



A NOTICE OF A BUSINESS MEETING OF **THE DENMAN ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 am on Tuesday, July 15, 2014 at the Denman Seniors Hall,
1111 Northwest Road, Denman Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		10:30 am
2.	APPROVAL OF AGENDA		
3.	CHAIR'S REPORT		
4.	TRUSTEES' REPORT		
5.	MINUTES		10:45 am
5.1	Local Trust Committee Meeting Minutes dated June 10, 2014 – <i>for adoption</i>	1-6	
5.2	Local Trust Committee Special Meeting Minutes dated June 10, 2014 – <i>for adoption</i>	7-14	
5.3	Local Trust Committee Public Hearing Record dated June 10, 2014 – <i>for receipt</i>	15-21	
5.4	Section 26 Resolutions Without Meeting - <i>none</i>		
5.5	Denman Island Advisory Planning Commission Minutes - <i>none</i>		
5.6	Denman Island Marine Advisory Planning Commission Draft Minutes - <i>none</i>		
6.	BUSINESS ARISING FROM MINUTES		10:50 am
6.1	Follow-up Action List dated July 7, 2014 - <i>attached</i>	22	
6.2	Request for Executive Committee to arrange meeting with Ministry regarding Aquaculture Operations in Henry Bay Memorandum dated June 30, 2014 - <i>attached</i>	23	
7.	APPLICATIONS AND PERMITS - <i>none</i>		
8.	DELEGATIONS		
9.	TOWN HALL DISCUSSION		
10.	CORRESPONDENCE		12:15 pm
	<i>Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
10.1	Email dated June 10, 2014 from June Guest regarding Riparian Rights - Geoduck Clam Cultivation - <i>attached</i>	24	
10.2	Email dated June 13, 2014 from Cindy and David Critchley regarding Geoduck PVC Pipe Cultivation - <i>attached</i>	25	

11.	REPORTS	12:30 pm
11.1	Work Program	
	11.1.1 Top Priorities and Projects Report dated July 7, 2014 - <i>attached</i>	26-27
11.2	Applications Log	
	11.2.1 Report dated July 7, 2014 - <i>attached</i>	28-31
11.3	Trustee and Local Expenses	
	11.3.1 Expenses posted to end of June, 2014 - <i>attached</i>	32
11.4	Policies and Standing Resolutions	
	11.4.1 Report – <i>attached for information</i>	33
	BREAK	1:00 pm
12.	LOCAL TRUST COMMITTEE PROJECTS	1:15 pm
12.1	Denman Housing Needs	
	12.1.1 Staff Report dated June 16, 2014 - <i>attached</i>	34-40
12.2	Riparian Areas Regulation Implementation	
	12.2.1 Staff Report dated July 7, 2014 - <i>attached</i>	41-53
	12.2.2 Draft Official Community Plan Riparian Areas Regulation Bylaw - <i>attached</i>	54-57
	12.2.3 Draft Land Use Bylaw Riparian Areas Regulation Bylaw - <i>attached</i>	58-62
	12.2.4 Riparian Areas Regulation Maps 1 and 2 (Overlaid Datasets)- <i>attached</i>	63-64
	12.2.5 Riparian Areas Regulation Maps 3 and 4 (Proposed Riparian Designations) - <i>attached</i>	65-66
	12.2.6 Riparian Areas Regulation Maps 5 and 6 (Draft Official Community Plan Schedule E) - <i>attached</i>	67-68
13.	NEW BUSINESS	
14.	BYLAWS	2:15 pm
14.1	Proposed Bylaw No. 210 cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2014". - <i>for consideration of second and third readings and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval</i>	69-71
14.2	Proposed Bylaw No. 211 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014" - <i>for consideration of second and third readings and submission to Executive Committee for approval</i>	72-75
15.	ISLANDS TRUST WEBSITE	
15.1	Denman Pages – <i>for discussion</i>	
16.	NEXT MEETING:	
16.1	Tuesday, September 16, 2014 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC	
17.	TOWN HALL DISCUSSION – <i>time permitting</i>	
18.	ADJOURNMENT	2:30 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.



Denman Island Local Trust Committee Minutes of a Regular Meeting

Date of Meeting: Tuesday, June 10, 2014
Location: Denman Seniors Hall
1111 Northwest Road, Denman Island, BC

Members Present: Peter Luckham, Chair
Laura Busheikin, Local Trustee
David Graham, Local Trustee

Staff Present: Rob Milne, Island Planner
Vicky Bockman, Recorder

Media and Others Present: Approximately three (3) members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 am. He welcomed the public and acknowledged that the meeting is being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 10.1 Email from Lucinda Abbott dated June 4, 2014 regarding Vancouver Island Regional Library Branch on Denman Island

By general consent the agenda was approved, as amended.

3. CHAIR'S REPORT

Chair Luckham reported that preparations are underway for the next Trust Council meeting which will be held on Saturna Island. He commented that items of interest will include a presentation from a representative from Fisheries and Oceans Canada (DFO), a discussion of the percentage of advocacy programs conducted by Islands Trust, and workplace safety for staff. He also remarked that there will be a Greenshores workshop held on Thetis Island, noting that it will be presented with a focus toward information for contractors who often have an initial influence on work that is done.

4. TRUSTEES' REPORT

Trustee Busheikin reported that the Ferry Advisory Committee met and is setting up a subcommittee to consult with BC Ferries and communities to work on revising the off-season ferry schedule for implementation in September. She indicated that there will be opportunity for public input in this work. She remarked that discussion is ongoing regarding the possibility of providing a number of spaces for Hornby Island traffic on the 8:00 am sailing from Denman West.

Trustee Busheikin stated that she attended a Trust Programs Committee meeting where recommendations for the Islands Trust Community Stewardship Awards were discussed. She provided a brief overview of the Economic Development for Rural Community session that she attended at Deep Bay and the Comox Valley Regional District Cross-Island Trail meeting on Denman Island which provided an opportunity for the public to review the plans and make comments on the next phase of the trail to be constructed. She reported that she attended Trustee Office Hours on two occasions and remarked that conversations at those sessions generally were concerning housing issues.

Trustee Graham reported that the Marcus Isbister Old School, which is the only property held by the Islands Trust Council, now has a new roof and the work was completed without disturbing the bat habitat. He commented that he held Trustee Office Hours twice, setting up at the Saturday Farmers' Market; and noted that he and Trustee Busheikin conducted outreach for proposed Bylaw Nos. 210 and 211 there with mostly positive feedback from the public.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated May 7, 2014

The following amendments to the minutes were presented for consideration:

- Page 3, item 6.2, last paragraph: replace "procedure requirements are" with "context is"; and
- Page 10, item 12.2.1, third bullet, last line: replace "determined" with "suggested".

By general consent the minutes were adopted, as amended.

5.2 Section 26 Resolutions Without Meeting – None

5.3 Denman Island Advisory Planning Commission Minutes – None

5.4 Denman Island Marine Advisory Planning Commission Minutes – None

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated May 29, 2014

Planner Milne summarized the items on the Follow-up Action List. Trustee Graham provided an update on the May 7, 2014 activity, reporting that the Executive Committee has acknowledged Denman Island Local Trust Committee's reconsideration of requesting a

meeting with the Ministry of Environment. Trustees noted that the status on this item is now “Done” and the activity can be removed from the list.

7. APPLICATIONS AND PERMITS - None

8. DELEGATIONS - None

9. TOWN HALL DISCUSSION

- Rick Paisley stated that the Anglican Church has offered to sell him one-third of an acre and wished to accommodate the financial needs of the church, and asked if there might be a cost effective way to proceed with this transaction.
- Planner Milne and Trustees suggested that Mr. Paisley provide Planner Milne with relevant correspondence to explore this matter further. Trustees requested that Planner Milne report back to the Committee.
- Rick Paisley requested that Trustees consider expanding regulations for secondary suites in proposed Bylaw Nos. 210 and 211 to include R1 properties.
- Rick Paisley expressed his concern regarding the loss of the boat launch that has occurred in the current Denman West ferry terminal construction. Trustees advised that BC Ferries has committed to funding a new boat launch located north of the Community Dock. The Local Trust Committee is on record as supporting retention of a boat launch and suggested Mr. Paisley contact Denman Island Residents Association representatives for more information.

10. CORRESPONDENCE

10.1 Email from Lucinda Abbott dated June 4, 2014 regarding Vancouver Island Regional Library Branch on Denman Island

Trustees discussed the correspondence and Trustee Busheikin offered to respond to the writer on behalf of the Committee to clarify that the Local Trust Committee has never received a referral for response on this issue nor has it ever turned down an opportunity for a branch of the library to be located on Denman Island.

11. REPORTS

11.1 Work Program Reports

11.1.1 Top Priorities and Projects List Report dated May 29, 2014

The Top Priorities and Projects List Report was summarized by Planner Milne. Trustees indicated their desire to add other important priorities such as “Review of visitor accommodation regulations” and “Review of OCP/LUB regarding

implementation of Denman Island Farm Plan” to the Top Priorities List upon completion of one or more items currently on the list.

Trustees discussed the Projects List and deferred their consideration of placing additional items on the list at this time. They suggested that as the term nears completion a Staff Report addressing the status of the Projects would be useful to assist them in considering the possibility of consolidating, deleting or adding other items to the list.

11.2 Applications Log

11.2.1 Report dated May 29, 2014

The report was Received.

11.3 Trustee and Local Expenses

11.3.1 Expenses posted to end of May, 2014

The report was Received.

11.4 Policies and Standing Resolutions

11.4.1 Report

The report was Received.

12. LOCAL TRUST COMMITTEE PROJECTS - None

13. NEW BUSINESS

13.1 Forage Fish Mapping – Kate Emmings, Islands Trust Fund

13.1.1 Staff Report dated May 28, 2014

Trustees received the Forage Fish Mapping report and acknowledged their appreciation for the information provided. They discussed options for possible uses for the report with the following noted:

- Trustee Busheikin suggested that a project might be placed on the Projects List in the future to consider inclusion of forage fish habitat protection in the Official Community Plan and Land Use Bylaw; and
- Trustee Graham noted that this information warrants its own project and suggested that this document might be useful to inform a focused examination of the Marine section in the Official Community Plan that might include consideration of a Marine Development Permit.

13.2 New Federal Marihuana for Medical Purposes Regulation

13.2.1 Staff Report dated April 28, 2014

Planner Milne outlined the Staff Report prepared by Planner Eggen regarding the new *Federal Marihuana for Medical Purposes Regulation*, including background, summary of options and recommendations for the Local Trust Committee's consideration.

Trustees discussed the staff report and observed that the impacts of the regulation might be identified as a project for consideration at a future time.

DE-2014-039

It was MOVED and SECONDED,

that with regard to the production of medical marihuana under the *new Marihuana for Medical Purposes Regulation*, the Denman Island Local Trust Committee not amend Denman Island Bylaw No. 186 at this time.

CARRIED

14. BYLAWS - None

15. ISLANDS TRUST WEBSITE

15.1 Denman Page

Trustees requested that staff provide a link to the Forage Fish Habitat Mapping report on the Denman web page.

16. NEXT BUSINESS MEETING DATE

16.1 Community Information Meeting regarding Bylaw Nos. 210 and 211 and Public Hearing regarding Bylaw Nos. 210 and 211

A Community Information Meeting regarding Bylaw Nos. 210 and 211 will be held on Tuesday, June 10, 2014 at the Denman Community Hall – Back Hall, 1196 Northwest Road, Denman Island, BC at 6:00 pm with a Public Hearing to follow at 7:00 pm.

16.2 Regular Business Meeting

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, July 15, 2014 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

17. TOWN HALL DISCUSSION - None

18. ADJOURNMENT

By general consent the meeting was adjourned at 11:22 am.

Peter Luckham, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder

DRAFT

Denman Island Minutes of a Special Business Meeting to Hold a Community Information Meeting

Date of Meeting:	Tuesday, June 10, 2014
Location:	Denman Island Community Hall, Back Hall 1196 Northwest Road, Denman Island, BC
Members Present:	Peter Luckham, Chair Laura Busheikin, Local Trustee David Graham, Local Trustee
Staff Present:	Rob Milne, Island Planner Vicky Bockman, Recorder
Media and Others Present:	Approximately thirty-five (35) members of the public

1. DOORS OPEN AND PLANNER IS AVAILABLE FOR COMMENTS AND QUESTIONS

Materials were on hand for public viewing and informal discussion with Planner Milne prior to the commencement of the Community Information Meeting.

2. CALL TO ORDER

Chair Luckham called the Community Information Meeting to order at 6:30 pm. He welcomed the public and introduced himself, Local Trustees, Staff and Recorder.

3. INTRODUCTIONS AND OPENING REMARKS FROM THE CHAIR AND TRUSTEES

Chair Luckham explained that the purpose of this Community Information Meeting is to provide an opportunity to explain proposed Bylaw Nos. 210 and 211 and to answer questions from the public. He clarified that a Public Hearing will follow where the Trustees will listen to comments from all who wish to share their opinion on the proposed bylaws. He pointed out the location of the Public Hearing binders for the public's perusal and the location for placement of written submissions. He explained that all written submissions must be received by the Local Trust Committee (LTC) prior to the close of the Public Hearing that will follow and advised that Trustees will not receive further submissions after the close of the Public Hearing to ensure that decisions made by the LTC are based on public knowledge.

