



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: November 20, 2018
Time: 9:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER 9:30 AM - 9:30 PM	
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."	
2. APPROVAL OF AGENDA	
3. TOWN HALL 9:30 AM - 9:40 AM	
4. MINUTES 9:40 AM - 9:45 AM	
4.1 Local Trust Committee Minutes dated October 9, 2018 - for adoption	4 - 12
4.2 Section 26 Resolutions-Without-Meeting - none	
4.3 Advisory Planning Commission Minutes - none	
5. BUSINESS ARISING FROM MINUTES 9:45 AM - 10:10 AM	
5.1 Follow-up Action List dated November 15, 2018	13 - 15
5.2 Short Term Vacation Rental Proactive Enforcement - Staff Report	16 - 18
5.3 Letter of Understanding between Comox Valley Regional District (CVRD) - Denman Island and Hornby Island Local Trust Committees	19 - 29
5.4 Response from Executive Committee regarding Geoduck Advocacy Request	30 - 30
6. DELEGATIONS 10:10 AM - 10:20 AM	
6.1 Denman Residents Association Marine Guardians Committee	
7. CORRESPONDENCE 10:20 AM - 10:25 AM	
(Correspondence received concerning current applications or projects is posted to the LTC webpage)	

7.1	Email dated October 8, 2018 from C. Urquhart regarding Guest Accommodation	31 - 32
8.	APPLICATIONS AND REFERRALS	10:25 AM - 10:50 AM
8.1	DE-RZ-2018.1 (Denman Housing Association) - Staff Report	33 - 64
8.2	Comox Valley Regional District (CVRD) Referral - Piercy Road Beach Access	65 - 80
9.	NEW BUSINESS	10:50 AM - 11:05 AM
9.1	Notification of Federal Cannabis License Applications - Staff Report	81 - 83
9.2	Local Trust Committee Meeting Schedule - 2019 Memorandum	84 - 85
10.	LOCAL TRUST COMMITTEE PROJECTS	
	- BREAK - 11:05 AM TO 11:20 AM	
11.	REPORTS	11:20 AM - 11:40 AM
11.1	Work Program Reports	
11.1.1	Top Priorities Report dated November 15, 2018	86 - 86
11.1.2	Projects List Report dated November 15, 2018	87 - 88
11.2	Applications Report dated November 15, 2018	89 - 95
11.3	Trustee and Local Expense Report dated September, 2018	96 - 96
11.4	Adopted Policies and Standing Resolutions	97 - 98
11.5	Local Trust Committee Webpage	
11.6	Chair's Report	
11.7	Trustee Reports	
11.8	Electoral Area Director's Report	
11.9	Trust Conservancy Report dated September, 2018	99 - 100
12.	UPCOMING MEETINGS	11:40 AM - 11:45 AM
12.1	Next Regular Meeting - TO BE DETERMINED	

13. CLOSED MEETING

11:45 AM - 12:00 PM

13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d), ((f) and (j) for the purpose of considering Adoption of In-Camera Minutes dated May 1, 2018, Bylaw Enforcement, and Information protected under s.21 of the Freedom of Information and Protection of Privacy Act, and that the recorder and staff attend the meeting.

13.2 Recall to Order

13.3 Rise and Report

14. ADJOURNMENT

12:00 PM - 12:00 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: October 9, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: Susan Morrison, Chair
 Laura Busheikin, Local Trustee
 David Critchley, Local Trustee

Staff Present: Marnie Eggen, Island Planner
 Sonia Zupanec, Island Planner
 Katherine Vogt, Recorder

Others Present: Approximately seventeen (17) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Morrison called the meeting to order at 9:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, staff and the recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Members of the public commented with the following noted:

- A representative of the Denman Community Land Trust Association (DCLTA) expressed concern that the water licence they were seeking through The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) would also be sufficient for the requirements of the Islands Trust. She requested that her group receive any updates to the Trust Staff Water Assessment Terms of Reference Draft Document.
- A member of the public commented that she had received a letter from the Islands Trust that they had to remove their Airbnb advertisement for their Denman Island short term vacation rental (STVR), and wanted to know if others had received letters or if it was just them; also, how this letter action was decided. She added that their property was a vacation home that they used frequently and would never be rented out long-term. Trustee Critchley responded that approximately twenty-six (26) business operators on Denman Island had received letters from Islands Trust Bylaw Enforcement based on investigation into online advertising on such sites as Airbnb. Trustee Busheikin added that this initiative had come from the Local Trust Committee (LTC) in response to numerous concerns from local residents about STVRs, and that the goal was to ensure compliance with existing bylaws, and to give people time and support to do that. Trustee Busheikin noted that presently it would not be possible to rent a whole house out for short-term rentals, based on the Official

Community Plan and Land use Bylaws. It was offered that the resident could contact island planning staff for clarification.

- A member of the public spoke against rushing any Farm Plan Implementation Draft bylaws through because residents needed more time to digest the new improvements made to them.
- A member of the public would like to see the Denman Island Growers and Producers Alliance definition of “Intensive Agriculture” be adopted.
- A member of the public expressed concern over damage done to the road at the end of Cable Beach.
 - Trustee Critchley responded that the adjacent property owners had been ordered by the Ministry of Transportation and Infrastructure (MoTI) to put the road back into its original state and that a report from MoTI was forthcoming.

4. REPORTS

4.1 Chair's Report

Chair Morrison reported on the following:

- That it would be her last time chairing a meeting on Denman and what a wonderful experience it had been working with Trustees Busheikin and Critchley, Staff and the Denman Island public;
- Attendance at Trust Council in September on Keats Island;
- Attendance at the Union of British Columbia Municipalities (UBCM) meeting as a representative of the Trust Executive;
- Personnel changes on the Islands Trust Conservancy Board;
- Approval for the Management Plan for Morrison’s Marsh Nature Reserve.

4.2 Trustee Reports

Trustee Critchley reported on the following:

- Attendance at Trusts Programs Committee meeting in August;
- Office hours in September where several people expressed concern over proactive bylaw enforcement regarding STVRs;
- Attendance at Denman Island Residents Association (DIRA) meeting with the following items:
 - Vehicle collisions with deer seemed to be occurring more frequently;
 - Deer were being gravely injured and needed to be euthanized;
 - Reporting of these collisions was lacking; and
 - This problem seemed specific to Denman.
- Attendance at Trust Council in September on Keats Island;
- Expressed thanks to Chair Morrison for doing a wonderful job of chairing the LTC meetings over the last four years.

Trustee Busheikin reported on the following:

- Receiving phone calls from constituents for setting up face to face meetings to discuss STVRs, the Farm Plan, young peoples’ issues, and the recent gooey duck application for Union Bay;

- The upcoming cultural sharing event to take place at the Denman Activity Center with members of K'omoks First Nation;
- Attendance at a workshop in Victoria put on by the International Association for Public Participation on dealing with anger and outrage in public participation;
- Pleased to be back in the Trustees' seat by acclamation for a further 4 years, alongside Trustee Critchley;
- High regard for Chair Morrison and her work with the LTC.

4.3 Trust Conservancy Report dated July, 2018

Received.

5. COMMUNITY INFORMATION MEETING - None

6. PUBLIC HEARING - None

7. MINUTES

7.1 Local Trust Committee Minutes dated August 7, 2018 for Adoption

The following amendment to the minutes was presented for consideration:

- Page 4, Item 9.1, line 2 of first paragraph: add space between she and advised.

By general consent the minutes were adopted.

7.2 Local Trust Committee Special Meeting Minutes dated August 2, 2018 for Adoption

By general consent the minutes were adopted.

7.3 Section 26 Resolutions-Without-Meeting Report - None

7.4 Advisory Planning Commission Minutes - None

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated October 2, 2018

Planner Eggen noted that staff had received new information on how best to move forward regarding a repositioning of the new electronic BC ferries signs.

8.2 Denman Island Local Trust Committee Fees Bylaw No. 230 for Adoption

DE-2018-086

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 230, cited as "Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be adopted.

CARRIED

9. DELEGATIONS

9.1 J. Geremia, Owner/Operator of Blue Owl B&B/Retreat – Presentation

J. Geremia expressed concern over a letter they had received from Islands Trust Bylaw Enforcement on August 15, 2018 for unlawful guest accommodation. She explained that

her initial reaction to the letter had been one of disbelief given that she had been in business for over nine years, and that they had always operated transparently and responsibly and had never once received a complaint. The reason for the enforcement letter was that the accommodations were in a different freestanding building; but to fully comply with the bylaws would destroy the charm and ambiance of the operation.

A member of the public noted that B&B operations were an integral part of the island culture.

9.2 Denman Island Housing Association – Presentation

- Denman Housing Association (DHA) President, Simon Palmer, stated that the Denman Island Housing Association should actually read as Denman Housing Association.
- Gave a history and update of their ongoing Denman Green affordable rental housing project.
- Updated new funding opportunities. Recently, BC Housing had approved DHA to receive \$95,000 in Proposal Development funding with the provision that they apply for capital funding by June, 2019, with the estimated cost for their 20 units with 32 beds project being \$6.7 million.
- He noted that if there were too many delays in the trust approval processes for their project, the application submitted to the Trust on October 1, 2018, that they could risk losing their 2019 capital funding; and he appealed for consideration of this funding opportunity.
- He also appealed for Trust support for the project's plan to make extensive use of rainwater.

9.3 Denman Island Residents' Association Marine Guardians Committee – Presentation

Information received from Edi Johnston for consideration.

10. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

10.1 Email dated August 25, 2018 from H&K Christensen

Received

10.2 Email dated September 24, 2018 from Denman Island Residents' Association

Received

11. APPLICATIONS AND REFERRALS

11.1 DE-RZ-2017.1 (DCLTA) – Memorandum

Planner Eggen summarized that there are two outstanding issues for the DCLTA rezoning application: FLNRORD approval for a water licence and Agricultural Land Commission approval for their exclusion from the Agricultural Land Reserve.

Trustee Busheikin expressed interest in the FLNRORD Water Budget Analysis of Denman Aquifers.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Denman Island Shared Narrative of Place - attached item - for Discussion

Trustees discussed that K'omoks First Nations Band Manager, Tina Mclean, had requested a response from them as to how the K'omoks name for Denman Island might be worked into Local Trust documents. The issue was complicated by there being other indigenous names for Denman Island, which suggested that the matter was a Trust wide issue that could be referred to the Islands Trust Executive Committee.

DE-2018-087

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request to the Executive Committee that they carry out a Trust wide project focused on use of indigenous names for Islands, with consideration of using Denman and Hornby Islands as precedents.

CARRIED

DE-2018-088

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request to Staff to bring forward options for the use of the K'omoks name on meeting agendas for the Island.

CARRIED

12.2 Denman Farm Plan Implementation - Staff Report [report was distributed in addendum]

Planner Eggen and Zupanec summarized the report which contained proposed changes to Bylaws 228 and 229 as well as an analysis of referral responses and public comments to date.

Trustees expressed interest in how other urban and rural jurisdictions managed agriculture and horticulture enforcement and threshold issues, to maintain neighborhood harmony.

Discussion ensued. Doug Wright, President of the Growers and Producers Association (GPA), observed that it was very difficult to achieve consensus on farm issues within the GPA, and even harder with those outside of the GPA, and he suggested another public meeting.

DE-2018-089

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct that the Staff Report on the Farm Plan Implementation Project be referred to the Growers and Producers Association for comments.

CARRIED

By General consent, the meeting was recessed at 11:51 am and reconvened at 12:00 pm

DE-2018-090

It was MOVED and SECONDED,

that the Farm Plan Project be placed on the next Local Trust Committee agenda with staff suggestions for a participatory public meeting format.

CARRIED

DE-2018-091

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request staff to amend the Farm Plan Implementation Project Charter to include an additional Community Information meeting and to seek budget approval for this.

CARRIED

Trustee Busheikin requested and staff agreed to be available by telephone to the GPA at their next meeting to answer questions.

Doug Wright commented that another significant concern was for three or four local farmers who had been raising livestock on R2 and R3 land over many years being overlooked by the new bylaws. Could they be grandfathered in? Trustee Busheikin offered that historical use provisions could be considered by planning staff.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated October 2, 2018

Received and reviewed.

13.1.2 Projects List Report dated October 2, 2018

Received and reviewed.

13.2 Applications Report dated October 2, 2018

Received.

13.3 Trustee and Local Expense Report dated July, 2018

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

No action was taken at this time.

13.6 Electoral Area Director's Report

Received.

14. NEW BUSINESS

14.1 Local Trust Committee 2014 - 2018 Term Summary - Staff Report

DE-2018-092

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the 'Top priorities List' and 'Projects List' as presented on October 9, 2018, for further consideration by the incoming local Trust Committee.

CARRIED

14.2 Request from the Denman Island Preschool Society for a Letter of Support - for Discussion

Trustee Busheikin offered to draft the letter.

DE-2018-093

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee write a letter of support signed by the Chair for the Denman Island Preschool Society's funding application.

CARRIED

14.3 Delegations- 9.1 and 9.2 Continued from previous discussion

Trustees addressed the issues brought forward by the delegations of 9.1 and 9.2 who had spoken earlier at the meeting.

DE-2018-094

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw for the issuance of Temporary Use Permits for short-term vacation rentals and that the matter be placed on the top priorities list.

CARRIED

DE-2018-095

It was MOVED and SECONDED,

that the bylaw enforcement staff be requested to attend the next Denman Island Local Trust Committee meeting to discuss bylaw enforcement of short-term vacation rentals.

CARRIED

DE-2018-096

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.

CARRIED

Trustee Critchley observed that there was a dire need for affordable housing and that the Denman Housing Association project was in jeopardy of losing its funding opportunities if its application process were delayed.

Trustee Busheikin declared a conflict of interest and stepped out of the meeting at 12:35.

DE-2018-097**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare a timeline for processing the affordable housing project application of the Denman Housing Association together with suggestions for reducing the time involved.

CARRIED

Trustee Busheikin returned to the meeting at 12:38.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, November 20, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

16. TOWN HALL

Comments from members of the public and responses from staff and Trustees included the following:

- Problems around communicating bylaws with the general public could be ameliorated with a website that would allow the public to vote on them directly.
- That most short-term vacation rental operators in contravention of Bylaw 186 were never actually aware of their non-compliance.
- The Islands Trust being treated as a proxy for the police regarding noise complaints, given there is no police presence on the island.
- Businesses being punished as a group due to complaints against only one or a few of them.
- Bylaw 186 being outdated.
 - Trustees were beholden to respect bylaws that had been created through lengthy community consultation processes.
 - Trustees can initiate a Standing Resolution to halt bylaw enforcement.
 - Businesses should ideally consult with the Official Community Plan and Land Use Bylaws to be compliant with them.
 - Original discussions 20 years ago on short-term vacation rentals decided that only Bed and Breakfasts were wanted in owner-occupied buildings.
 - That Trustees have to listen to the entire community.
- Regarding existing Land Use Bylaws: that commercial horticulture but not intensive agriculture was presently allowed on R1, R2 and R3 lands and that this might not be known to the general public.
- How beekeeping is not clarified in the Farm Plan
- Long-time livestock operations on R2 zones that would be considered intensive agriculture are not being addressed by the Farm Plan so there should be a moratorium on the plan unless they could be grandfathered into it.

17. CLOSED MEETING**17.1 Motion to Close the Meeting****DE-2018-098****It was MOVED and SECONDED,**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) for the purpose of considering adoption of In-Camera Minutes dated May 1, 2018 AND that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 1:09pm.

17.2 Recall to Order

The meeting was recalled to order at 1:12 pm

17.3 Rise and Report

There was no information to report.

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:13 pm

Susan Morrison, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Denman Island

06-Feb-2018

Activity	Responsibility	Target Date	Status
Staff to invite representatives of the BC Farm Industry Review Board to meet with Denman LTC. April 24, 2018 update: FIRB request to put on hold until closure of a current FIRB complaint. June 26 2018 <u>update: second</u> request sent to FIRB for potential timing on closure of complaint. Nov. 6 2018 update: FIRB expect complaint case decision in spring of 2019.	Marnie Eggen		On Going

06-Mar-2018

Activity	Responsibility	Target Date	Status
Staff to issue DE-DVP-2017.2 (Doheny).- done. Staff to report back on subdivision potential and density transfer potential.	Marnie Eggen		On Going

07-Aug-2018

Activity	Responsibility	Target Date	Status
Bylaw No. 230 (Fees) given 1st, 2nd and 3rd readings. Forward Bylaw No. 230 to the Secretary of the Islands Trust for consideration of the Executive Committee. Executive Committee approved on August 15, 2018. Bylaw adopted Oct. 9. Consolidate and post to website.	Becky McErlean Ann Kjerulf	08-Aug-2018	Done
LTC to write to BC ferries regarding the new electronic sign and request consideration of alternate proposals.	Marnie Eggen	28-Aug-2018	On Going

Follow Up Action Report

09-Oct-2018

Activity	Responsibility	Target Date	Status
Staff to request EC to carry out a Trust wide project focused on the use of indigenous names for islands, with consideration of using Denman and Hornby Islands as pilots.	Marnie Eggen	17-Oct-2018	On Going
Staff to bring forward options for the use of the K'omoks name for Denman Island on LTC meeting agendas.	Marnie Eggen	31-Jan-2019	On Going
Staff to refer the October 9, 2018 staff report to the Growers and Producers Alliance for comment.	Marnie Eggen	19-Oct-2018	Done
Staff to amend the Farm Plan Implementation Project to include an additional Community Information Meeting (staff to be available to answer questions), seek budget approval for change, and provide suggestions for a participatory public meeting format.	Marnie Eggen	06-Nov-2018	On Going
Staff to place Temporary Use Permits for short term vacation rentals on the Top Priorities list and prepare a draft bylaw to implement Temporary Use Permits for short term vacation rentals.	Marnie Eggen		On Going
Bylaw enforcement staff to attend the next LTC meeting to discuss bylaw enforcement of short-term vacation rentals.	Miles Drew	06-Nov-2018	Done

Follow Up Action Report

Staff to add to the Standing Resolutions:
DE-2018-096

Penny Hawley

26-Oct-2018

Done

It was MOVED and SECONDED,
that the Denman Local Trust Committee direct staff to give priority to processing
applications for affordable housing projects until further direction by the Denman Island
Local Trust Committee.
CARRIED

Staff to prepare a timeline for processing DE-RZ-2018.1 (DHA) together with
suggestions for reducing the time involved.

