metres
- e) Maximum height of a boathouse is 4.5 metres

5. Setbacks and Siting

In addition to Subsections 1-5 in Section 2.3, the following setbacks apply:

- a) Minimum setbacks for buildings and structures, except for a fence or pump/utility house, are:
 - 7.5 metres from the front lot line
 - 3.0 metres from the rear or side lot line
 - 4.5 metres from the exterior side lot line
- b) Minimum setback for feeding troughs, manure piles and buildings and structures for housing animals for agriculture is 8.0 metres from all lot lines
- c) Despite Article 3.3.1.5(b), the minimum setback for a domestic chicken coop is 3.0 metres from all lot lines
- d) Minimum setback for *produce stands* is 4.5 metres from the front lot line
- e) Private access roads must be located as shown on Schedule A-1

Commented [MT7]: Same as existing setbacks in the underlying R2 zone, with the addition of regulating the location of private roads and accesses.

Some Building Sites contain structures or sewage disposal fields that do not meet setback requirements. A detailed table of setback non-conformity AND non-compliance has been prepared.

Staff do not recommend allowing these structures in setbacks in perpetuity, and will advise the LTC to process them on a case-by-case basis through BOV or DVP if there are bylaw complaints or public health and safety issues in the future (for septic fields, etc.).

Commented [MT8]: Replaces Section 5(a) of the Land Use Contract

6. Floor Area

- a) Maximum floor area of a single-family dwelling unit is 300 m²

Commented [MT9]: Max. floor areas will limit large house expansions while still allowing flexibility for Owners to expand their single-family dwellings in the future.

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DE-BL-253

- b) Maximum floor area of a *guest dwelling unit* is 37.2 m²
- c) Maximum floor area of a pump/utility house located within a setback area is 6.0 m²
- d) Maximum floor area of a boathouse located within 15.0 metres of the natural boundary of the sea is 30.0 m²
- e) Maximum total combined area of all common recreational facility buildings and related structures is 750 m²

7. Subdivision

- a) No subdivision is permitted within the RC1 zone except in compliance with Subsection 2.8.19.

8. Conditions of Use

- a) On building sites where a principal *dwelling* or *guest dwelling unit* is to be constructed, there must be an adequate supply of water, and sewage disposal capacity for the use, and for this purpose the rules for providing water for a subdivision in Section 2.8 and proof from a qualified professional that the principal *dwelling* or *guest dwelling* is connected to an approved sewerage system apply.
- b) A siting and use permit shall not be issued for construction of a new building to be used as a *dwelling unit* or a *guest dwelling unit* on a building site as shown in Schedule A-1 in the RC(1) zone unless a building on the same site is equipped with a rainwater catchment system and cisterns for the storage of rainwater with a minimum storage capacity of 18,000 litres.
- c) [Insert additional water or septic requirements and conditions here]

Commented [MT10]: This aligns with the guest dwelling floor area permitted by the Land Use Contract. The LUC did not define 'guest dwelling' so there is an opportunity to do so now. This would not legalize all of the existing 'guest dwellings', since at least five appear larger than 37.2 square metres in floor area according to the site surveys provided by the Applicant.

Commented [MT11]: Same as the existing R2 zoning, but this could be changed if the LTC wishes to restrict structures in the 15 m setback to the natural boundary of the sea, instead.

Commented [MT12]: The applicant has identified the need for flexibility to upgrade the existing tennis court in the common area. Tennis court is 703 m² in area.

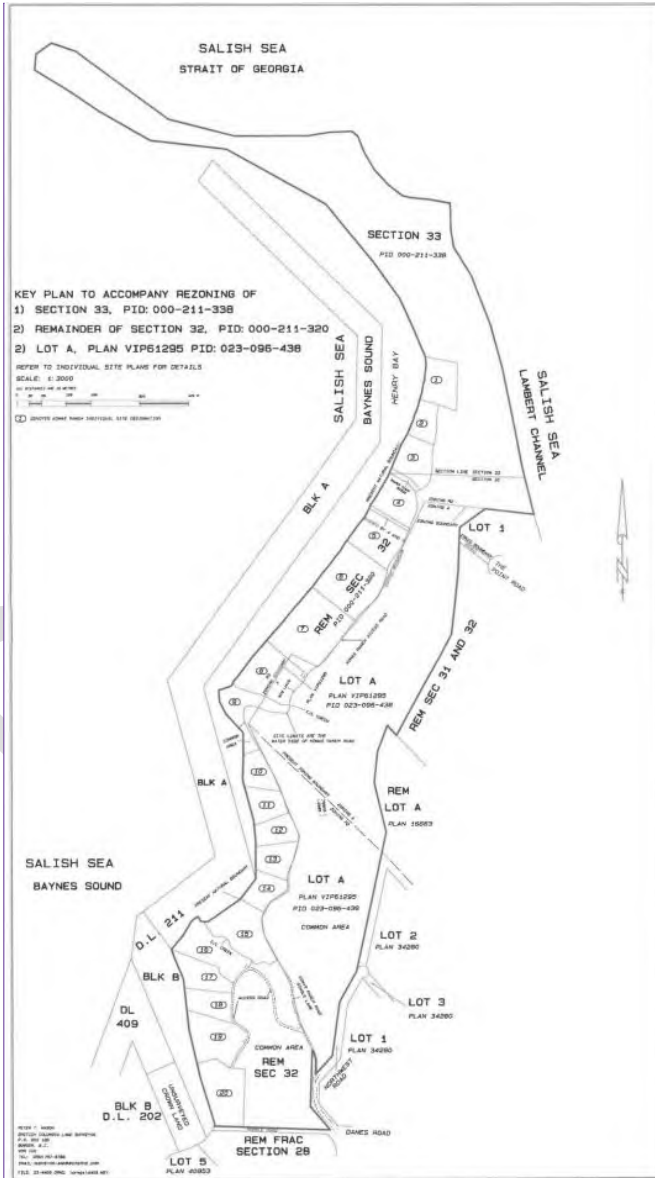
Commented [MT13]: Similar to current Land Use Bylaw - ALR secondary dwelling conditions under Section 3.3 – Table 9.