Chair Luckham commented that proposed Bylaw Nos. 210 and 211 are alterations to the bylaws focused specifically on providing for housing needs on Denman Island and do not address vacation bed and breakfasts or other tourist accommodations.

Trustee Graham remarked that the topic of housing needs has been discussed on Denman Island since the early 1990s and has been considered in a number of Advisory Planning Commission meetings over the years. He explained that Affordable housing is very specific, controlled by a Housing Agreement, and that there are groups on Denman dedicated to those projects. He noted that the proposed bylaws being considered tonight are specifically about housing, not Affordable Housing by definition; these proposed bylaws are about suites and cottages and are being addressed in response to bylaw enforcement concerns and community need.

Trustee Busheikin commented that Denman Island's regulations have language in place to enable affordable and senior housing projects and acknowledged that those are being undertaken by organizations with that mandate. She noted that these proposed bylaws are providing opportunity for individuals to create more housing and remarked that she looks forward to hearing the community's response to this approach.

4. PROPOSED BYLAW NOS. 210 AND 211 - Presentation from Planning Staff

Planner Milne provided a summary of the difference between the Community Information Meeting and Public Hearing that will follow and pointed out the location for placement of written submissions.

He provided a PowerPoint presentation that outlined the process that began with a Community Information Meeting in August, 2013 and was subsequently refocused with an objective to augment housing through allowance of secondary suites and dwellings to provide attainable housing. He reported that the revised Project Charter defines in-scope and out-of-scope issues for this project. He remarked that there are existing policies in the Official Community Plan (OCP) that support Affordable Housing, however, acknowledged that these have not yet resulted in significant uptake.

Planner Milne reviewed the proposed amendments to the OCP and Land Use Bylaw. He explained the regulations associated with implementation of secondary suites and provided examples of secondary suite configurations. He discussed secondary dwelling unit regulations and explained that they would be enabled through Temporary Use Permits (TUPs), providing the LTC the ability to set conditions and limit the number of secondary dwellings if necessary to respect density limits. He indicated that this approach would be timelier and less expensive than a rezoning application. He noted that the Public Hearing will follow this meeting and outlined options for next steps. He encouraged public comments to inform the Trustees' decisions as to the next steps to be taken in this ongoing process.

5. PUBLIC COMMENTS AND QUESTIONS

Following is a summary of comments, questions raised and responses provided.

R1 Zone

An inventory of illegal dwellings on Denman Island would likely show their existence throughout the island including in the R1 zone. Is the number of illegal dwellings known?

Trustees responded that given the context an exact number would be difficult to ascertain; however, a study of housing needs has found at least 68 households experiencing housing need.

Are lots in downtown Denman included in this proposal?

Planner Milne clarified that R1 lots are not included, explaining that this proposal will permit secondary suites and secondary dwellings on larger lots as a start. He noted that concern with inclusion of smaller lots involved the impact of septic, water, noise and similar issues.

What is the size of lots in the R1 zone?

Planner Milne advised that the minimum size is one hectare in the R1 zone.

Density

What is the number of residential densities permitted by existing zoning on the date of the OCP (density cap) on Denman Island?

Planner Milne replied that the proposed regulation allows special needs, affordable housing and secondary dwellings to be calculated within the permitted density increase over that established with the OCP of approximately five percent, or 51 densities. He estimated that there are approximately 34 densities remaining for use from that source. He explained that the secondary suites are permitted through an application for a TUP which would allow the LTC to monitor density and limit if necessary.

Chair Luckham noted that the overall density cap is estimated to be approximately 1,057.

Rather than monitoring the density through a TUP, could the bylaws specifically set a limit, of perhaps 6-10 units, before a review is required?

Planner Milne indicated that this could be done; however noted that language exists in the proposed bylaws to limit the number. He commented that administration of the suggested alternative approach would be difficult, requiring amendments to the Land Use Bylaw in order to change that number when necessary.

Chair Luckham added that it would be the responsibility of the LTC to review the cumulative impact of TUP applications issued for secondary dwellings.

What was the concern when it was mentioned that if secondary dwellings or secondary suites were to be allowed in any zone that the density cap would be “thrown out the window”?

Planner Milne explained that secondary suites are not included in the calculation for density. He stated that for this reason, the concern was to take a careful approach as a beginning step.

What was the rationale for not including secondary suites in the density cap consideration while having the secondary dwellings count? The secondary dwellings are temporary by the nature of the expiration and necessary renewal of the TUP; however, the secondary suites would not be temporary because if the bylaw were to change they would become a non-conforming use and could continue that use which seems like more of a density issue.

Planner Milne explained that the average household size is now 2.4 people when in the past it was approximately 7-8 people. He indicated that this suggests that the impacts of a house with a secondary suite are not above the capacity calculations that a normal household would have been designed to accommodate.

Trustees added that an additional difference between the secondary dwelling and secondary suite is that the secondary suite has a built-in size limitation because of the square footage configuration within the footprint of the house; the footprint of the house stays the same as opposed to a second dwelling with a separate driveway, septic and more impact on the environment.

Affordable Housing organizations are intending to access some of the densities within the limited five percent density cap exception and are concerned that this proposal will create competition for these densities with TUP applications for secondary dwellings.

Planner Milne responded that there are approximately 34 densities remaining in that five percent density cap exception provision and it is not anticipated that the uptake will be great in the first years during which the success of secondary dwellings units can be assessed.

Chair Luckham added that with every TUP application, the LTC will be provided with an update on the density cap numbers and will have the ability to make an informed decision.

Trustee Graham commented that Affordable Housing groups also have exclusive access to densities in the density bank and recognized that the density figures are stated as approximate in the bylaws. He remarked that there is always the opportunity to discuss raising density cap numbers with community consultation if the situation warrants.

Fifteen of the densities in the five percent density cap in the OCP designated for special needs and affordable housing have been used for a co-housing project. Additionally, when legally non-conforming dwellings were made conforming in Policy 29 there was an arrangement made that they could also use the five percent cap exception which further reduces the number available for Affordable housing projects. In the interest of protecting the intent of the five percent for special needs and affordable housing, it is important to know the number left available in the five percent density cap exception.

Temporary Use Permit (TUP) as a Tool to Regulate Secondary Dwellings

Building these dwellings will be expensive; why not make the TUP valid for five years instead of three?

Planner Milne explained that TUPs are a function of the *Local Government Act* and the LTC has no ability to change this provincial regulation.

How does the TUP address density? It will be expensive to pay for the TUP and septic requirements which will limit the people who can participate.

Chair Luckham responded that this approach does not address all the housing needs that exist, however it is important that any housing that is permitted be safe and healthy and the TUP will allow conditions to be specified.

Concern was expressed about the TUP requirement for the secondary dwelling because it is tied to political will and renewal will be subject to who is a Trustee three years or more from now.

Planner Milne explained the TUP application and renewal process and commented that the TUP will allow monitoring of the density that would otherwise not be possible.

Trustee Graham noted that the TUP will also be the tool for approval of other temporary housing such as mobile homes.

Chair Luckham added that the LTC is required to be administratively fair in the TUP application and renewal process and would be mandated to have reason, such as complaints, to not renew an application.

What has been the experience of other islands that have used the TUP for secondary dwellings, i.e., has there been a large number of applications?

Chair Luckham responded that it is his understanding that the number of applications on Salt Spring and Bowen Islands has been small and the regulations have only just been implemented on Mayne Island.

Observing that it is hard to get people to conform, what will be done when people fail to reapply for the TUP?

Planner Milne outlined the renewal process, stating that property owners will be notified prior to expiration of the TUP and provided with information and request to reapply. He noted that if someone does not choose to reapply, the building can be repurposed. He remarked that at the time of the sale of the property any non-compliance would be evident.

The TUP requirement for secondary dwellings will be problematic; it does not provide guarantees for the ability to continue the use.

If the TUP can be renewed multiple times, it is not temporary. Why not consider a process where a TUP is issued the first time and then if there are no problems with the dwelling, change to a more permanent tool for permitting its continuance?

Planner Milne responded that this would require an OCP amendment which is a complex, time consuming project.

Chair Luckham noted that the LTC is attempting to solve what is perceived as a problem on the island by using the tool that is available to them.

During the process of discussing TUPs for secondary dwellings was there any thought of including bed and breakfasts or holiday homes?

Chair Luckham responded that vacation rentals and tourist accommodations are on the LTC's work program for addressing at a future time.

Secondary Dwelling Unit Location Requirement

What is the rationale for requiring that the secondary dwelling be within 100 metres of the primary dwelling? The specifics of the individual lot might provide only one suitable location for consideration of a secondary dwelling that does not meet that requirement.

Planner Milne responded that if residences are too far apart it might encourage applications for subdivision.

Trustee Busheikin added that having the dwellings closer reduces environment impacts such as two separate driveways and two septs as well as noise and visual impact on neighbours. She also noted that there is a guideline in the OCP encouraging the clustering of dwellings.

The 100 metre distance limitation would likely only apply to new construction as existing structures may not meet this requirement. The cost for new construction will be high, probably resulting in high rent, so how does that fit into the overall objective to provide attainable housing?

Planner Milne suggested that these bylaws are creating the potential ability to have secondary dwellings that do not now exist.

Trustees noted that these bylaws will not be able to solve all housing problems and recognized that there are some existing secondary dwellings located within 100 metres of the principal residence.

Many people have existing structures that might be considered for secondary dwellings however are not within 100 metres of the primary dwelling. Does this mean they would not be permitted? Additionally, there would often be more beneficial locations with less impact on the land, such as closer to road frontages, and these could be considered on a case-by-case basis.

Chair Luckham advised that under the proposed bylaws, these would not be permitted, however he commented that the LTC will be giving consideration to these points.

Secondary Suites

Would it be possible, given that enforcement of the BC Building Code is not occurring, to join a breezeway to another dwelling and call that a secondary suite?

Planner Milne reported that this would not be possible as secondary suites must be contained within the footprint of the building; a legal secondary suite needs to conform to the BC Building Code requirements.

Does this secondary suite regulation apply only to new construction? Many houses here are not built to code so how can an existing not-to-code building include a legal secondary suite?

Planner Milne explained that the LTC cannot control this aspect; there are no building inspections on Denman. He confirmed that the building has to meet BC Building Code requirements to be a legal secondary suite and the responsibility will be the property owner's.

The requirement to comply with BC Building Code requirements will discourage people from making secondary suites.

What is the approval process for secondary suites?

Planner Milne briefly explained that it would be the owner's responsibility to begin construction in compliance with BC Building Code regulations and to fulfill Vancouver Island Health Authority septic and water requirements.

Other Topics

What are other islands doing to address housing need?

Planner Milne responded that other islands are doing similar approaches to increase housing and the solution of choice seems to be secondary suites and secondary dwellings.

Why have illegal dwellings not been rigorously pursued by bylaw enforcement?

Trustees responded that bylaw enforcement is a complaint-driven process and they do not enforce when they are aware that the LTC is actively reviewing relevant regulations.

Are there any grants or loans available to assist and encourage the upgrading of dwellings to become legal?

Planner Milne advised that Islands Trust does not have such a program and he was unaware of specific provincial, federal or foundation funding for this purpose.

Concern was expressed that water catchment has not been made a requirement.

Why was “unless otherwise permitted by policy 29” omitted in amended Policy 13?

Planner Milne responded that the amended policy 13 for Part E. 1 Housing is a “should” policy and was amended to recognize the direction to allow for a secondary suite within a dwelling in the Sustainable Resource designation. He confirmed that the absence of this reference in no way affects the use by the LTC of that policy and inclusion of the language is not considered necessary.

Why was the information note in Policy 16 removed that stated that a secondary dwelling unit on land in the Agricultural Land Reserve requires the approval of the Agricultural Land Commission?

Planner Milne explained that the note was for information only and not a part of the policy and noted that the removal of the note did not alter or affect the revised policy.

The 1,500 square foot maximum size for a secondary dwelling unit seems larger than a cottage.

6. CLOSE OF THE MEETING

Chair Luckham asked if there were any more questions or comments from the public and there were none forthcoming.

By general consent, the meeting was adjourned at 7:56 pm.

Peter Luckham, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder

DRAFT

Public Hearing Record
Received for Information
By Local Trust Committee



**Denman Island
Local Trust Committee
Public Hearing Record**

**REGARDING:
PROPOSED BYLAW NOS. 210 AND 211
TO AMEND THE DENMAN ISLAND OFFICIAL COMMUNITY PLAN NO. 185 AND
DENMAN ISLAND LAND USE BYLAW NO. 186 TO ALLOW SECONDARY SUITES AND
SECONDARY HOUSING UNITS ON LANDS ZONED "R2" (RURAL RESIDENTIAL), "A"
(AGRICULTURE), "F" (FORESTRY) and "RE" (RESOURCE)**

Date Of Public Hearing: Tuesday, June 10, 2014
Location: Denman Island Community Hall, Back Hall
1196 Northwest Road, Denman Island, BC

Members Present: Peter Luckham, Chair
Laura Busheikin, Local Trustee
David Graham, Local Trustee

Staff Present: Rob Milne, Island Planner
Vicky Bockman, Recorder

Media And Others Present: Approximately thirty (30) members of the public

1. CALL TO ORDER

Chair Luckham called the Public Hearing to order at 8:02 pm.