Sonja Zupanec

06-Nov-2018

Done



DATE OF MEETING: November 20, 2018
TO: Denman Island Local Trust Committee
FROM: Miles Drew, Bylaw Enforcement Manager
SUBJECT: Short Term Vacation Rental Proactive Enforcement

RECOMMENDATION

That the Denman Island Local Trust Committee directs bylaw enforcement to use the following priority in dealing with unlawful short term vacation rentals (STVRs):

- 1. Unlawful STVRs that have been the subject of complaints;**
- 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island;**
- 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR;**
- 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.**

REPORT SUMMARY

This report will:

1. summarize enforcement activities taken in response to the Denman Island Local Trust Committee's (DILTC) direction to staff to proactively enforce against unlawful short term vacation rentals (STVR);
2. describe the next steps necessary to achieve full compliance with the Land Use Bylaw;
3. recommend that unlawful STVRs be ranked by priority for follow up enforcement.

BACKGROUND

In June of 2018, the DILTC made the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".

Staff researched the internet and other media and identified 21 properties which appeared to operate unlawful STVRs. Most of the STVRs were found on Airbnb and VRBO. These sites don't reveal the precise location of the property until after a booking is made. However, staff was able to locate all but one of the operations.

A letter was sent to all the property owners explaining the Land Use Bylaw requirements. Fifteen STVR operators responded to the letter by either emailing or phoning the bylaw enforcement officer. Two of the 20 persons contacted turned out to be lawful operations. Another 8 operators took steps to comply with the LUB either by moderating their operation or shutting it down.

The table below shows the remaining 10 unlawful STVRs in three distinct ways.

STVR is in accessory building while operator lives in main dwelling	STVR is in main dwelling and operator lives elsewhere on Denman Island	STVR is in main dwelling and operator lives off island
6	2	2

Operators who live on the property who contacted bylaw enforcement reported that they need the income from the rental to afford to live on Denman Island. None of the STVRs in this category have been subject to complaints. Property owners using an accessory building for STVR may be committing a second offense by converting the accessory building into an unlawful second dwelling. One of the off-island STVR operators has been subject of repeated complaints and has been requested several times by bylaw enforcement to stop operating unlawfully.

The letter to STVR operators requested unlawful STVR operators to make one of the following choices:

1. Immediately remove the STVR advertising from any media and arrange a time by which you will **stop using the property as an STVR**; or
2. Immediately change the advertising about the STVR to reflect a lawful use and **change your business to a lawful home based guest accommodation business as defined in the LUB**; or
3. Immediately remove the STVR advertising from any media, arrange to stop the unlawful use and **apply to rezone your property to a zoning designation that permits commercial guest accommodation**.

ANALYSIS

Many of the STVR operators who contacted bylaw enforcement expressed a wish for another option that would permit them to operate lawfully. The *Local Government Act* allows temporary use permits (TUP) to be issued for commercial and industrial activities if the Official Community Plan designates the areas that they may be issued. Unfortunately, the Denman Island Official Community Plan does not designate any areas. Recently the DILTC has added TUPs to its project list. This may eventually provide an avenue to legalization for some STVR operators.

Some LTC projects are specific reviews of the LUB and may make previously unlawful activities lawful. In that circumstance bylaw enforcement activities are suspended until the outcome of the review is known. However, the TUP project will not have the result of making STVR operations lawful. Enforcement actions against STVRs can only be suspended by staff after the operator makes a TUP or rezoning application.

NEXT STEPS

The ordinary progression for enforcement is to make further contact with violators and warn of more significant legal actions such as issuing fines through the bylaw violation notice (BVN) fine system or seeking court orders. However, as the BVN system has not been implemented on Denman Island, the only alternative is to send

follow-up letters and seek court orders. Second letters will be sent to unlawful STVR operators and afterwards recommendations for legal action may be brought to the DILTC.

RATIONALE FOR RECOMMENDATION

Taking legal action to acquire a court order is very expensive and is best done after there have been repeated requests for compliance and there are significant consequences to the community if the violation continues. Given the high cost of court action, not all violations can be taken to court, certainly not at once. The recommendation will give direction to staff on which type of STVR operation should be given priority.

ALTERNATIVES

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

1. Suspend proactive STVR bylaw enforcement until the TUP project is complete.

This would have the effect of undoing some significant enforcement accomplishments and would discredit further STVR enforcement efforts if they were deemed necessary.

2. Direct a different priority for STVR enforcement.

The DILTC could choose a different order or type of priority for STVR enforcement.

3. Receive for information

The LTC may receive the report for information and not adopt the recommendations.

Submitted By:	Miles Drew , Bylaw Enforcement Manager	November 2, 2018
---------------	--	------------------

600 Comox Road, Courtenay, BC V9N 3P6
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 2350-30

September 20, 2018

Sent email only: rhotsenpiller@islandstrust.bc.ca

Russ Hotsenpiller
CAO Islands Trust
200 1627 Fort Street
Victoria, BC V8R 1H8

Dear Mr. Hotsenpiller:

Re: LOU Between Comox Valley Regional District, Denman & Hornby Island Local Trust Committee

Please find enclosed the Letter of Understanding between the Denman Island Local Trust Committee & the Hornby Island Local Trust Committee and the Comox Valley Regional District for your approval. Ann Kjerulf and I have reviewed and updated this LOU to refresh the language and ensure consistency with current practices.

Please sign and date and return a copy to the Comox Valley Regional District for our records.

Please do not hesitate to contact me at 250-334-6007 or by email at jwarren@comoxvalleyrd.ca should you have any questions.

Sincerely,

J. Warren

James Warren
General Manager of Corporate Services

Enclosure

Cc: Ann Kjerulf

\bk

LETTER OF UNDERSTANDING

between staff for the

**THE DENMAN ISLAND LOCAL TRUST COMMITTEE &
THE HORNBY ISLAND LOCAL TRUST COMMITTEE**

and the

COMOX VALLEY REGIONAL DISTRICT BOARD

SUBJECTS:

- I. PURPOSE**
- II. PRINCIPLES**
- III. CONSULTATIVE PROCESS**
- IV. IMPLEMENTATION**
 - A. Community Planning**
 - 1. Official Community Plans**
 - 2. Land Use Bylaws**
 - 3. Bylaw Enforcement**
 - B. Parkland and School Site Acquisition**
 - 1. Parkland Acquisition**
 - 2. Park Planning**
 - 3. School Site Acquisition**
 - 4. Parks and Recreation Commission**
 - C. Servicing**
 - 1. Service Delivery**
 - 2. Regional Growth Strategy**
 - 3. Service Coordination Agreements**
 - 4. Servicing Plans**
 - D. Administrative Arrangements**
 - 1. Interagency Agreements**
 - 2. Information Sharing**
 - 3. Legislative Initiatives**
 - 4. Conduct of Elections**

ISLANDS TRUST (DENMAN ISLAND AND HORNBY ISLAND LOCAL TRUST COMMITTEES)
AND COMOX VALLEY REGIONAL DISTRICT LETTER OF UNDERSTANDING

LETTER OF UNDERSTANDING

This Letter of Understanding ("Agreement") dated Oct 28 2018 is:

AMONG:

**DENMAN ISLAND LOCAL TRUST COMMITTEE AND
HORNBY ISLAND LOCAL TRUST COMMITTEE**
("Local Trust Committees")

AND:

COMOX VALLEY REGIONAL DISTRICT BOARD
("Regional District Board")
(referred to as the "Parties")

I. PURPOSE

The purpose of this Agreement is to delineate how the Local Trust Committees and Regional District Board will implement the principles stated in the Protocol Agreement dated September 8, 2011 between the Denman Island Local Trust Committee and Hornby Island Local Trust Committee (the "Local Trust Committees") for the Denman Island Local Trust Area and Hornby Island Local Trust Area, (the "local trust areas"), and the Comox Valley Regional District Board respecting Electoral Area A ("electoral area").

II. PRINCIPLES

The Local Trust Committees and Regional District Board agree to the following principles regarding interagency relations:

1. Recognition of each Party's jurisdiction and capabilities with a commitment to promoting a spirit of partnership through joint legislative, policy, program and communication initiatives;
2. Coordination of planning, servicing and growth management activities that are responsive to the needs of the local trust areas and the electoral area of which they are a part;
3. Commitment to share a mutual interest in the object of the Islands Trust, the servicing function of the Regional District Board, and the respective land use planning authority of both Parties; and
4. Cooperation through sharing of information and notification of significant initiatives that may impact the other Party and regular liaison.

III. CONSULTATIVE PROCESS

1. The Parties agree to the establishment of a regular consultative process to foster understanding among respective staff and elected officials.
2. The intent of this Agreement is for both Parties to use best effort, rather than oblige either Party, to affect interagency cooperation within mutually agreeable terms and time-frames.

3. In circumstances where either Party deems that the terms set out in this Agreement are unachievable or inappropriate, these terms may be varied by mutual agreement.
4. Responsibility for the coordination of this Agreement by the respective Parties is assigned to the Chief Administrative Officer of the Regional District Board and the Chief Administrative Officer of the Islands Trust.
5. A meeting of respective staff to review any current issues or Agreement matters may be arranged at the request of either the Chief Administrative Officer of the Regional District Board or the Chief Administrative Officer of the Islands Trust.
6. Where anything is required or permitted to be delivered, or otherwise sent to the Parties or the Islands Trust Council, it shall be delivered to:

Local Trust Committees and Islands
Trust Council
2nd Floor
1627 Fort Street
Victoria, BC V8R 1H8
Attention: Chief Administrative Officer

Regional District Board
600 Comox Road
Courtenay, BC V9N 3P6
Attention: Chief Administrative Officer

7. Each Party will bear the full cost of its own requirements to implement this Agreement unless otherwise provided for in this Agreement or otherwise agreed to, in writing, by both Parties.
8. This Agreement may be amended by agreement, in writing, by the Regional District Board and Local Trust Committees.

IV. IMPLEMENTATION

A. COMMUNITY PLANNING

1.0 Official Community Plans

- 1.1 Each Party shall provide the other Party with the opportunity for input regarding Official Community Plan (OCP) reviews applicable to lands within or adjacent to the local trust areas, to promote the effective coordination of servicing and planning functions of the respective Parties.
- 1.2 Following initiation of an OCP review, applicable to lands within or adjacent to the local trust areas/electoral area, the Party preparing the OCP shall deliver a Notice of Intent outlining the scope, time-frame, and interagency consultation opportunities for the OCP review.
- 1.3 Prior to first reading of an OCP bylaw, applicable to lands within or adjacent to the local trust areas/electoral area, the Party preparing the OCP shall deliver a draft copy of the OCP to the other Party at least 30 days prior to first reading.

- 1.4 Either Party may give written notice requesting that a consultation meeting be conducted review project within 30 days of receipt of the draft OCP.
- 1.5 Following adoption of an OCP bylaw, the Party responsible shall notify the other Party that the bylaw has been adopted.
- 1.6 The obligations referred to in this section are in addition to any statutory obligations that the Parties may have respecting consultation during development of an Official Community Plan (s. 475 of the *Local Government Act*).
- 1.7 The Parties agree to not enact bylaws or undertake works in the local trust areas/electoral area that are inconsistent with the OCP (s. 478 of the *Local Government Act* and s. 35 of the *Islands Trust Act*).

2.0 Land Use Bylaws

- 2.1 Each Party shall provide the other Party with the opportunity for input regarding land use bylaw reviews applicable to lands within the local trust areas/electoral area, following the procedures noted in the Official Community Plans section of this agreement.

3.0 Bylaw Enforcement

- 3.1 The Parties wish to coordinate their activities with respect to bylaw investigation and enforcement within the local trust areas/electoral area.
- 3.2 Each Party shall promptly inform the other Party when information is received regarding a potential contravention of the other Party's bylaw within the local trust areas/electoral area.
- 3.3 Where either Party identifies an activity that it considers a potential contravention of a bylaw of both Parties, and which it considers may be effectively controlled through the enforcement of either bylaw or both bylaws, that Party may request the other Party's participation in a joint enforcement program.
- 3.4 Where either Party receives from the other a request for joint enforcement, that Party shall respond to the request within 30 days.
- 3.5 After an affirmative response to a request for joint enforcement, the Parties shall enter into an agreement regarding procedures, allocation of legal resources, responsibilities, cost sharing, and key activities for the joint enforcement program.
- 3.6 An agreement between the Parties for joint enforcement shall include amendment and termination clauses, and provisions regarding the disposition of costs should either Party wish to terminate the agreement.

- 3.7 Either Party may initiate interagency arrangements whereby one Party may conduct bylaw investigations on behalf of the other Party and at the request of the other Party subject to written conditions agreed to by the signatories of this Agreement.

B. PARKLAND AND SCHOOL SITE ACQUISITION

1.0 Parkland Acquisition

- 1.1 The Parties agree to coordinate their activities with respect to the identification of land suitable for parkland, and the acquisition, development, operation and maintenance of parkland in a manner that is consistent with the object of the Islands Trust and parks plans of the Regional District Board.
- 1.2 The Parties acknowledge that:
- a) The Local Trust Committees have the authority under s. 27 of the *Islands Trust Act* to determine whether an owner of land being subdivided within the local trust areas/electoral area shall provide parkland or money as per s. 510(1) of the *Local Government Act*.
 - b) The Regional District Board is entitled to any land required under s. 510(1) in respect of land being subdivided in the local trust areas/electoral area;
 - c) The Regional District Board is entitled to any money required under s.510(1); and
 - d) Money received by the Regional District Board under s. 510(1) shall be deposited into a reserve fund established for the purpose of acquiring community parkland in the local trust areas/electoral area.
- 1.3 The Regional District Board shall not acquire parkland in the local trust areas/electoral area unless it has first consulted with the Local Trust Committees regarding the proposed acquisition, or otherwise confirmed that the acquisition is consistent with the OCP in effect for the subject lands.

2.0 Parks Planning

- 2.1 When undertaking a parks planning initiative in the local trust areas/electoral area, the Regional District Board shall deliver a Notice of Intent outlining the scope, time-frame, and interagency consultation opportunities to the Local Trust Committees.
- 2.2 During the preparation of a Parks Plan bylaw for the local trust areas/electoral area, the Regional District Board shall ensure that the bylaw is consistent with the applicable OCP.
- 2.3 At least 30 days prior to first reading of a Parks Plan bylaw for the local trust areas/electoral area, the Regional District Board shall deliver a draft copy of the Parks Plan bylaw to the Local Trust Committees, and identify to the Local Trust

Committees the areas in which parkland preservation, acquisition or development is desirable

- 2.4 Following receipt of a draft Park Plan bylaw, the Local Trust Committees may give written notice within 10 days requesting that a consultation meeting be conducted by the Regional District Board.
- 2.5 Following adoption of a Parks Plan bylaw for the local trust areas/electoral area, the Regional District Board shall notify the Local Trust Committees.
- 2.6 Following receipt of a rezoning application that may involve the provision of parkland and prior to first reading of land use bylaw amendments, the Local Trust Committees shall consult with the Regional District Board to confirm the Regional District Board's interests with respect to the proposed parkland.

3.0 School Site Acquisition

- 3.1 Both Parties share an interest in coordinating activities related to the planning and acquisition of school sites within the local trust areas/electoral area and either Party shall notify the other Party of initiatives with the School Board in this regard.
- 3.2 The Parties agree that both Parties shall be involved in any processes related to the planning and acquisition of school sites within the local trust areas/electoral area.

4.0 Parks and Recreation Commission

- 4.1 The Regional District Board shall consult with the Local Trust Committees before establishing a Parks and Recreation Commission within the local trust areas/electoral area.
- 4.2 The Regional District Board may deliver to the Local Trust Committees a notice in writing requesting the Local Trust Committees deal directly with the Commission in the exercise of its rights and obligations of the Parkland Acquisition section of this Agreement.
- 4.3 Where the Regional District Board has delegated part or all of its powers respecting parks to a Parks and Recreation Commission, the Local Trust Committees shall endeavour to consult with that Commission when considering the adoption of bylaws applicable to Regional District parks.

C. SERVICING

1.0 Service Delivery

- 1.1 The Parties agree that the provision of services in the local trust areas and land use planning relating to the provision of such services are matters of great importance to island residents and First Nations, and the Parties agree that early and ongoing consultation on such matters, including consultation with island residents and First Nations, is to be encouraged.
- 1.2 The Regional District Board shall notify the Local Trust Committees when considering providing a new or modified service in a local trust areas/electoral area.
- 1.3 The Local Trust Committees may prepare and deliver to the Regional District Board a written notice requesting the Regional District Board to consider providing a new or modified service in the local trust areas/electoral area, and stating the reason for the request.
- 1.4 The Regional District Board shall consider a request for a new or modified service within the local trust areas/electoral area, and shall, within 60 days of receiving the request, deliver to the Local Trust Committees a notice in writing stating its position with respect to the request.
- 1.5 Prior to initiating a consultation process for a new or modified service in the local trust areas/electoral area, the Regional District Board shall seek input from the Local Trust Committees to develop an appropriate consultation plan.
- 1.6 The Regional District Board shall consult with the Local Trust Committees before deciding whether to provide or modify a service in the local trust areas/electoral area.