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DE-BL-253

Schedule A-1 – Komas Ranch

BUILDING SITE PLAN for LOT A SECTION 32 VIP61295, SECTION 32 EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND 26016, and SECTION 33 DENMAN ISLAND NANAIMO DISTRICT



Commented [MT14]: An updated, clearer building site plan should be provided by the Applicant.

2. Schedule “B” of Denman Island Land Use Bylaw, 2008, is amended as follows:

Schedule “B” – North Map, is amended by removing “Site Specific – Land Use Contract #267” from the map and changing the zoning classification of parts of the split-zoned LOT A SECTION 32 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP61295 (PID 023-096-438), parts of the split-zoned SECTION 33 DENMAN ISLAND NANAIMO DISTRICT (PID 000-211-338), and SECTION 32 DENMAN ISLAND NANAIMO DISTRICT EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND 26016 (PID 000-211-320) as shown on Appendix No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

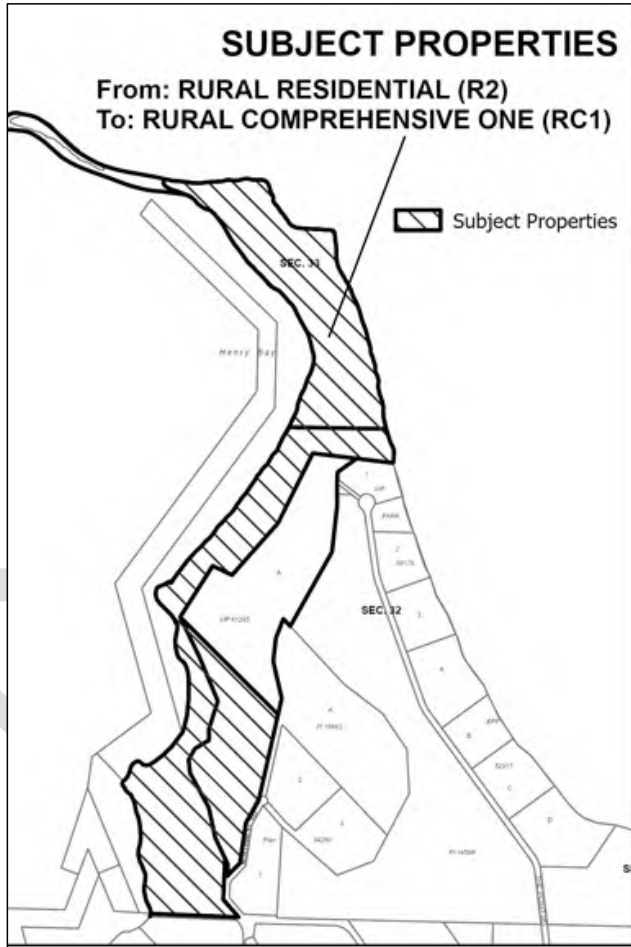
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DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 253

Appendix No. 1



ATTACHMENT 3 – DE-RZ-2023.1 (KOMAS RANCH LTD.)

Komas Ranch – Expired Land Use Contract Provisions and Proposed Land Use Planning Tools

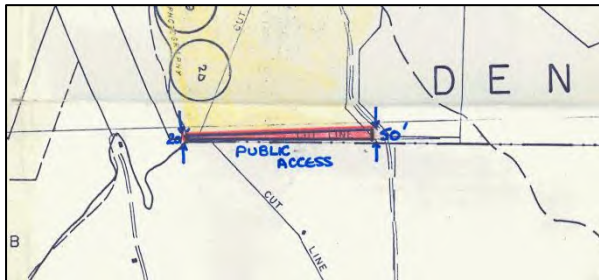
1978 Land Use Contract Provision (Expired June 2024)	Land Use Planning Tools to Address
<p>1. INTERPRETATION <i>Excepting those words defined herein, all definitions of words and phrases contained in the By-laws of the Regional District shall apply to this Land Use Contract, and to the Schedules attached hereto.</i></p>	<p>NO ACTION REQUIRED Existing Denman Island Land Use Bylaw Section 1.1 – Definitions continues to apply to the Komas Ranch properties now that the LUC is expired. The LUC referred to the definitions in the by-laws of the Regional District, and after those were repealed, the bylaws of the Islands Trust would have applied.</p>
<p>2. OWNERS <i>The Owners are the registered owners of an estate in fee simple in all singular that certain parcel or tract of land and premises herein referred to as the said lands, and more particularly described in Schedule “B” attached hereto.</i></p>	<p>NO ACTION REQUIRED There are currently 42 Owners registered on title and each own a share of the fee simple land of the three separate legal parcels, and a share of the Company (Komas Ranch Ltd). The Company, which is wholly owned and controlled by the Owners, was granted a Management Contract with respect to the lands at the time of Land Use Contract creation.</p>
<p>3. ROADS <i>The Company undertakes to construct private roads as necessary, with the location of such roads to be subject to the approval of the Regional District.</i></p>	<p>OCP/LAND USE BYLAW AMENDMENT The draft OCP Bylaw 252 proposes a new <i>Policy 11.1 PART E – FAMILIES AND INDIVIDUALS</i> which addresses minimizing road and driveway expansion and regulations that may specify the approximate location and type of existing and proposed transportation infrastructure. Komas Road is a gated private access road to each of the building sites. The applicant has not provided information about whether the location of private roads have received the approval of the Regional District prior to construction. The Applicant has not indicated plans to expand private roads in the future.</p>

**1978 Land Use Contract Provision
(Expired June 2024)**

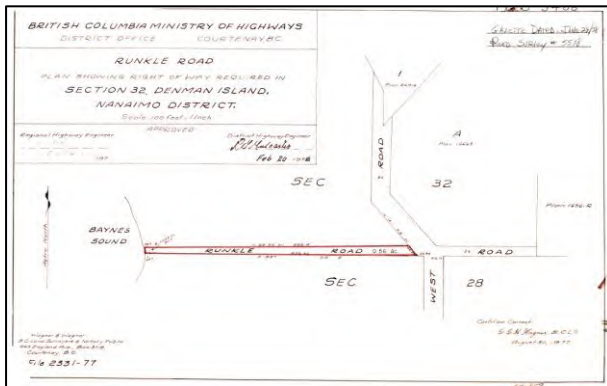
Land Use Planning Tools to Address

4. PARKLAND

a) The Owners undertake to dedicate to public use one acre of the said lands as outlined in red on the plan attached and forming Schedule “A” hereto, for the sole purpose of providing public access to the beach.