He explained that the Public Hearing is a formal process to solicit opinion on proposed Bylaw Nos. 210 and 211 and is not a forum for questions or discussion. He confirmed that all persons would be given an opportunity to be heard or to submit written comments. He pointed out the Public Hearing relevant background information reference binder that was available for review and the location for placement of written submissions. He explained that all written submissions must be received by the Local Trust Committee prior to the close of this Public Hearing meeting and advised that the opportunity to comment is during this Hearing as the Trustees may not receive further submissions after the close of the Hearing.

2. PROPOSED BYLAW NOS. 210 AND 211

Planner Milne stated that the purpose of Bylaw Nos. 210 and 211 is to amend the Denman Island Official Community Plan and Land Use Bylaw to allow for implementation of secondary suites and secondary housing units on lands zoned Rural Residential (R2), Agriculture (A), Forestry (F) and Resource (RE). He outlined the sections of the proposed bylaws that have been changed to accomplish this intent.

He reported that four submissions had been received in respect to these proposed bylaws since the Public Hearing binder was prepared and prior to the beginning of this meeting and provided a summary of the opinions expressed in those submissions. He stated that referrals had been sent to approximately eighteen First Nations and eight agencies and he noted that the responses received were generally supportive with conditions relating to basic compliance with their regulations. He advised that these responses are in the Public Hearing binder for information.

Chair Luckham asked if there are any in the audience who wish to comment or provide written submissions on proposed Bylaw Nos. 210 and 211 and a speakers' list was established.

3. PUBLIC COMMENTS

The following public submissions were heard:

DeNeen Baldwin, 1800 Crescent Road – was appreciative that work is finally getting started to address housing issues and felt that the proposed bylaws represent a good start. She suggested that for the reasons that had been expressed in the Community Information Meeting, the bylaw might provide for the ability to review variances on a case-by-case basis for the provision that requires that secondary dwelling units shall not be located more than 100 metres from the principal residence.

David Fairbairn, 4745 East Road – stated that he is in favour of secondary dwelling units, but does not support the use of Temporary Use Permits to enable them and would like to see that requirement eliminated. He felt that construction would be expensive and that the process should be facilitated as much as possible.

Geoffrey Donaldson, 8888 Reginald Road – related that historically it has been common culture on Denman to accommodate people in second structures in all zones and if the bylaw is to be respected it must be fair. He stated that excluding a major residential zone in the proposed bylaws is unfair and won't solve the housing problems. He supported allowing secondary dwellings in all zones, restricted in reasonable ways.

Mark Prior, 1901 East Road – suggested that the proposed bylaws be changed to reflect that every property would be looked at on a case-by-case basis as it relates to the regulation that requires the secondary dwelling be less than 100 metres from the principal residence, with permission being granted if all other conditions were met. He observed that it is becoming difficult to survive on the island and that these bylaws could help some to stay. He expressed his support for going forward with the bylaws.

Harlene Holm, 3900 Lacon Road – requested the Local Trust Committee pass a resolution to not proceed with proposed Bylaw Nos. 210 and 211. She provided the following concerns:

- Considering that secondary suites do not contribute to density calculations would effectively remove the Official Community Plan density cap without a community-level review;
- Without a permitting system for secondary suites, fulfilling requirements including those for water, septic and electrical inspections would be left to the discretion of the property owner;
- Secondary dwelling applicants would be using the provision for a five-percent increase over the established density cap set aside for special needs and affordable housing;
- Landowners could apply for these same densities using a streamlined process without time consuming and costly regulations, agreements, affordability restrictions and formal public process;
- Compliance with Temporary Use Permits would be left to the residents of Denman Island to enforce on a complaint-driven bylaw enforcement system;
- The secondary suite reference to “footprint” applies to an expanded footprint and she expressed concern that this might lead to breezeways and other unintended problems;
- Given the cost of construction, secondary suites and secondary dwellings may be utilized as vacation rentals, a use that is not permitted;
- Requirements for providing adequate water are insufficient for secondary dwellings and not specified for secondary suites;
- Temporary Use Permits currently address the need for short-term commercial and industrial use exceptions; however the proposed bylaws would become a land use management tool leaving behind the intent of the Official Community Plan and established regulatory processes; and
- She does not believe in relying on the BC Building Code to ensure that regulations are met because it is not generally used.

Jennie Balke, 6080 Lacon Road – supports secondary suites and the consideration of mobile dwellings. She does not support the bylaws as they currently exist, indicating that unless allowance for more density is tied to affordability, the inability of people to afford to buy property here will not be addressed. She recommended that the process for Affordable housing be streamlined rather than create a quasi-temporary, quick fix process that might create other issues.

Henning Nielsen, 3222 Lacon – stated that he supports the proposed bylaws. He recognized that they are not perfect however understands the motivation of the Local Trust Committee to begin the process. He acknowledged that this project attempts to address a small part of a large and complex spectrum of housing needs. He provided the following comments regarding the regulations:

- He does not support the use of the Temporary Use Permit for secondary dwellings as it might be a disincentive for someone who otherwise might invest in this type of housing;
- Exempting secondary suites from the density cap while including secondary dwellings seems misleading; this might be explored further however under the circumstances this solution is acceptable;
- He observed that the regulation that that requires a secondary dwelling be less than 100 metres from the principal residence is a limited approach to solving or avoiding problems however also limits good solutions; and

- He considered the square footage allowances to be appropriate, noting that the Advisory Planning Commission increased the first proposed floor areas to attract young families with children.

Susan-Marine Yoshihara, 3906 Wren Road – declared that she is speaking on behalf of the Denman Community Land Trust Association (DCLTA) which does not support the proposed bylaws and requested the Local Trust Committee not proceed further. She expressed the following concerns:

- The changes to the Official Community Plan and Land Use Bylaw are too sweeping without community-wide review of density provisions;
- Special needs and Affordable housing projects would need to compete with secondary dwelling Temporary Use Permit applicants for a finite number of densities within the five percent increase over the established density cap set aside for special needs and affordable housing;
- Affordable housing projects will continue to be subject to an expensive bureaucratic process while landowners under the proposed bylaws would be unencumbered by this onerous process;
- The proposed bylaws do not address affordability or include housing agreements;
- With no conditions that minimum health and safety standards will be met, substandard rental accommodations might be perpetuated and even expanded;
- Without a permitting process secondary suites could be unregulated and become permanent;
- The Temporary Use Permit granting and renewal process would be at discretion of the Local Trust Committee without apparent objective criteria; and
- Two new complaint-driven processes would be a burden to community members.

She stated that DCLTA recommends that these bylaws be aligned with the Agricultural Land Commission regulations which do allow secondary suites on Agricultural Land Reserve (ALR) properties, and noted that over one-half of Denman Island is in the ALR. She advised that the Rural Affordable Housing Final Report, submitted and commissioned by DCLTA, recommends this action and requested the Local Trust Committee take this into consideration.

Margaret Fraser, 1721 Scott Road – stated that she supports allowing secondary suites and secondary dwellings in all zones. She is opposed to the use of Temporary Use Permits for secondary dwellings as it is too bureaucratic and problematic. She expressed concern that constructing a secondary dwelling less than 100 metres from the principal residence might not always work or be the best solution and suggested that neighbours might be allowed to provide initial input to help in the decision on placement of the dwelling.

Leslie Gillett, 1475 Lacon Road – expressed her support for the intent of proposed Bylaw Nos. 210 and 211, however stated that she does not support going forward as written. She expressed the following concerns:

- Consideration must be given to the carrying capacity of the island as it relates to water. She suggested that any planning for the future should mandate water catchment and cisterns for new construction in these times of climate change;
- She does not support the Temporary Use Permit for secondary dwellings; however suggested that it might be an appropriate tool for mobile dwellings. She expressed the view that a Temporary Use Permit does not provide surety that the secondary dwelling is going to continue and application of a more permanent nature would be more appropriate;

- She noted that it is important to bear in mind the land itself when considering the requirement that a secondary dwelling be less than 100 metres from the principal residence. She suggested the use of an application for a variance if applicable; and
- She considered the 1,500 square footage allowances to be reasonable for a secondary dwelling.

Monica Gildersleeve, 1800 Tronson Road – expressed concern about water issues; she noted that the density in her area has increased significantly and wells in her area have gone dry recently.

Jane Lighthall, 1896 Corrigan Road – stated that she is opposed to proposed Bylaw Nos. 210 and 211. She provided her concerns, noting that the last revision of the Official Community Plan allows for very limited density growth; the secondary dwelling size of 1,500 square feet is too large; and that the Temporary Use Permit process is problematic and depends on neighbours complaining. She expressed her view that the proposed secondary dwellings would not be low cost and would be market-driven. She observed that the dedicated efforts by Denman groups to provide affordable housing on Denman are only in the beginning stages and have a mandate to keep housing affordable and sustainable. She concluded by commenting that Denman needs good, healthy, safe rentals to keep the community diverse, however she does not support these bylaws.

Riane DaSilva, 1490 Swan Road – expressed her support for seeing the proposed bylaws go forward. She supported allowing secondary dwellings in all zones, acknowledged that Temporary Use Permits are problematic, and noted her concern regarding water. She stated that she had been a part of an advisory committee considering housing many years ago and noted the lack of real change and continued limited opportunity for housing since that time. She shared her experience of living in many types of rental housing on Denman over the years and expressed her concern that action is needed because young families are having such a difficult time and there are so few rentals available.

David Critchley, 2850 Swan Road – expressed concern that not including secondary suites for density calculations would not reflect reality, arguing that density needs to apply to the footprint that people have. He observed that the Temporary Use Permit allows the ability to test the success of the secondary dwelling proposal, however the secondary suite would not be subject to the same “test drive” and would be difficult to undo once done. He stated his opposition to the requirement that a secondary dwelling be less than 100 metres from the principal residence, stating that it is neither a necessary nor reasonable condition. He expressed concern with water issues and noted that there is a difference of wording in the secondary dwelling and secondary suite regulations to establish adequacy of water and thought they should be equally important.

Chair Luckham asked a second time if anyone in the audience wished to comment further or provide written submissions on proposed Bylaw Nos. 210 and 211.

Sylvie Schroeder, 9540 Reginald – stated that she supports the proposed bylaws. She noted that with these bylaws her daughter and her partner, constantly struggling to find housing on Denman, would be able to live on Denman as they would like. She also mentioned that older people are moving off Denman because they cannot currently keep their independence by living with a son or daughter and having their own space. She stated that this island is all about family and friends and these bylaws, while not perfect, should go forward.

Marion Cobb, 3700 Lake Road – expressed her support for the bylaws, recognizing that they are not perfect however they are a start. She suggested that density needs to change so people can live here. She commented that there were 90 students in the school when she taught there and noted that now there are 26. She observed that change is needed and encouraged efforts to move ahead to try to bring families back.

Louise Bell, 3325 Kirk Road – requested that the Local Trust Committee put the proposed bylaws on hold, initiate an affordable housing strategy and discuss the density cap with the community. She did not think that these bylaws will promote affordable housing and cited several concerns:

- She thought that the intent was to provide affordable housing and the change in language during the process has left many confused. She noted that the Islands Trust has not been able or willing to undertake housing agreements necessary to administer Affordable housing, although the Islands Trust Fund has a process for monitoring covenants and the model exists. She felt the project should not have been undertaken without this necessary tool;
- She objected that secondary suites are not included in the residential density calculation as they are complete dwelling units and she expressed her view that this approach was an attempt to not conflict with the Official Community Plan;
- She opposed using the provision for a five-percent increase over the established density cap set aside for special needs and Affordable Housing for secondary dwellings as it takes potential spaces away from organizations planning Affordable Housing projects;
- She expressed concern that the Denman community has not had a discussion about density; and
- She cautioned that many secondary dwellings had been used illegally as short term vacation rentals on Hornby Island with far-reaching effects on the community and noted that Bowen Island has become a bedroom community, a situation that Denman could face.

Geoffrey House, 3670 East Road – expressed his support for the secondary house bylaws in principle. He acknowledged that there are issues that need to be addressed but believes it should go forward.

Riane DaSilva, 1490 Swan Road – observed that people are assigning density to houses however she commented that the historical density level of Denman is no longer accurate as many children have grown and moved out of the houses. She pointed out that those unused bedrooms could be turned into rentals which would return the density to that of a single family dwelling. She does not support studying the housing needs issue further and supports moving forward.

Chair Luckham asked a third time if there are any in the audience who wish to comment further or provide written submissions on proposed Bylaw Nos. 210 and 211.

Mark Prior, 1901 East Road – expressed his view that there is no reason to think that the proposed bylaws would not encourage affordable housing. He provided examples such as a comment made earlier for the desire to house a grown daughter and he added that he would like to house an employee in a secondary dwelling in exchange for work which would be a part of an employment agreement and would provide an affordable opportunity for someone to work and stay on Denman.

Margaret Fraser, 1721 Scott Road – expressed concern regarding availability of water and stated that water catchment should be a part of any dwelling as well as composting toilets and grey water systems to help conserve water and use resources more effectively.

David Fairbairn, 4745 East Road – expressed his view that there is water on Denman but the school is down to an enrollment of 26 children which has to change. He supported the proposed bylaws as a step in the right direction.