2.0 Regional Growth Strategy

- 2.1 Both Parties acknowledge that a Regional Growth Strategy of the Regional District Board must not apply to the local trust areas/electoral area (*Islands Trust Act*, s. 36.3).
- 2.2 During the preparation and adoption of a Regional Growth Strategy, the Regional District Board must consult with the Local Trust Committees as affected local governments per s. 434(1) of the *Local Government Act*, and any consultation plan adopted pursuant to s. 434(2) of the *Local Government Act* must identify the Local Trust Committees as authorities with which the Regional District Board intends to consult.
- 2.3 The Regional District Board must invite the Local Trust Committees to appoint a representative as a member of any intergovernmental advisory committee the Regional District Board establishes in relation to the development and

implementation of a Regional Growth Strategy, except where the terms of reference of such committee are limited to matters unrelated to the local trust areas/electoral area.

- 2.4 Nothing in this Agreement requires the Regional District Board to secure the acceptance of a Regional Growth Strategy by the Local Trust Committees prior to its adoption.
- 2.5 The Regional District Board shall notify the Local Trust Committees following the adoption of a Regional Growth Strategy bylaw.

3.0 Service Coordination Agreements

- 3.1 The Local Trust Committees in cooperation with the Regional District Board may recommend that the Islands Trust Council enter into a Service Coordination Agreement respecting the coordination of Official Community Plans of the Local Trust Committees, the Islands Trust Policy Statement Bylaw of the Islands Trust Council, and services to be provided by the Regional District Board within the local trust areas/electoral area (*Islands Trust Act*, Section 33.1 (1)).

4.0 Servicing Plans

- 4.1 The Parties wish to ensure the effective delivery of services to the local trust areas/electoral area in a manner that is responsive to island community needs and the object of the Islands Trust.
- 4.2 Where a Servicing Plan being prepared by the Regional District Board affects the local trust areas/electoral area, the Regional District Board shall deliver a Notice of Intent outlining the scope, time-frame, and interagency consultation opportunities for the Servicing Plan to the Local Trust Committees.
- 4.3 Where a Servicing Plan being prepared by the Regional District Board affects the local trust areas/electoral area, the Regional District Board shall deliver a copy of the draft Servicing Plan to the Local Trust Committees at least 30 days prior to first reading.
- 4.4 The Local Trust Committees may request that a consultation meeting be conducted by the Regional District Board within 10 days of receipt of the draft Servicing Plan.
- 4.5 The Regional District Board shall notify the Local Trust Committees following the adoption of a Servicing Plan bylaw for the local trust areas/electoral area.

D. ADMINISTRATIVE ARRANGEMENTS

1.0 Interagency Agreements

- 1.1 Each Party shall provide opportunities for the other Party to provide input to or involvement in interagency initiatives with other organizations that impact the activities of the other Party.

ISLANDS TRUST (DENMAN ISLAND AND HORNBY ISLAND LOCAL TRUST COMMITTEES)
AND COMOX VALLEY REGIONAL DISTRICT LETTER OF UNDERSTANDING

- 1.2 Each Party shall refer interagency agreements or initiatives with other organizations that impact the activities of the other Party for comment before concluding such agreements.
- 1.3 Each Party shall provide copies to the other Party of relevant interagency agreements or terms of reference for interagency projects relevant to the local trust areas/electoral area.

2.0 Information Sharing

- 2.1 Where an enquiry or complaint is received by either Party related to a matter within the jurisdiction of, or which may reasonably be of interest to, the other Party, the Party receiving the enquiry or complaint shall inform the other Party.
- 2.2 Copies of studies, plans, reports and other documents prepared or received by either Party, which may reasonably be of interest to the other Party, shall be forwarded to the other Party.

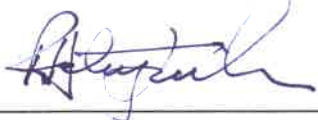
3.0 Legislative Initiatives

- 3.1 Each Party shall inform the other Party of government initiatives that may affect the activities of the other Party within the local trust areas/electoral area.
- 3.2 Each Party shall notify the other Party of government requests to enact legislation that may affect the activities of the other Party.

4.0 Conduct of Elections

- 4.1 The Chief Administrative Officer of the Islands Trust may request that the Regional District Board conduct a local trust committee election..
- 4.2 The Regional District Board will consider such a request and notify the Islands Trust of the Regional District Board's response.
- 4.3 A separate agreement shall be established by the respective Chief Administrative Officers dealing with procedures and cost sharing for the Regional District Board to conduct election proceedings on behalf of the Islands Trust.

Executed on 28 28/18 Under the Authority of:



Russell Hotsenpiller
Chief Administrative Officer

R. Dyson

Russell Dyson
Chief Administrative Officer

ISLANDS TRUST (DENMAN ISLAND AND HORNBY ISLAND LOCAL TRUST COMMITTEES)
AND COMOX VALLEY REGIONAL DISTRICT LETTER OF UNDERSTANDING

Islands Trust
District

Comox Valley Regional

MEMORANDUM

File No.: 5020-30
[Denman LTC – Aquaculture]

DATE OF MEETING: October 9, 2018
TO: Denman Island Local Trust Committee
FROM: David Marlor, RPP, Director
Local Planning Services
COPY: Clare Frater, Director of Trust Area Services
SUBJECT: Response from Executive Committee Regarding Geoduck Aquaculture Advocacy Request.

PURPOSE

The purpose of this memorandum is to advise of the Executive Committee's decision in relation to the Denman Island Local Trust Committee request regarding geoduck aquaculture advocacy.

At its regular business meeting on September 5, 2018, the Executive Committee passed the following resolution:

It was Moved and Seconded that the Executive Committee inform the Denman Island Local Trust Committee that advocacy about geoduck aquaculture is on-going and is awaiting a decision from the Union of British Columbia Municipalities.

BACKGROUND

At its September 5, 2018 regular business meeting, the Executive Committee received the following request from the Denman Island Local Trust Committee:

DE-2018-051 (May 1, 2018)

It was Moved and Seconded that the Denman Island Local Trust Committee request Executive Committee to undertake further advocacy with Fisheries and Oceans Canada (DFO) in opposition to the establishment of geoduck aquaculture in the Trust Area.

NEXT STEPS

N/A.

Submitted By:	David Marlor, RPP, DLPS	September 5, 2018
---------------	-------------------------	-------------------

ATTACHMENTS

None

Hello,

The name of the guest accommodation is [REDACTED] and I believe that the address is [REDACTED] Denman Island.

Thank you,
C. Urquhart

From: [REDACTED]

Sent: Monday, October 08, 2018 5:50 PM

To: deltcwebmail

Subject: Contact Form Submission

Contact: Denman Island Local Trust Committee

Name: C. Urquhart

Email: [REDACTED]

If you would like to be contacted using a different method than E-mail, please enter the details:

Write your message: The Vilification of Honest Folk I have recently learned that a very good friend of mine has come under fire because, according to Island's Trust, [REDACTED] guest accommodation is illegal. This is not a new issue but somehow, it has come to a head at this point in time. After being fully operational for over 8 years, [REDACTED] is now facing the possibility of having to shut down [REDACTED] business, the source of [REDACTED] retirement income and combined with [REDACTED], the means by which [REDACTED] will be able to pay [REDACTED]. And why, you might ask, is [REDACTED] guest accommodation illegal? Well, it's because the location of it is more than 12 feet from [REDACTED] house. In every other way, [REDACTED] guest accommodation conforms to the regulations. It is only this one feature that pushes this successful home-based business into the realm of criminality. Now, why should it matter how far the accommodation is from the house, you might ask? Good question! I'd like to hear the answer to that myself. As far as I can figure, there are some guest accommodation/B & B owners who are making a bad name for others by being irresponsible land-owners and hosts. Apparently, there are places on Denman in which the hosts are not present and there have been noise complaints by the neighbors due to unruly guest behaviour, and rightly so! However, this does not apply to my friend's accommodation as [REDACTED] lives on the property where it is located and [REDACTED] is always present to meet and greet [REDACTED] guests and to ensure responsible behavior from those people. Even if this wasn't the case, I feel that the noise issue is a separate issue from that of what should be allowed in order to operate a B & B or guest accommodation. Having lived on Denman Island for many years, I can assure you that there have been many instances when noise has been an issue and it has had nothing to do with any B & Bs. I've also heard it said that these people, who own guest accommodations (or B & Bs), are depleting the availability of affordable housing by using their secondary dwellings or suites as guest accommodations as opposed to using them for rental units. I feel that this is also a separate issue and clearly discriminates against one group of people over others simply because of how they are choosing to use their own property. Regardless of how much Denman needs more affordable housing, it doesn't eliminate the need for accommodations for visitors and it is unfair

and misleading to treat the two as though they are dependent on the other, because they are not. People who are operating guest accommodations are doing so as a home-based business in order to generate income and as such, should be treated as any other home-based business. Of course, one area that is of great concern are the dwellings that are being used as home rental units from October to May and then as B & Bs from June to September, otherwise known as STVR (short term vacation rentals). There are also those places that are rented out as homes for the fall, winter, spring and then used by the owners for the summer. This is a serious problem. For the lowly renter (usually a low income earner with few options) having a place to rent over the winter is a godsend but only solves their housing problem temporarily. Come spring, the stress of finding a place to live comes back with a vengeance, with the impending summer months depleting the pool of available units. I, myself, have been in this situation and it is a huge problem. Still, it has nothing to do with people who are operating guest accommodations or B & Bs all year round. In fact, when I had to move out of my rental house so my landlord could come to Denman for the summer, it was my friend with the guest accommodation who created a space for me to live for the 5 months that I had been displaced. I truly don't know what I would have done without ■■■. So, let's get back to the 12 foot parameter. Having travelled extensively in my life and having stayed in many different types of accommodations, I have to say that the least desirable accommodation would be one where the owners (or landlords) are in close proximity to me and/ or my family and friends. Having them nearby can be comforting, if anything goes wrong or if something is needed, but having them 12 feet or closer is just downright claustrophobic. Not only does it not give the guest any privacy, it also creates issues regarding pets, children, noise and plain old relaxation. Who can relax when you've got the owner looking over your shoulder? What's even more unreasonable is the expectation that the owner of the guest accommodation have people in their primary dwelling on an ongoing basis. Anyone who has ever had visitors in their home will know that there is a limit to how long you can tolerate people in your own space. What makes me the most angry about this issue is that it is so anti-community and anti-family. What ever happened to supporting our neighbors and helping people find creative ways to live in this diverse and incredible place? This vilification of honest business folk makes me feel as though I've moved from Denman to Salem. How ridiculous that we are centering these people out and making it impossible for them to earn an income in this way. Not only that, but where else are we going to house our family when they visit if we don't have room? That's not to mention all the relatives coming for weddings and funerals. Are we really going to use the 12 foot parameter as a reason to stop all these people from coming to Denman? If less people on the island is the goal then why don't we focus on a real solution such as having the ferry diverted instead of punishing local residents? And last but not least, I want to know what on earth these guest accommodations are harming? Is it harmful for the environment? No. Is it hurting someone? No. Does it interfere with any other type of business on Denman? No. In fact, it is thanks to the visitors that stay at these places that some of the businesses on Denman are even able to survive. That's not even including all the multitude of local artisans and resident workers that my friend has employed and supported over the years in order to maintain ■■■ guest accommodation business. The idea that a building used as a guest accommodation or B & B has to be within 12 feet of the owner's residence is so completely random and unwarranted that I feel it is time for us to revisit this issue. We need to take a good long look at what the true issues are and find a way to eliminate the problems without persecuting innocent people. In short, isn't it time we amended this by-law? Sincerely, C. Urquhart

File No.: DE-RZ-2018.1 (Denman
Housing Association/
Snyder & Terry)

DATE OF MEETING: November 20, 2018

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec MCIP, RPP
Northern Team

SUBJECT: Application to amend the OCP and LUB to allow for 20 units of Affordable Housing –
“Denman Green” Project
Applicant: Simon Palmer on behalf of the Denman Housing Association
Location: PID 009-704-523 and PID 006-657-290
Denman Island

RECOMMENDATION

1. **That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust the following reports, prior to further consideration of application DE-RZ-2018.1 (Denman Housing Association):**
 - a) **Site plan, engineered drawings, and an analysis of soil and site conditions, prepared by a Professional Engineer, for the proposed community sewage system to service up to 20 residential units;**
 - b) **Site plan and an analysis of soil and site conditions prepared by a Professional Engineer, verifying the capacity for up to 5 individual sewage systems on the proposed remainder parcel to support future subdivision of PID 006-657-290;**
 - c) **A hydrogeological assessment, completed by a Professional Engineer or Professional Geoscientist, which identifies the potential impacts to the quantity and quality of groundwater of the proposed development on PID 006-657-290, and delineates an immediate catchment area for proposed wells; and**
 - d) **A biological inventory assessment report of PID 006-657-290 and PID 009-704-591, completed by a Registered Professional Biologist, including: an inventory and classification of wildlife habitats, significant features and plant communities on the properties; a study area map detailing the results of the study and recommendations for the retention, mitigation and compensation of significant features.**

REPORT SUMMARY

The application proposes to amend the Denman Island [Official Community Plan](#) (OCP) and [Land Use Bylaw](#) (LUB) by reducing the development potential (permitted density) of a 33 hectare (82 acre) donor parcel (PID 009-704-523, 2323 Tristone Road) from eight dwellings to a maximum of three dwellings; and increasing the permitted density of a 29 hectare (72 acre) receiver parcel (PID 006-657-290, Denman Road) from one dwelling to a maximum of twenty-five dwellings, twenty of which would be rent-controlled, affordable housing units owned and managed by the Denman Housing Association (DHA – the applicant).

The applicant has provided a comprehensive summary statement as part of the bylaw amendment application (Attachment 1). The application addresses a number of OCP policies (Attachment 4); a proposed concept site plan and plan of subdivision are also provided (Attachments 5 and 6). However, information pertaining to adequate groundwater supply, sewage disposal or protection of environmentally sensitive areas have not yet been submitted and are identified in the OCP as critical considerations of any affordable housing application.

This staff report is preliminary and staff recommends the Local Trust Committee (LTC) request the information specified by the OCP policies identified in this report, before further consideration of this application.

BACKGROUND

Subject Property Location

Figure 1 shows the location of the subject properties.

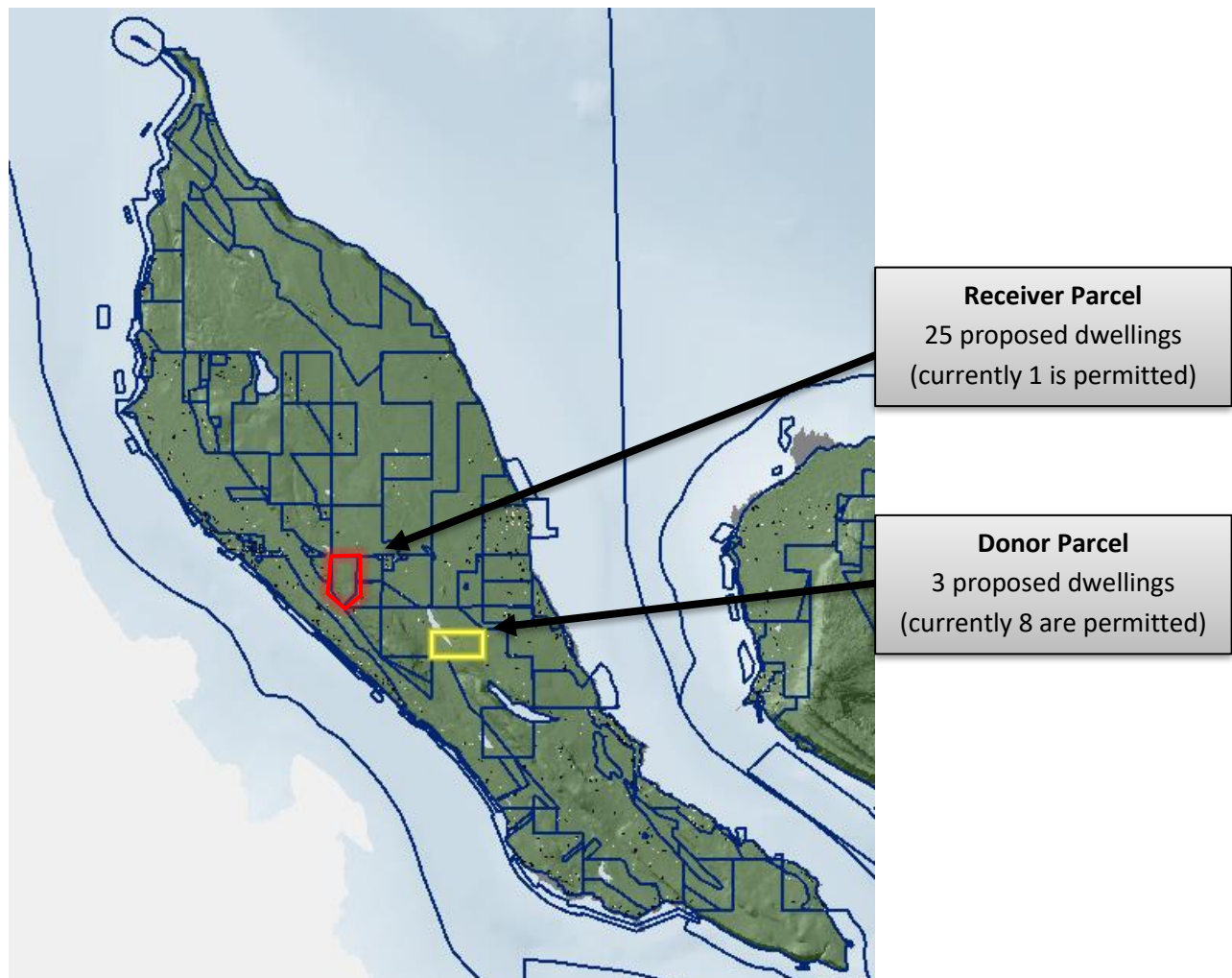


Figure 1. Location of Subject Properties

The “donor parcel” (PID 009-704-523, 2323 Tristone Road) is 33 hectares (82 acres) in size, currently used for residential purposes (one dwelling), is sparsely vegetated with second growth forest, and large areas of wetland. The “receiver parcel” (PID 006-657-290, Denman Road) is 29 hectares (72 acres) in size and is currently vacant land with primarily second growth forest and a small northwestern boundary identified as mature forest sensitive ecosystem. The 2.2 ha southwest corner of the receiver parcel, at the base of the ridge, is within the Agricultural Land Reserve (ALR). The receiver parcel is also adjacent to a large ALR parcel to the east.

