



DATE OF MEETING: Resolution without Meeting  
 TO: Denman Island Local Trust Committee  
 FROM: Marnie Eggen, Island Planner  
 COPY: Heather Kauer, Regional Planning Manager  
 Northern Team  
 SUBJECT: Denman Island Density Register Standing Resolution

## RECOMMENDATION

1. That the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan:

Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur:

- a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on January 31, 2017 and has a cumulative total of residential densities of 14;
- b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1.

The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan P was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is 49 densities. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized:

Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining
Baseline Density at time of adoption of the Denman OCP on May 15, 2009			<b>49</b>
BL 199 (Official Community Plan)	August 15, 2011	14	35
BL 200 (Land Use Bylaw)			

BL 204 (Land Use Bylaw)	September 24, 2013	1	34
DE-TUP-2016.2	March 31, 2017	1	<b>33</b>

## REPORT SUMMARY

This report provides a draft standing resolution with respect to current available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘residential density bank’ of the Denman Island Official Community Plan (OCP) as requested by the LTC.

## BACKGROUND

Staff note that records do not appear to include a residential density baseline developed at the time that the Denman OCP Bylaw No. 185 was adopted in 2009.

The LTC passed the following resolution at their July 4, 2019 LTC meeting:

### **DE-2019-064**

It was MOVED and SECONDED, that the Denman Island Local Trust Committee request staff to: a) Create a permanent Density Register setting out the current available densities resulting from Section E.1 policy 11 and Appendix D, Density Banking of the Denman Island Official Community Plan Bylaw No. 185; b) That the Density Register be added to the Denman Island Local Trust Committee Policies & Standing Resolutions; and c) That the Density Register be updated from time to time to show additions and withdrawals as they occur.

### **CARRIED**

## ANALYSIS

### Issues and Opportunities

Through staff analysis and in consultation with senior staff, the identified ‘Cumulative Total of Residential Densities Remaining’ is accurate to the best of staff’s knowledge. Staff have developed the recommended standing resolution using the [Denman Subdivision Potential Map, October 2010](#) to determine the residential density baseline. The subdivision potential map is the best available data source that was developed at approximately the same time as the OCP was adopted. It identifies the number of existing lots and potential lot densities that could be created within each zone. These densities are used to determine the residential density baseline in this staff report and as such the residential density baseline of 994 is a conservative number. Although this approach is in keeping with the intent of Section E.1, policy 11 of the OCP, it is recognized that depending on the zone, the size of lot and the zone’s minimum lot area per principal single family dwelling unit, that there may be additional residential dwellings permitted per lot that are not included in the 994 baseline number.

Staff have reviewed and accounted for all adopted bylaw amendments and approved TUPs since adoption of the current Denman OCP No. 185, 2009. A Chronology of Bylaw Amendments and TUPs can be found in Attachment 1. Additionally, all adopted OCP Bylaw Amendments Influencing Denman Density Policies since 2009 can be found in Attachment 2.

### Rationale for Recommendation

Staff recommend the proposed standing resolution in order to satisfy the request of the LTC, resolution DE-2019-064. The staff recommendation is found on Page 1 of this report.

## ALTERNATIVES

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

**1. Request Changes to the Proposed Standing Resolution**

The LTC may modify the proposed standing resolution should they choose.

**2. Request further information**

The LTC may request staff to account for principal dwellings units permitted per lot when determining the current available densities resulting from Section E.1 policy 11 of the OCP when developing the Density Register as per Resolution DE-2019-064. Suggested resolution wording:

*That the Denman Local Trust Committee request staff to account for principal dwellings units permitted per lot when determining the current available densities resulting from Section E.1 policy 11 of the OCP when developing the Density Register as per Resolution DE-2019-064.*

**NEXT STEPS**

Should the LTC concur with staff’s recommendation, staff will add the resolution to the LTC’s Standing Resolutions.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	April 6, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	April 6, 2020

Attachments:

1. Bylaw Amendment and TUP Chronology Since Adoption of Denman Official Community Plan Bylaw 185, May 2009.
2. OCP Bylaw Amendments Influencing Density Policies Since Adoption of Denman Official Community Plan Bylaw 185, May 2009.