Margaret Fraser, 1721 Scott Road –expressed her view that 1,500 square feet is large for an accessory dwelling. She encouraged the Local Trust Committee to think about energy and resource use and commented that supporting the movement for tiny houses would be useful.

Chair Luckham gave a final call for comments or written submissions to be received before the conclusion of the meeting regarding proposed Bylaw Nos. 210 and 211.

4. ADJOURNMENT

Chair Luckham thanked everyone for attending and the Public Hearing was declared closed at 9:13 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Vicky Bockman, Recorder



Islands Trust

Follow Up Action Report w/ Target Date

Denman Island Dec-11-2012

No.	Activity	Responsibility	Target Date	Status
1	Prepare report and amended draft bylaw addressing APC comments for draft DPA 4 guidelines. Recommend to LTC that revised DPA 4 and draft DAI are referred to the APC together. Revised DPA 4 guidelines to move forward in concert with RAR mapping. Presentation on RAR mapping results by Madrone Environmental provided at February 25, 2014 LTC meeting. Mapping undergoing analysis in order to develop an implementation strategy for LTC review	Rob Milne	Jan-22-2013	On Going

May-07-2014

No.	Activity	Responsibility	Target Date	Status
1	DE-2014-025 that the Denman Island Local Trust Committee direct staff to circulate the Islands Trust's response to the proposed Integrated Geoduck Management Plan to the writer and recipients of the Comox Valley Regional District referral response.	Rob Milne		Done
1	DE-2014-034 That the Denman Island Local Trust Committee direct staff to conduct a Community Information Meeting followed by a Public Hearing for the proposed Official Community Plan and Land Use Bylaw on June 10, 2014.	Lisa Webster-Gibson		Done
1	DE-2014-035 that the Denman Island Local Trust Committee request staff to bring draft amendments to Development Permit Area No. 4 which incorporates Riparian Areas Regulations including exceptions as included in Gabriola Island's Riparian Areas Regulation proposed Bylaw No. 266 for consideration by this Committee.	Rob Milne		On Going



Memorandum

700 North Road Gabriola Island, BC BC V0R 1X3

Telephone **(250) 247-2063** FAX: (250) 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date June 30, 2014 File Number DE-BE-2013.1

To Denman Island Local Trust Committee

From Courtney Simpson
Regional Planning Manager
Northern Office

Re Request for Executive Committee to arrange meeting with Ministry regarding aquaculture operations in Henry Bay

On October 22, 2013 the Denman Island Local Trust Committee passed the following resolution:

*It was MOVED and SECONDED
that the Denman Island Local Trust Committee ask Executive Committee to arrange a meeting
with the Ministry responsible for Forests Lands & Natural Resource Management and the
Denman Island Local Trust Committee to discuss the issuance of License of Occupation in the
Trust area.*

CARRIED

Given the information provided to the Local Trust Committee and Executive Committee since then, and given the Local Trust Committee chair's letter to K'omoks First Nation regarding their aquaculture operation in Henry Bay dated March 31, 2014, the Executive Committee has asked if the Local Trust Committee still wishes for this meeting to be arranged.

pc David Marlor, Director of Local Planning Service

From: **Jane Guest** <janeg7475@gmail.com>

Date: Tue, Jun 10, 2014 at 9:32 PM

Subject: Riparian Rights

To: kenneth.albrecht@gov.bc.ca, kathy.evans@gov.bc.ca

Cc: lbusheikin@islandstrust.bc.ca, dgraham@islandstrust.bc.ca

I am a waterfront property owner on Denman Island. I have recently become aware of the fact that the beach at the foot of my property (6161 Lacon Road) may in the future be used for improvements connected with the shellfish industry, in particular for geoduck clam cultivation.

I specifically state that I do not give permission for any such improvements to be installed on any part of the foreshore over which I have control or use to access the water from my beach. In particular I strongly object to the installation of buried pipes, netting, metal rods or any structure that might interfere with or endanger swimmers or kayakers, especially children. I also remind you that motor vehicles and trucks are not allowed on the beach.

Jane Guest.

From: Cindy Critchley [critterbeach@gmail.com]
Sent: June 13, 2014 11:27 AM
To: Laura Busheikin; David Graham
Subject: Geoduck PVC pipe cultivation

Dear Laura & David,

By now you will be aware of what is happening in the area between Metcalfe Bay and Hinton Rd.

Could you please advise me of what you are doing about this?

Sincerely,

Cindy and David Critchley



Islands Trust

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Review of OCP section C3 with a view to addressing the impacts of shellfish farming on the natural marine environment and residential properties, and review of associated LUB regulations.	Investigate further with regard to alternate measures to address negative impacts of shellfish farming.	Oct-25-2011	Rob Milne	Oct-31-2014	On Going
2	Denman Housing Needs consultation. Review of housing policies with respect to secondary cottages and suites in residential designations.	Draft bylaws were reviewed by the APC at their February 11, 2014 meeting.	Nov-06-2012	Rob Milne	Sep-01-2014	On Going
3	Implementing Riparian Areas Regulations	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR. RFP re-issued October 8th	Aug-03-2010	Rob Milne	Sep-01-2014	On Going



Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	Bylaw amendments to address food security	Consider amendments based on "Exploring Food Security in the Islands Trust Area" final report dated November 16, 2010.	Mar-15-2011	On Going
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	Aug-15-2011	On Going
1	Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Affordable Housing Strategy		Oct-25-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review and Update of Development Procedures Bylaw No. 71		Dec-11-2012	On Going
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan.		Apr-02-2013	On Going
1	DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	Oct-22-2013	On Going
1	Review of visitor accommodations regulations.	Focus of the review is to be on allowing the provision of cooking facilities for guests.	Nov-26-2013	On Going



Applications w/ Status - Denman Island Status: Open

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	The use of presently cleared areas within the Komass Bluff permit area for agricultural use.

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Ella Day Planner: Marnie Eggen	Mar-21-2011	For barn sited within DP #1: Komass Bluff

Planning Status

Status Date: Jul-29-2013

File passed on to Bylaw enforcement

Status Date: Oct-05-2012

Letter sent to applicant re: further info required

Status Date: Nov-01-2011

Awaiting info from applicant

File Number	Applicant Name	Date Received	Purpose
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DE-DP-2013.1

Daniel & Debra Jun-17-2013
Stoneman
Planner: Courtney Simpson

Planning Status

Status Date: Jul-16-2013

Staff report to July 16 LTC meeting. LTC resolved to not issue permit but to amend 1999 development permit.

Status Date: Jul-16-2013

Staff preparing development permit amendment

Status Date: Jun-24-2013

Planner Reviewing File

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Ella Day Planner: Marnie Eggen	May-13-2011	Barn on property line

Planning Status

Status Date: Jul-29-2013

no change; file passed on to bylaw enforcement

Status Date: Nov-09-2012

BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment

Status Date: Oct-05-2012

Letter sent to applicant requesting further information otherwise issue will be transferred over to bylaw enforcement

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2011.1	Denman Community Land Trust Association Planner: Courtney Simpson	Aug-10-2011	Density transfer from density bank or density increase for one unit of affordable housing.

Planning Status

Status Date: May-27-2014

All related Bylaws adopted and distributed.

Status Date: Apr-24-2013

Agency / First Nation referrals sent in relation to bylaws

Status Date: Mar-12-2013

Legal review of housing agreement complete

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2011.5	Steven Carballeira (Graeb/Charles King Medical Inc. (1691 Lacon Rd) Planner: Linda Prowse	Mar-28-2011	to create 2 lots

Planning Status

Status Date: Mar-21-2013

Water quality and quantity tests received as well as final subdivision plan. E-mail sent to MOTI signing off on subdivision

Status Date: Nov-24-2011

Preliminary Layout Approval received

Status Date: May-05-2011

Referral Response sent to MOTI, LTC and applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.1	David Critchley	Feb-19-2013	2 lot subdivision 2016 Northwest Road (I. Brons/Denman Community Land Trust)

Planner: Courtney Simpson

Planning Status

Status Date: Jun-13-2013

PLA received

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.2	Henning Nielsen Planner: Linda Prowse	Dec-12-2013	

Planning Status

Status Date: Jun-17-2014

Received final subdivisino plan and water reports. Final signoff sent to MOTI and applicant on June 17, 2014

Status Date: Jan-14-2014

PLA with conditions received January 14, 2014

Status Date: Dec-23-2013

Subdivision referral report sent to DILTC, MOTI and applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2014.1	Henning Nielsen Planner: Marnie Eggen	Feb-04-2014	Davidson Road 2 Lot subdivision

Planning Status

Status Date: Mar-18-2014

Referral response emailed to MOTI

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2014.2	Sandy Grant BC Land Surveyor Planner: Rob Milne	May-20-2014	2 lot subdivision

Planning Status

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2006.7	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	Agricultural (including buildings consistent with ALR legislation)

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day	Nov-02-2009	2900 SWAN RD One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: Jun-30-2011

On hold until outcome of DP and DVP.

Status Date: Mar-03-2011

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

Status Date: Jan-20-2011

Applicant submitted partial application

Islands Trust
 LTC EXP SUMMARY REPORT F 2015
 Invoices posted to Month ending June 2014

615 Denman	Invoices posted to Month ending Jun2014	Budget	Spent	Balance
65000-615	LTC "Trustee Expenses"	500.00	582.55	-82.55
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	644.27	1,855.73
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	0.00	750.00
65220-615	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-615	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>644.27</u>	<u>3,655.73</u>
Projects				
73001-615-3001	Denman RAR	2,500.00	0.00	2,500.00
73001-615-4025	Denman Housing Review	2,500.00	246.71	2,253.29
TOTAL Project Expenses		<u>5,000.00</u>	<u>246.71</u>	<u>4,753.29</u>

Denman Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED: 1. That as the Denman Island Local Trust Committee intends to review the home based guest accommodation regulations in Bylaw No. 186 bylaw enforcement activity is restricted where the guest accommodation provides the following unlawful facilities: 1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests; 2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total; 2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if: 1. there are issues related to health, safety, or environmental damage; 2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation; 3. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Denman Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time without notice; 4. That unless the Denman Island Local Trust Committee extends the effective period on this enforcement policy it expires on December 31, 2012 or when the guest accommodation regulation review is complete, whichever is the sooner.
2.	October 22, 2013	DE-065-2013	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.



STAFF REPORT

Date: June 16, 2014 **File No.:** 6500-20 (Denman Housing Needs)

To: Denman Island Local Trust Committee
For meeting of July 15, 2014

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: **Proposed bylaws to enable secondary suites and secondary dwelling units - Public Hearing Report for Bylaw Nos. 149 and 150**

PROBLEM/ISSUE:

This project was initiated in May, 2013 to seek, through a public consultation process, options acceptable to the community for the potential use of secondary dwelling units to meet a range of evolving housing needs on Denman Island.

BACKGROUND:

The housing needs review kicked off with a community information meeting (CIM) on August 25th, 2013 which was primarily focused upon affordable housing. Subsequently, at their October 22, 2013 meeting the Local Trust Committee (LTC) gave consideration to the October 3, 2013, "Denman Housing Needs Summary Report of August 25th Community Information Meeting" staff report. Discussion on that report led to a change to the project charter for the housing needs project and a focus on the creation of secondary suites and secondary dwelling units, including the use of moveable units, and the introduction of Temporary Use Permits (TUP) for the approval of secondary dwelling units, as part of the solution to housing needs on Denman Island.

At their November 26, 2013 meeting the LTC gave consideration to a November 7, 2013, staff report which contained preliminary drafts of bylaws intended to allow for a targeted implementation of secondary suites and secondary dwelling units including the use of TUPs. At that meeting comments and suggestions for changes provided by both the LTC and members of the public were reviewed and the following motion adopted:

DE-076-2013 *It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee request staff to bring a revised "Denman Housing needs Consultation Report" and "Draft Bylaws" reflecting changes proposed and discussed at the November 26, 2013 meeting.*

The revised bylaws and staff report were reviewed at the LTC at their January 21, 2014 meeting and the bylaws were subsequently referred to the APC which reviewed them at their February 11, 2014 meeting.

The LTC reviewed the APCs recommendations at their May 7, 2014 meeting, which were then incorporated by resolution. The draft bylaws were subsequently given first readings and the following motion adopted:

DE-2014-034 It was *MOVED* and *SECONDED*, that the Denman Island Local Trust Committee direct staff to conduct a Community Information Meeting followed by a Public Hearing for the proposed Official Community Plan and Land Use Bylaw on June 10, 2014.

The purpose of this report is to summarize the results of the June 10, 2014 public hearing.

CONSULTATION AND REFERRALS

Agencies and First Nations

Copies of draft Bylaw Nos. 210 (OCP) and 211 (LUB) were referred to the following First Nations and Agencies on March 19, 2014. The proposed bylaws were also re-referred to the Agriculture Land Commission after first reading as required by S.883(3)(c) of the *Local Government Act*.