1978 Komas Ranch Right-of-way - Runkle Rd.



4. PARKLAND

b) The untreed area of Longbeak Point, as shown in red on the plan attached and forming Schedule “A” hereto, shall remain

Statutory Right of Way (SROW)

A Statutory Right of Way (SROW) between the Owners and the Comox Valley Regional District would be required to ‘replace’ this provision in the Land Use Contract.

The LTC may request a SROW as part of the rezoning process, as long as the CVRD agrees to it. This would align with the application as proposed and would ‘replace’ this LUC provision. The LUB cannot regulate whether land is used for public access.

A public access right-of-way to the beach along Runkle Road 6 metres (20 ft) in width at the western end and 15 metres (50 ft) in width at the eastern end formally expired when the LUC expired. But it is not the only way to access the beach from this area; there is an additional 10-metre right-of-way beside this one, registered at the time of subdivision of the parcel directly south of Komas Ranch. Therefore, public beach access still exists in this area, but it is now only 10 metres instead of 16 to 25 metres in width. The Applicant has confirmed that beach access is very difficult along this right-of-way due to steep topography, and a pedestrian trail or road has not been built or cleared. Public access to the beach in this neighbourhood is common from Gladstone Way to the south, instead.

Statutory Right of Way (SROW)

This area is zoned Park (PK) in the LUB and designated Conservation/Recreation (CR) in the OCP. The Land Use Bylaw cannot replace the provisions for public access. A Statutory Right of Way (SROW)

**1978 Land Use Contract Provision
(Expired June 2024)**

Land Use Planning Tools to Address

unoccupied and the Owners and the Company undertake to hold and maintain the said untried area of Longbeak Point solely for the use, benefit and enjoyment of the public, subject to the following conditions:

- (i) No fires shall be permitted in the area at any time.***
- (ii) No overnight camping will be permitted.***
- (iii) No man-made or artificial facilities will be installed or erected in the area.***

between the Owners and the Comox Valley Regional District is required if Longbeak Point is to remain accessible to the public in the future and managed as such. The LTC may request a SROW as part of the rezoning process, so long as the Owners, the CVRD and the K’ómoks First Nation agree to it.

Longbeak Point is a popular public kayaking destination. It is also a significant cultural heritage site for the K’ómoks First Nation.

Formal public access to this portion of the property was extinguished when the LUC expired in June 2024. However, the Owners may continue to voluntarily allow public access by not enforcing trespass law, or by formally registering an agreement on title through Statutory Right of Way.

4. PARKLAND

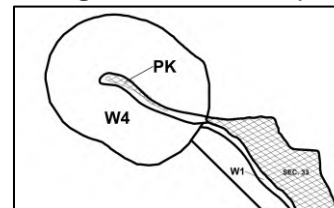
c) The Owners or the Company may from time to time make regulations subject to the approval of the Regional District for the maintenance, protection and enhancement of the said untried area of Longbeak Point.

d) Representatives of the Owners or the Company may enforce the restrictions set out in sub-paragraphs 4(b)(i) through 4 (b) (iii) hereof, and any regulations promulgated under sub-paragraph 4(c) hereof. Such enforcement shall include, but not be limited to, authority to erect signs and post notices in the said untreed area of Longbeak Point.

NO ACTION REQUIRED

The Applicant has not provided information about whether the Owners have made regulations for the maintenance, protection and enhancement of this area. The Owners have maintained the area for public access while the LUC was in effect.

The underlying zoning of the sandy portion of Longbeak Point is ‘Park (PK)’ which allows for park, passive recreation, and utilities uses. There are no proposed changes to the zoning of this area as part of this application.



4. PARKLAND

e) The Owners and the Company shall retain in a natural state the treed section of Longbeak Point north of the proposed building site 1 as shown in green on the plan attached to and forming Schedule "A" hereto.

OCP/LAND USE BYLAW AMENDMENT and RESTRICTIVE COVENANT

Proposed *Table 10, Section 3(e)* of the draft LUB would prohibit buildings and structures in this area of the lot, except for informational signs and interpretive structures associated with passive recreation, park, and conservation uses. Zone regulations alone cannot prohibit tree removal and a conservation/nature protection covenant would be required to continue to regulate this area to be left in a 'natural state'.

An approximately 14-hectare area remains undeveloped because of this provision in the LUC. This parcel contains large areas of undisturbed mature and older forest ecosystem, as well as a bluff/cliff ecosystem on the eastern half which is included in Development Permit Area 1 – Komas Bluff. This area is a good candidate for continued preservation and protection and the Applicant appears amenable to continuing to retain the area in a natural state.

This area also includes a walking trail used by the property owners to access Longbeak Point. At one point, members of the public may have used this trail with permission from the Owners.

The LTC previously requested a restrictive a covenant to prohibit tree and vegetation removal and land alteration in this area for the above reasons. Staff shared a sample standard ecosystem protection covenant with the Applicant and they have expressed the following concerns:

- The covenant would effectively eliminate their use of the land.
- Owners would not be able to remove any dead fall trees and other fire hazards.
- Owners would not be able to practice forestry improvements.
- No removal of diseased trees or maintenance of private trails through the forests - all with the threat of \$15,000 fines for violations.

**1978 Land Use Contract Provision
(Expired June 2024)**

Land Use Planning Tools to Address

- There is no justification for such onerous demands, which would expose the Owners to significant additional fire risk and liability, as well as unreasonably limit the use of their land.