The following table provides details of the subject properties, and existing and proposed OCP designations, zoning and density.

Table 1. Subject Property Details

Property	Parcel Area	Existing OCP Designation	Existing LUB Zoning	Current Maximum Density (# dwellings)	Proposed Maximum Density (# dwellings)
Donor Parcel PID 009-704-523 2323 Tristone Road	33ha/82 ac	Rural (R) (no change required)	R2 (change required)	8	3
Receiver Parcel PID 006-657-290 Denman Road	29ha/72 ac	Sustainable Resources (SR) (change required)	F1 (change required)	1	25*
Total	-	-	-	9	28*
<i>*denotes that 20 dwellings are proposed to be restricted in use in perpetuity as affordable rental units in the Denman Green Project</i>					

Project Rationale

The DHA was incorporated in 2012 with the purpose of addressing the need for affordable housing on Denman Island. The DHA commissioned a [housing needs study](#) in 2013 and concluded that over 120 people on Denman Island were living in sub-standard and/or unaffordable rental housing. Over the last several years, DHA has been seeking to acquire suitable land for an affordable housing project. In 2018, the DHA signed an agreement of intent with a property owner to acquire 8 hectares for the purposes of developing up to 20 affordable rental units, the transfer of title being contingent on completion of an OCP and LUB amendment application detailed in this staff report. The proposed ‘Denman Green’ affordable housing project seeks to address a housing need on Denman Island that has been documented in both the DHA commissioned study and the [2018 Islands Trust Housing Needs Assessment](#) report.

Pre-application Community Meeting

The applicant held an independently facilitated Community Information Meeting (CIM) on September 22, 2018 on Denman Island. A summary report of the proceedings was not provided with the application nor available at the time of report writing.

Executive Committee Fee Sponsorship

The Islands Trust Executive Committee (EC) passed the following resolution on October 24, 2018 to approve a development application fee sponsorship for this bylaw amendment application:

EC-2018-160 It was MOVED and SECONDED,
that the Executive Committee approve financial sponsorship of \$4,950.00 for rezoning application DE-RZ-2018.1 (Denman Housing Association) which would amend Denman Island Official Community Plan Bylaw

No. 185, 2008 and the Denman Island Land Use Bylaw No. 186, 2008 to allow for an affordable housing development.

Denman Green Site and Concept Plan

Attachment 5 illustrates the proposed concept site plan for the Denman Green Project, which proposes 10 duplex dwellings in a number of 1, 2 and 3 bedroom configurations. The applicant is proposing the following features as part of the project:

- Construction to be built to [BC Energy Step Code](#) standards;
- A number of units (# to be determined) built with [universal access features](#);
- Rainwater harvesting, collection and use/treatment for potable supply;
- Adequate groundwater supplies treated to meet potable standards;
- Certified sewage disposal;
- Parking as required by the LUB;
- Vegetable gardens and childrens play area;
- Caretaker/manager oversight; and
- Housing to accommodate tenants meeting the BC Housing and Denman Housing Association qualifying criteria.

The project is proposed to be financed by BC Housing in the form of grants and a secured mortgage. The applicant received 'proposal development funding' of \$95,000 in 2018 for the rezoning, subdivision, technical assessments, site and building design. A condition of the funding was that by June 2019, the applicant would have zoning and subdivision approvals in place to qualify for capital funding grants.

Proposal Summary:

The applicant is requesting that the LTC rezone the 33 hectare (82 acre) donor parcel to reduce the maximum permitted density from the current 8 dwellings, to a maximum of 3 dwellings. An OCP amendment pertaining to this parcel is not required as the 'Rural (R)' designation would still be applicable. The applicant is also requesting that the LTC re-designate and rezone the 29 hectare (72 acre) receiver parcel, to allow for the subdivision of an 8 hectare (20 acre) parcel for an affordable housing project as per Figure 4 (see Attachment 6 – proposed subdivision plan). The remaining 21 hectares of land are proposed to be further subdivided to a maximum of five parcels, each permitted one single family dwelling, not part of the Denman Green affordable housing project. Site specific OCP designations and zoning would be required for the receiver parcel to ensure uses, density, siting, size and subdivision are adequately regulated to reflect the intent of the proposal.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided for both the receiver and donor parcels in Attachments 2 and 3. There are a number of Islands Trust policies, OCP policies and LUB regulations that are pertinent to the consideration of this proposal, detailed in Attachment 4 and summarized as follows.

Official Community Plan:

The subject donor parcel is designated "Rural" in the OCP and does not require an OCP amendment. The subject receiver parcel is designated "Sustainable Resources" and would require an OCP amendment. There are over twenty OCP policies relevant to the proposed use and density on the receiver parcel listed in a table along with staff comments which may require amendments to the OCP (see Attachment 4).

There are several policies in the OCP that are applicable to the application, including addressing freshwater protection, climate change, transportation, water management, waste management, viewsapes and housing needs. A number of OCP policies support this proposal in principle (Section C.4 Climate Change Adaptation and Mitigation and E.1 Housing Policies); still, there are policies that are not addressed by the application and additional information is recommended to support the application.

Land Use Bylaw:

The subject properties both require re-zoning with site specific regulations to address use, density, siting, size and subdivision.

Development Permit Areas

A large southwest section of the receiver parcel is part of the development permit area (DPA) No. 2 Steep Slopes as well this area is identified in Schedule D of the OCP as a ‘visually sensitive area’ where zoning regulations should protect viewsapes (Figure 2) A very small north east corner of the property is within the DPA No. 4 Riparian Areas Regulation (RAR) Applicable water features and Non RAR Applicable Water Features. The donor parcel is within DPA No. 4 Riparian Areas Regulation (RAR) Applicable water features and Non RAR Applicable Water Features (Figure 3).

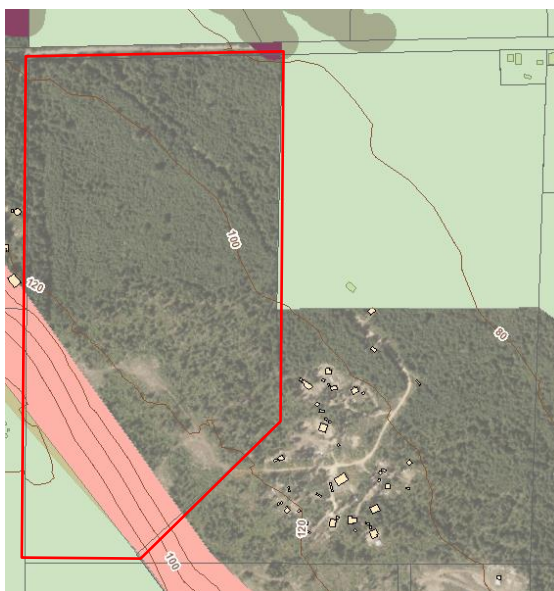


Figure 2 Extent of DPA No. 2 Steep Slopes/DPA No. 4 RAR, visually sensitive area and Agricultural Land Reserve boundaries

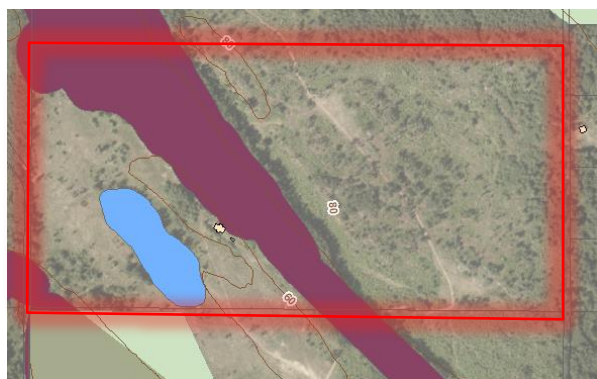


Figure 3 Extent of DPA No. 4 on the subject donor parcel

Issues and Opportunities

Staff have identified pertinent preliminary issues and opportunities below.

Density

The applicant requests an increase in density of 19 units from the 9 that are currently permitted by zoning. There are two potential OCP policies in which to draw from to address this request (see Attachments for details):

1. Housing – Policies, Use and Density Policy 11 – This allows an increase of five percent to accommodate affordable housing from the existing residential density beyond that permitted by existing zoning on the date of the OCP. Should this option be pursued, staff suggest that there have been no other applications drawing from this reserve, but this should be confirmed through staff review. No OCP amendment would be required if this route is chosen.
2. Appendix D – Density Banking – The use of the density bank is reserved for affordable housing and currently there are 14 units in the bank which is insufficient to cover the 19 proposed additional units. Should this option be chosen, an OCP amendment would be required. As per the Guidelines for Residential Density Banking, the applicant is required to provide details of the criteria for residents of the housing as well as demonstrate a need for the type of affordable housing on Denman Island. The applicant has provided a Needs Assessment report and can be asked to submit details of the criteria for residents of the housing to satisfy the guideline.

Should the LTC choose option 1 above, staff recommend confirming that there is sufficient reserve to draw 19 densities from the five percent reserve as per Denman OCP policy 11, Housing – Policies, Use and Density.

Groundwater Management

As per OCP Section D.3 Water Management policy 6, the LTC should consider requiring mitigating measures to conserve water and protect the ground water resource in areas of scarce ground water supply. OCP Section E.1 Housing policy 28 states that the LTC should require affordable housing proposals to prove adequate potable water supply. Policy 30 and 31 identify that Development Approval Information (DAI) may be required for water and sewage to determine appropriate uses, density and siting. The status of the ground water supply is unknown for this area where the applicant is proposing an increase in density. Staff recommends the LTC require a hydrogeological assessment detailing the status of the ground water in consideration of the proposed development potential impacts on water supply as this may influence the subdivision potential of the receiver parcel.

Rainwater Collection/Harvesting

OCP Section C.2 Freshwater policy 9 stipulates that zoning regulations should encourage rainwater collection and Section D.3 Water Management policy 6 stipulates that zoning changes should require mitigating measures to conserve water. The applicant has identified that rainwater harvesting, collection, treatment and use for potable water supply is intended to be a component of the application, as well as construction of housing to BC Energy Step Code standards. Draft zoning regulations for all permitted dwelling units can include specific requirements for minimum cistern capacity at the time a Siting and Use Permit is requested.

Sewage Systems

The applicant has not provided a report prepared by a qualified professional regarding an assessment of the soils and ground water conditions to locate a wastewater treatment facility for the proposed development, nor provided the specifications for a recommended treatment facility. Staff recommend requesting further

information on the proposed sewage systems on the receiver parcel and potential impacts on water supply, as this may also affect subdivision potential, site design and draft bylaw language pertaining to setbacks and siting.

Development Permit Areas, Protection of Visually Sensitive Areas and the ALR

Housing Policies – Zoning Amendments, OCP policies 27 and 28 suggest that the LTC should consider designating a development permit area (DPA) for such proposals to guide form and character. Designating a DPA for form and character as well as water conservation is appropriate and could form part of draft bylaw amendments being considered by the LTC.

The 33 ha (82 ac) donor parcel is within DPA 4 (RAR and Non RAR Water Features). If and when a future subdivision application is made, a DP would be required to address protection of the streamside protection and enhancement area and associated ecosystems.

The 29 ha (72 ac) receiver parcel is within DPA 2 (Steep Slopes), DPA 4 (RAR and Non RAR Water Features) as well as Schedule D of the OCP for protection of visually sensitive areas. Draft bylaw amendments should address how future subdivision of the remainder of this parcel can avoid further fragmentation of the Agricultural Land Reserve (ALR) and discourage development of the steep slope viewscape corridor in order to address OCP Section D.7. policy 2. Addressing the protection of these features through the draft bylaw amendment process can impact subdivision layout design and potential.

Zoning regulations should protect agricultural land from fragmentation through subdivision as well as from adverse impacts associated from adjacent land uses.

Protection of Sensitive Ecosystems and Environmental Features

Policy 28 of Section E.1 Housing indicates that the LTC should be requiring that an application for affordable housing identify environmentally sensitive areas and use conservation covenants to protect significant features and habitats. As the Sensitive Ecosystem Inventory (SEI) mapping indicates mature forest ecosystem on the receiver parcel, there may be other significant features and habitats that can be identified by a biological inventory assessment to help inform conservation measures that can be taken as part of the draft bylaw amendment process. Staff recommend the applicant be asked to submit a biological inventory assessment of both the donor and receiver parcel to help inform future subdivision layout, siting and conservation opportunities through the bylaw amendment process.

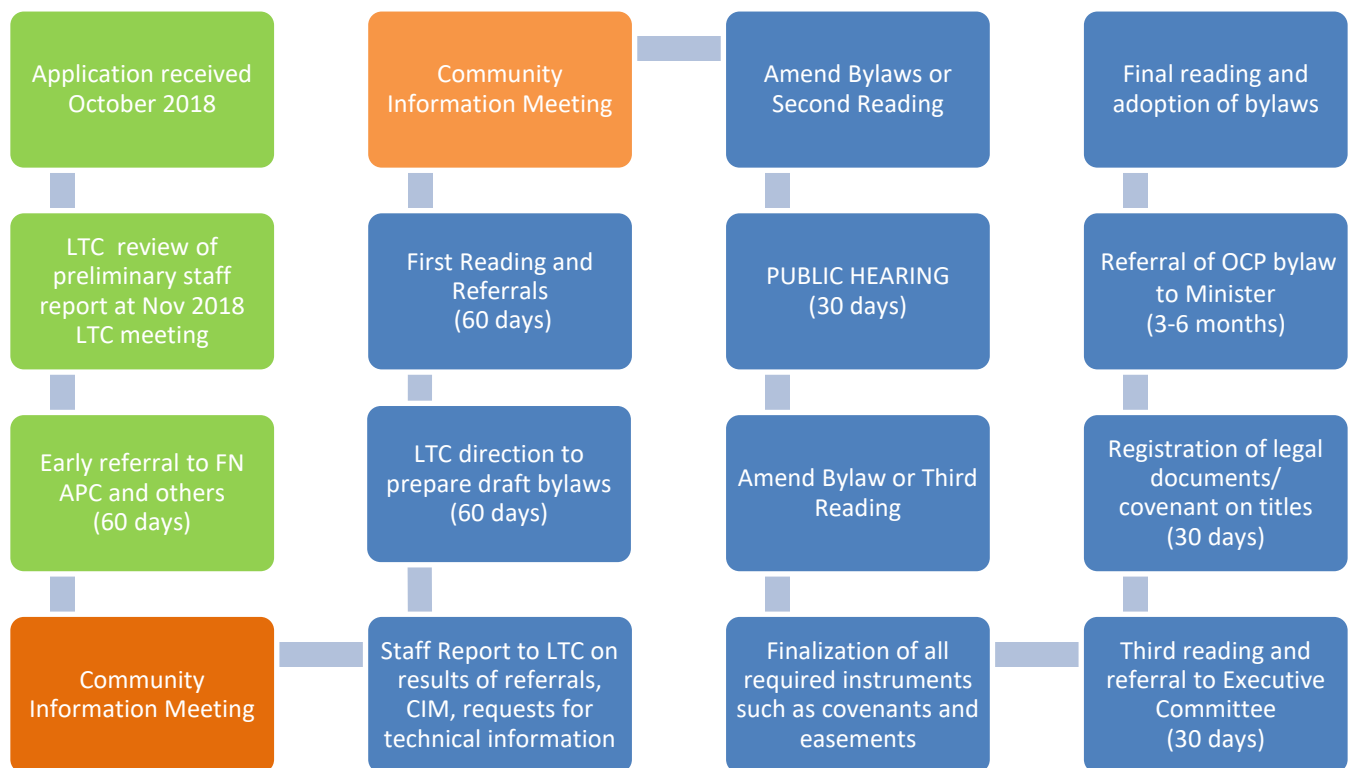
Policy 7 of the Lands and Forest section of the OCP, indicates that, in consideration of any request for amendments to the land use bylaw or when establishing development permit areas, the LTC should be guided by the Principles of Sustainable Forest Land Use in Part G of OCP. Staff recommend that the LTC request staff to review the principles and report back at a future LTC meeting on how these can be incorporated into the bylaw amendment process.

Application Process Steps and Timing

The applicant has indicated that they wish to have the OCP/LUB amendment and subdivision approvals completed by June 2019. Staff have advised the applicant that the expectation that this application can be expedited is unrealistic, especially in the absence of professional reports ascertaining the capability of the aquifer and lands on the receiving parcel being well-suited for an increase in density.