Cowichan Tribes	Sliammon First Nation
Halalt First Nation	Snaw'Naw'As Nation
H'ul'qumi'num Treaty Group	Nanwakolis First Nations Referral Office
K'omoks First Nation	Stz'uminus First Nation
Laich-kwil-tach Treaty Society	Te'Mexw Treaty Association
Lake Cowichan First Nation	We Wai Kai Nation
Lyackson First Nation	Wei Wai Kum First Nation
Penelakut Tribe	Xwemalhkwa (Homalko) First Nation
Qualicum First Nation	
Comox Valley Regional District	Vancouver Island Health Authority
Ministry of Transportation and Infrastructure	BC Assessment Authority
Ministry of Agriculture	Ministry of Forests, Lands and Natural Resources Operations
Hornby Island Local Trust Committee	Agricultural Land Commission

Responses were received from the Sliammon and Homalco First Nations, both of whom identified their interests as being unaffected. Agency and First Nation responses are attached to this report.

Community Information Meeting

As directed by the LTC a Community Information meeting (CIM) was held prior to the statutory public hearing for Bylaw Nos. 210 and 211. The door to the hall opened at 6pm and the CIM

began at 6:30pm. Although scheduled to last 30 minutes the CIM continued until approximately 8pm at which time the CIM was adjourned and the Public Hearing was opened. The CIM portion of the evening was attended by approximately 35 people and lasted until there were no further questions from those attending.

Public Hearing

The public hearing commenced at 8:02 pm with an initial attendance of approximately 35 attendees from the CIM which quickly grew to an audience of approximately 50. At that meeting there were 18 speakers who addressed the proposed bylaws. Twenty-four written submissions were received prior to the close of the public hearing. Most speakers read from written submissions which were subsequently placed into the submissions box for further consideration by the Trustees.

ANALYSIS OF SUBMISSIONS

First Nations

A total of 17 First Nations were referred copies of the proposed OCP and LUB documents. Two responses were received, both of which identified that the respondents interests were unaffected by the documents.

Summary

As no concerns were noted, and staff does not have any other information to indicate that these proposed bylaws affect the interests of First Nations, no further actions are considered necessary.

Agencies

The proposed OCP and LUB documents were referred to eight key agencies for review and comment. Two of those agencies, the Ministry of Agriculture and the Vancouver Island Health Authority responded with comments.

Summary

In the response from the Ministry of Agriculture concerns were expressed that the proposed Bylaws might conflict with agricultural activities, specifically the need for housing for farm help. A principal concern identified was that requiring a secondary dwelling for farm help within the ALR to be approved by TUP, with a three year term, is inconsistent with the provisions of the *Agricultural Land Commission Act* and incompatible with the needs of farming operations. It should be noted that local governments have little ability to regulate farm uses and practices as this authority is limited by the *Farm Practices Protection Act*. In practice local governments respect approvals by the ALC for additional residences for farm help within the ALR notwithstanding density limits contained within a LUB. As such the provisions of Bylaw Nos. 210 and 211 will have no impact upon the current practice for housing approvals within the ALR as the proposed amendments would not apply to housing for farm help.

In the response from the Vancouver Island Health Authority it was noted that the owners or landlords of all secondary dwelling units were required to ensure a safe supply of potable water in compliance with Section 7 of the Health Hazard Regulations, and ensure that all sewerage systems are adequately sized and designed as per the Sewerage System Regulation. Approvals of the bylaws were otherwise recommended.

Staff does not feel that these responses require amendments to the proposed bylaws. Copies of these responses can be found attached to this report.

Public Hearing

As previously noted a total of 18 attendees spoke to the proposed bylaws. Most of the speakers read from prepared submissions which were then submitted for review. The comments and concerns from those verbal presentations have been included in the evaluation of submissions.

In addition to the verbal presentations 24 written submissions were received. As may be expected submissions on potentially complex issues such as bylaw amendments seldom fall neatly into the “support” or “oppose” categories and the nature of the comments contained within these submission varied both in length and content. Some simply addressed one specific concern while others addressed several points. Others expressed support for the bylaws if certain issues were addressed. In order to assist in the understanding of the written and oral comments received staff has provided a table below which simply counts “hits” on a topic within the responses receiving more than one mention. Please note that the specific topic areas are a synthesis of the input received and are intended to reflect the specific and general comments that have been received in order to aid in their analysis and, as such, the categories can be considered to be subjective in nature.

Topic / Category	Number of Mentions
Oppose Bylaws	4
Support Bylaws	10
Support Bylaws with changes	8
Expand permissibility for secondary suites and secondary dwelling units	5
Oppose use of TUP	7
Support use of TUP	2
TUP too onerous (for approvals)	2
Support Secondary Suites	2
Support Affordable housing	2
Proposed bylaws ignore density cap or affect affordable housing	4
Density cap limits options	2
OCP review of density cap required before proceeding	2
Bylaws should include mandatory water catchment regulations	4
Remove distance requirement between principal and secondary dwelling units	4

Summary

As noted, the table simply attempts to note the frequency that an issue or item was commented upon. While the “Oppose” or “Support” tallies are pretty self-explanatory others do require further explanation. A good example of this is the “Oppose Use of TUP” table entry. In this particular case the opposition to the use of TUPs is not directly connected solely to opposition to the bylaws but also includes comments which oppose their use as they are considered to be too cumbersome of a tool by the author who supports the intent of the bylaws. There is also the example of submissions which identify a desire to attach a requirement to the proposed bylaws that all secondary suites and secondary suites have a mandatory requirement to include rainwater harvesting. Although that suggestion aligns with Policy 9 of Section C.2 “Freshwater” of the Denman Island OCP the policy is not currently implemented in the LUB regulations and would involve a discussion which goes beyond the scope of the issue of housing needs.

STAFF COMMENTS

The proposed bylaws have been referred to a variety of First Nations and agencies. No objections to the bylaws were provided although two provincial agencies highlighted areas of concern. However, those areas of concern are not created by the introduction of the proposed bylaws and reflect an ongoing status quo which has not resulted in any conflicts or problems with the various approvals and their mandates. As such no changes are considered necessary with respect to those comments.

In addition to those referral comments a significant number of verbal and written comments were provided through the public hearing process. The table provided above attempts to generally quantify those comments as a starting point to understanding the community’s feelings on the proposed bylaws. It is the view of staff that there is a sufficient level of community support to consider moving the bylaws forward towards adoption, with some amendments.

A review of the table notes some support for an expansion of the scope of the allowance for secondary suites and secondary dwelling units to additional or all zones as well as a level of opposition to the use of TUPs. With respect to an expansion of the permissibility for the two housing types it should be noted that the present application is focused on lands identified as “Resource” in the OCP which are larger in nature and less likely to encounter issues related to water supply and on-site waste disposal. Should it be the decision of the LTC to expand the range of permissibility the Bylaws will need to go back to a public hearing as this would represent to a change in use and density in new areas.

With respect to the issue of TUPs it should be noted that there was a close balance between those who were opposed to their use as well as the bylaws and those who supported the bylaws with the removal of the TUP requirement. It is important to note that the ability to use secondary dwelling units as part of the solution to housing needs on Denman Island is based upon the TUP. If the TUP component is removed from the bylaws each home owner who wishes to have one will have to make an application to amend both the OCP and LUB. The introduction of the TUP was intended to remove this hurdle as well as to reduce both the approval timeline and reduce costs for property owners. Removal of the TUP option from the content of the bylaws would limit the scope of housing options to only that of secondary suites.

One additional comment that was heard was the suggestion to remove the minimum distance requirement between the principle residence and any secondary dwelling unit approved by TUP. It was suggested that a one size fits all approach was not suitable to all site circumstances and would not always yield the results anticipated. Staff agrees with this assessment but feel some control on siting to be appropriate. It is the suggestion of staff that any concerns related to the

siting of proposed secondary dwelling units could be addressed as a condition of approval for a TUP based upon the site context.

There are a small number of other items that should be considered for amendment as part of the public hearing review process and moving the bylaws forward. The first is a suggestion that an information note be included with the amendments to Part 2, "General Regulations", in an appropriate location, advising that anytime two dwellings share a common water supply they are considered to be a "community water system" under the provisions of the *Health Act* and must comply with the requirements of the Act.

Another housekeeping item that would require attention if the Bylaws are to move forward is the BC Building Code requirement that all secondary suites have a separate external entry way from the dwelling unit they are contained within. Although contained within an earlier version of the bylaw the condition was removed as the document was refined. Staff has confirmed with the Chief Building Inspector for the Comox Valley Regional District that this is a mandatory requirement for a secondary suite.

RECOMMENDATIONS:

It is the recommendation of staff:

That Schedule "A" of Bylaw No. 211 is amended as follows:

1. Item 3, Bullet 5 be amended by the addition of a new point "d)" which reads as follows, and the existing point "d)" and subsequent points re-numbered :

"d) The secondary suite shall have an external access only which is separate from that of the principal dwelling".

2. Point b) of Item 6 be amended to read as follows:

"b) Shall not be located more than 100 metres from the principal residence unless otherwise approved by the Local Trust Committee as a condition of the permit; and"

3. That an Information note which reads as follows be inserted directly after proposed regulation 5(f) of Item 3:

"INFORMATION NOTE: Any time two dwellings share a common water supply they are considered to be a "community water system" under the provisions of the *Health Act* and must comply with the requirements of the Act."

4. That an Information note which reads as follows be inserted directly after proposed regulation 9 of Item 3:

"INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit."

It is the further recommendation of staff:

5. That Bylaw Nos. 210 and 211 receive second and third readings and that Bylaw No. 210 be forwarded to the Executive Committee for consideration and approval.

Prepared and Submitted by:

Rob Milne
Rob Milne
Island Planner

June 19, 2014
Date

Concurred in by:

Courtney Simpson
Courtney Simpson, MCIP, RPP
Regional Planning Manager

June 25, 2014
Date

Attachments

1. First Nations and Agency responses



STAFF REPORT

Date: July 7, 2014

File No.: DE-6500-20 (RAR)

To: Denman Island Local Trust Committee
For the meeting of July 15, 2014

From: Rob Milne, RPP, MCIP
Island Planner

Re: Implementation of Provincial Riparian Areas Regulation

PURPOSE

The purpose of this report is to present draft bylaws that amend the Development Permit Area No. 4 – Streams Lakes and Wetlands map and language based on recently completed stream mapping for streams applicable to the *Riparian Areas Regulation*, and language recently developed in other local trust areas.

BACKGROUND

A staff report was presented at the May 7, 2014 meeting of the LTC where a discussion took place on the timing and implementation of the provincial Riparian Areas Regulations. Subsequent to that discussion the LTC adopted the following resolution:

DE-2014-035

that the Denman Island Local Trust Committee request staff to bring draft amendments to Development Permit Area No. 4 which incorporates Riparian Areas Regulations including exceptions as included in Gabriola Island's Riparian Areas Regulation proposed Bylaw No. 266 for consideration by this Committee.

It should be noted that this subject, and that of a revised Development Approval Information (DAI) bylaw for the Denman Island Local Trust Area, have been the focus of LTC discussions in the past. Staff reports on these matters were discussed at the May 1st, July 17th, October 2nd and December 11, 2012 meetings. The LTC also considered staff reports on these matters at their January 22, 2013 meeting and most recently at their May 7, 2014 meeting as noted above. Subsequent to the January 22, 2013 discussion the LTC adopted the following resolution:

DE-004-2013

that the Denman Island Local Trust Committee approve the submitted revisions to the draft Development Approval Information bylaw and submit the draft Development Approval Information bylaw cited as "Denman Island Local Trust Committee Development Approval Information Bylaw No. 149, 2013" with the accompanying Request for Decision to Executive Committee for consideration at the Trust Council March 2013 quarterly meeting.

Analysis

As indicated in resolution DE-004-2013 above a considerable amount of work has been completed on the draft DAI bylaw which was developed as part of the RAR implementation project. Staff has reviewed that document against the recently adopted Gabriola Island DAI Bylaw No. 150, which formed the basis for the draft Denman DAI bylaw. It is the view of staff that the Bylaw is ready to proceed. Staff propose to bring the draft bylaw forward at such time as the draft RAR bylaws have proceeded to the public consultation phase of their development.

With respect to the implementation of the RAR, which will require amendment of both the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB), staff has completed a review of those documents and have prepared draft bylaws which are attached for the review of the LTC. A draft of the wordings, which form the base for the bylaws, was previously presented to the LTC in a staff report at their July 17, 2012 meeting. Those wordings have been reviewed and revised based upon work done in other LTA's since their presentation.

The OCP currently includes "Development Permit Area No. 4: Streams, Lakes and Wetlands" which contains the guidelines for the protection of those features which are mapped on Schedule E, Map 2. The LUB contains regulatory provisions for the implementation of this development permit area (DPA). These two sections are the focus of the proposed amending bylaws. The intent is to update them to reflect the information captured by the watershed mapping assessments and align them with successful approaches utilized in other LTA's.

The RAR is intended to provide protection to "streams" which the regulation defines as including, *"a watercourse, whether it usually contains water or not, that provides fish habitat, including ponds, lakes, rivers, creeks and brooks as well as ditches, springs, and wetlands that are connected by surface flow to such watercourses"*. The intent of the regulation is to provide protection for those features which are capable of supporting fish whether they are currently present or not. The Ministry of Environment (MOE) has designated a number of watersheds on Denman Island as "RAR applicable" and the mapping of the "streams" within these watersheds was very recently completed. The mapping of these streams was intended to confirm their ability to support fish populations and therefore differentiate them from other streams that are not similarly capable as well as to accurately map their location with a high level of accuracy.