The LTC may consider requesting that staff prepare a restrictive ecosystem protection covenant template that allows the Owners to continue to safely maintain the area, while still prohibiting tree or vegetation removal or land alteration.

5. PERMITTED USES

The Owners and the Company may occupy the said lands for the following purposes:

a) The construction of private roads as necessary, with the location of such roads to be subject to the approval of the Regional District.

OCP/LAND USE BYLAW AMENDMENT

The draft OCP bylaw proposes *Policy 11.1 PART E – FAMILIES AND INDIVIDUALS* which addresses minimizing road and driveway expansion and regulations that may specify the approximate location and type of existing and proposed transportation infrastructure. The Applicant has not indicated plans to expand the existing private roads and driveways in the future.

Proposed *Table 10, Section 5e)* along with *Schedule A-1* of the draft LUB could specify the location of private roads at Komas Ranch.

b) Construction of single family dwelling units to a maximum number of twenty.

OCP/LAND USE BYLAW AMENDMENT

Proposed *Table 10, Section 3a)* of the Draft Land Use Bylaw provides for a maximum combined total of 20 single-family dwelling units.

c) For each single family dwelling unit, the construction of one guest dwelling with a maximum gross floor area of four hundred square feet.

OCP/LAND USE BYLAW AMENDMENT

Proposed *Table 10, Section 3b)* of the draft LUB provides for a maximum combined total of 20 accessory guest dwelling units.

Two guest dwellings no greater than 37.2 square metres (400 square feet) in gross floor area have been constructed on building sites 2 and 15 according to the site survey provided by the Applicant. An additional five accessory dwellings larger than 400 square feet appear to have been built out on building sites 7, 11, 14, 18, and 20 according to the survey provided by the Applicant.

1978 Land Use Contract Provision (Expired June 2024)	Land Use Planning Tools to Address
	<p>The Applicant has not confirmed whether they would like to legalize these larger accessory dwellings as part of the rezoning process.</p> <p>If the LTC adopts zoning to ‘replace’ the LUC to allow what it used to allow, including a maximum of 20 accessory guest dwellings no greater than 400 square feet in gross floor area, these larger accessory dwellings will not be made legal and will be considered non-compliant. They are not non-conforming because they have never been permitted by the Land Use Bylaw or the Land Use Contract.</p>
<p>d) Construction of customary accessory structures, including but not restricting the generality of the foregoing, garage, workshop, greenhouse, boathouse, storage sheds and common recreation facilities.</p>	<p>OCP/LAND USE BYLAW AMENDMENT</p> <p>Proposed <i>Table 10, Section 2c)</i> of the draft LUB permits buildings and structures accessory to a constructed single-family dwelling unit on the same lot. <i>Sections 2d) and 2e)</i> permit other accessory buildings and structures to accommodate horticulture, agriculture, common recreation facilities, parks, and utilities.</p>
<p>6. RESTRICTIONS</p> <p>a) All buildings shall be sited as indicated on the Plan attached and forming Schedule “A” hereto.</p>	<p>OCP/LAND USE BYLAW AMENDMENT</p> <p>Proposed <i>Schedule A-1</i> in the draft LUB shows a Building Site Plan which was submitted by the Applicant. An updated Building Site Plan which clearly indicates the proposed building sites, common areas, conserved or protected areas, and existing/proposed private roads, etc. should be provided by the Applicant prior to final Bylaw adoption.</p>
<p>6. RESTRICTIONS</p> <p>b) The siting of all buildings, including guest dwellings, shall be subject to the approval of the Planning Department of the Regional District.</p>	<p>LAND USE BYLAW AMENDMENT</p> <p>Proposed <i>Table 10, Section 5</i> of the draft LUB addresses setback and siting requirements. These are the same as the underlying Rural Residential (R2) zoning which currently applies. The underlying Regional District and subsequent Denman Island land use regulations concerning siting, setbacks, and height have continuously applied to the properties while the LUC was in effect.</p>

1978 Land Use Contract Provision (Expired June 2024)	Land Use Planning Tools to Address
<p>6. RESTRICTIONS <i>c) The siting and number of dwellings shall in all cases be subject to the approval of the Local Medical Health Officer, and any variation in such siting as required by statute shall not be deemed to require an amendment to this contract.</i></p>	<p>NO ACTION REQUIRED The draft LUB will be referred to Island Health Authority after First Reading, for review for compliance with the <i>Public Health Act</i>.</p>
<p>6. RESTRICTIONS <i>d) The Owners and the Company shall provide proof that potable water in a minimum amount of three hundred gallons per day per dwelling unit is available to each unit.</i></p>	<p>LAND USE BYLAW AMENDMENT Proposed <i>Table 10, Section 8 – Conditions of Use</i> in the draft LUB addresses potential water and septic requirements for future dwelling and accessory guest dwelling construction. Additional water or septic requirements may be added to the draft LUB at the LTC’s discretion.</p>
<p>7. PROHIBITIONS <i>No subdivision except that solely for the public use or purposes shall be permitted within the area covered by the Land Use Contract.</i></p>	<p>OCP/LAND USE BYLAW AMENDMENT Proposed <i>Table 10, Section 7 – Subdivision</i> of the draft LUB prohibits subdivision except under specific circumstances as outlined in Subsection 2.8.19 of the existing Denman LUB.</p>
<p>8. COMPLIANCE WITH BYLAWS <i>The Owners and the Company shall comply with the terms and conditions of the By-laws and Regulations of the Regional District and any amendments hereto.</i></p>	<p>NO ACTION REQUIRED The existing <i>Denman Island Land Use Bylaw, 2008, Section 1.3 – Compliance</i> applies to the lands and ensures that the Bylaw is enforced.</p>
<p>9. INSPECTION <i>The employees of the Regional District from time to time, and at all reasonable times, may enter upon the lands to carry out all necessary inspections to ensure that the land</i></p>	<p>NO ACTION REQUIRED Existing <i>Denman Island Land Use Bylaw, 2008 Section 1.3 – Compliance</i> applies to the lands and ensures that the Bylaw is enforced.</p>