## ATTACHMENT # – 1: BYLAW AMENDMENT AND TUP CHRONOLOGY SINCE ADOPTION OF DENMAN OFFICIAL COMMUNITY PLAN BYLAW 185, MAY 2009

Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
Denman OCP Bylaw No. 185 (repealed Bylaw No. 60) Denman LUB Bylaw No. 186 (repealed Bylaw No. 148)	May 2009	OCP/LUB Assessment Project; new bylaws developed	n/a
187 (Fees Bylaw)	January 2009	n/a	n/a
188 (LUB)	March 2009 (prior to adoption of Bylaw No. 185)	n/a	n/a
189 (OCP) 190 (LUB)	April 2010	DE-RZ-2009.1 (The Point)	7 Densities Transferred between properties; No Density Increase
191 (OCP) 192 (LUB)	May 2010	DE-RZ-2009.2 (North Denman Lands)	31 Densities Transferred between properties; No Density Increase
193 (OCP) 194 (LUB)	August 2010	DE-RZ-2007.2 (Dharma Fellowship Society)	None (change to guest accommodation only)
195 (LUB)	June 2011	Agriculturally Flooded Fields Project	None
196 (OCP) 197 (LUB)	August 2010	Green Cemetery	None
198 (OCP)	August 2010	Climate Change Policy Project	None
Subdivision potential map	Finalized October 2010	n/a	<b>Estimate of 994 residential densities</b>
BL 199 (OCP) BL 200 (LUB)	August 2011	OCP/LUB Targeted Review: <ul style="list-style-type: none"> <li>• recognition of 'historic co-ops'/ additional legal non-conforming dwellings</li> <li>• 13 densities added to Density Bank from rezonings</li> </ul>	<ul style="list-style-type: none"> <li>• Approved Density Increase using 5% Allotment: <b>14</b></li> <li>• Density Added to the Residential Density Bank: <b>13</b></li> </ul>
BL 201	Proceeded no further	n/a	n/a
BL 202	February 2012	Amend the DPA 4: Streams, Lakes and Wetlands boundary	n/a
BL 203	April 2012 Repealed	APC Bylaw	n/a

<b>Authorizing Amendment Bylaw/TUP</b>	<b>Adoption Date</b>	<b>Project or Application</b>	<b>Changes in Density</b>
BL 204 (LUB)	September 2013	DE-RZ-2011.1 (DCLTA - Affordable Housing)	<ul style="list-style-type: none"> <li>Approved Density Increase using 5% Allotment: <b>1</b></li> </ul>
BL 205	September 2013	DCLTA Housing Agreement	n/a
BL 206 (OCP)	April 2014	DE-RZ-2011.1 (DCLTA – Affordable Housing)	n/a
BL 207 (LUB)	Proceeded no further	n/a	n/a
BL 208	# issued in error	n/a	n/a
BL 209	# issued in error	n/a	n/a
BL 210 (OCP)	November 2014	Secondary Suites Project	n/a
BL 211 (LUB)	November 2014	Secondary Suites Project	n/a
BL 212 (OCP)	May 2016	RAR Implementation	n/a
BL 213 (LUB)	May 2016	RAR Implementation	n/a
BL 214	# issued in error	n/a	n/a
BL 215	# issued in error	n/a	n/a
BL 216 (LUB)	January 2016	Home-based Guest Accommodation	n/a
BL 217	# issued in error	n/a	n/a
BL 218	# issued in error	n/a	n/a
BL 219 (OCP)	January 2017	DE-RZ-2015.1 (Pandesign)	<ul style="list-style-type: none"> <li>Density Added to the Residential Density Bank: <b>1</b></li> </ul>
BL 220 (LUB)	January 2017	DE-RZ-2015.1 (Pandesign)	n/a
DE-TUP-2016.2	March 31, 2017	PID 000-876-283; Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384	<ul style="list-style-type: none"> <li>Approved Density Increase using 5% Allotment: <b>1</b></li> </ul>
BL 221	November 2017	Fees Bylaw Amendment	n/a
BL 222 (OCP)	July 2018	RAR Map Amendment	n/a
BL 223 (LUB)	Proceeded no further	Intensive Agriculture Project	n/a
BL 224	May 2017	APC Bylaw	n/a
BL 225 (LUB)	June 2018	Driving on the Beach Project; prohibiting driving on the Beach	n/a
BL 226	September 2017	Fees Bylaw Update: Fee decrease for Affordable Housing applications	n/a
BL 227	March 2018	Electronic Meetings	n/a

<b>Authorizing Amendment Bylaw/TUP</b>	<b>Adoption Date</b>	<b>Project or Application</b>	<b>Changes in Density</b>
BL 228	On hold	Implementing Farm Plan Project	n/a
BL 229	On hold	Implementing Farm Plan Project	n/a
BL 230	October 2018	Fees Bylaw Update: Cannabis Liquor licencing	n/a
BL 231	June 2019	APC	n/a
BL 232	July 2019	BEN Bylaw	n/a