It should be noted that the features shown on Schedule E, Map 2 of the OCP for DPA No. 4 are not based upon RAR assessments or mapping. That schedule currently shows a number of riparian features which are both RAR and non-RAR applicable. It should also be noted that Guideline 3(1) from the LUB, shown below, requires all applications for a development permit within the mapped areas to include the submission of an assessment report from a Qualified Environmental Professional (QEP).

Guideline 3 Conformity with Riparian Area Regulations

- 1. When an application is made for a Streams, Lakes and Wetlands development permit for residential, commercial or industrial development, the applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense a copy to the Denman Island Local Trust Committee of the assessment report from a Qualified Environmental Professional (QEP) in accordance with the British Columbia Riparian Area Regulations under the Fish Protection Act.*

The intent of the recently completed stream mapping was to differentiate those streams which are RAR applicable from those which are not, so as to determine those applications which would require a QEP report. Continuing an approach which requires a QEP report for all riparian features, RAR and non-RAR alike, would raise the question as to the necessity and value of watershed mapping and lead to unnecessary expenses for affected property owners.

In recognition of the value of non-RAR riparian features it is proposed that language which states that, *“For “Non-RAR applicable” streams, lakes and wetlands the applicant may be required, in addition to any other application requirements enacted or imposed by the Local Trust Committee...to provide an environmental assessment report from a Registered Professional Biologist (RPBio)”*, be included in the LUB requirements.

As noted, Schedule E, Map 2 illustrates those areas subject to DPA No. 4. That map includes both RAR and non-RAR features. Again, if it is not the intent to require a QEP report for non-RAR applicable features the current mapping will need to be amended.

It should be noted that the recent mapping for RAR streams was done to a higher level of accuracy, using improved technology. When the newer mapping is overlaid upon the existing map discrepancies between the two data sets are clearly visible. Although the older mapping, correctly shows the existence and approximate location of water features the newer mapping, which utilized GPS tools, provides improved positional accuracy and allows for more accurate determination of which properties may be affected by the DPA. Attachments to this report show an overlay of mapping of the two data sets, and maps which illustrates the two proposed categories of streams (RAR and non-RAR) within the DPA which would form the basis for revisions to the current OCP schedule.

In addition to direction that staff bring forth bylaws to move the RAR implementation process forward LTC recommendation DE-2014-035 also directed that staff incorporate the exceptions included within Gabriola Bylaw No. 266 which amends the Gabriola Land Use Bylaw. Those exceptions have been included in the attached draft LUB amending bylaw as requested.

STAFF COMMENTS

As requested by the LTC staff has attached to this report draft bylaws which would amend the OCP and LUB respectively. The bylaws are based upon language and approaches that have been vetted by agencies and the community for the Gabriola Local Trust Area, and approved by the Executive Committee. It should be noted that FLNRO was not comfortable with some of the exceptions included within the Gabriola bylaw but those exceptions can be found in other approved RAR bylaws and, as noted, were supported by the Trust's Executive Committee. It should also be noted that language from the existing Guideline 4 “Clearing for Farm Operation” has not been included at this time due to questions regarding enforceability that haven't been researched.

The one significant difference between the two Trust Areas is that Denman Island has mapping and language within its OCP and LUB which recognize a number of riparian features which are not considered to be RAR applicable but which require a QEP report for any development activities. The proposed bylaws differentiate between RAR and non-RAR features requiring a QEP report for only RAR applicable features and a RPBio report for non-RAR features if considered necessary based upon the characteristics of the site and the feature. As well, with the completion of the watershed mapping contracts there is new, more positionally accurate mapping available for the majority of these features which allows for an update of the existing

DPA mapping for this development permit area. Copies of the existing and proposed mapping are attached to this report.

RECOMMENDATIONS

It is the recommendation of staff that:

1. The Denman Island Local Trust Committee review the attached draft bylaws and mapping and advise staff of any desired amendments.
2. The Denman Island Local Trust Committee advise staff on how they wish to proceed with the implementation of the draft bylaws.

Prepared and Submitted by:

Rob Milne

July 8, 2014

RPP, MCIP
Island Planner

Date

Concurred in by:

Courtney Simpson

July 8, 2014

RPP, MCIP
Regional Planning Manager

Date

Attachment:

- 1) Project charter
- 2) Draft OCP Amending Bylaw
- 3) Draft LUB Amending Bylaw
- 4) Watershed/Riparian mapping
- 5) Draft OCP DPA Schedule 'E'



Islands Trust

Attachment 1

Review of Development Permit Area No. 4: Streams, Lakes and Wetlands Project Charter

Creation Date: June 26, 2012

Last Updated: July 25, 2012

Version: 1.1

	Name	Endorsement Date
Project Sponsor	Chris Jackson	June 27, 2012
Project Manager	Courtney Simpson	July 4, 2012
Local Trust Committee	Denman Island	July 17, 2012

Purpose

This project will improve the protection of fish and fish habitat on Denman Island by improving stream mapping accuracy and amending the Official Community Plan and Land Use Bylaw to come into compliance with the Riparian Areas Regulation (RAR) of the provincial Fish Protection Act.

Background

This project has been initiated by the Denman Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 1.1 "to identify and protect riparian areas".

A 2008-2009 Trust-wide "Drainage Areas of the Island Trust" project identified 19 watersheds on Denman Island, 5 of which are designated by the Ministry of Environment as supporting fish or having the potential to support fish. In preparation for this project, it was identified that more accurate mapping of these 5 watersheds is necessary in order to become compliant with the RAR.

In the 2011-2012 fiscal year the Denman LTC had sufficient Official Community Plan project budget for one of these watersheds to be mapped, the Morrison Marsh Watershed. There are four remaining watersheds to be mapped, at an estimated cost of \$40,000. There is no budget in the current (2012-2013) fiscal year for this work. The only budget for this project is \$5,000 which is for communications only.

Objectives

- Complete mapping of the four remaining RAR watersheds by a Qualified Environmental Professional in order to identify and map all streams, as defined by the RAR, within these watersheds.
- Amend or adopt a new Development Permit Area No. 4 with new mapping and revised wording if necessary.
- Amend or adopt a new Development Approval Information Bylaw
- Communicate both the process and outcome to the Denman Island community and solicit feedback during development of the deliverables.

Scope

In Scope	Out of Scope
▪ Map 4 remaining RAR watersheds ▪ Amend DPA 4 boundaries to reflect new mapping ▪ Review DPA text to determine if amendments are needed. ▪ Make any necessary amendments to DPA text. ▪ Review DAI to determine what amendments are needed, and make necessary changes. ▪ Communicate and consult with Denman Island community.	▪ Mapping of non-RAR watersheds

Deliverables and Milestones

Deliverable / Milestone	Target Completion Date
Project Charter Endorsed by Regional Planning Manager	June 29, 2012
Draft DPA boundary amendment for Morrison Marsh Watershed to LTC	July 17, 2012
Draft amendments to DPA text to LTC	July 17, 2012
Draft amendments to DAI Bylaw to LTC	October 2, 2012
Stream mapping for 4 remaining RAR streams (budget dependent)	June, 2013
Trustee Notebook	April, 2012
Draft DPA boundary amendments for 4 remaining watersheds to LTC	September, 2013
Public hearing bylaw amendments	November, 2013
Adopted bylaw amendments	February, 2014

First Nations

As with all LTC projects, First Nations with asserted aboriginal rights on Denman Island will be contacted early to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change. Almost all identified archaeological sites on Denman Island are coastal, with some located at the mouth of streams. It is anticipated that First Nations may have an interest in supporting increased mapping and protection of riparian areas as this may also lead to better protection of archaeological sites from development.

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Affected property owners</i>	<i>All</i>	• New DPA requirements are not overly onerous • New regulations are understood • Expect clear, proactive communication
<i>Other community members</i>	<i>All</i>	• Understand that new requirements may NOT apply to their property • Overall concern for protection of Denman Island environment without being overly restrictive.
<i>Qualified Environmental Professionals</i>	<i>VIU Natural Resources Extension Program</i>	• That DPA guidelines will be clear and reasonable • That the DAI bylaw will be clear and reasonable
<i>Farmers</i>	<i>Hornby/Denman Growers and Producers Association</i>	• Concern that new regulations will negatively impact agriculture • Expect clear, proactive communication.
<i>BC Parks</i>	<i>TBD</i>	• For the RAR watershed areas within parks, interested in RAR mapping will be done within parks. • Interested in collaboration and cost-sharing.
<i>Ministry of Environment</i>	<i>Marlene Caskey</i>	• That requirements of the RAR are met in the guidelines • That stream mapping is consistent with their identification of RAR watersheds

Project Team Resources

Name	Project Role	Area	Duration	Time
<i>Courtney Simpson</i>	<i>Project Manager</i>	<i>LPS – Northern</i>	<i>All</i>	<i>20 days</i>
<i>Chloe Fox</i>	<i>Advisor</i>	<i>LPS – Northern</i>	<i>All</i>	<i>1-2 days</i>
<i>Mark van Bakel</i>	<i>GIS Coordinator</i>	<i>LPS – Victoria</i>	<i>Mapping only</i>	<i>1-2 days</i>
<i>Jacquie Hill</i>	<i>Public Hearing</i>	<i>LPS – Northern</i>	<i>PH only</i>	<i>1-2 days</i>
<i>Theresa Vieau</i>	<i>Meeting notices & bookings</i>	<i>LPS – Northern</i>	<i>All</i>	<i>1-2 days</i>

Project Governance

Role	Responsibility
Project Champion – David Marlor	Strategic matters at Executive Committee level
Project Sponsor - Chris Jackson	Ensures project aligns with Trust Council Strategy, provide adequate project resources
Local Trust Committee	Provides support through maintaining the project as a work program

	priority
Project Manager – Courtney Simpson	All project management of the project, lead/ direct all project work
Project Team Members	Carry out assigned project tasks

Project Budget

Item	Details	Fiscal 12/13	Fiscal 13/14
Communications		\$5,000	
Mapping	4 remaining RAR watersheds		\$40,000
Public Hearing			\$1,500
Totals		\$5,000	\$41,500

Critical Success Factors

- Ongoing support from Sponsors and LTC
- Project is adequately resourced – budget request for further mapping is filled in 2013-14 fiscal
- Project completes on time

Links and Dependencies

- Denman Island Farm Plan project completes on time, allowing this project to move to the top work program priority and staff resources to be adequately allocated.
- Aquaculture project (3rd work program priority) is not moved in front of this project.
- Any new project added to the top priorities list does not move ahead of this project.

Risk Assessment

Risk Description	Prob-ability	Impact	Risk Response Strategy
<i>Budget is not allocated for further mapping</i>	M	H	Prepare thorough budget request through RPM, in order to provide LPS director with adequate information for preparing budget information to FPC.
<i>Farm Plan not completed on time</i>	L	L-M	Ensure LTC is aware of consequences of extending timeline on Farm Plan.
<i>Significant public opposition</i>	L	M-H	Ensure communications are early and ongoing. Acknowledge and respect the work done locally on stream mapping and protection in the past.

Attachment 2



Islands Trust

Review of Development Permit Area No. 4: Streams, Lakes and Wetlands Project Charter

Creation Date: June 26, 2012

Last Updated: March 24, 2014

Version: 1.2

	Name	Endorsement Date
Project Sponsor	Courtney Simpson	April 24, 2014
Project Manager	Rob Milne	April 24, 2014
Local Trust Committee	Denman Island	May 7, 2014

Purpose

This project will improve the protection of fish and fish habitat on Denman Island by improving stream mapping accuracy and amending the Official Community Plan and Land Use Bylaw to come into compliance with the Riparian Areas Regulation (RAR) of the provincial Fish Protection Act.

Background

This project has been initiated by the Denman Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 1.1 "to identify and protect riparian areas".

A 2008-2009 Trust-wide "Drainage Areas of the Island Trust" project identified 19 watersheds on Denman Island, 5 of which are designated by the Ministry of Environment as supporting fish or having the potential to support fish. In preparation for this project, it was identified that more accurate mapping of these 5 watersheds is necessary in order to become compliant with the RAR.

In the 2011-2012 fiscal year the Denman LTC had sufficient Official Community Plan project budget for one of these watersheds to be mapped, the Morrison Marsh Watershed. In the 2013-2014 fiscal year funding became available to complete mapping of the four remaining watersheds. The mapping of these watersheds was contracted to be completed in February of 2014.

Given the lapse of time since the adoption of the original charter in June of 2012 this version, 1.2, may be considered to be a major revision of that original charter.

Objectives

- Complete mapping of the four remaining RAR watersheds by a Qualified Environmental Professional in order to identify and map all streams, as defined by the RAR, within these watersheds.
- Amend or adopt a new Development Permit Area No. 4 with new mapping and revised wording if necessary.
- Amend or adopt a new Development Approval Information Bylaw
- Communicate both the process and outcome to the Denman Island community and solicit feedback during development of the deliverables.