1978 Land Use Contract Provision (Expired June 2024)	Land Use Planning Tools to Address
<i>is used and developed in accordance with the provisions of this Agreement.</i>	
10. REGISTRATION <i>This Agreement shall be construed as running with the land, and shall be registered in the Land Registry Office by the Regional District pursuant to the provisions of Section 798A and Section 702A(4) of the “Municipal Act”.</i>	NO ACTION REQUIRED <i>Sections 1.2 – Jurisdiction and 1.3 – Compliance in the Denman Island Land Use Bylaw, 2008 apply to the properties.</i>
11. CONSENT <i>The Regional District will permit the Owners and the Company to develop the said lands upon the terms and conditions herein contained.</i>	NO ACTION REQUIRED <i>Sections 1.2 – Jurisdiction and 1.3 – Compliance in the Denman Island Land Use Bylaw, 2008 apply to the properties.</i>
12. BINDING AGREEMENT <i>THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors and assigns.</i>	NO ACTION REQUIRED

ATTACHMENT 4 – DE-RZ-2023.1 (KOMAS RANCH LTD.)

Komas Ranch Buildings and Structures: Non-compliance, Non-conformity, and Issued Permits

Site #	Address (Komas Rd.)	Single Family Dwelling Floor Area (m ²)	Guest Dwelling Floor Area (m ²)	Acc. Buildings? (m ²)	Decks (m ²)	Non-compliance, Non-conformity, issued Siting and Use Permits, and Other Notes
1	8607	157.00	None	56.00 (Garage) 21.00 (Woodshed) 3.15 (Sauna)	110.30 (Deck) 13.15 (Gazebo)	<p>Non-compliance or non-conformity:</p> <ul style="list-style-type: none"> Attached dwelling deck is 10.7 m from natural boundary of the sea (NBS). Sauna is less than 10.0 m from NBS. (Both must be at least 15.0 m from NBS). Sewage disposal field is 24.68 m from NBS. (Must be at least 30.0 m from NBS). <p>Permit: DE-SUP-1993.18 (Addition to dwelling).</p>
2	8471	163.00	32.13 (Cabin)	23.81 (Boat Shed) 20.34 (Shed) 15.50 (Wood shed)	181.39 (House deck) 15.28 (Cabin deck)	<p>Non-compliance or non-conformity:</p> <ul style="list-style-type: none"> Dwelling is 12.73 m from the natural boundary of the sea (NBS). Attached deck is 0.2 m from NBS. Cabin is 12.75 m from NBS. Cabin deck is 9.5 m from NBS. (All must be at least 15.0 m from NBS).
3	8335	306.88	None	106.54 (Workshop) 96.72 (Boat House and attached Woodshed) 45.52 ('New Slab') 19.77 (Water Tank House) 16.38 (Woodshed) 4.00 (Outhouse)		<p>Non-compliance:</p> <ul style="list-style-type: none"> 'New slab' and 'water tank house' located across property line between PIDs 000-211-338 and 000-211-320. (Must be at least 3.0 m from side lot line). Pit privy/outhouse located 1.2 m from side lot line. (Must be at least 8.0 m from all lot lines). <p>Permit: DE-SUP-2021.14 (Dwelling and accessory building).</p>
4	None	277.16	None	18.29 (Shed)	69.30 (Dwelling deck)	<p>Non-compliance:</p> <ul style="list-style-type: none"> Sewage disposal field is 23.87 m from NBS, sited on the common beach access route. (Must be at least 30.0 m from NBS). <p>Permit:</p>

Site #	Address (Komas Rd.)	Single Family Dwelling Floor Area (m ²)	Guest Dwelling Floor Area (m ²)	Acc. Buildings? (m ²)	Decks (m ²)	Non-compliance, Non-conformity, issued Siting and Use Permits, and Other Notes
						DE-SUP-2011.21 (Addition to dwelling).
5	None	222.00	None	100.00 (Boat house)	101.40	<p>Non-compliance or non-conformity:</p> <ul style="list-style-type: none"> Dwelling deck is 13.9 m from NBS. (Must be at least 15.0 m from NBS). <p>Permits: DE-SUP-2016.4 (Addition to existing dwelling) DE-SUP-2018.20 (Garage)</p>
6	8221	254.53	None	29.89 (Shack with deck) 23.09 (Shed) 3.00 (Pump house)	105.58 79.04 (Dwelling decks)	
7	7865, 8005, 8105	184.13		43.26 ('Jean's Cabin') 39.80 (Workshop) 121.87 (Studio) 16.95 (Woodshed) 1.50 1.50 3.86 8.06 9.45 2.68 (Sheds/OHs)	48.35 (Dwelling) 31.10 (Studio) 6.00 (Studio) 54.00 (Cabin)	<p>Non-conformity:</p> <ul style="list-style-type: none"> Jean's cabin (built 1930s) appears to be 12.4 m from the NBS. (Must be at least 15.0 m from NBS if rebuilt or extended). Jean's cabin exceeds maximum 400 square foot guest dwelling limit. <p>Possible non-compliance:</p> <ul style="list-style-type: none"> "Studio" is considered a separate building (covered walkway greater than 4.0 metres in length) and appears to be an additional dwelling. Survey does not confirm whether the studio is used as a dwelling or contains a kitchen. Three potential dwellings on the building site, where only one plus a 400 sq. ft. guest dwelling was historically permitted. <p>Permits: DE-SUP-1995.10 (Studio addition to dwelling) DE-SUP-2014.6 (Addition to studio – bathroom)</p>
8	7761	122.78	None		102.90 (Dwelling Deck)	<p>Non-conformity:</p> <ul style="list-style-type: none"> Log retaining structure (built in ~1974) is sited beyond NBS. <p>Notes:</p> <ul style="list-style-type: none"> Workshop, outhouse, and greenhouse are located on a different property than the dwelling, PID 023-096-438. <p>Permit: DE-SUP-2010.10 (One dwelling and one accessory storage shed).</p>

