

Density on Denman: Transfers, Caps and Banks

I was asked to write about “density transfer,” which on Denman Island is a regulatory tool for protecting land as a park or conservation area. I thought, “Well, that’s simple.” And it is – but first I need to explain what a “density” is. This moves us into the realm of the abstract, which can be confusing. Rest assured, however, that this abstraction ultimately refers to something real, something that can affect our very real ecosystems and neighbourhoods.

In the context of zoning, the term “density” refers to the ability to legally have one residential dwelling on a property. Most Denman properties are zoned for one dwelling, and thus have one density. If the zoning is changed to allow five dwellings, the property has five densities, regardless of whether the dwellings are built or not.

Because a “density” is an abstraction, it can be moved easier than a house can. When someone moves (transfers) a density from one property to another, the land use regulations are changed so that the donating property loses a density and the receiving property gains one. So if we were transferring density between two properties, each zoned for one density, we would end up with one property zoned for zero dwellings (a park, perhaps) and one zoned for two.

Density transfer is carried out through a rezoning process, which amends the status of both properties. It is supported in the island’s Official Community Plan, Appendix C (page 90). The **Denman Island Density Transfer Policy** says that density transfer can be undertaken “to protect a specified property...to permit a land owner to give or sell land to a conservation organization, or dedicate land for park.”

The land that is losing the density needs to be considered suitable for conservation, and a conservation organization must be willing to accept it and maintain it according to conservation principles. A conservation covenant may be attached to the title. A thorough rezoning process follows, including community consultation and consideration of whether or not the land receiving the density is appropriate.

This is the *only* type of density transfer supported by the Denman Island Official Community Plan (OCP). Different communities have different approaches to density transfer, always reflecting the wishes of the community based on discussion and consultation, and as defined in the Community Plan.

If you’re talking about density on Denman, it’s helpful to keep in mind that **Denman has a density cap.** This regulation (Official Community Plan, Section E1 Housing, Objective 3 and Policy 11) says that the overall density on the Island should not rise above what was in place when the OCP was adopted (1037 densities).

This does not refer to *built* houses but rather to the *potential* to build houses as allowed by zoning. This is why it is **sometimes called a “build-out cap”** – it refers to the total number of dwellings that would exist if every property was developed to its full zoning potential. Flexibility of up to five per cent of the total cap is permitted for affordable and special needs housing and secondary dwelling units. Otherwise, the only way to add density to a property is to transfer it from another property (as explained above), or to use the density bank, which I’ll explain below:

The density bank (supported in Appendix D of our Community Plan, page 92) is an abstract ‘place’ that holds unused residential densities – densities which are not attached to a piece of land. For example, if

someone buys land and dedicates it as a park, changing the zoning from one dwelling to no dwellings, we end up with an untethered density (unless they carry out a density transfer). The density bank can hold that density till someone applies for it.

Our Community Plan states that **density from the bank can *only* be used for affordable housing**, where a suitable mechanism is in place ensuring this use is maintained over time.

Anyone wanting to 'withdraw' a density or densities from the bank needs to make a rezoning application for the piece of land they wish to add the density or densities to. Currently, Denman's density bank contains 13 densities.

A rezoning process for a density transfer is currently underway on Denman, which is why I was asked to write about this. I appreciate the opportunity to explain density in a way that hopefully will help people make informed commentary during this process.