Scope

In Scope	Out of Scope
▪ Map 4 remaining RAR watersheds ▪ Amend DPA 4 boundaries to reflect new mapping ▪ Review DPA text to determine if amendments are needed. ▪ Make any necessary amendments to DPA text. ▪ Review DAI to determine what amendments are needed, and make necessary changes. ▪ Communicate and consult with Denman Island community.	▪ Mapping of non-RAR watersheds

Deliverables and Milestones

Deliverable / Milestone	Target Completion Date
Project Charter Endorsed by Regional Planning Manager	June 29, 2012
Draft DPA boundary amendment for Morrison Marsh Watershed to LTC	July 17, 2012
Draft amendments to DPA text to LTC	July 17, 2012
Draft amendments to DAI Bylaw to LTC	October 2, 2012
Stream mapping for 4 remaining RAR streams	February, 2014
Trustee Notebook	June, 2014
Small venue community information and mapping review meetings (4)	Spring/Summer 2014
Report to LTC on consultation (Resolution to update draft bylaws)	September 2014
LTC review of draft bylaws to amend OCP and LUB & draft DAI	December 2014/January

Deliverable / Milestone	Target Completion Date
bylaws	2015
Early First Nations referral of draft bylaws	January, 2015
Community Information meeting	February 2015
First reading of bylaws and statutory referrals	March, 2015
Referral comment review	April, 2015
Public hearing/bylaw amendments	May, 2015
Submission of OCP and DAI bylaws to EC	June, 2015
Adopted bylaw amendments	July, 2015
Adoption of DAI, OCP and LUB bylaws by Trust Council	September, 2015

First Nations

As with all LTC projects, First Nations with asserted aboriginal rights on Denman Island will be contacted through an early referral of the draft bylaws to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change. Almost all identified archaeological sites on Denman Island are coastal, with some located at the mouth of streams. It is anticipated that First Nations may have an interest in supporting increased mapping and protection of riparian areas as this may also lead to better protection of archaeological sites from development.

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Affected property owners</i>	<i>All</i>	• New DPA requirements are not overly onerous • New regulations are understood • Expect clear, proactive communication
<i>Other community members</i>	<i>All</i>	• Understand that new requirements may NOT apply to their property • Overall concern for protection of Denman Island environment without being overly restrictive.
<i>Farmers</i>	<i>Hornby/Denman Growers and Producers Association</i>	• Concern that new regulations will negatively impact agriculture • Expect clear, proactive communication.
<i>Ministry of FLNRO</i>	<i>Maggie Henigman</i>	• That requirements of the RAR are met in the guidelines • That stream mapping is consistent with their identification of RAR watersheds

Project Team Resources

Name	Project Role	Area	Duration	Time
Rob Milne	Project Manager	LPS – Northern	All	20 days
Marnie Eggen	Advisor	LPS – Northern	All	1-3 days
Barb Dashwood	GIS Coordinator	LPS – Victoria	Mapping only	1-2 days
Lisa Webster-Gibson	Public Hearing	LPS – Northern	PH only	1-2 days
Penny Hawley	Meeting notices & bookings	LPS – Northern	All	1-2 days

Project Governance

Role	Responsibility
Project Champion – David Marlor	Strategic matters at Executive Committee level
Project Sponsor - Courtney Simpson	Ensures project aligns with Trust Council Strategy, provide adequate project resources
Local Trust Committee	Provides support through maintaining the project as a work program priority
Project Manager – Rob Milne	All project management of the project, lead/ direct all project work
Project Team Members	Carry out assigned project tasks

Project Budget

Item	Details	Fiscal 13/14	Fiscal 14/15
Communications		\$5,000	
Mapping	4 remaining RAR watersheds	Mapping completed as part of a \$31,918 contract with Madrone Environmental for RAR mapping on Denmand and Hornby Islands.	
Public Hearing			\$1,500
Totals		\$5,000	\$1,500

Critical Success Factors

- Ongoing support from Sponsors and LTC
- Project is adequately resourced – budget request for further mapping is filled in 2013-14 fiscal
- Project completes on time

Links and Dependencies

- Denman Island Farm Plan project completes on time, allowing this project to move to the top work program priority and staff resources to be adequately allocated.
- Aquaculture project (3rd work program priority) is not moved in front of this project.
- Any new project added to the top priorities list does not move ahead of this project.

Risk Assessment

Risk Description	Prob-ability	Impact	Risk Response Strategy
<i>Budget is not allocated for further mapping</i>	M	H	Prepare thorough budget request through RPM, in order to provide LPS director with adequate information for preparing budget information to FPC.
<i>Farm Plan not completed on time</i>	L	L-M	Ensure LTC is aware of consequences of extending timeline on Farm Plan.
<i>Significant public opposition</i>	L	M-H	Ensure communications are early and ongoing. Acknowledge and respect the work done locally on stream mapping and protection in the past.

Denman Island Local Trust Committee

BYLAW NO. XXX

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

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

1. Bylaw No 185, cited as "Denman Island Official Community Plan (Denman Island) Bylaw No. 185, 2009" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, 2009, Amendment No. 1, 2012"

READ A FIRST TIME THIS	DAY OF	, 2013
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. XXX

Schedule 1

The Denman Island Official Community Plan Bylaw No. 185 cited as “Denman Island Official Community Plan (Denman Island) Bylaw No. 185, 2009”, is amended by:

1. “Development Permit Area No. 4: Streams, Lakes and Wetlands” of Schedule “A” is deleted in its entirety and replaced with the following:

“DEVELOPMENT PERMIT AREA NO. 4: STREAMS, LAKES AND WETLANDS

Category

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

The Streams, Lakes and Wetlands DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

Terms used in this section that are defined in the *Riparian Areas Regulation* (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

Area:

Development Permit Area No. 4 includes all land designated on Schedule E of this plan as being within the Stream, Lakes and Wetlands DPA. This DPA includes the following:

1. Riparian assessment areas related to the watercourses, wetlands and lakes identified on Schedule E as “RAR applicable” streams, major wetlands, and lakes as the term “streams” is defined in the Riparian Areas Regulation, which includes any of the following that provides fish habitat:
 - a watercourse, whether it usually contains water or not;
 - a pond, lake, river, creek or brook; and
 - a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
- b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
- c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;

- d) for a lake, wetland or other water body, 30 m around the water body measured from the high water mark of the water body;
 - e) for a ditch, a 5 metre strip on both sides of the ditch measured from the high water mark.
2. Other watercourses and wetlands, identified on Schedule E as “Non-RAR” applicable streams and minor wetlands, consisting of the surface area of the water body and a riparian area consisting of:
- a) for a minor stream, a 10 metre strip on both sides of the of the watercourse, measured from the high water mark;
 - b) for a minor wetland, 10 m around the water body measured from the top of bank of the water body;

and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area No. 4 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Justification:

Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and animals. Land use practices including land clearing, logging, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Denman Island.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia's *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. This designation is intended, in part, to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Objectives:

The objectives of this development permit area are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes
2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation
4. To prevent the degradation of existing and future water supplies on Denman Island
5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas
6. To prevent water pollution

Development Approval Information

Development Permit Area No. 4 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the Local Government Act. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 4: Streams, Lakes and Wetlands are in the Land Use Bylaw.

2. Schedule E, Map 2 is deleted and replaced by Attachment "1" attached to and forming part of this bylaw`.

PROPOSED

Denman Island Local Trust Committee

BYLAW NO. XXX

A BYLAW TO AMEND THE DENMAN ISLAND LAND USE BYLAW, NO. 186

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

1. Bylaw No. 186, cited as “Denman Island Land Use Bylaw No. 186, 2008” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Denman Island Land Use Bylaw 186, 2008, Amendment No. X, 2014”

READ A FIRST TIME THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. XXX

Schedule 1

Schedule “A” of Denman Island Land Use Bylaw No. 186 cited as “Denman Island Land Use Bylaw No. 186, 2008” is amended by:

1. Deleting “Part 4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands – Guidelines” in its entirety and replacing it with the following text:

“4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Streams, Lakes and Wetlands development permit area shall apply to the Denman Island Local Trust Committee for a development permit.

4.4.1 Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land;
- d) Development as that term is defined in the *Riparian Areas Regulation*; and
- e) Installation of any structures within a stream or within the natural boundary of a lake.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

4.4.2 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) works undertaken by a local government or a body established by a local government;
- b) agricultural activities within a seasonally flooded agricultural field that is in the Agricultural Land Reserve as long as it can be determined by site inspection and/or by current orthophoto interpretation that it has been previously modified for agriculture. If it is not possible to make the determination by these means, other historical evidence that agricultural activities have occurred in the subject area within the last 50 years from the date of the application may be acceptable;
- c) the following properties are recognized as containing seasonally flooded agricultural fields and are exempt from requiring a development permit for agricultural activities as long as they remain in the Agricultural Land Reserve:

Lot A, Section 32, Denman Island, Nanaimo District, Plan VIP 61295;

Lot 1, Section 17, Denman Island, Nanaimo District, Plan 43576;

Lot 2, Section 17, Denman Island, Nanaimo District, Plan 43576;

The South East $\frac{1}{4}$ of Section 26, Denman Island, Nanaimo District;

The North West $\frac{1}{4}$ of the North West $\frac{1}{4}$ of Section 22, Denman Island, Nanaimo District; and

The South West ¼ of Section 13, Denman Island, Nanaimo District;

- d) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- e) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- f) repair or replacement of a septic field on the same spot;
- g) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- h) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- i) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- j) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- k) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- l) ecological restoration or enhancement projects undertaken or authorized by a public body;
- m) changes in or about a stream authorized under Section 9 of the *Water Act*;
- n) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- o) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection,
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- p) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Denman Island Land Use Bylaw 177;
- q) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;
- r) The construction of a private trail if all of the following apply;
 - i. The trail is 1 meter wide or less;

- ii. No native trees are removed;
- iii. The surface of the trail is pervious (for example, soil, gravel or wood chips)
- iv. The trail is designed to prevent soil erosion where slopes occur; and
- v. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- s) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and
- t) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

4.4.3 Guidelines

Prior to undertaking any development activities within the Streams, Lake and Wetlands DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.
- b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.
- d) The following guidelines are applicable to floats and associated structures within the development permit area:
 - i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;

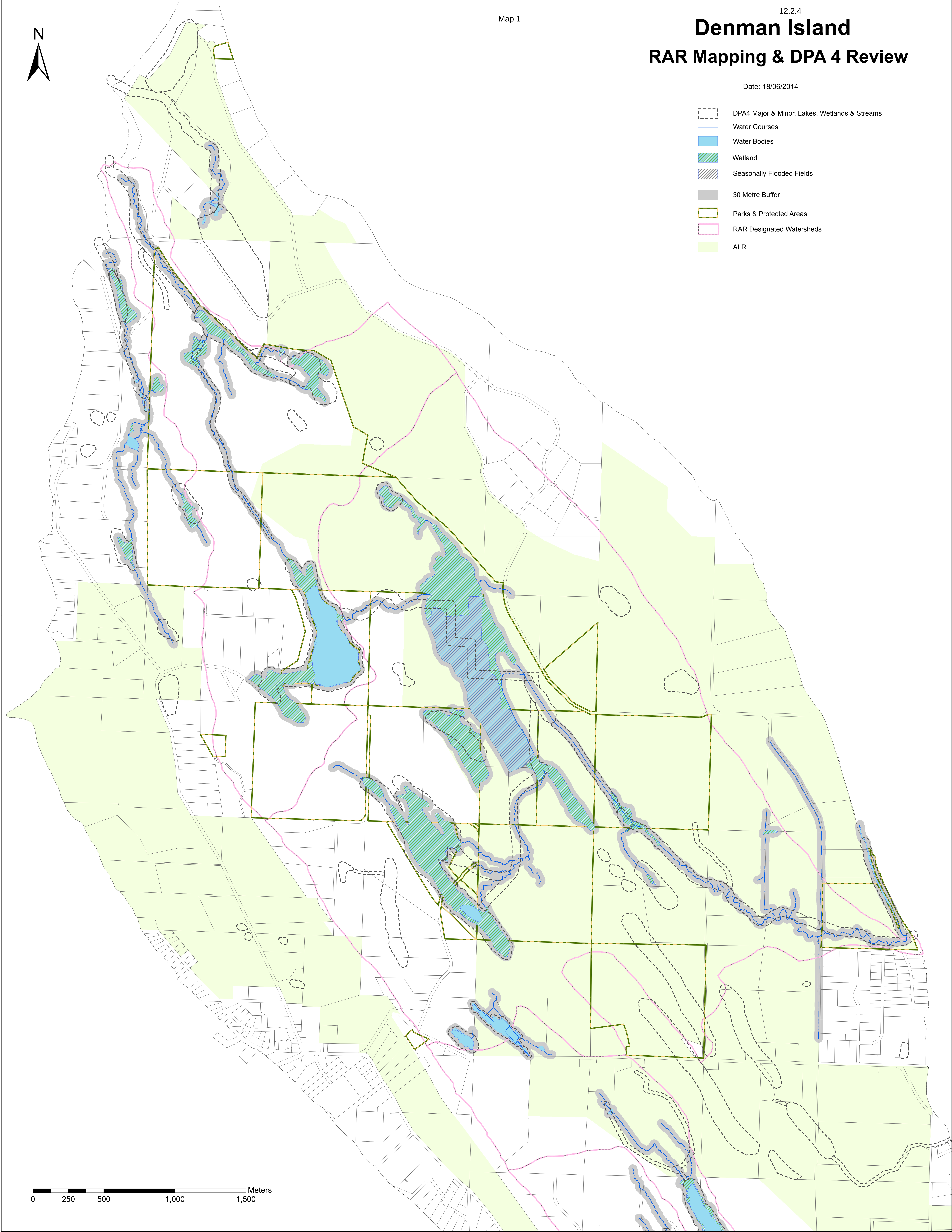
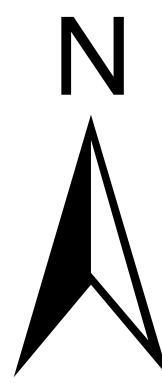
- ii) a ramp or float should not rest on the bed of the water body;
 - iii) the use of treated wood in the water body should be avoided;
 - iv) floatation material should be contained within a durable shell to prevent disintegration;
 - v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
 - vi) any areas disturbed during installation should be restored;
 - vii) where a float is being replaced, all old materials should be removed from the riparian area.
- e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.
- f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