Site #	Address (Komas Rd.)	Single Family Dwelling Floor Area (m ²)	Guest Dwelling Floor Area (m ²)	Acc. Buildings? (m ²)	Decks (m ²)	Non-compliance, Non-conformity, issued Siting and Use Permits, and Other Notes
9	7725	96.21	None		67.40 (Dwelling deck)	Non-compliance or non-conformity: <ul style="list-style-type: none"> Septic field located approximately 25 metres from the natural boundary of a riparian Development Permit Area creek. (Must be sited 30.0 m from the NB)
10	7621	132.92 57.90 (addition)	None	21.55 (Wood Shed) 2.89 (Outhouse)	87.41	Notes: <ul style="list-style-type: none"> Sewage disposal field and well are located on the adjacent property, PID 023-096-438. Permit: DE-SUP-1997.17 (Addition to residential dwelling)
11	7585	54.78		60.00 ('Studio') 34.79 (Barn) 21.08 (Boat House) 12.48 (Wood shed) 2.00 (Outhouse) 3.35 (Electric Shed)	98.28	Non-compliance: <ul style="list-style-type: none"> Guest dwelling labelled "Studio" exceeds the maximum 37.2 square metre (400 square foot) guest dwelling floor area permitted by DE-SUP-1991.26. Notes: <ul style="list-style-type: none"> Sewage disposal field is located on adjacent property (PID 023-096-438) in the "Common Area". Permits: DE-SUP-1991.26 (Guest dwelling and utility shed) DE-SUP-1992.3 (Woodshed)
12	7501	93.87	None	45.29 (Shop) 7.24 (Shed)	39.03	Permits: DE-SUP-2010.2 (Dwelling unit and accessory garage) DE-SUP-2015.10 (Studio)
13	7495	76.23	None	23.97 (Shed) 7.86 (Wood Shed)	72.00	Notes: <ul style="list-style-type: none"> Septic field is located on the adjacent property, PID 023-096-438. Permit: DE-SUP-1997.35 (Residential dwelling, guest cabin, boathouse, and workshop)
14	7397, 7411	104.4 (Dwelling with covered patio)		60.00 (Cabin) 10.15 (Shed) 9.56 (Shed) 11.78 (Shed) 3.07 (Composting Toilet)	53.63 (Deck adjacent to NBS) 5.9 (Cabin porch)	Non-compliance or non-conformity: <ul style="list-style-type: none"> 60 m² cabin is too large to be considered a guest dwelling.

Site #	Address (Komas Rd.)	Single Family Dwelling Floor Area (m ²)	Guest Dwelling Floor Area (m ²)	Acc. Buildings? (m ²)	Decks (m ²)	Non-compliance, Non-conformity, issued Siting and Use Permits, and Other Notes
15	7315	201.15 (Dwelling)	37.00 (Cabin)	30.88 (Shed) 7.73 (Gazebo) 6.16 (Shed) 1.28 (OH) 4.49 (Well house)	64.60 (Dwelling deck)	<p>Non-compliance or non-conformity:</p> <ul style="list-style-type: none"> Sewage disposal system appears to be less than 30.0 m from the natural boundary of the sea. (Must be at least 30 m from NBS). Gazebo is 6-7 m from the NBS. (Must be at least 15.0 m from the NBS). <p>Permits: DE-SUP-1994.9 (400 square foot guest dwelling). DE-SUP-2010.6 (Main residence and woodshed)</p>
16	7161	124.55 (Dwelling)		96.36 ('Structure') 41.96 (Shed with wood shed) 17.53 (Adjacent to NBS) 3.92 (Wellhouse) 1.53 (2.0 m from NBS) 2.88 ('Box') 1.28 (Outhouse)	144.00 (Dwelling deck) 33.00 (Structure deck) 27.72 (Covered walkway)	<p>Non-compliance:</p> <ul style="list-style-type: none"> Attached dwelling deck and hot tub are within 7.4 m from the natural boundary of the sea. (Must be at least 15.0 m from the NBS). Unlabeled structures shown on the site survey 0.0-2.0 m from the natural boundary of the sea. (Structures must be at least 15.0 m from the NBS).
17	7140	101.15	None	37.79 (Bike Boat Shed) 11.71 (Shed) 17.69 (Shed) 1.28 (Outhouse) 14.29 (Treehouse)	53.66 (Dwelling Deck) 101.73 (Covered Dwelling Deck) 8.97 (Deck next to NBS)	<p>Non-compliance or non-conformity:</p> <ul style="list-style-type: none"> Deck attached to dwelling is located 9.8 m from the natural boundary. (Must be at least 15.0 m from NBS). <p>Permit: DE-SUP-2011.9 (Permit existing dwelling)</p>
18	7101	230.78 (Dwelling)		39.92 (Cottage) 35.13 (Shed) 15.93 (shed) 1.45 (shed) 22.98 (Green house)	16.65 (Deck built into embankment)	<p>Notes:</p> <ul style="list-style-type: none"> "Cottage" is slightly oversized by about 3.0 square metres. Maximum 37.2 m² guest dwelling permitted in historic Land Use Contract. <p>Permits: DE-SUP-1997.34 (Residential dwelling) DE-SUP-2002.8 (House) DE-SUP-2010.7 (Woodshed, garden shed, boat shed)</p>