OCP/LUB amendment applications can require 1-2 years of processing, consultation and legislative/legal review. Local government bylaw amendment procedures maintain procedural fairness and meaningful consultation with affected stakeholders, including local First Nations with interests in the Local Trust Area.

The following process steps and approximate timelines may assist in managing applicant and community expectations in how an OCP/LUB amendment application such as this, can be processed:



Rationale for Recommendations

As this application proposes to increase residential density on the receiver parcel from one dwelling to twenty-five dwellings, additional technical reports should be provided by the applicant. Staff is recommending the applicant provide the necessary professional reports pertaining to potential impacts of the proposed development, consistent with Development Approval Information (DAI) policy 30 and 31 of the OCP, to support further consideration of the application:

- Hydrogeological assessment to address impacts to the watershed and aquifer by transferring 24 additional residential density units or residences onto the receiver parcel;
- Written certification from a qualified professional that proof of water for each of the proposed 25 dwellings on the receiver parcel, is consistent with LUB subdivision regulations 2.8(8) through (17);
- If a community water system is proposed, an engineer is to delineate the immediate catchment area of the well(s) that is to be covenanted for protection from pollution;
- Analysis and documentation that the receiver parcel has adequate conditions to support community sewage treatment or other approved systems for up to 25 dwellings, compliant with the BC Sewerage System Regulation under the *Health Act*; and
- Environmentally sensitive areas identified by a qualified professional on the donor and/or receiver parcels in the form of a biological inventory to inform rezoning process for long term protection of significant features and habitats.

Receipt of these reports can support advancement of the application to early referrals and a community information meeting, which can significantly inform the draft bylaw development stage of the process.

Staff is also recommending that the LTC obtain confirmation that there is sufficient density reserves using Denman Island Official Community Plan’s Housing – Policies, Use and Density Policy 11 to draw 19 new densities, should the LTC choose to utilize this policy to allow the new densities on the subject property.

ALTERNATIVE

1. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Should the LTC move forward with staff recommendations, staff will report back to the LTC on both items.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	November 14, 2018
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 14, 2018

ATTACHMENTS

1. Bylaw Amendment Application
2. Site Context – Receiver Parcel
3. Site Context – Donor Parcel
4. Relevant Policies
5. Denman Green Concept Site Plan
6. Proposed Subdivision Plan

Denman Housing Association
3720 East Road, Denman Island, B.C. V0R 1T0
DenmanAffordableHousing@gmail.com 250 335 2559
Registered Charity #84680 0936 RR0001

To: Denman Island Local Trust Committee

September 29 2018

Re: Applications to –

- Amend Zoning Bylaws
- Amend the Official Community Plan

Purpose: To create 20 units of Affordable Housing on a Dedicated Lot

Applicant: Simon Palmer, on behalf of Denman Housing Association

SUMMARY STATEMENT

1. Application Summary:

- a. Bylaw 186 Amendment to rezone that part of PID 009-704-523 being 28.62 ha, currently R2 on which 7 dwellings are permitted, to an R2(7) designation on which 3 dwellings only are permitted.
- b. Bylaw 186 Amendment to rezone that part of PID 006-657-290 being 27.14 ha, currently F(1) to an R2(8) designation on which 4 additional dwellings are permitted, for a total of 5.
- c. Bylaw 186 Amendment to rezone 8.094 ha, a sub-division for which application will be made to MoT, of the 27.14 ha in PID 006-657-290 to a special Affordable Housing designation R4 (see attached sub-division Plan)
- d. Amendment to the Official Community Plan Bylaw 185 permitting
 - the transfer of 4 densities removed from the R2 part of PID 009-704-523 to the remainder part of PID 006-657-290 being 27.14 ha less the 8.094 ha Affordable Housing sub-division i.e. 19.046 ha

- an increase of 20 densities, per OCP Policy 11, for Affordable Housing on the designated R4 lot per c. above

(Applications & Land Titles – see Attachment A)

2. Background:

- The Applicant organization, Denman Housing Association (DHA) was incorporated October 10 2012 with the express purpose of meeting the long-acknowledged island need for affordable housing. (Certificate of Incorporation - Attachment B)
- In November 2013 a DHA-commissioned Housing Needs Study concluded that 120 people on Denman Island, including 20 children, are living in sub-standard and/or unaffordable rental housing. (Housing Study - Attachment C)
- Island's Trust 'Housing Needs Assessment' of June 2018 states in summary, "Denman Island now requires up to 80 affordable housing units". (Attachment D)
- For over 5 years DHA looked to acquire suitable land in numerous ways, as a gift, as part of a commercial real estate arrangement, as a long-term lease and more.
- January 28 2018 DHA signed an Agreement of Intent with the owner of PID 006-657-290 to acquire 8.094 ha, transfer of title to which being contingent on completion of a. through d. of 1. Application Summary above.

3. Rationale for the Project – 'Denman Green'

- The need is proven
- The opportunity has been long in coming, it is now and arguably unique
- The location is ideal & meets OCP stipulations
- DHA has the competence & financial resources to realize this opportunity

4. Community Engagement

- A Community Information Meeting was held on September 22 2018. This was independently facilitated & a summary report will be made part of this Application
- The Applicant organization
 - hosted an Open House to discuss affordable housing on December 14 2013
 - made a presentation to DIRA on February 12 2018
 - has authored 11 Grapevine/Flagstone articles on affordable housing
 - has been the subject of a Comox Valley Record article in April 2018
 - was interviewed by CBC Radio on April 23 2018

5. 'Denman Green' Site

General:

- The 8.094 ha site is forested with predominantly third-growth firs which will be cleared only where necessary for construction, with the few older growth preserved. There is one old logging road running diagonally across the property which will be maintained as a walking path and be central to the Denman Green site.
- There do not appear to be any waterways or other sensitive areas on the proposed site. But a professional report will confirm this.
- Access will be via a new, professionally-designed gravel road off Denman Road at a location providing safe sightlines in both directions. 'Denman Green' will be an easy 10 minute walk to village amenities and the school, 5 minutes to recycling and the Saturday Market
- Surveyor's plan attached Attachment E
- Concept Site Plan attached Attachment F
- The size of the planned site ensures no negative impact on neighbours, both of which have been consulted. A request for continued access to that part of the old logging running through the Denman Green site will be accommodated

6. House Design and Energy Efficiency

- BC Housing has indicated that their financing of construction & associated costs is contingent on
 - off-island modular construction (with assembly & completion on site)
 - cost-effective duplex units where possible
 - meeting BC Housing Step 4 standards (see Attachment G)
- DHA is fortunate to have an LEED Fellow on its Board, also the volunteer services of a licensed Energy Adviser experienced in energy performance evaluations
- DHA is collaborating with ISLA, Hornby Island's affordable housing group, in developing optimum house designs. Architectural & build-cost savings are expected for both organizations.

7. Water

- DHA recognizes the importance of an adequate supply, that the supply must not impact neighbouring wells' flows and that conservation is necessary
- Therefore it is the intention of DHA to:

- contract for a hydro-geological assessment of the ‘Denman Green’ property
- drill for water in the optimum location(s)
- obtain professional certification that the pumping test shows a flow that meets Trust requirements for the 20 households served
- install a cistern of at least 20,000 litres or one day’s supply of water
- install rainwater collection & storage systems to meet all outside requirements
- install systems to serve all toilet flushing needs with rainwater
- outfit units with low-flow faucets, shower heads & toilets
- DHA will obtain a Water License from the Ministry of FLNRO
- DHA will obtain VIHA approval of all water system designs
- A Well Report, Flow Test Certification & Comprehensive Water Test will be provided as soon as possible after well drilling has been completed.
- OCP Bylaw 185 Water Management Objective 2 & 4 will be observed and Policy 1, 2 & 6 complied with as required

8. Septic

- H2O Environmental Ltd. will perform and certify permeability tests sufficient to meet the needs of the 20 unit ‘Denman Green’ development
- The ‘Denman Green’ property provides many options for optimum siting

9. Analysis

a. Trust Policies.

- Part V: Sustainable Communities states in part “.... People of differing age groups and income levels should continue to have the opportunity to reside in island communities.” And later “The health of a community is influenced by numerous factors such as economic security..... the availability of such necessities as..... affordable food and housing.”
- Prioritizing “Facilitating Affordable, Attainable and Seniors Housing” in the Denman Island Work Program for 2018 and beyond is a clear statement by the Denman Island Local Trust Committee of support in principle for affordable housing projects such as ‘Denman Green’ and therefore this Application

b. Official Community Plan Policies.

- The ‘Denman Green’ project, the subject of this Application, conforms to the principles outlined in the following policies – see Attachment H

10. Denman Housing Association's 'Denman Green' Business Plan
see Attachment I

11. Tenants – see Attachment J

12. Islands Trust & OCP Policies Relevant to the Application – see Attachment K

13. Development Application Fee Sponsorship

- An Application Form & attachments are attached – see Attachment N

Denman Housing Association
3720 East Road, Denman Island, B.C. V0R 1T0
SimonPalmer3720@gmail.com 250 335 2559
Registered Charity #84680 0936 RR0001

‘DENMAN GREEN’

AFFORDABLE HOUSING FOR WORKING FAMILIES & INDIVIDUALS

A Project of Denman Housing Association

1. Preamble

For most of the 1900s Denman Island was a rural community of around 300 – 400 people, chiefly engaged in agriculture. They lived on farms, created orchards and the density of houses & other buildings on this 5,151 hectare island was low. Since the early 1970s however there has been an influx of retired professionals, builders, craftsmen and others all seeking a peaceful place to live. The population now exceeds 1,000 and consequently once vacant land has been developed, properties have changed hands and house prices have risen. As a result the least expensive house on Denman currently costs in excess of \$200,000 and one room rents of \$1,000 a month are not uncommon.

2. The Need

In order to quantify the need for affordable housing the Denman Housing Association commissioned a study, the funding for which was provided by CMHC. The study is available online at DenmanHousing.com.

Relevant extracts from the Study:

*“For this study, the phrase ‘in need’ for renters is defined in terms of housing standards used by federal and provincial agencies, including BC Housing and Statistics Canada.
BC Housing lists the following conditions in its guidelines for assessing housing need:*

- Homeless households and those that are at risk of homelessness;*
- Households paying 30% or more of their income on housing;*
- Households that are over-housed;*
- Households living in overcrowded conditions;*
- Households living in sub-standard housing (lack of bathrooms, kitchen, or need major repairs);*
- Households facing threats and harassments, under notice, real threat of notice or lease coming to an end;*
- Households on waiting lists.”*

“To reflect the characteristics of Denman Island, these guidelines are expressed in the following criteria for adequate and affordable rental housing:

- costing (including utilities)no more than 30% of household income*
- having basic amenities, including electricity, running water, an indoor toilet, and a heating system or wood stove*
- tenanted under a written agreement*
- needing no major repairs, and without dangerous conditions*
- with sufficient space for the size of household (single –no bedrooms, couple –1 bedroom, family –2 bedrooms)”*

“The most significant and alarming results were obtained from renters. When compared with standards for rental costs, basic amenities (e.g. electricity and running water), rental security, liveable condition and adequate space, about 90% of rental units on Denman Island are inadequate.

Across the island, there are at least 120 people living in substandard rental housing – 20 of whom are children.”

A very recent study (June 2018) commissioned by Island Trust ‘Housing Needs Assessment’ (Northern Region of Islands Trust) concluded that “Denman Island now requires up to 80 affordable housing units”.

2. The Mission

- to meet the needs of the Denman Island community for affordable housing for working-age families & individuals
- to be mindful of the environment on Denman Island, both visual and physical, in the location & design of such housing
- to create housing that is carbon-neutral

3. The Project

a. Twenty houses of approximately 800 to 1,150 square feet clustered to achieve maximum economic efficiency while offering tenants a degree of privacy and a pleasant rural outlook.

b. The location is a 10 minute walk to ‘downtown’, the Community School and all island amenities

c. Sustainability will be a major consideration in the design, construction and planned liveability of the project. CaGBC’s LEED for “Homes” as well as USGBC’s LEED for “Communities” will be used as tools to document and demonstrate compliance with the primary sustainability aim and governing principles. Some of the energy, water and human health related sustainability principals will include:

- Using water-efficient practices, both indoor and outdoor to minimize the community's impact on the island's limited water supply. The community will use low flow fixtures and appliances in combination with collected rain water and treated grey water to reduce the community's well water consumption.
- A "state of the art" centralized sanitary waste and grey water treatment system will be used to minimize the effect of human sanitary waste on the island's environment.
- Energy efficiency will be a key design principal. Passive design practice will be used to keep the homes comfortable and to minimize the heating and cooling energy requirements. Effective use of thermal mass energy storage in combination with thermal insulation, efficient glazing and optimized siting of the homes will all help to maximize wintertime solar heating, day light and the summertime natural cooling/ ventilation.
- A central energy efficient heating plant/ energy centre will provide domestic hot water and space heating for the community. The central heating plant will use ground source, geo-exchange energy extraction technology in combination with renewable energy collection, such as solar PV's and solar thermal collectors and bio mass energy recovery to reduce the community's annual consumption. The aim is to reduce the community's annual energy consumption to as close to "Net Zero" as economically viable.
- The homes will be designed with consideration for the occupants' health and well-being such as maintaining good indoor air quality using energy efficient ventilators and the use of environmentally preferable materials to reduce the creation of and exposure to pollutants.

Individual and communal garden plots will be located in proximity to the building clusters with areas of common land between the clusters for recreation and enjoyment of native flora and fauna.

d. The Denman Housing Association will act as developer for the project and will own and manage the affordable rental homes.

e. The Denman Housing Association will determine regulations and eligibility criteria for the rental units, taking its lead from the experience and past best practice of other such developments in B.C. as well as that of BC Housing.

4. Sustainability

It is a goal of the Association that the 'Denman Green' project conform to the BC provincial government's and BC Housing's sustainability aims and guidelines of creating a low-carbon economy and sustainable future.

The primary sustainability goals of ‘Denman Green’ will be:

1. Reduce energy consumption levels and GHG emissions:

The aim is for the development to be effectively ‘net zero’ in terms of energy use (it is proposed that ‘Denman Green’ will generate as much energy on the site as it uses).

To achieve these goals the project will use ‘Passive Design’ strategies, energy conserving measures (ECM’s), energy efficient systems, lighting, and appliances to reduce the ‘Total Energy Use Intensity’ down to a level where it should be practical to provide net zero energy using renewable energy sources such as solar and possibly bio mass.

2. Air and Moisture Tightness/ Indoor Air Quality Management and Control.

The aim being both energy reduction as well as improved indoor environmental quality.

3. Construction, Demolition Waste Management:

The project will commit to reducing resource consumption and waste, as mandated in the ‘livegreen’ BC Housing’s Sustainability Plan.

4. Water and Sanitary Waste Efficient Design with Independent Water Source:

Sanitary waste, grey, potable, rain and storm water will be community based integrated systems, captured, processed and disposed of on site as a shared service.

5. Building Material Selection:

Indoor environmental quality will be a prime design and construction goal and the project will only use low emitting materials and products that meet Canadian Volatile Organic Compound (VOC) Concentration. Limits.

Consideration will be given to using materials that are sourced locally and have a high recycled content.

6. Siting/ development issues will be addressed, such as:

- a. Pollution, erosion and sedimentation control.
- b. Incorporating passive landscape design strategies.
- c. Drought resistant/ natural landscaping.
- d. Minimizing the heat island effect.
- e. Recycling and compost areas
- f. Common Facilities including garden, bike storage, laundry, car parking, septic, heat and power and emergency backup will be considered to reduce footprint, capital investment and running costs.

5. The Board

Simon Palmer – President

Dawn Binnington – Secretary

Ron Shepherd	–	Treasurer
Kathy Rieder	-	Director
Paul Marmion	–	Director
Harold Gleusteen	–	Director
Shaun White	–	Director

- Officers and Directors work voluntarily, with no remuneration, and have individually stated that they will accept no material benefit from any project undertaken by the Association

- Biographies are attached

Board Capacity

The Association’s Board has the skills to meet the challenges involved, including:

- Broad management of the project through build and operation
- Fundraising and relationships with government funding entities
- Compliance with regulations, land use and other laws
- Site selection, land acquisition, design and project management
- Project budgeting, cashflow and operating budget management
- Legal formalities, housing agreements, employment contracts
- Optimizing energy efficiencies and environmental standards

6. Financials

Latest Cashflow Projections are attached.

A proforma Project Funding Budget is also attached

7. Timing:

As a land commitment has only recently been obtained and there is a lengthy regulatory process through Islands Trust involving rezoning, subdividing and more, it is projected that major project costs will be incurred in 2019.

That said, preliminary costs of proving water, septic capacity, surveying, legal etc will be incurred commencing in 2018.