Denman Island

RAR Mapping & DPA 4 Review

Date: 18/06/2014

- DPA4 Major & Minor, Lakes, Wetlands & Streams
- Water Courses
- Water Bodies
- Wetland
- Seasonally Flooded Fields
- 30 Metre Buffer
- Parks & Protected Areas
- RAR Designated Watersheds
- ALR



Denman Island

RAR Mapping & DPA 4 Review

Date: 18/06/2014

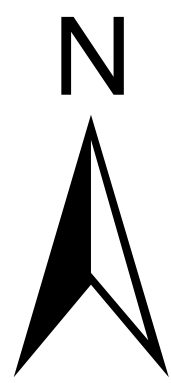
- DPA4 Major & Minor, Lakes, Wetlands & Streams
- Water Courses
- Water Bodies
- Wetland
- Seasonally Flooded Fields
- 30 Metre Buffer
- Parks & Protected Areas
- RAR Designated Watersheds
- ALR

0 250 500 1,000 1,500 Meters

Denman Island

RAR Mapping & DPA 4 Review

Date: 02/07/2014

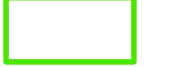
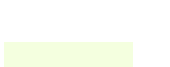


- RAR Applicable Streams, Lakes and Wetlands
- RAR Applicable Streams, Lakes and Wetlands
- Water Courses
- Water Bodies
- Wetland
- Seasonally Flooded Fields
- Parks & Protected Areas
- ALR



Denman Island RAR Mapping & DPA 4 Review

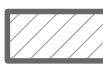
Date: 02/07/2014

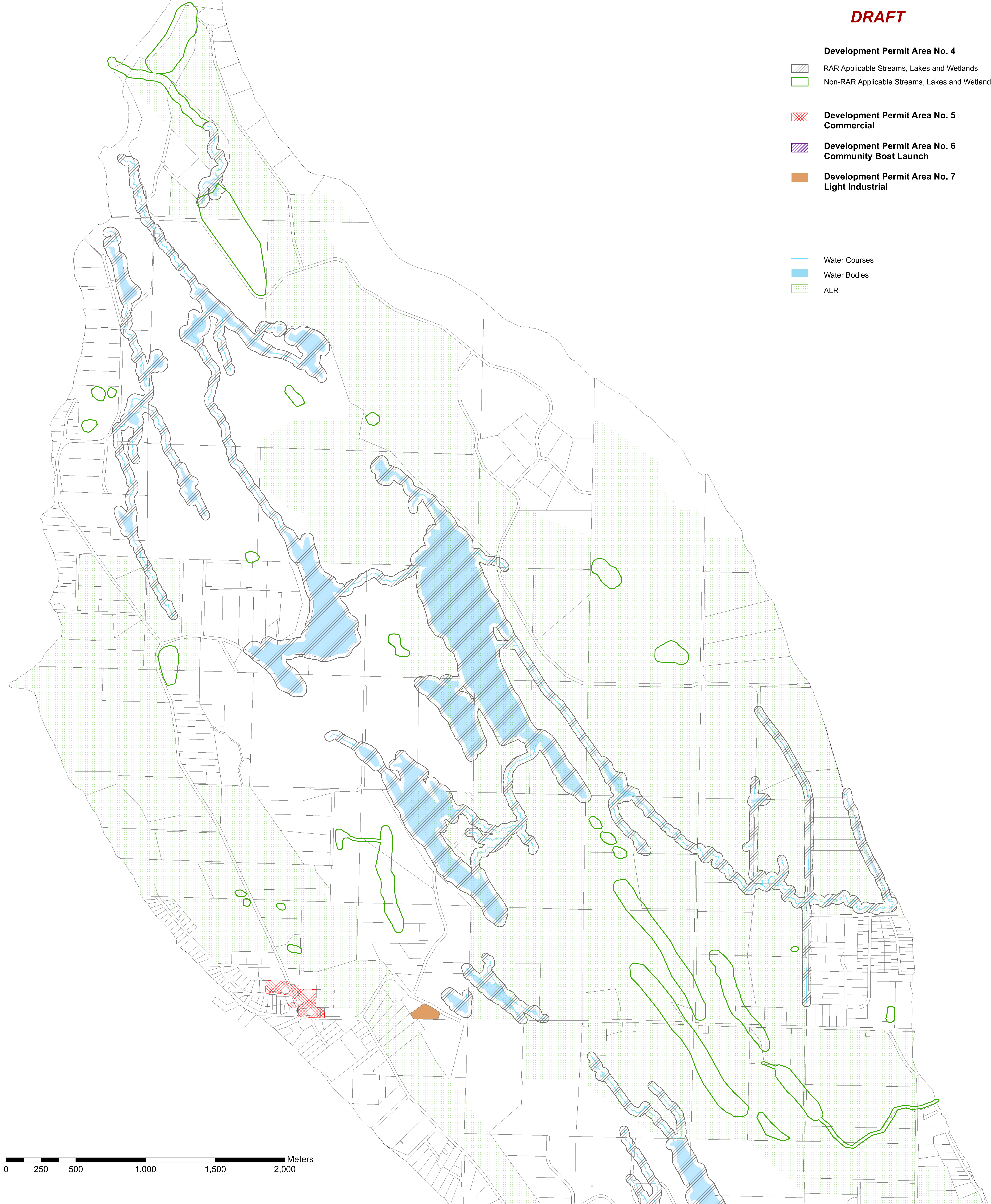
-  RAR Applicable Streams, Lakes and Wetlands
-  RAR Applicable Streams, Lakes and Wetlands
-  Water Courses
-  Water Bodies
-  Wetland
-  Seasonally Flooded Fields
-  Parks & Protected Areas
-  ALR

0 250 500 1,000 1,500 Meters

Denman Island
Official Community Plan
Schedule E Map 2
North
DEVELOPMENT PERMIT AREAS

DRAFT

- Development Permit Area No. 4**
-  RAR Applicable Streams, Lakes and Wetlands
 -  Non-RAR Applicable Streams, Lakes and Wetlands
- Development Permit Area No. 5**
Commercial
- Development Permit Area No. 6**
Community Boat Launch
- Development Permit Area No. 7**
Light Industrial
-  Water Courses
-  Water Bodies
-  ALR



0 250 500 1,000 1,500 2,000 Meters

Denman Island

Official Community Plan

Schedule E Map 2

South

DEVELOPMENT PERMIT AREAS

DRAFT

Map 6

- Development Permit Area No. 4**
- RAR Applicable Streams, Lakes and Wetlands
 - Non-RAR Applicable Streams, Lakes and Wetlands
- Development Permit Area No. 5**
Commercial
- Development Permit Area No. 6**
Community Boat Launch
- Development Permit Area No. 7**
Light Industrial
- Water Courses
 - Water Bodies
 - ALR

0 250 500 1,000 1,500 2,000 Meters

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 210

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 185 cited as "Denman Island Official Community Plan, 2008" is altered as shown on Schedule "A" of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2014".

READ A FIRST TIME THIS 7th DAY OF May , 2014

PUBLIC HEARING HELD THIS DAY OF , 2014

READ A SECOND TIME THIS DAY OF , 2014

READ A THIRD TIME THIS DAY OF , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
DAY OF , 2014

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT

THIS DAY OF , 2014

ADOPTED THIS DAY OF , 2014

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 210

Schedule A

Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

1. Section H.2, “Temporary Use Permits” of Part H, “Other Permits” of Schedule B, is amended by the deletion of the paragraph after the text “Information Note” and the insertion of the following text:

“Section 921 of the *Local Government Act* provides that temporary uses may be permitted in areas designated in the Official Community Plan. Upon application by a property owner the Local Trust Committee can issue a Temporary Use Permit through resolution. The permit can allow a use not permitted by the land use bylaw, the conditions of use and the time period. Temporary Use Permits can be issued for a term of up to three years and may be renewed one time only after which applicants may apply for a new Temporary Use Permit for the same use.

Areas and uses designated for the consideration of Temporary Use Permits may be found in the Denman Island Land Use Bylaw.”

2. Policy 10, under “Use and Density” of Part E.1 “Housing” is amended by replacing the existing text with the following:

“In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.”

3. Policy 11, under “Use and Density” of Part E.1 “Housing” is amended by and replacing it with a new Policy 11 which reads as follows:

“The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

Notwithstanding the foregoing, secondary suites contained within the footprint of existing, conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.”

4. Policy 13, under “Use and Density” of Part E.1 “Housing” is amended by replacing the existing text with the following:

“In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.”

5. "Use and Density" of Part E.1, "Housing" is amended by inserting a new Policy 15 which reads as follows below and renumbering existing Policy 15 to Policy 16, and deleting existing Policy 16 under "Special Needs and Affordable Housing" of Part E.1, "Housing".

"The Local Trust Committee may approve secondary dwelling units on lands within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit."

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 211

A bylaw to amend the Land Use Bylaw to allow secondary suites and secondary housing units on lands zoned "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014"

READ A FIRST TIME this 7th day of May , 2014

PUBLIC HEARING this day of , 2014

READ A SECOND TIME this day of , 2014

READ A THIRD TIME this day of , 2014

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this day of , 2014

ADOPTED this day of , 2014

Chairperson

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 211**

Schedule 'A'

1. Part 1, "Administration", is amended by:

Deleting the existing definitions of "secondary dwelling unit" and "secondary suite" and adding the following definitions in Section 1.1, "Definitions", in alphabetical order:

"Moveable housing unit means a dwelling unit capable of being moved from location to location which does not require a permanent foundation;

Secondary suite means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit;

Secondary dwelling unit means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area;"

2. Section 2.1, "Uses, Buildings and Structures" of Part 2, "General Regulations" is amended by inserting the text, "or as a secondary dwelling unit approved by a Temporary Use Permit" in point 6 after the word "unit" and deleting bullet three.

3. Section 2.1, "Uses, Buildings and Structures" of Part 2, "General Regulations" is amended by the addition of a new section entitled "Secondary Suites and Dwelling Units" as shown below, following regulation 3 of "Principal Dwelling Units" and renumbering the subsequent points.

"4 Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). Secondary suites are generally permitted within these zoning designations without the need for a Temporary Use Permit.

- 5 A secondary suite is permitted within a dwelling unit provided that:

- a) Either the dwelling unit or secondary suite is occupied by the owner of the dwelling unit;
- b) There is a maximum of one secondary suite permitted per lot;
- c) The secondary suite is contained within the walls of a permitted dwelling unit;
- d) The floor area permitted for a secondary suite is no more than 40% of the floor area of the dwelling unit to a maximum of 90 square metres;
- e) One off-street parking space is provided for the exclusive use of the secondary suite; and
- f) The secondary suite is not subdivided from the principal dwelling unit under the *Land Title Act* or the *Strata Property Act*.

- 6 Where permitted by a Temporary Use Permit a secondary dwelling unit shall:

- a) Not have a floor area in excess of 140 square metres;

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 211**

Schedule 'A'

- b) Shall not be located more than 100 metres from the principal residence; and
 - c) Be connected to an approved sewerage system.
- 7 A written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water prior to the issuance of any permits to allow the use.
- 8 Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.
- 9 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.
- 4. Table 1 of Section 3.3, "Residential Zoning Tables" of Part 3, "Zoning Regulations", is amended by the addition of a new item 9 under "Accessory Uses" as follow:
 - "9 Secondary suites and secondary dwelling units";and adding a check mark in the R2 column to be accompanied by an asterisked note stating, "Secondary dwelling units must be approved through a Temporary Use Permit".
- 5. Table 1 of Section 3.4, "Resource Zoning Tables" of Part 3, "Zoning Regulation" is amended by the addition of a new item 12 under "Accessory Uses" as follow:
 - "12 Secondary suites and secondary dwelling units";and adding a check mark in the in the "A", "F" and "RE" columns, each to be accompanied by an asterisked note advising that, "Secondary dwelling units must be approved through a Temporary Use Permit".
- 6. Part 5, "Temporary Use Permits", is amended by numbering the existing area as "Area 1" and inserting the following text after that section:

"Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource).

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan.

Guidelines

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 211**

Schedule 'A'

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.
- Guideline 2 Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations", is a condition of approval.
- Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Adequate off-road parking should be provided;
 - b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
 - d) Other requirements that the Local Trust Committee may consider appropriate."