Site #	Address (Komas Rd.)	Single Family Dwelling Floor Area (m ²)	Guest Dwelling Floor Area (m ²)	Acc. Buildings? (m ²)	Decks (m ²)	Non-compliance, Non-conformity, issued Siting and Use Permits, and Other Notes
19	7053	193.77	None	73.15 (Garage) 21.18 (Shed) 18.86 (Shed)	17.00 (Deck attached to embankment)	Permit: DE-SUP-2004.15 (Residential dwelling and garage).
20	7051, 7001	226.00 (Dwelling)		60.00 (Suite) 99.35 (Shop and Wood shed) 31.70 (RV Shelter) 15.56 (Shed) 7.97 (Shed) 1.18 (Outhouse)	38.10 (Covered Patio)	Non-compliance: <ul style="list-style-type: none"> Suite exceeds maximum permitted 37.2 square metre (400 square foot) guest dwelling size. Originally permitted by DE-SUP-2013.1 as an addition to the dwelling with a covered walkway. Not permitted in LUC or Denman LUB as it is a separate suite that exceeds the permitted size. Permits: DE-SUP-1998.9 (Single family dwelling) DE-SUP-2003.1 (House and carport) DE-SUP-2013.1 (Addition to dwelling) DE-SUP-2017.6 (Shed/workshop) DE-SUP-2021.13 (Boatshed)
ALR Lot	7676	173.26 (Farm House)	None	58.54 (Barn) 57.11 (Barn) 77.41 (Workshop for Site 8) 6.32 (Greenhouse for Site 8) 1.28 (outhouse/pit privy for Site 8) 9.90 (Shed)	703.00 (Concrete Tennis and Pickle Ball Court)	Non-compliance or non-conformity: <ul style="list-style-type: none"> Old workshop/garage is sited 1.11 m from the side lot line and less than 30.0 m from the natural boundary of the creek. (Must be at least 3.0 m from side lot line, and 30.0 m from the creek's natural boundary). Pit privy is sited 2.22 m from the side lot line. (Must be at least 8.0 m from all lot lines).

ATTACHMENT 5 – DE-RZ-2023.1 (KOMAS RANCH LTD.)

Shoreline Development Permit Area Options and Implications

BACKGROUND:

At their June 4th, 2024 LTC Regular Business meeting, the LTC made the following resolution:

DE-2024-041 It was MOVED and SECONDED

That the Denman 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.

CARRIED

OPTIONS:

Before implementing any new regulatory frameworks for the properties as part of the rezoning process, the LTC must determine a shoreline problem to be solved:

- **Are there areas where the marine and foreshore environment has been identified as being particularly sensitive to development impacts?**
- **Are the existing regulatory frameworks protecting sensitive marine and foreshore environments?**
- **Are there existing unpermitted developments/buildings/structures in the setback to the natural boundary of the sea? Are there existing seawalls or other hardscape erosion control structures in sensitive areas?**
- **Are there archaeological sites along the shoreline?**

After determining the existing shoreline issues, the LTC should define a solution category:

- **Land Use Regulation**
- **Education**
- **Advocacy**
- **Relationship-building**

Development Permit Areas for shoreline protection may be applied in areas where the marine and foreshore environment has been identified as being particularly sensitive to development impacts. They may be designated according to Section 488(1)(a) and (b) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity, and for the protection of development from hazardous conditions.

Development Permit Areas are just one of the tools available to the LTC to protect sensitive shoreline environments.

The first step in determining if a Development Permit Area for shoreline protection is appropriate for Komasa Ranch is to gather existing information about the shoreline environment and to consider any existing shoreline zoning regulations in the Denman Island Land Use Bylaw.

EXISTING SHORELINE INFORMATION AND ISSUES

Komas Ranch Shoreline Mapping

A mapping inventory of shoreline ecosystems across the Gulf Islands was conducted in 2011 as part of the Islands Trust Shoreline Mapping Project. The mapping products developed as part of this project communicate vital coastal information, like shoreline types, valued shoreline features and ecologically sensitive shorelines. In addition to serving as a communication tool, the mapping products are intended to serve as a ready base for future shoreline management initiatives and island planning work, including potential development guidelines and shoreline zoning regulations. Shoreline mapping for Denman Island is found here:

<https://islandstrust.bc.ca/document/denman-island-shoreline-mapping/>.

Existing shoreline mapping information is summarized as follows:

- Shoreline types at Komas Ranch consist of a **coastal bluff** on the eastern shores of the northern property (Komas Bluff DPA), **boulders/cobbles** along the northern and parts of the lower western shores, and **pebble/sand** along the western shore and at Longbeak Point on the northern tip.
- Wave exposure is **Medium** for shorelines across the properties, except where it is considered **Low** along the western shores of the northern parcel.
- Watershed sediment inputs into the shoreline system at two points each where watercourses flow to the ocean (a stream and Birkenhead Creek).
- Longbeak Point and some parts of the northern, eastern and western shorelines are **low-lying, soft sediment shorelines** typically associated with high recreational and ecological values. **Salt marsh** habitat is mapped on the northern side of Longbeak Point as well as the estuary where Birkenhead Creek flows to the ocean, and is particularly vulnerable to pollution from land-based activities.
- The western marine area is indicated in [Schedule D – Sensitive Areas](#) of the Denman Island OCP as **important oyster growing area** and the eastern marine area is considered **important herring spawning area**.

Existing Denman Island Land Use Bylaw Shoreline Setback Regulations

The existing LUB regulations permit a limited number of structures in the 15-metre setback to the natural boundary of the sea in residential zones, including an access stairway and a fence. Boathouses (maximum 30 m² in floor area and 4.5 m in height) are permitted within 5 metres of the natural boundary of the sea. All other buildings and structures must be sited at least 15 metres from the natural boundary of the sea. Sewage disposal fields are not permitted within 30 metres of the natural boundary of the sea.

2.3 General Setback Regulations Setbacks and Elevations from the Sea

3 The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures, associated with agriculture, except for a fence;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.

4 The minimum difference in elevation between the underside of the lowest floor in the building or structure and the elevation of the natural boundary of the sea is 1.5 metres, except for a boathouse.

5 Where fill is used to attain the elevation required in Regulation 4 of this section:

- *the minimum setback distance required in Regulation 3 of this section is measured from the toe of the fill slope to the natural boundary of the sea; and*
- *the face of the fill slope must be protected against wave action from floodwaters.*

Setback Exemptions

6 Despite setback regulations 1 through 5 in Section 2.3 and setback regulations in Part 3 of this Bylaw, the following may be located in setback areas:

- *tanks for the storage of rainwater, provided they do not project more than 1.0 metre into the required setback.*

structure means:

- *anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, but excludes vehicles, floating vessels, ground-level paving for driveways and vehicle parking, ground-level sidewalks, detached ground-level patios and decks, detached access stairways and boardwalks, power-poles and telecommunication poles*

natural boundary means:

- *with reference to the sea or a lake, the visible high water mark of the lake, where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark on the soil or rock of the bed of the sea or a lake a character distinct from that of the adjoining upland, in vegetation as well as in the soil or rock*

Existing Non-permitted Development in the Setback to the Natural Boundary of the Sea

According to B.C. Land Surveyor plans submitted as part of the rezoning application, multiple buildings, structures, and sewage disposal systems are located in the setback to the natural boundary of the sea. See Attachment 4 for a summary of non-permitted buildings and structures. Though some of these developments may have been built historically when setback requirements were more relaxed, and they are considered ‘non-conforming’, others were placed in the required setback areas without permits and are non-compliant with land use regulations.

Building Site 8 placed a log retaining structure along the shoreline in approximately 1974, which is considered a non-conforming structure, for example. But sewage disposal fields are located within 30 metres of the natural boundary of the sea on a number of building sites and these are considered non-compliant. The Denman Island Zoning Bylaw, 1972 prohibited sewage disposal fields within 100 feet (30.5 metres) of the high-water mark of any tidal waters, and similar regulations have been in place throughout the duration of the Komasa Ranch Land Use Contract from 1977-2024. The natural boundary of the sea may have been slowly eroded over time since the placement of some older

septic fields, resulting in them being closer to the shoreline now than before; however, there has not been any indication in the site survey that the natural boundary of the sea has changed substantially over time.

Archaeological Sites and the Shoreline

Archaeological site and cultural heritage protection is a high priority along the shoreline due to historic instances of land alteration in archaeological sites without permits at Komas Ranch. There are large recorded archaeological sites along the shoreline for both waterfront properties.

A Section 219 restrictive covenant is an effective tool for archaeological site conservation, instead of a shoreline Development Permit Area. Through the registration of a legal covenant on title, this would create additional requirements regarding heritage protection and conservation, prior to development and/or land alteration on any parts of the properties, including in the setback from the natural boundary of the sea.



K'ómoks First Nation

ATTACHMENT 6

3330 Comox Rd., Courtenay BC, V9N 3P8 | Ph: 250.339.4545 | F: 250.339.7053 | E: reception@komoks.ca

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,



K'ómoks First Nation

3330 Comox Rd., Courtenay BC, V9N 3P8 | Ph: 250.339.4545 | F: 250.339.7053 | E: reception@komoks.ca

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

From: Tla'amin Connect <do-not-reply@tlaaminconnect.com>
Sent: Wednesday, September 18, 2024 1:46 AM
To: Nadine Mourao
Cc: itcmail
Subject: [Tla'amin Connect] 2 Updates

1 comment on things you're watching

New Comment

Rachael Sydenham (Tla'amin Nation) posted a comment

ʔimot t^ook^w (Good Day),

Thank you for your submission. This application is for an area outside of Tla'amin Nation's core territory. As such, we will defer to the directly affected Nation(s) and support their decision making.

čéčéha^oéč (Thank you)

Rachael Sydenham, Referrals Coordinator

PROJECT NAME

Komas Ranch DE-RZ-2023.1

ISSUING AGENCY FILE NUMBER(S)

DE-RZ-2023.1

REFERRAL ID

1450

[View this Submission](#)

1 referral's status was changed

Referral Submission Status Changed

Rachael Sydenham (Tla'amin Nation) changed the status of DE-RZ-2023.1 - Komasa Ranch DE-RZ-2023.1 to Complete (Deferred)

PROJECT NAME

Komasa Ranch DE-RZ-2023.1

ISSUING AGENCY FILE NUMBER(S)

DE-RZ-2023.1

ID

1450

STATUS

Complete (Deferred)

[View this on Tla'amin Connect](#)



Ts'uubaa-asatx Nation
313B Deer Lake Road
Lake Cowichan, British Columbia
V0R 2G0
Phone: 250-749-3301
Fax: 250-749-4286

9-Aug-2024 09:54 PDT

Islands Trust
Attn: Becky McErlean

Proposed Decision: L2 - Defer to Other First Nation(s) Marine
Project Name: Komax Ranch DE-RZ-2023.1
Date Received: 9-Aug-2024
Ts'uubaa-asatx Nations Consultation Spectrum Assessment: Level 2

'Au Si'em:

This area appears to be on/in an area that Ts'uubaa-asatx Nation would recognize as being in close proximity to other First Nation territorial lands. As such, I would categorize this as a Level 2 rights area for Ts'uubaa-asatx Nation. Level 2 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily Title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 2, is still considered to be a very high consultation matter as it represents our marine fishing and harvesting areas. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

'Au Si'em: a term denoting high respect.

'Uy' Skweyul: good day.

From: Natalie Anderson <Natalie.Anderson@cowichantribes.com>
Sent: Tuesday, August 13, 2024 3:59 PM
To: Tracy Fleming; Nadine Mourao
Cc: Margot Thomaidis; Reconciliation
Subject: Re: Denman Local Trust Committee Early Referral - Komas Ranch, Denman Island

Hi Nadine,

Given the location, Cowichan Tribes has no comments at this time and will defer to those communities closer to Denman Island.

Huy ch q'u/Thank you

Huy ch q'u (Thank you),

Natalie Anderson, BA (she/her)

A/ Lead Referrals Coordinator

Lulumexun

Cowichan Tribes

E: natalie.anderson@cowichantribes.com

O: (236) 800-4023 ext. 6015

C: (250) 732-2494

<https://cowichantribes.com>



Please consider the environment before printing this message.

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>>> Nadine Mourao <nmourao@islandstrust.bc.ca> 8/8/2024 4:23 PM >>>

Dear Natalie and Tracy,

The Denman Island Local Trust Committee (LTC) has requested staff to send early referral of an application, file DE-RZ-2023.1, to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB) in order to permit the existing residential density and uses on lands commonly referred to as 'Komas Ranch' and located on PIDs 000-211-338, 000-211-320, and 023-096-438 as shown