June 2018

ATTACHMENT 2 – SITE CONTEXT DE-RZ-2018.1 (DENMAN HOUSING ASSOCIATION)

LOCATION

Legal Description	The South ½ of the north west ¼ of section 13, Denman Island Nanaimo District
PID	009-704-591
Civic Address	2323 Tristone Road
Lot Size	33 hectares (82 acres)

LAND USE

Current Land Use	Single family residential
Surrounding Land Use	Residential and agriculture

HISTORICAL ACTIVITY

File No.	Purpose
N/A	

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: R – Rural – no change required Development Permit Area 3 – DP-4 – RAR and Non RAR Applicable Lakes, Streams and Wetlands
Land Use Bylaw	Zone: Rural Residential (R2) – change required
Other Regulations	n/a
Covenants	n/a
Bylaw Enforcement	n/a

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
Regional Conservation Plan	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM/HIGH.
Species at Risk	None mapped.
Sensitive Ecosystems	Riparian areas, wetlands
Hazard Areas	None mapped.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on the subject property, nor archaeological potential on the subject property. Notwithstanding the foregoing, and by copy of this

	report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Applicant is proposing to reduce the residential density of the subject property from the current permitted total of 8 dwellings to a maximum of 3 dwellings which can have localized impact on tree removal, greenhouse gas emissions and protection of the natural environment.
Groundwater Vulnerability	No data
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a

ATTACHMENT 3 – SITE CONTEXT DE-RZ-2018.1 (DENMAN HOUSING ASSOCIATION)

LOCATION

Legal Description	The south west ¼ of Section 17, Denman Island, Nanaimo District except that part in Plan 14174, VIP77481 and VIP87456
PID	006-657-290
Civic Address	Denman Road
Lot Size	29 hectares (72 acres)

LAND USE

Current Land Use	Vacant - Forestry
Surrounding Land Use	Residential and agriculture

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-2004.1	To create a one acre lot to expand the existing firehall site on Denman Road.
DE-ALR-2009.2	To subdivide to 2 properties. 35.5 hectares to become co-housing for 15 families - that will farm the ALR portion Lot A. The other 27.5 hectares to be single family residential and will include portion of ALR
DE-RZ-2004.2	Proposed ambulance station.
DE-RZ-2006.2	Co-housing project
DE-SUB-2004.1	Three lot residential subdivision
DE-SUB-2008.5	Create 2 parcels

POLICY/REGULATORY

Official Community Plan	Land Use Designation: SR – Sustainable Resources – re-designation required Development Permit Area 2 – DP-2 – Steep Slopes OCP Schedule D Sensitive Areas – Visually Sensitive Area
Land Use Bylaw	Zone: Forestry (F1) Rezoning required
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Referral to ITC for comment is not required.
---------------------------	---

Regional Conservation Plan	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM/HIGH.
Species at Risk	None mapped.
Sensitive Ecosystems	Mature Forest
Hazard Areas	Steep Slope – Development Permit Area No. 2
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate an archaeological site on the subject property, nor archaeological potential on the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Applicant is proposing an affordable housing project that incorporates significant energy efficiencies, shared facilities and compliance with BC Energy Step Code standards.
Groundwater Vulnerability	No data
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a

ATTACHMENT 4 – POLICIES DE-RZ-2018.1 (DENMAN HOUSING ASSOCIATION)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Pending further application review	To be addressed through OCP policy review.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	Pending further application review	Donor parcel is within RAR and non RAR DPA. Guidelines will apply if subdivided. Rezoning can trigger requirement for a comprehensive biological inventory to protect significant ecosystems on both parcels. A small north east corner of the receiver parcel is with the RAR DPA.
4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	Pending further application review	Receiver parcel has 2.2 hectares of ALR land that can be appropriately re-designated as part of the application process..
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	Pending further application review	To be addressed in bylaw amendments and can incorporate ALC buffer requirements.
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	Pending receipt of additional information from the applicant	Staff recommends the LTC request further information about the ground water supply in the area. To be addressed through OCP policy review.

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 in-stream uses.	Pending receipt of additional information from the applicant	Staff recommends the LTC request further information about the ground water supply in the area. To be addressed through OCP policy review.
5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.	Pending further application review	Receiver parcel is within a protection area identified in Schedule D of the OCP. Future zoning and subdivision regulations should address protection of the scenic value of the ridge.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	Pending further application review	To be addressed through OCP policy review.
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	Pending further application review	To be addressed through OCP policy review.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	Pending further application review	Location of development in proximity to village and ferry terminal.
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	Pending further application review	Proposed development provides an opportunity for LTC consideration.

5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	Yes	Proposal seeks to address community's current and projected housing requirements for affordable housing.
---	-----	--

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185, 2008

OCP Objective/Policy	Complies	Planner Comments
C.2 Freshwater Policy 2 - The protection of land along the margins of lakes, streams and wetlands is encouraged at the time of subdivision through the use of covenants or other protective mechanisms.	Pending further application review	Donor parcel contains significant riparian habitats that should be protected from subdivision/fragmentation and further development through the rezoning process. A small north eastern portion of the receiver parcel is within the RAR DPA.
C.2 Freshwater Policy 9 - Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	Yes and pending further application review	Applicant is proposing rainwater harvesting, collection, storage, treatment and use for potable needs. Rezoning process can identify options to ensure this is a requirement of new construction for all dwellings on both subject parcels.
C.4 Climate Change Policy 2 - The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	Yes and pending further application review	Applicant is proposing to meet BC Energy Step Code standards of construction for energy efficiency in affordable housing units. Rezoning process can identify options to ensure this a requirement of new construction.
C.4 Climate Change Policy 4 - The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	Yes	See above.
D.2 Transportation and Utilities Policy 8 - When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	Pending further application review	Rezoning process can identify options to ensure non automotive transportation is adequately incorporated into the proposal.

D.3 Water Management Policy 1 - Zoning regulations should specify minimum requirements for water supply for new lots created by subdivision.	Pending further application review	Rezoning process can identify minimum requirements for water supply for new lots created by subdivision pending receipt of groundwater assessment.
D.3 Water Management Policy 6 -When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	Pending receipt of groundwater assessment report	LTC can consider options once adequate data has been provided from the applicant on the aquifer intended to support 25 dwellings and measures to protect and conserve the ground water resource.
D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.	Pending receipt of sewage disposal assessment report	LTC can consider options once adequate data has been provided from the applicant on sewage disposal capability and conditions to support up to 25 dwellings on the receiver parcel.
D.7 Viewscapes Policy 2 - Zoning regulations should be developed to protect Island viewscapes.	Pending further application review	Receiver parcel has an identified viewscape. Rezoning process can identify options to protect natural vegetation and views through regulation or covenant.
E.1 Housing Policy 6 - When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.	Pending further application review	Donor parcel has significant riparian qualities that can be protected through rezoning and subdivision regulations.
E.1 Housing Policy 10 - 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.	Pending further application review	Applicant to confirm if Donor and Receiver parcels were intended to accommodate secondary suites.
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, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning	Pending LTC direction	LTC to request staff to provide analysis on density increase available.

amendment applications under Policy 29 of this Section.		
E.1 Housing Policy 16 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	Yes	Applicant's site plan for Denman Green attempts to cluster housing and accessory buildings. Rezoning process can further delineate 'no build' portions of the lot to prevent sprawl.
E.1 Housing Policy 17 - The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	Yes	LTC and Executive Committee have supported the financial sponsorship of the bylaw amendment fees for the application.
E.1 Housing Policy 23 - Zoning regulations should establish sufficient setbacks for septic disposal systems: • to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and • to protect adjacent properties from effluent or odours.	Pending further application review	Confirmation of sewage disposal capability and location will inform draft bylaw amendments pertaining to adequate setbacks for sewage disposal systems.
E.1 Housing Policy 26 - The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	Pending further application review	Applicant has indicated commitment to BC Energy Step Code building standards. Development Permit guidelines can require a standard of construction for form and character/water conservation/energy efficiency.
E.1 Housing Policy 28 - The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;	Pending receipt of additional information from applicant	The LTC has not been provided information from the applicant to address adequate supply of water; protection of environmentally sensitive areas or adequate sewage disposal system.

• that the proposed development will not place a strain on existing public services and infrastructure.		
E.1 Housing DAI Policy 31 - The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations.	Pending receipt of additional information from applicant	The LTC has not been provided information from the applicant to address adequate supply of water; protection of environmentally sensitive areas or adequate sewage disposal system. Development approval information may be required to assist the LTC in determining the appropriate use, density and siting of development for this proposal.

NOTE: TREES ARE INDICATIVE ONLY
EXACT TREE PLACEMENT
TBD BY TREE SURVEY

DENMAN ROAD

20.00

Subdivision Boundary Line: 184.61m

W

PROPOSED WATER WELLS
PENDING SPECIALIST
SELECTION OF WELL SITE

W

NEW CURVED
ACCESS ROAD
(approx. 8m wide)

SERVICE
BUILDING

SB

EXISTING LOGGING ROAD

WATER STORAGE

WS

SEPTIC

CB

COMMUNITY BUILDING
BELOW 1 BED DUPLEX

W

PARKING SEMI-CIRCLE
WITH CENTRAL GREEN SPACE

EXISTING LOGGING ROAD

PEDESTRIAN PATH
TO RESERVOIR AND GARDEN
(approx. 3-4m wide)

SUNPATH

solar array

RESERVOIR

GARDEN

Subdivision Boundary Line: 189.78m

411.32

Subdivision Boundary Line: 421.19m

9.14



4x THREE BEDROOM

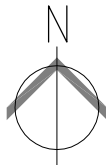


3x TWO BEDROOM DUPLEX
(6x Units)



5x ONE BEDROOM DUPLEX
(10x Units)

SITE AREA: 8.09ha (20.0ac)
80,900sqm (870,800sqft)
PERIMETER: 1229m



1 10 20 30

SCALE (m)

DENMAN GREEN
CONCEPT SITE PLAN

Sept 12th 2018
AFFORDABLE HOUSING PROJECT

DWG NO:

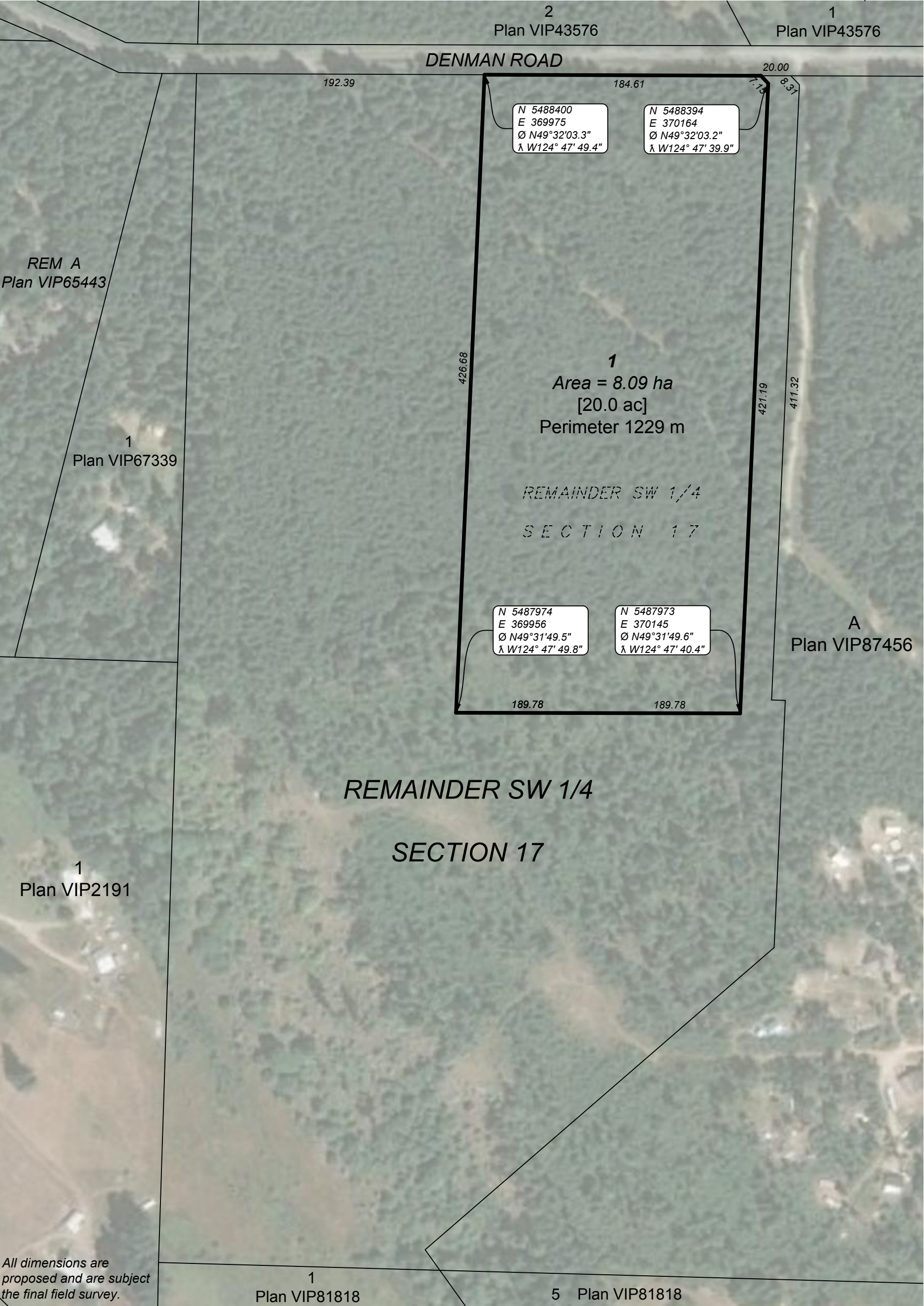
A0.1

PROPOSED SUBDIVISION PLAN OF THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT THAT PART IN PLAN 14174, VIP77481 AND VIP87456.

Parcel Identifier: 006-657-290



1:2500



All dimensions are proposed and are subject the final field survey.

MEMORANDUM

File No.: 3400 – 20
(Comox Valley RD Referrals)

DATE OF MEETING: November 20, 2018
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Comox Valley Regional District Referral Regarding Piercy Road Beach Access

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to notify the Comox Valley Regional District that it supports the inclusion of the Piercy Road Beach Access in the Regional Parks Service.

SUMMARY

The Denman Island Local Trust Committee is asked to consider a referral from the Comox Valley Regional District (CVRD) (Attachment 1) regarding the potential addition of the Piercy Road Beach Access to the CVRD Regional Parks Service. A response is requested before November 30, 2018.

Staff recommend that the proposal be supported as there is extensive policy support for the inclusion of the Piercy Road Beach Access in the CVRD Regional Parks Service. Relevant policy excerpts from the Islands Trust Policy Statement and Denman Island Official Community Plan are attached for reference (Attachment 2).

NEXT STEPS

Staff will provide a written response to the Comox Valley Regional District, including any resolutions passed by the Local Trust Committee.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 7, 2018
---------------	---	------------------

ATTACHMENTS

1. Comox Valley Regional District Referral
2. Policy Excerpts

Memo

File: 5950-20

DATE: November 5, 2018

TO: Denman Local Trust Committee
Denman Island (Electoral Area A)

FROM: Community Services Branch, Parks

RE: Licence of Occupation – Piercy Road Beach Access
Unopened road dedication

The attached staff report dated July 26, 2018 is for committee members' review and comment.
Please provide comments by November 30, 2018.

The Comox Valley Regional District (CVRD) has received a request from the Denman Island Residents Association (DIRA) to consider adding the Piercy Road beach access to the CVRD parks service as a regional community park. The subject land parcel is approximately 0.6 hectares in area. It is a 70 metre wide beach access bounded by Piercy Road and agricultural land to the northeast, Baynes Sound to the southwest, and residential lots to the northwest and southeast. The property is zoned Residential (R-1) which allows for park use.

For more information, please refer to the attached staff report dated July 26, 2018, which was presented to the CVRD Electoral Areas Services Committee on August 13, 2018.

Thank you for your review.

Sincerely,

D. DeMarzo

Doug DeMarzo, MCIP, RPP
Manager of Parks
Community Services Branch

\mh

Attachment: Staff Report Dated July 26, 2018

DATE: July 26, 2018**FILE:** 6120-01**TO:** Chair and Directors
Electoral Areas Service Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer**R. Dyson****RE: Denman Island - Piercy Road Beach Access****Purpose**

The purpose of this report is to seek approval to pursue a Licence of Occupation from the Ministry of Transportation and Infrastructure (MOTI) for the Piercy Road beach access on Denman Island and to include this beach access in the Denman Island Parks and Greenways Service.

Recommendation from the Chief Administrative Officer:

THAT staff be directed to pursue a Licence of Occupation for the Piercy Road beach access on Denman Island from the Ministry of Transportation and Infrastructure for the establishment of a Comox Valley Regional District park;

AND FURTHER THAT staff be directed to add the Piercy Road beach access to the Parks and Greenways Service function 619 upon receipt of a Licence of Occupation.

Executive Summary

The Piercy Road beach access has been maintained on an ad hoc basis by residents over the years and used informally as a neighbourhood green space. This beach access offers views of Baynes Sound/Vancouver Island and has an established trail to the ocean.

In June of 2018, the Denman Island Residents Association (DIRA) officially requested that the CVRD consider adding this beach access to the Denman Island parks service.

Report highlights:

- This report seeks approval to apply for a Licence of Occupation from MOTI for the beach access.
- The DIRA parks committee would manage the park operations under the guidance of the Comox Valley Regional District (CVRD).
- Initial capital costs are estimated at approximately \$18,000 and maintenance costs are projected to be approximately \$500/year.

Prepared by:

M. Harrison

Mark Harrison
Parks and Active
Transportation Planner

Concurrence:

D. DeMarzo

Doug DeMarzo, RPP, MCIP
Manager of Parks

Concurrence:

T. Ian Smith

T. Ian Smith, MCE
General Manager of
Community Services

Stakeholder Distribution (Upon Agenda Publication)

Ministry of Transportation and Infrastructure	✓
Denman Island Residents Association Parks Committee	✓

Background/Current Situation

Located on the western shore of Denman Island (see Appendix A), the Piercy Road beach access was established at time of subdivision and is classified as an unopened road dedication under the provincial jurisdiction of MOTI. The beach access is unique in that it is 70 metres in width (a typical beach access is 20 metres in width) and was created in lieu of multiple beach accesses.

To date the beach access has served as an unofficial neighbourhood park for local residents. Across from the beach access is a farm which serves food from Thursday to Sunday during the months of April to November.