## ATTACHMENT # 2: OCP BYLAW AMENDMENTS INFLUENCING DENSITY POLICIES SINCE ADOPTION OF DENMAN OFFICIAL COMMUNITY PLAN BYLAW 185, MAY 2009

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
<p>Denman OCP Bylaw No. 185 (repealed Bylaw No. 60) Adopted May 2009</p>	<p>E.1 Housing Policy 11 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, including secondary dwelling units pursuant to Policy 16 or site specific zoning amendment applications under Policy 29 of this Section.</p> <p>E.1 Housing Policy 16 Policy 16 The Local Trust Committee should consider zoning amendment applications for site-specific zoning to allow small secondary dwelling units or secondary suites on lots of two hectare or more that are in the Rural or Sustainable Resource designation provided proof of adequate water is provided.</p> <p>E.1 Housing Policy 29 The Local Trust Committee should consider zoning amendment applications to bring into conformity legal non-conforming dwelling units that were in existence and were deemed to be legal non-conforming on the date of adoption of this Plan provided that the applicant provides written proof, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction.</p> <p>Appendix C Density Transfer - Density transfer refers to two consecutive zoning amendments undertaken to protect a specified property by removing some or all of the development potential from one property and transferring that density to another property or to another portion of the same property. On Denman Island, the Local Trust Committee is willing to consider using density transfer to permit a land owner to give or sell land to a conservation organization, or dedicate land for park, without losing the subdivision potential of the property. There is no net increase in residential density because the residential density that is transferred simply replaces that of the lot given to the conservation agency or dedicated as park.</p> <p>Appendix D Density Bank - In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for a specified purpose. Donation of one or more densities takes place through a successful bylaw amendment application that records the densities in this Appendix. Utilisation of one or more densities requires a similar amending bylaw.</p> <p>Appendix D Density Bank - Policy 2 The Local Trust Committee may consider applications for transfer of banked densities providing the land receiving the densities will be used for affordable housing and a suitable mechanism is in place ensuring this use is maintained over time.</p>	<p>Densities in Bank: 0 Use of 5% Allotment: 0</p>
<p>Bylaw No. 199 (OCP)</p>	<p>E.1. Housing Policy 29 replaced with the following: The Local Trust Committee should consider zoning amendment applications:</p>	

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
	<ul style="list-style-type: none"> <li>• to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction;</li> <li>• to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and</li> <li>• to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District.</li> </ul> <p>Appendix D Density Bank – the following was added to Policy 2: For the purpose of the density bank, affordable housing means adequate, suitable housing that is available to meet a continuum of needs including housing for the homeless and/or special needs; housing for those at risk of homelessness; housing with rental assistance; and entry level ownership opportunities.</p> <p>Appendix D Density Bank – the following Guideline was added: Guideline 9 Applications for transfer of banked densities for affordable housing must include details of the criteria for residents of the housing as well as demonstrate a need for the type of affordable housing on Denman Island.</p> <p>Appendix D Density Bank – the following densities were added to the bank: 13; as a result of rezoning to Conservation zone for the Inner Island Nature Reserve, Lindsay Dickson Nature Reserve, and Winter Wren Nature Reserve.</p>	<p>Densities added to Bank: 13 Use of 5% Allotment: 14</p>
BL 204	DE-RZ-2011.1 (DCLTA - Affordable Housing Project)	Densities added to Bank: 0 Use of 5% Allotment: 1
BL 210 (OCP)	<p>E.1. Housing Policy 10 was replaced with the following: In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.</p> <p>E.1 Housing Policy 11 was replaced with the following: The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section. Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.</p> <p>E.1 Housing Policy 13 was replaced with the following:</p>	<p>Densities added to Bank: 0 Use of 5% Allotment: 0</p>



<b>Authorizing Bylaw or Bylaw Amendment</b>	<b>Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009</b>	<b>Changes to Density Bank or Use of 5% Density Increase Provision</b>
	<p>In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.</p> <p>E.1 Housing new Policy 15 was inserted: The Local Trust Committee may approve secondary dwelling units on lands within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.</p>	
219 (OCP)	DE-RZ-2015.1 (Pandesign)	<p>Densities added to Bank: 0 Use of 5% Allotment: 0 Densities were transferred to other property</p>