The landscape of the beach access is sloped towards the ocean and largely consists of grassy open space with some mature second growth fir and big leaf maple trees along the foreshore and southern property line. An informal trail winds its way along the southern property line to the top of the foreshore bank and then heads north along what appears to be a man-made cut bench feature to the beach below. The beach consists of small pebbles and bedrock. See site photos in Appendix B.

The grassy open space has been mowed in the past and the trail to the beach has been cleared over the years by local residents and volunteers. The native soils trail is presently 0.3 to 0.6m wide and is largely 12 to 15 per cent grade with some sections of the trail along the foreshore bank exceeding 20 per cent grade.

In June of 2018, DIRA sent an official letter of support to the CVRD parks department asking that the beach access be established as a neighbourhood park (see Appendix C). This letter was the result of a proposal brought forth by local residents who canvassed the Piercy Road neighbourhood to ensure a majority of neighbourhood residents supported the initiative.

Policy Analysis

The Denman Island Community Parks and Greenways Service Establishment Bylaw No. 386, 2015, enables the CVRD to plan for, acquire and develop community parks on Denman Island.

The Denman Island Parks and Greenways Master Plan, 2011, identifies trails to the waterfront within undeveloped road dedications as a priority item. It also identifies obtaining licences or permits from MOTI for appropriate road ends for the development of trails and beach accesses.

The Denman Island Parks and Greenways Priorities Conceptual Parks Plan (see Appendix D) identifies the Piercy Road beach access as a priority location for a trail to the waterfront and as a terminus for a trail to the village centre.

Planning on Hornby Island is done through Islands Trust.

Options

The following options are available for the board's consideration:

1. Proceed with securing a Licence of Occupation for the Piercy Road beach access from MOTI and subsequently add the beach access to the Denman Island parks and greenways service.

2. Proceed with securing a road closure for the Piercy Road beach access from MOTI in favour of the CVRD and subsequently add the beach access to the Denman Island parks and greenways service as fee simple park land.
3. Do not proceed with engaging MOTI and instead direct DIRA to work with a local land conservancy to secure the land as park.

Generally, MOTI has not been receptive to road closure applications and land conservancy agencies tend to focus on land preservation rather than greenway connections.

Staff recommend the board pursue option 1 at this time.

Financial Factors

On July 5, 2018 parks staff conducted a site visit to gain an understanding of likely upgrades required if the beach access were to be taken on as a park. These include: widening of the trail, building up sections of the trail, brushing of tree limbs, potentially some form of fall protection along the foreshore section of the trail, ditching, privacy fencing along the southern property line, construction of parking space within the Piercy Road dedication, removal of invasive plant species and installation of a picnic area.

Projected initial land improvements are estimated at:

Amenity	Quantity	Approximate Cost
Trail work	140 metres	8000
Privacy fencing	50 metres	2500
Parking	30 metres	1000
Tree work	--	1500
Picnic Table	1	2500
Signage (8x8 post)	2	1500
Invasive plant removal	--	1000
Total		18000

Annual maintenance costs are projected to be around \$500 and would likely involve trail maintenance, vegetative brushing and picnic table maintenance. Maintenance would be funded through the Denman Island parks and greenways (function 619) maintenance budget and a minor increase to the tax requisition is anticipated.

The board should be aware that adding this beach access to the parks service may result in future capital costs to meet ongoing community needs.

Legal Factors

Maintenance of the beach access and all inherent risks from use would become the responsibility of the CVRD. This exposure is similar to exposure present within existing parks that serve the benefit of the community.

Regional Growth Strategy Implications

Planning on Denman Island is completed by Islands Trust.

Intergovernmental Factors

This proposal would require the approval of MOTI because the beach access is under their jurisdiction. Preliminary discussions with MOTI staff indicate there are no immediate concerns with the proposal and that the beach access appears to be a good candidate for park improvements.

Preliminary discussions with Island Trust, the land use planning body, have indicated that the proposal aligns generally with policies in the Denman Island OCP Bylaw No.185. If the plan is supported, Islands Trust and the Local Trust Committee would receive a formal referral upon application for a licence of occupation from MOTI.

If the plan is supported, parks staff will reach out to the K’omoks First Nation for comment in accordance with our referral agreement.

Interdepartmental Involvement

Work proposed within this report has been and will be led by parks staff within the Community Services Branch. To implement the agreements, parks staff will work with Finance and Corporate Services.

Citizen/Public Relations

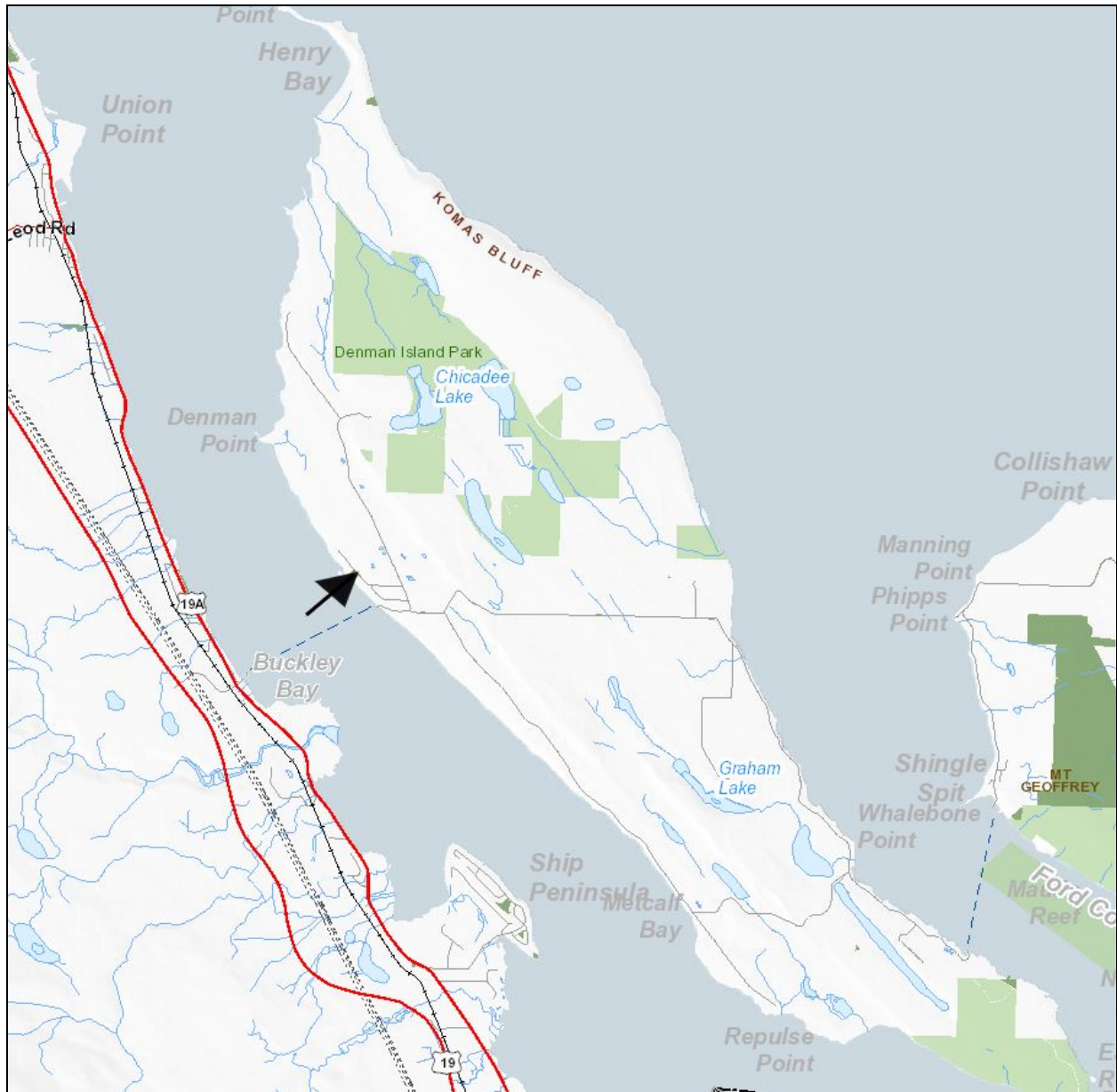
This proposal has been brought forth at the request of DIRA and neighbourhood residents who would like to see this beach access become a CVRD park.

If this report is supported, parks staff will create a communications plan to inform the Denman Island community of the addition of the beach access to the parks service.

Attachments: Appendix A – “Piercy Road Beach Access - Location Map”
Appendix B – “Piercy Road Beach Access – Existing Conditions”
Appendix C – “Denman Island Residents Association - Letter of support”
Appendix D – “Denman Island Parks and Greenways Conceptual Parks Plan”

Appendix A:

Piercy Road Beach Access – Location Map



Location Cadastral Map (beach access location indicated by black arrow)

Appendix B:

Piercy Road Beach Access – Existing Conditions

Photos taken July 5, 2018 by CVRD Parks staff MH

Ortho image of site (2016):



Piercy Road:



Photo #1 – View of Piercy Road facing northwest. Beach access is located to the left of the photo roughly between the vehicle and the first hydro pole. Parking for the park would likely be proposed within the Piercy road dedication on the right hand side of the photo where 2.5m of width exists between the paved road edge and the ditch.



Photo #2 – View of Piercy Road facing southeast. Photo highlights the location of the potential parking area.

General Site Photos:



Photo #3 – View of the Piercy Road beach access with Baynes Sound and Vancouver Island in the background. Photo taken facing southwest. Photo highlights the grassy open area and the line of trees present along the foreshore. This would be the view offered from a potential picnic area site.



Photo #4 – Photo of grassy slope facing northwest. Part of the grassy field could be mowed to create a picnic table area.



Photo #5 – View of grassy slope and informal trail close to the southern property line. Photo taken facing southwest.



Photo #6 – View of beach area. Photo taken facing southwest.

Trail:



Photo #6 – View of informal trail as it enters the beach access property off Piercy Road. Photo taken facing southwest.



Photo #7 and #8 – View of informal trail as it descends the foreshore bank. Photos taken facing northwest.

Denman Island Residents Association

PO Box 17, Denman Island, B.C. V0R 1T0
dira@denmanresidents.com

June 15, 2018

Mark Harrison
Comox Valley Regional District
600 Comox Road
Courtenay, B.C., V9N 3P6

Dear Mr. Harrison;

On May 14, 2018 the members of the Denman Island Residents Association voted in favour of establishing a neighborhood park on a MOT right of way on Piercy Road opposite Piercy Farm. The DIRA Parks Committee and the majority of the immediate neighbors also support the proposal.

The proposed park overlooks Baynes Sound and Vancouver Island. It provides pedestrian access to the shoreline and Denman West Ferry Terminal.

Amenities required are three or four picnic benches so that residents and visitors can sit and enjoy the views.

Thank you for considering this proposal. Please let me know if you require further information.

Sincerely,

R. Shepherd

President: Denman Island Residents Association

Over the longer term, the Denman Island parks and greenways network provides opportunities for Denman residents to engage in a variety of non-motorized recreational activities such as walking, hiking, cycling, horseback riding, bird watching, picnicking, beachcombing, kayaking and diving. Greenways connect parks, community hubs and the two ferry terminals. Recreational activities respect and are in balance with the protection of ecosystems and wildlife.

This map should be reviewed in the context of the Denman Island Parks and Greenways Master Plan, August 2011.

Over the longer term, the Denman Island parks and greenways network provides opportunities for Denman residents to engage in a variety of non-motorized recreational activities such as walking, hiking, cycling, horseback riding, bird watching, picnicking, beachcombing, kayaking and diving. Greenways connect parks, community hubs and the two ferry terminals. Recreational activities respect and are in balance with the protection of ecosystems and wildlife.

Note:
This map should be reviewed in the context of the Denman Island Parks and Greenways Master Plan, August 2011.

Envisioned greenways and trails are conceptual. Exact alignment will be determined at time of trail planning. No trails will be built without landowner consent. Where trails cross land in the Agricultural Land Reserve, approval of the Agricultural Land Commission is required. Wherever possible, trails will be aligned to avoid agricultural land.

Legend

Envisioned trails, greenways, waterfront access and amenities:

- 1 Cross island ferry-to-ferry multi-use trail/greenway
- 2 North-South multi-use trail/greenway
- 3 Connections between existing public trails/greenways
- 4 Undeveloped waterfront road ends (rights-of-way)
 - Proposed trail to waterfront
 - Proposed view point
 - All other road ends

Note: Not all road ends are suitable for public access due to terrain and/or sensitive foreshore. Some may have an existing trail to the foreshore, but need improvement (e.g. erosion control, steps, signage)
- 5 Public washroom

Existing land use:

- Waterfront road end (right-of-way), paved or graveled to foreshore
- Trail
- Regional park
- Provincial park
- Islands Trust Fund owned property
- Denman Conservancy owned property
- Provincial land
- Agricultural Land Reserve
- Road (includes developed and undeveloped road rights-of-way)

1,000 500 0 1,000 Meters

Envisioned trails, greenways, waterfront access and amenities:

1 Cross island ferry-to-ferry multi-use trail/greenway

2 North-South multi-use trail/greenway

3 Connections between existing public trails/greenways

4 Undeveloped waterfront road ends (rights-of-way)

 Proposed trail to waterfront

 Proposed view point

 All other road ends

Note: Not all road ends are suitable for public access due to terrain and/or sensitive foreshore. Some may have an existing trail to the foreshore, but need improvement (e.g. erosion control, steps, signage)

 Public washroom

 Waterfront road end (right-of-way), paved or graveled to foreshore
 Trail
 Regional park
 Provincial park
 Islands Trust Fund owned property
 Denman Conservancy owned property
 Provincial land
 Agricultural Land Reserve
 Road (includes developed and undeveloped road rights-of-way)

1,000 500 0 1,000 Meters

Date map plotted: July 28, 2011

This map was prepared by the CVRD for planning purposes only, and is not a legal document. This map is a composite of different data sets that were developed from different methods and dates. This map should be used with caution. The CVRD is not responsible for any damages resulting from any omissions, deletions or errors.

ATTACHMENT #2 – POLICY EXCERPTS

ISLANDS TRUST POLICY STATEMENT

- 5.5.1 It is Trust Council's policy that recreational activities in the Trust Area should be compatible with preservation and protection of the environment, natural amenities, resources and community character.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN

- **Guiding Principle 4** To recognize that the foreshores, parks and other Crown lands of the Island are part of a common wealth; and to strive to retain public ownership of these areas and to preserve and protect their natural environment.
- **Guiding Objective – Conservation/Recreation** To protect land for conservation and recreation purposes
- **Guiding Objective – Crown Lands** To protect Crown land parcels that have clearly defined significant conservation and recreation values
- **Marine Environment**
 - Objective 7 To ensure public access to the foreshore and off-shore water
- **Transportation and Utilities – Trails**
 - Objective 8 To develop and maintain new trails for public use.
 - Objective 9 To improve beach and lake access for public pedestrian use
 - Policy 14 A trail system that provides a safe and inviting link between neighbourhoods and destination points should be supported.
 - Policy 15 The development of trails along new and existing roads in the road right-of-way should be supported as a means of providing safe non-vehicular access on Denman Island. A trail system should be constructed that is safe and inviting, that parallels existing and new roads and that does not to alter the rural character of the road.
 - Policy 18 The use of undeveloped road rights-of-way (including beach rights-of-way) as trails should be supported and their use for private driveways, service corridors or motorized beach access should be discouraged.
- **Conservation/Recreation**
 - Objective 2 To increase the amount of land designated for parks, conservation lands and/or recreation lands.
 - Objective 3 To acquire and protect parks, conservation lands and/or recreation lands.
 - Objective 4 To provide access to parks, conservation lands and recreation lands.
 - Policy 7 The following areas are identified as candidates for future parks and conservation areas, some of which are further identified on Schedule G: ... beach rights-of-way.
 - Policy 11 Beach rights-of-way identified on Schedule F should be retained for non-motorised public use.

File No.: 3442-10
(Cannabis Notification)

DATE OF MEETING: November 20, 2018
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Notification of Federal Cannabis License Applications

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee adopt the following standing resolution:

That the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Federal Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust.

2. That the Denman Island Local Trust Committee request staff to draft a bylaw to amend the Denman Island Land Use Bylaw to include definitions related to cannabis and federally licensed cannabis production and to specify the applicable zones, minimum lot sizes, maximum building dimensions, minimum setbacks and other land use regulations applicable to federally licensed cannabis production, which are consistent with federal and provincial regulations and can serve as an interim regulatory framework until such time as the Minister's Bylaw Standards have been updated.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider adopting a standing resolution with respect to Notices of Intention to Apply for a Cannabis License under the Federal *Cannabis Act* and *Cannabis Regulations*. The recommended resolution is intended to ensure that the LTC is informed of proposed licensed cannabis activities within the Local Trust Area.

BACKGROUND

The new *Cannabis Act and Cannabis Regulations (2018)* set a framework for controlling the production, distribution, sale and possession of cannabis for medical and recreational purposes in Canada.

Prior to submitting an application to the federal government (Health Canada), applicants requesting to be a license holder under the *Cannabis Act* and *Cannabis Regulations* must provide a written notice to local authorities to inform them of their proposal. The notice must be addressed to a senior official and sent to the following authorities:

- the local government;
- the local fire authority; and
- the local police force or the Royal Canadian Mounted Police detachment that is responsible for providing policing services to that area.

The notice must contain the following information:

Z:\08 Governance\3028 DE LTC\20 Meetings - Open (P)\06 Agenda Items\2018\2018-11-20\DE-LTC_2018-11-11_Cannabis_Notification_SR_RPT.docx

- the name of the applicant;
- the date on which the applicant will submit the application to the Minister of Health;
- the type of licence being sought and the activities for which the licence is being sought, while specifying that the activities are to be conducted in relation to cannabis; and
- the address of the site and, if applicable, of each building within the site where the applicant proposes to conduct those activities.

Applicants are required to include a copy of the actual written notices in their application to the federal government. Applicants must indicate the date of each notice, and the name, title and address of the senior official to whom it was addressed.

Current Procedures

At the current time, when staff receive notices from proponents applying for cannabis licences, staff respond to the proponents to confirm applicable land use regulations. Staff would provide information on the process to amend bylaws or apply for variances or permits, if required.

ANALYSIS

Issues and Opportunities

1. **Approval Authority** – Applicants and approved cannabis licence holders are responsible for compliance with the *Cannabis Act* and *Cannabis Regulations* as well as compliance with other applicable federal, provincial and territorial legislation, and local government bylaws. However, the Islands Trust is not an approval authority for cannabis licenses. Applicants are required only to provide notification to local governments, local fire departments and law enforcement of their intent to pursue licensing. Notification is not considered confirmation that an application has been submitted or authorized by Health Canada.
2. **Procedures for reporting to the LTC** – The *Cannabis Act* and *Cannabis Regulations* do not address if and how local elected officials are to be advised of notices to local authorities received from proponents applying for cannabis licenses. In relation to the Islands Trust, notices need to be submitted to a ‘senior official’ of the local government. Staff note, that both the Local Trust Committee and Regional District are *local* governments, with albeit different responsibilities. As part of their application package to Health Canada, applicants need to advise the federal government of the name, title and address of the senior official to whom the notice was addressed.

If the LTC wishes to be notified of all cannabis-related notices received, staff recommend adopting a standing resolution. Staff advise against publication of notices in LTC agendas or on the website as the LTC is not the approving authority and disclosure of information provided in the notice may be contrary to the *Freedom of Information and Protection of Privacy Act* (s. 21 Disclosure harmful to business interests of a third party or s. 19 Disclosure harmful to individual or public safety).

3. **Regulation of Licensed Cannabis Activities** – On May 1, 2018, a “Review land use regulations for cannabis production and retail sales” was added to the LTC Projects List. This project would investigate the possibility of amending the Official Community Plan and/or Land Use Bylaw to provide policies and regulations with respect to licensed cannabis land use activities. However, this is not currently a Top Priority project. Staff recommended on October 3, 2018 that the LTC consider amending Proposed Bylaw No. 229 to prohibit cannabis production in residential zones with a minimum lot size or other

appropriate regulations with input from provincial and/or federal agencies (as part of the Denman Farm Plan Implementation Project).

Staff note, that the LUB is generally permissive with respect to cannabis production where agriculture is a permitted use. The Province has advised it is updating the Minister's Bylaw Standards¹ with respect to cannabis production, which should provide direction to local governments regarding criteria such as minimum lot size and setbacks. However, it is unknown when this information will be available. Furthermore, the Agricultural Land Commission (ALC) regulations regarding cannabis production in the Agricultural Land Reserve were amended earlier this year in advance of legalization of non-medical cannabis. An amendment to the LUB, even as an interim measure, is recommended, particularly to align with new provincial legislation.

Rationale for Recommendation

Staff recommend adopting the standing resolution to ensure the LTC is notified of proposed licensed cannabis activities on Denman Island.

ALTERNATIVES

1. Include Notices in LTC Agendas

The LTC may consider requesting that notices of proposed federal cannabis licenses be included in LTC agendas. If this alternative is selected, staff will consult with legal counsel to determine whether or not the notices can be provided in the regular open meeting or if they would need to be provided in closed meeting.

That the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.

NEXT STEPS

If the LTC concurs with staff's recommendation, the Standing Resolutions list will be updated.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018
---------------	---	-------------------

¹ Province of BC. Minister's Bylaw Standards. <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>

MEMORANDUM

File No.: 3026-10 (LTC General –
Meeting Logistics)

DATE OF MEETING: November 20, 2018
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: 2019 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. That the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2019: February 7, March 7, April 4, June 6, July 5, October 3, and November 7.

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2019. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1.

If alternative dates are proposed, LTCs should avoid scheduling meetings on dates which may conflict with other planned meetings or events. Key dates are noted for reference in Attachment 1. Note, LTCs do not need to identify the planned start times or locations for meetings. Meeting details will be advertised in accordance with legislated notification requirements.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 15, 2018
---------------	---	-------------------

ATTACHMENT

1. Tentative 2019 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2019 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	- February 7 March 7 April 4 - June 6 July 4 - - October 3 November 7 -	January 24 February 28 - April 11 May 16 June 27 July 11 - September 12 October 24 November 28 -	January 31 - March TBD - May 2 June TBD July TBD - - October TBD November TBD -	- February 8 - April 5 - June 14 July 12 - September 13 - November 8 -	- February 25 - April 8 May 27 - July 22 - September 30 October 28 - -	- February 19 - April 16 - June 25 July 16 - - October 8 - -	- - March 6 - - - July 1 - - October 16 - -
Total	7	9	7	6	6	5	3
Day	Thursday	Thursday	Thursday	Friday	Monday	Tuesday	Wednesday
Time	9:30 am	10:15 am	10:30 am	11:30 am	11:00 am	9:30 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts & Heritage Ctr	Various	Room to Grow	Judith Fisher Centre	Thetis Community Centre	Various

Key Dates

Stat Holidays	Jan. 1; Feb.18; Apr 19, 22; May 20; July 1; Aug.5; Sept.2; Oct.14; Nov.11; Dec.25, 26
Trust Council	Jan. 15-16 (Nanaimo), Mar. 12-14 (Galiano), June 18-20 (Gabriola), Sept 17-19 (Bowen), Dec. 3-5 (Victoria)
Executive Committee (TENTATIVE)	Jan. 2, 5, 30; Feb. 13, 27; Mar. 6, 12, 27; Apr. 17; May 8; June 5, 18; July 3, 10, 16, 24; Aug. 14; Sept. 4, 17; Oct. 2, 16, 30; Nov. 27; Dec. 3, 18
Financial Planning Committee (TENTATIVE)	Jan. 21; Feb. 20; May 22; Aug. 28; Oct. 23; Nov. 20
Trust Fund Board	TBD
Trust Programs Committee (TENTATIVE)	Jan. 23; May 13; Aug. 19; Oct. 21
Local Planning Committee (TENTATIVE)	Feb. 27; May 23; Aug. 22; Oct. 10
SD 79 (Cowichan) Spring Break	Mar 11-22
SD 46 (Sunshine Coast) Spring Break	Mar 18-29
SD 68 (Nanaimo) Spring Break	Mar 18-29
SD 71(Comox) Spring Break	Mar 18-29
LGLA Conference	February 12-14 or 13-15
Salish Sea Ecosystem Conference	N/A
AVICC Conference	April 12-14
LGMA Conference	June 11-13
PIBC Conference	May 8-10
CIP Conference	July 3-6
UBCM Conference	Sept. 23-27



Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)		Sonja Zupanec Marnie Eggen	
2	Relationship building with Komoks First Nation	Shared Narrative of Place Project will integrate First Nations history and place names in the OCP and explore opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.		Marnie Eggen	
3	Facilitating Affordable, Attainable and Seniors Housing	Secondary suites review, DCLTA affordable housing final report (June 20, 2013), and consideration of further opportunities to support housing options.	26-Jun-2018	Marnie Eggen	
4	Temporary Use Permits for Short-term Vacation Rentals	Develop bylaw amendment(s)	09-Oct-2018	Marnie Eggen	



Projects

Denman Island

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
Climate Change	Consider climate change adaptation and mitigation measures	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Cannabis production and retail sales	Review land use regulations for cannabis production and retail sales.	01-May-2018
Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
Denman Village Plan	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.	26-May-2015
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there	07-Mar-2017
Greenshores Workshop		01-May-2018

Projects

Denman Island

Description	Activity	R/Initiated
Incorporate the Regional Conservation Plan into land use planning.	To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)	07-Aug-2018



Islands Trust

Print Date: November 15, 2018

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella Planner: Marnie Eggen	21-Mar-2011	For barn sited within DP #1: Komas Bluff
Planning Status			
Status Date: 25-Sep-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 File passed on to Bylaw enforcement			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella Planner: Marnie Eggen	13-May-2011	Barn on property line
Planning Status			
Status Date: 25-Sep-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 no change; file passed on to bylaw enforcement			

Rezoning

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------



Applications

DE-RZ-2017.1

Denman Community 12-Sep-2017

PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planner: Marnie Eggen

Planning Status

Status Date: 06-Nov-2018

Staff continuing to consult with FLNRORD and DCLTA water licencing

Status Date: 19-Jun-2018

Staff consulting with Ministry on TOR and DCLTA licensing.

Status Date: 05-Mar-2018

Awaiting information to rectify ALC conditions of approval for exclusion and rezoning application. Requested applicant apply for a water license to harmonize Ministry requirements and DE LTC TOR.

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association (Snyder & Terry)	01-Oct-2018	PIDs: 009-704-523 (Snyder) and 006-657-290 (Terry) Rezoning to change number of allowed dwellings
Planner: Marnie Eggen			
Planning Status			
Status Date: 24-Oct-2018			
Executive Committee approved sponsorship application			
Status Date: 22-Oct-2018			
Planner reviewing			
Status Date: 10-Oct-2018			
EC sponsorship application received.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Applications

Planner: Marnie Eggen

Planning Status

Status Date: 25-Sep-2018

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.10	Stoneman, Daniel & Debra	29-Sep-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed
Planner: Rob Milne			

Planning Status

Status Date: 03-Nov-2014

On hold pending confirmation of compliance with condions of approval for DE-DP-2014.2

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.13	FORMSTATE DESIGN INC	20-Aug-2018	PID: 003-137-589 Civic Address: 2580 Piercy Road, Denman Island SFD
Planner: Jaime Dubyna			

Planning Status

Status Date: 04-Oct-2018

Planner finished review. File returned to Planning Team Assistant to issue SUP and close the file.

Status Date: 03-Oct-2018

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.14	GARY PASSEY / PATRICIA BROSTER	27-Sep-2018	PID: 008-094-438 Building farm equipment storage shed and seasonal cabin Civic address: 6060 Woodham Road, Denman Island, BC
Planner: Jaime Dubyna			

Applications

Planning Status

Status Date: 29-Oct-2018

Planner finished review. File returned to Planning Team Assistant to issue SUP and close the file.

Status Date: 18-Oct-2018

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.15	DAX Properties Ltd.	27-Sep-2018	PID: 026-337-151 Continuation of previous SUP - building double car garage with living quarters above Civic address: 1800 Crescent Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 09-Nov-2018

Planner finished review. File returned to Planning Team Assistant to issue SUP and close the file.

Status Date: 26-Oct-2018

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.16	Larkin, Timothy	27-Sep-2018	PID: 030-552-238 Building SFD, yurt & work shed Civic address: Lot 1, Section 5 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 09-Nov-2018

File transferred to Planner Dubyna.

Status Date: 15-Oct-2018

Planner reviewing

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.17	Etienne de Villiers	03-Oct-2018	PID: 025-978-641 Building studio for home office and art space Civic address: 11100 Dusty Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Applications

Status Date: 09-Nov-2018
File transferred to Planner Dubyna.

Status Date: 16-Oct-2018
Planner reviewing

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise Planner: Teresa Rittemann	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)
Planning Status			

Status Date: 25-Sep-2018
Returned original copy of covenant and proof of registration on title received. Planner working with Finance to close Cost Recovery file and SUB file.

Status Date: 05-Jun-2018
LTC accepted the covenant and signed. Planner returned covenant to applicant's lawyer for final signatures and registration. Awaiting confirmation of registration on title and returned original copy of signed covenant for IT records.

Status Date: 16-Apr-2018
Planner recommending LTC to accept and sign the Covenant at the May 1 LTC meeting.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY Planner:	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
Planning Status			

Status Date: 24-Oct-2018
Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.

Status Date: 27-Aug-2018
Revised referral response sent to MOTI and copied to Denman LTC and applicant.

Applications

Status Date: 23-Aug-2018

Updated plan of proposed subdivision received from MOTI.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.
Planner: Marnie Eggen			

Planning Status

Status Date: 10-Oct-2018

No change.

Status Date: 17-Aug-2017

Revised Preliminary Layout Approval received from MOTI

Status Date: 31-May-2017

DVP Issued.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.4	Denman Community Land Trust (Harlene Holm)	29-Nov-2017	PID: 009-708-537 - Lot line adjustment Civic address: 3730 Denman Road, Denman Island, BC PID: 009-708-189 - Lot line adjustment Civic address: 3806 Denman Road, Denman Island, BC
Planner: Marnie Eggen			

Planning Status

Status Date: 19-Sep-2018

Preliminary Layout Approval received from MOTI

Status Date: 16-Aug-2018

Awaiting Preliminary Layout Approval from MOTI.

Status Date: 26-Jun-2018

DVP approved.

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------



Islands Trust

Print Date: November 15, 2018

Applications

DE-SUB-2018.1 PANDESIGN INC 18-Sep-2018 PID: 028-605-691 Civic address: 2100 Crescent Road, Denman Island
Divide property into 2 residential lots.

Planner: Jaime Dubyna

Planning Status

Status Date: 18-Oct-2018
Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.2	Sea Berry Farm Ltd.	19-Oct-2018	PID: 000-974-081 5 lot subdivision Civic address: 1300 Farley Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date:

Islands Trust
LTC EXP SUMMARY REPORT F2019
Invoices posted to Month ending September 2018

615 Denman	Invoices posted to Month ending September 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	305.21	444.79
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	1,365.06	3,134.94
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	385.71	214.29
65220-615	LTC - Local Exp - Communications	250.00	33.32	216.68
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,850.00</u>	<u>1,784.09</u>	<u>4,065.91</u>
Projects				
73001-615-4011	Denman Farm Plan	5,500.00	3,243.85	2,256.15
73001-615-4062	Denman First Nations Relations	2,500.00	299.92	2,200.08
TOTAL Project Expenses		<u>8,000.00</u>	<u>3,543.77</u>	<u>4,456.23</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island". Trustee Critchley spoke to the motion summarizing the background that has led to this resolution and confirmed that Bylaw Enforcement staff will be making efforts to work with unlawful operations to bring them into compliance. Trustee Busheikin confirmed her support for the standing resolution having spoken to many constituents voicing concerns regarding Short-term Vacation Rentals on Denman Island since the last meeting. The question on the motion was then called.
1.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and

				o How public comments may be submitted to the Local Trust Committee.
2.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality September 2018

Islands Trust Conservancy Staff Changes

Kate Emmings stepped into the role of acting Manager for the Islands Trust Conservancy, filling in for Jennifer Eliason, who is on a temporary assignment with BC Parks until the end of March 2019. Nuala Murphy stepped into the role of acting Ecosystem Protection Specialist, backfilling for Kate Emmings until the end of February 2019. The role of Property Management Specialist is currently vacant and will hopefully be filled by the end of the year. ITC administrative assistant Corlynn Strachan took a temporary assignment with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; filling in for her until April 2019 is Alexandra Trifonidis.

New Islands Trust Conservancy Board Member

The Islands Trust Conservancy (ITC) board is thrilled to welcome Linda Adams, former Islands Trust Chief Administrative Officer, as a newly appointed board member. Appointed members are selected by the Crown Agency and Board Resourcing Office.

2018-2019 Budget Request

The ITC board considered a business case for ITC staffing and recommended to the Islands Trust Council that the 2019-2020 budget include funding for one new auxiliary Covenant Monitoring and Outreach Specialist position and that financial planning for the 2020-2021 budget include a vision for a new fundraising position.

Approval of Lasqueti Islands Nature Conservancy (LINC) Opportunity Fund Grant

The ITC board awarded a \$4,500 Opportunity Fund grant to LINC for a matching fundraising campaign for the purchase of Salish View on Lasqueti Island. The campaign is set to close in December and approximately \$90,000 is required to complete the protection of 11.61 ha of Coastal Douglas-fir forest.

Regional Conservation Plan Reporting

The ITC board discussed ways to communicate the Regional Conservation Plan to local trust committees, Executive Committee and the Trust Council after the October 2018 election.

New Name: Islands Trust Conservancy

ITC staff provided a verbal update about the Islands Trust Conservancy name change. The new website is active at www.islandstrustconservancy.ca and staff are updating print publications.

Summary of Current Island-by-Island Activities

The ITC board reviewed information and approved the annual covenant and nature reserve monitoring reports.

Denman

Staff finalized the revised management plan for Morrison Marsh Nature Reserve. Invasive species removal and trail clearing, sign installation, and tree caging for forest restoration continue at three ITC nature reserves on Denman.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). The ITC board granted LINC a \$4,500 Opportunity Fund grant for a matching fundraising campaign.

Link Island (Gabriola Island Local Trust Area)

The ITC board authorized the Chair to sign a NAPTEP covenant with the landowner and the Nanaimo & Area Land Trust Society for the creation of a new NAPTEP covenant. The 19.3 ha covenant has significant ecological value and is a good model of land conservation under the NAPTEP program.

North Pender Island

The ITC board approved a request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles.

South Pender Island

The ITC board approved a request from Pender Islands Parks and Recreation Commission to grant a covenant waiver to create new trail sections and close other trail sections to reduce overall trail length. The waiver also permits maintenance of a waterfall viewing platform.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area and a public open house will be held on Thetis Island October 13, 2018.

Please feel free to contact members of the Islands Trust Conservancy or Islands Trust Conservancy staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca