Denman Island Local Trust Committee
Regular Meeting Revised Agenda

Date: October 3, 2019
Time: 12:30 pm
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

1. CALL TO ORDER 12:30 PM - 12:35 PM

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

2. APPROVAL OF AGENDA

3. REPORTS 12:35 PM - 1:00 PM

3.1 Trustee Reports

3.2 Chair's Report

3.3 Electoral Area Director's Report

4. TOWN HALL 1:00 PM - 1:10 PM

5. MINUTES 1:10 PM - 1:15 PM

5.1 Local Trust Committee Minutes dated July 4, 2019 - for adoption 4 - 11

5.2 Section 26 Resolutions-Without-Meeting Report dated September 26, 2019 12 - 12

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES 1:15 PM - 1:30 PM

6.1 Follow-up Action List dated September 26, 2019 13 - 18

6.2 Meeting Participation Guidelines - Memorandum dated June 6, 2019 19 - 28

6.2.1 Meeting Participation Guidelines - comments - Trustee Busheikin - attached *29 - 30*

6.3 BC Farm Industry Review Board (BCFIRB) - Letter dated September 25, 2019 31 - 32

2019 BCFIRB Aquaculture Case Decision

7. DELEGATIONS

8. APPLICATIONS AND REFERRALS 1:30 PM - 4:15 PM

8.1 DE-DVP-2019.1 (Muggoch - 3780 East Road) - Staff Report *33 - 46*

8.1.1 Public Comments *47 - 54*

8.2 DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report 55 - 95

8.2.1 Submission from DCLTA

8.3 DE-RZ-2018.1 (Denman Housing Association) - Staff Report 96 - 124

8.4 Mock Consolidation (Extracted Pages Only) of Official Community Plan Bylaw No. 185 showing amendments from Draft Bylaws 233 and 235 - attached *125 - 134*

8.5 Mock Consolidation (Extracted Pages Only) of Land Use Bylaw No. 186 showing amendments from Draft Bylaws 234 and 236 - attached *135 - 153*

9. LOCAL TRUST COMMITTEE PROJECTS

10. CORRESPONDENCE 4:15 PM - 4:25 PM

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

10.1 Email dated August 21, 2019 from V. Wood regarding the 5G network on the Islands 154 - 155

10.2 Email dated September 12, 2019 from J. Balke regarding Cannabis - Denman Facilities 156 - 156

10.3 Petition regarding Proposed Model Strategy for Antenna Systems *157 - 160*

11. NEW BUSINESS 4:25 PM - 4:35 PM

11.1 Climate Change Adaptation and Mitigation Strategies - Memorandum 161 - 179

11.2 2020 Local Trust Committee Meeting Schedule - Memorandum 180 - 181

11.3 Comox Valley Regional District (CVRD) Housing Service Feasibility Study - for discussion

12. REPORTS 4:35 PM - 4:50 PM

12.1 Trust Conservancy Report - none

12.2 Applications Report dated September 26, 2019 182 - 188

12.3 Trustee and Local Expense Report dated August, 2019 189 - 189

12.4 Adopted Policies and Standing Resolutions 190 - 192

12.5 Local Trust Committee Webpage

13. WORK PROGRAM 4:50 PM - 5:15 PM

13.1 Top Priorities Report dated September 26, 2019 193 - 193

13.2 Projects List Report dated September 26, 2019 194 - 196

14. CLOSED MEETING 5:15 PM - 5:30 PM

14.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1), (d) and (f) for the purpose of considering Adoption of In-Camera Meeting Minutes dated June 6, 2019 and Bylaw Enforcement and that the recorder and staff attend the meeting.

14.2 Recall to Order

14.3 Rise and Report

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, November 7, 2019 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

16. ADJOURNMENT 5:30 PM - 5:30 PM

Denman Island Local Trust Committee
Minutes of Regular Meeting

Date: July 4, 2019
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
David Critchley, Local Trustee
Laura Busheikin, Local Trustee

Staff Present: David Marlor, Director Local Planning Services
Sonja Zupanec, Island Planner
Miles Drew, Bylaw Compliance and Enforcement Manager
Vicky Bockman, Recorder

Others Present: Approximately eight (8) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 12:33 pm. She welcomed the public and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Critchley reported on the following meetings he attended:

- Trust Council on Galiano Island included a presentation from a member of the Penelakut First Nation that described their shift to eco-friendly aquaculture that eliminates the use of predator netting;
- Ferry Advisory Committee:
  - The proposal for a ferry sailing from Buckley Bay directly to Hornby Island has been deemed to be too expensive to implement;
  - BC Ferries has committed to provide flaggers at Gravelly Bay from June 15th to Labour Day. He is investigating why this was lacking over the Canada Day weekend;
  - BC Ferries is reviewing the refitting of the Baynes Sound Connector to electric power and adding additional deck space.

Trustee Busheikin reported on the following meetings attended:

- Denman Island Residents Association where the Marine Guardians sub-committee expressed continuing concerns regarding unregulated shellfish tenure infrastructure;
- Office Hours included many conversations with community members and an interview by a student working on an International Baccalaureate program;
- Trust Council items of interest:
  - A draft strategy on climate change actions that might be taken; consideration of livestreaming meetings;
  - Discussion on the impact of tourism on the islands;
  - A reconciliation action plan was adopted;
  - Informal discussion of FireSmart programs on rural islands in rain forests;
- Constituents have called expressing concern with permitted land alterations taking place and this might suggest a review of policies be undertaken to shift to a more balanced approach regarding human desires vs. environmental impact.

3.2 Chair's Report

Chair Fast reported on the following meetings attended:

- Ocean Watch - Howe Sound Workshop focused on climate change;
- Bowen Island Municipal Council meetings;
- Trust Council;
- Executive Committee included discussion on the Strategic Plan and consideration of Ministers to approach and key issues to bring forward at the upcoming Union of BC Municipalities convention.

By general consent the following item was added to the agenda:

11.4 Electrification of Ferries – Advocacy Request

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Members of the public commented with the following noted:

- What will the back-up ferry be if the Connector is out of service for electrification and expansion refit and the ferry dock has been removed as planned?
- Is the selling of water a permitted home occupation on Denman Island?
- The proposed Bylaw Enforcement Notification Bylaw appears to remove the complaint-based system and the city of Courtenay's policy was referenced as a model to retain that system. Objection was made to changes made to the Islands Trust Bylaw Enforcement policies.
  - A Trustee and staff responded that the enforcement policy is generally complaint-driven with the exception of specific circumstances that were outlined and there is no plan to change that policy.

5. MINUTES

5.1 Local Trust Committee Minutes dated June 6, 2019 - for adoption

DE-2019-062
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee adopt the minutes of the June 6, 2019 Local Trust Committee meeting.

CARRIED

5.2 Section 26 Resolutions-Without-Meeting - none

5.3 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated June 27, 2019

- Staff was requested to research the need for the letter of support referenced in the June 6, 2019 Activity No. 5 and to follow-up if necessary;
- Director of Local Planning Services Marlor indicated that staff is working on the staff report regarding planning resources referenced in the June 6, 2019 Activity No. 6 and it may be available for the next Local Trust Committee (LTC) meeting;
- The item under November 20, 2018 has been completed and can be removed;
- Trustee Critchley will contact Communication Specialist Templeton to follow-up on the March 7, 2019 Activity No. 1 regarding signage.

6.2 Revisions to the Meeting Participation Guidelines - Trustee Busheikin - to be distributed

DE-2019-063
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee defer item 6.2 "Revisions to the Meeting Participation Guidelines" to the next Local Trust Committee meeting.

CARRIED

6.3 Density Register - Motion from Trustee Critchley

Trustee Critchley provided background and explained the proposal to create an easily accessed, permanent Density Register for reference.

DE-2019-064
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request staff to:

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

CARRIED

By general consent agenda items 11.1 and 11.2 were moved to follow item 6.3.

11. NEW BUSINESS

11.1 Board of Variance Appointments - Memorandum - for decision

DE-2019-065
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee appoint Jack Woodward, Laurie Jackson and Sheila Ray to the Denman Island Board of Variance for a three-year term effective July 27, 2019.

CARRIED

11.2 Model Cell Tower Consultation Process – Briefing

Local Planning Services Director Marlor explained that the model strategy for antenna systems makes recommendations on policy that includes public consultation procedures and development guidelines for the siting and design of antenna systems, which may then be adapted and implemented by LTCs. He noted that in the absence of an established public consultation process, the Federal default public consultation process would be utilized.

Trustees discussed the options with the following noted:

- This model is beneficial as it expands the amount of public participation over what would be provided in the default Federal guidelines;
- The consultation and development guidelines might be considered separately; the development guidelines would require Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments;
- Staff could create a draft Denman Island consultation process document for LTC consideration based on what other islands have done; and the development guidelines might be placed on the Projects List for attention at a later date.

DE-2019-066
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request staff to bring forward a draft Denman Island Local Trust Committee procedure for cell tower application consultation.

In further comments, Trustees requested that the guideline recommend that a copy of the application package be placed in the local library.

CARRIED

7. DELEGATIONS

7.1 Ron Wilson for Concerned Residents for Climate Action

The delegation introduced the topic of climate change dangers with a song by the Ukulele Group. Ron Wilson provided an overview of the global situation and reported that an event is being planned to bring a climate activist to Denman Island in September to present a guide on what individuals and the community need to do to reduce emissions and create a healthy environment. He requested that the LTC support this initiative in any way possible. The presentation was provided for the record.

Trustees commented on the work the Islands Trust is undertaking to address climate change and suggested that the group contact the Director of Trust Area Service to explore the possibility of creating a template for a Trust-wide program.

By general consent the meeting was recessed at 2:10 pm and reconvened at 2:33 pm.

8. APPLICATIONS, REFERRALS and BYLAWS

8.1 DE-RZ-2018.1 Denman Housing Association (DHA) - Staff Report

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 2:33 pm.

Planner Zupanec introduced the Staff Report that provided information on the following issues for LTC consideration:

- Revised conceptual site plan
- Proposed back-up water system
- Pro forma financial statement
- BC Housing affordable housing criteria
- Draft bylaw language options

She clarified that information including the applicability of rental rates, proposed rental revenue, the per unit cost of building, and water catchment as a secondary source of water would be addressed when plans are submitted to BC Housing in a separate process. She advised that staff recommends that the information received thus far is sufficient to move to a draft bylaw stage.

Chair Fast invited the applicant to speak to the application.

Simon Palmer introduced the Project Manager and together they addressed concerns regarding rental figures and per unit cost to build. They responded to the Staff Report analysis of the site plan, back-up water system, and financial statement; and urged the LTC to advance the application due to the time-sensitive funding opportunity. The Denman Housing Association document dated July 4, 2019 was submitted for the record.

DE-2019-067
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, consistent with draft bylaw language presented in Attachment 1, Table 1 of the Staff Report dated July 4, 2019 for DE-RZ-2018.1 (Denman Housing Association).

CARRIED

DE-2019-068
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Denman Island Land Use Bylaw, 2008, consistent with draft bylaw language presented in Attachment 1, Table 2 of the Staff Report dated July 4, 2019 for DE-RZ-2018.1 (Denman Housing Association).

CARRIED

Trustee Busheikin returned to the meeting at 3:08 pm.

8.2 Denman Island Local Trust Committee Bylaw No. 232 (BEN) - for consideration of adoption

DE-2019-069
It was MOVED and SECONDED,
that Denman Island Local Trust Committee Bylaw No. 232 cited as "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019", be adopted.

In speaking to the motion, a Trustee acknowledged that the Local Trust Committee has thoroughly considered and discussed this bylaw; it is anticipated that it will function well.

CARRIED

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE

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

10.1 Letter dated June 23, 2019 from Edina Johnston for Denman Island Residents Association regarding Unregulated Shellfish Infrastructure

10.1.1 Unregulated Shellfish Tenures - Draft Recommendation

Local Planning Services Director Marlor advised that the LTC might request that Executive Committee consider advocating for this issue.

DE-2019-070
It was MOVED and SECONDED,
that Denman Island Local Trust Committee ask Islands Trust Executive Committee to advocate enforcement of regulations, that tenures are clearly marked, and that signage is placed to keep Denman Island beaches and near shore waters safe for all users and wildlife.

When asked if there is further discussion, a Trustee commented that the Local Trust Committee has a long history of advocacy on aquaculture issues and suggested that this might be brought forward to the Baynes Sound Forum for further discussion.

CARRIED

A Trustee suggested that additionally, the writer of the correspondence might consider contacting the BC Farm Industry Review Board to lodge a complaint.

11. NEW BUSINESS (continued)

11.3 Screening Officer Policy (Bylaw Enforcement Notification - BEN) - Staff Report

DE-2019-071
It was MOVED and SECONDED,
that Denman Island Local Trust Committee appoint the Bylaw Compliance & Enforcement Assistant, the Bylaw Compliance and Enforcement Manager and the Regional Planning Manager as Screening Officers pursuant to Denman Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 232, 2019.

CARRIED

DE-2019-072
It was MOVED and SECONDED,
that Denman Island Local Trust Committee adopt the Bylaw Enforcement Notice Bylaw No. 232 Screening Officers' Powers and Duties Policy attached to the Staff Report dated July 4, 2019.

CARRIED

DE-2019-073
It was MOVED and SECONDED,
that Denman Island Local Trust Committee stipulate that the Bylaw Violation Notice attached to the Staff Report dated July 4, 2019 is the form of violation notice to be used pursuant to the Bylaw Enforcement Notice Bylaw No. 232, 2019.

CARRIED

11.4 Electrification of Ferries – Advocacy Request

DE-2019-074
It was MOVED and SECONDED,
that Denman Island Local Trust Committee request Executive Committee to engage in advocacy in favour of electrification of the Buckley Bay/Denman Island ferry as a priority and consider adding it to the Strategic Plan.

In speaking to the motion, a Trustee commented that electrification of ferries advocacy is warranted and the Denman Island ferry has been considered to be a suitable starting point for the initiative.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated May, 2019

Chair Fast provided an overview of the report.

12.2 Applications Report dated June 27, 2019

Received.

12.3 Trustee and Local Expense Report – none

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

There were no changes requested at this time.

13. WORK PROGRAM

13.1 Top Priorities Report dated June 27, 2019

Received.

13.2 Projects List Report dated June 27, 2019

Received.

14. CLOSED MEETING - none

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Thursday, October 3, 2019 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

LTC members confirmed the next regular meeting date, time and location.

16. ADJOURNMENT

By general consent the meeting was adjourned at 3:40 pm.

_____
Sue Ellen Fast, Chair

Certified Correct:

_____
Vicky Bockman, Recorder

DRAFT

Print Date: September 26, 2019

Resolutions Without Meeting

Denman Island

Resolution #	Action	Resolution Desciption	Resolution Date
2019-05	In Favour	THAT the Denman Island Local Trust Committee request the Comox Valley Regional District to carry out a feasibility study for a housing service on Denman Island.	14-Aug-2019

Islands Trust

Print Date: September 26, 2019

Follow Up Action Report

Denman Island

06-Feb-2018

Activity	Responsibility	Dates	Status
1 Staff to invite representatives of the BC Farm Industry Review Board to meet with Denman LTC. April 24, 2018 update: FIRB request to put on hold until closure of a current FIRB complaint. May 1, 2019: FIRB complaint closed; FIRB staff will be in touch to discuss meeting timing and arrangements.	Marnie Eggen		Completed

09-Oct-2018

Activity	Responsibility	Dates	Status
1 Staff to bring forward options for the use of the K'omoks name for Denman Island on LTC meeting agendas.	Lisa Wilcox Marnie Eggen		In Progress

20-Nov-2018

Activity	Responsibility	Dates	Status
1 Trustees Buskeikin and Critchley to investigate alternative locations for Islands Trust signage at the Buckley Bay Ferry Terminal.			In Progress

07-Feb-2019

Activity	Responsibility	Dates	Status

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
1 Amend Bylaw No. 228 (OCP) by replacing item 1.15 Policy 3 (as per Feb. 7, 2019 staff report).	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
2 Amend Bylaw No. 229 (LUB) for LTC consideration: a. Include TUP and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family; b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms; c. Reduce the lot line setback for feedlots from 50 m to 30 m. d Remove the term feedlot e. Add a new defined term, confined livestock area. f. remove agriculture as an accessory use in the R1 zone, while retaining horticulture as an accessory use in this zone; g remove the term intensive agriculture; h. amend the definition of horticulture to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner; i. permit the keeping of animals for personal use as an accessory use in the R1, R2, R3 zones. j. Remove horticulture as a permitted use in the A, F, and RE zones, while retaining agriculture as a principal permitted use in these zones.	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
3 LTC endorsed revised Farm Plan Implementation Project Charter as amended (adding Cannabis Land Use Regulations as an Out of Scope activity).	Marnie Eggen Sonja Zupanec		In Progress
4 Send an introductory/welcome letter to First Nations with interests in the Local Trust Area.	Lisa Wilcox Marnie Eggen		In Progress

07-Mar-2019

Activity	Responsibility	Dates	Status
1 Request the communication specialist to prepare draft wording for Islands Trust signage at the Buckley Bay terminal, which would consist of a sign 3 feet wide and 4 feet tall and include reference to indigenous territorial acknowledgement, and design elements and graphics. Request referred to Andrew Templeton March 11, 2019. Location of sign has been confirmed. David Critchley will follow up with Andrew on wording - July 2019	Lisa Wilcox		In Progress

Follow Up Action Report

Denman Island

07-Mar-2019

Activity	Responsibility	Dates	Status
2 Request that the applicant for DE-ALR-2018.1 submit to the Islands Trust the groundwater license application and the FLNRORD response and/or provide an evidence-based estimate of the amount of water that would be used for the proposed non-farm use and a professional report commenting on how anticipated water use will potentially affect aquifer neighbouring wells and natural environment of the surrounding area for the purpose of satisfying islands trust policy statement 3.3.1 and 4.4.2.	Jaime Dubyna		In Progress

06-Jun-2019

Activity	Responsibility	Dates	Status
1 Staff to draft a letter of support for the feasibility funding application for internet connectivity services to Denman Island to be signed by the Chair on behalf of the LTC.	Marnie Eggen		Completed
2 Staff to bring forward a report outlining options to increase planning resources for Denman Island as per resolution DE-2019-059.	David Marlor		In Progress
3 Staff to draft a letter of support for the grant application being made by the Denman Seniors and Museum Society under the New Horizons for Seniors Program to be signed by the Chair on behalf of the LTC.	Marnie Eggen		Completed

Follow Up Action Report

Denman Island

04-Jul-2019

Activity	Responsibility	Dates	Status
1 Bring Item 6.2 from July 4 agenda back for consideration on next agenda (October) - 'meeting participation guidelines'.	Becky McErlean		Completed
2 Staff to create a permanent Density Register setting out the current available densities resulting from Section E.1, policy 11 and Appendix D, Density Banking of the Denman Island Official Community Plan Bylaw No. 185; b) that the Density Register be added to the Denman Island Local Trust Committee Policies & Standing Resolutions; and c) that the Density Register be updated from time to time to show additions and withdrawals as they occur.	Marnie Eggen Penny Hawley		In Progress
3 LTC endorsed BOV appointments	Penny Hawley		Completed
4 David Marlor to bring forward draft procedures for cell tower application consultation for LTC consideration.	David Marlor		In Progress
5 DE-RZ-2018.1 (DHA) staff to prepare draft bylaws for LTC consideration as per resolution in minutes.	Sonja Zupanec		Completed

Islands Trust

MEMORANDUM

DATE OF MEETING:	June 6, 2019
TO:	Denman Island Local Trust Committee
FROM:	Sue Ellen Fast, Chair
SUBJECT:	Meeting Procedures Regarding Public Input

RECOMMENDATIONS:

1. **That the Denman Island Local Trust Committee endorse the Guidelines for Public Participation during Local Trust Committee Meetings as attached to the memorandum received June 6, 2019.**

2. **That the Denman Island Local Trust Committee request that staff include the Guidelines for Public Participation during Local Trust Committee Meetings on the local trust committee webpage.**

3. **That the Denman Island Local Trust Committee request staff to prepare a draft Meeting Procedures Bylaw, which incorporates the Guidelines for Public Participation during Local Trust Committee Meetings for consideration at a subsequent meeting.**

PURPOSE

The Denman Island Local Trust Committee (LTC) is asked to consider the attached Guidelines for Public Participation during Local Trust Committee Meetings, endorse the guidelines as presented or amended, and request staff to post the guidelines on the LTC website and prepare a draft meeting procedures bylaw.

The purpose of the guidelines is to:

- Invite public participation in LTC meetings in a constructive and respectful manner;
- Effectively manage public input received through correspondence, delegations, applicant speaking opportunities and Town Hall sessions;
- Ensure LTC meetings are run efficiently, preserving time for delegations who wish to present new ideas or information that is not otherwise being considered by the LTC (in a project or application) and adhering to the prescribed time allotment for agenda items; and
- To provide guidance to an updated LTC Meeting Procedures Bylaw.

BACKGROUND

As a new LTC chair, I have been approving agendas and running meetings while asking questions and searching the website for information about who can appear as a delegation, when an applicant can speak, and also trying to invite meaningful participation and answer questions from citizens. While guidelines for managing public participation do exist for Islands Trust Council (see http://www.islandstrust.bc.ca/trust-council/council-meetings/talk-to-council/, clear and consistent guidelines for public participation in LTC meetings do not exist.

Islands Trust Council Guidelines

The meeting procedures for Trust Council, Committees and Executive Committee (EC) are found in Trust Council Bylaw No. 101: http://www.islandstrust.bc.ca/media/341860/bylaw101meetingprocedures.pdf. Bylaw No. 101 includes the following:

> *Notice to Secretary of Petitions and Delegations*
>
> *5.8 A person who wishes to present a petition to, or a delegation who wants to appear before Council at a regular meeting of Council shall, at least three weeks prior to the meeting, deliver the request in writing to the Secretary. The request shall include the name of each petitioner with his or her residential address and the subject of the petition or delegation.*
>
> *5.9 At the discretion of the Executive Committee, the petitioner or delegation may be given a space on the agenda.*
>
> *5.10 No petition may be presented to, nor delegation appear before Trust Council unless Section 5.8 and 5.9 has been complied with unless otherwise agreed to by resolution of the Executive Committee before the meeting or of Trust Council at the meeting.*
>
> *Correspondence*
>
> *5.11 Anyone who wishes correspondence to be considered at a meeting of Council shall, at least three weeks prior to the meeting, deliver the correspondence to the Secretary. At the discretion of the Executive Committee, the correspondence shall be attached to the agenda or where it deems it appropriate, the correspondence shall be identified on the agenda and copies made available to Trustees who request it at the meeting.*
>
> *Time Allowed for Petitions and Delegations*
>
> *5.12 The maximum time for presentation of a petition or appearance of a delegation before Council is ten (10) minutes unless otherwise approved by resolution of the Executive Committee before the meeting or by resolution of Trust Council at the meeting.*

PROPOSED GUIDELINES FOR PUBLIC PARTICIPATION DURING LOCAL TRUST COMMITTEE MEETINGS

The proposed guidelines for public participation during LTC meetings are attached. They suggest that delegations request to appear and provide any supporting presentation materials at least two weeks before an LTC meeting (Trust Council requires delegations to make their requests 3 weeks in advance but many LTC meetings are only 4 weeks apart). The Applicants section is new and not adapted from text found in Bylaw No. 101 or in any other Islands Trust policies or bylaws or webpages I have looked at so far. I understand that applicants have a common law right to be heard when their applications are being considered for decision on an LTC agenda.

Financial Implications

Staff time may be reduced by clarifying expectations regarding when materials for delegations are to be submitted in advance, so that the need to retroactively add materials to already published agendas is reduced.

Climate Implications

By providing the invitation for applicants to participate remotely through electronic means, GHG emissions may be reduced.

ALTERNATIVES

1. Endorse amended or different guidelines for public participation, for inclusion on the LTC website and to guide preparation of a new Meeting Procedures Bylaw.
2. Receive for information

To extend the invitation to participate in LTC meetings, in the interest of administrative fairness, to clarify expectations, to preserve delegation time for new ideas, suggestions, issues and citizens that may be new to the LTC or for other updates and perspectives to enrich the LTC's discussions, and to generally facilitate productive meetings that democracy would be proud of, I submit this proposed text.

Respectfully,



Sue Ellen Fast, Chair
Local Trust Committee

ATTACHMENTS

1. Guidelines for Public Participation during Local Trust Committee Meetings
2. Meeting Procedures Bylaw

GUIDELINES FOR PUBLIC PARTICIPATION DURING LOCAL TRUST COMMITTEE MEETINGS (DRAFT)

How to Share Your Ideas with the Denman Island Local Trust Committee

Town Hall

This is an opportunity for public comments typically offered during each LTC meeting. The Town Hall is a chance for members of the public to inform trustees about topics relevant to the local trust area. While no advance notice is required to speak at a Town Hall session, the time available will vary, depending on the number of citizens who wish to speak. The LTC will make every effort to hear all members of the public during the Town Hall but reserves the right to limit Town Hall submissions.

Organizations and individuals who have submitted an application to the Islands Trust should not speak during Town Hall. They are welcome to speak when their applications are presented to the LTC for a decision; see below.

Delegations

At least two (2) weeks prior to the local trust committee (LTC) meeting, send a request to northinfo@islandstrust.bc.ca including the name and address of the presenter(s), the subject of the delegation and any materials or documents to be presented. It is important to note that the purpose of a delegation is to present new ideas or information that is not otherwise being considered by the LTC (in a project or application). The LTC does not typically make decisions on delegation requests at the same meeting, although they may choose to request staff to report back with further information.

Delegations have up to 10 minutes to speak to the LTC unless additional time is permitted by the LTC. To ensure necessary business is completed, the LTC reserves the right to limit the number of delegations it receives at any one meeting.

Organizations and individuals who have submitted an application to the Islands Trust do not appear as a delegation. They are welcome to speak when their applications are presented to the LTC for a decision; see below.

Correspondence

Correspondence may be submitted to the LTC at any time by email to northinfo@islandstrust.bc.ca.

If a member of the public or an organization wishes to have their correspondence included in an LTC agenda package, this request must be received at least two (2) weeks prior to the LTC meeting (either in person, by mail or by email to northinfo@islandstrust.bc.ca).

Correspondence included in an LTC agenda package should pertain to issues which are not otherwise being considered in LTC projects or applications. Organizations and individuals who have submitted an application to the Islands Trust should direct correspondence to the staff assigned to their application.

Correspondence regarding LTC projects or complex applications is typically posted to the LTC website.

Anonymous correspondence will not be accepted.

Applicants

Applicants should communicate with Islands Trust staff regarding application requirements and the application process. Contact staff via northinfo@islandstrust.bc.ca or visit http://www.islandstrust.bc.ca/islands/land-use-planning/application-guides-forms/ for further information.

When an application comes before the LTC for a decision, staff will present a report and recommendations to the LTC. The applicant may then speak in order to indicate their concurrence with the report and recommendations or to advise the LTC of any errors or omissions. After the LTC makes a decision, the applicant may ask questions for clarification of the LTC's decision or direction to staff.

Applicants are permitted to participate electronically in meetings.

Applicants should communicate with Islands Trust staff in advance of the LTC meeting if they are concerned with staff recommendations or if they are aware of any errors or omissions in the staff report.

Please note, the LTC is under no obligation to accept delegations, town hall comments, correspondence, or other submissions that are deemed defamatory or offensive in nature.

DENMAN ISLAND
MEETING PROCEDURES

BYLAW NO. 163, 2004

AS AMENDED BY DENMAN ISLAND LOCAL TRUST COMMITTEE

Consolidated Version: March 27, 2018

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only:**

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 176	Amendment No. 1, 2006	May 17, 2006
Bylaw No. 227	Amendment No. 2, 2017	March 6, 2018

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 163, 2004

A bylaw to establish procedures for meetings of the Local Trust Committee

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

SHORT TITLE

1. This bylaw may be cited as "Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004".

MEETINGS AND NOTICE OF MEETINGS

BL227
03/2018

2. The first regular meeting of the Local Trust Committee shall be held on a date to be determined by the Local Trust Committee by Resolution Without Meeting following a general local election.

3. At the first regular meeting of the first year and the last meeting of each of the subsequent calendar years, following a general election, or by Resolution Without Meeting, the Local Trust Committee shall establish a schedule of the date, time and place of regular Local Trust Committee meetings for the following calendar year, of which there shall be at least two, and the schedule shall be posted on a notice board on island that is accessible to the public and in the Northern Office of the Islands Trust.

4. Public notice of the availability of the regular meeting schedule at the place specified in Section 3 shall be given at least once a year by publication in a newspaper circulating in the local trust area.

5. Each local trustee shall provide to the Secretary of the Islands Trust a telephone number and mailing address for the purpose of receiving notices of Local Trust Committee meetings, and notice shall be deemed to have been sufficiently given to the local trustee if the notice is delivered to the trustee's mailing address or given to the trustee in person.

BL227
03/2018

6. Any two members of the Local Trust Committee may call a special meeting by giving notice of the date, time, place and purpose of the meeting to the third member of the Committee by telephone or written notice delivered to the trustee at least 48 hours before the time of the meeting, and by posting the notice at the place specified in Section 3, except that notice to Local Trust Committee members may be waived by unanimous vote.

7. If the Chairperson is not one of the members calling the special meeting, the members calling the special meeting shall, prior to doing so, advise the Chairperson of the calling of the meeting and consider the Chairperson's representations, if any, regarding the calling of the meeting.

8. Regular and special meetings of the Local Trust Committee shall be open to the public, except where the Committee has stated by resolution in open meeting that the meeting or portion of the meeting is to be closed to the public, and has stated the statutory basis on which it is to be closed.

9. A quorum of the Local Trust Committee is two members.

BL227
03/2018

10. In the event that neither the Chairperson nor the alternate member of the Local Trust Committee appointed by the Chair of the Trust Council is present within one half hour of the scheduled time of a regular or special meeting, the Director of Local Planning Services, or his or her designate, shall call the meeting to order and the remaining trustees shall determine which of them shall act as Chairperson.

MINUTES

11. The Director of Local Planning Services or his or her designate shall legibly record the minutes of the meetings of the Local Trust Committee, and shall record any resolutions without meeting. After the minutes of a meeting have been adopted, the Director or his or her designate shall certify the minutes as correct and the Chairperson or other trustee who presided at the meeting shall sign the minutes.

12. The minutes shall record every resolution of the Committee including every resolution closing a meeting to the public, the reading and adoption of every bylaw, and every declaration made in relation to a conflict of interest.

BL176
05/ 2006

13. The minutes shall record every instance when a voting member votes against a motion, or when a voting member is absent from the meeting at the time of voting on a motion.

MEETING PROCEDURE, RESOLUTIONS AND BYLAWS

14. Any question of meeting procedure that is not provided for in this Bylaw, the *Islands Trust Act*, the *Local Government Act,* the *Community Charter*, or regulations under either of those statutes, shall be resolved in accordance with the most current edition of *Robert's Rules of Order*.

15. Bylaws shall be in writing, may be read by title only, provided that each member of the Local Trust Committee is in possession of a complete copy of the proposed bylaw at the meeting, and may be adopted on a motion to that effect at a regular or special meeting. Bylaws may be read a first time, and may be adopted, by resolution without meeting.

16. The Chairperson of the Local Trust Committee or other trustee who presided at the meeting at which it was adopted, and the Secretary of the Islands Trust shall sign every bylaw adopted by the Local Trust Committee, and the Secretary shall keep a certified copy of the bylaw at the principal office of the Islands Trust.

BL227
03/2018

ELECTRONIC MEETINGS

17. A special meeting of the Local Trust Committee to deal with urgent new business may be conducted entirely by means of audio or audio-visual electronic communication facilities if a majority of the members of the Local Trust Committee have agreed by resolution that the meeting may be conducted in this way and provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

18. An individual Local Trust Committee member who is not at the physical location of a special Local Trust Committee meeting or a regular Local Trust Committee meeting may choose to participate by means of audio or audio-visual electronic communication facilities, provided the Deputy Secretary has received sufficient notice and can make the necessary arrangements.

19. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities.

20. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee.

21. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.

22. Local Trust Committee members who use electronic communication facilities to participate in a meeting conducted in accordance with this bylaw are deemed present at the meeting.

23. A member of the Local Trust Committee may begin participation in a meeting by electronic communication facilities after the meeting has been called to order.

24. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable all meeting participants to hear, or watch and hear, each other and must provide notice when participants join or leave the meeting.

25. Where a member of the Local Trust Committee is participating in a meeting through electronic communication facilities, the facilities must enable the public to hear, or watch and hear, all meeting participants at a place specified in the meeting notice, unless the meeting has been properly closed to the public.

26. For the duration of an electronic meeting that is open to the public, the Director of Local Planning Services, or his or her designate, must attend at the place specified in the meeting notice.

27. If communication is lost to one or more electronic participants during a meeting:

    27.1 the affected participants will attempt to reestablish the link and, in the interim, will be deemed to have left the meeting, and this will be recorded in the minutes;

    27.2 if there is not a quorum, the Local Trust Committee Chair or person presiding will call a recess until the link is reestablished; and

    27.3 if, after 15 minutes, a link cannot be reestablished and there is not a quorum of Local Trust Committee members, the meeting will be deemed adjourned and the item under discussion at the time of loss of communication will be added to the next Local Trust Committee meeting agenda.

28. The costs of electronic participation in a Local Trust Committee meeting will be borne by the Denman Island Local Trust Committee if the Local Trust Committee member is participating from a location within Canada or has otherwise received the approval of the majority of Local Trust Committee members."

EXECUTION OF DOCUMENTS

BL227
03/2018

29. The Chairperson and one other member of the Local Trust Committee may execute any document on behalf of the Local Trust Committee once the Committee has authorized the execution of the document.

30. “Denman Local Trust Committee Meeting Procedures Bylaw No. 106, 1997” is repealed.

READ A FIRST TIME THIS	18TH	DAY OF	FEBRUARY	, 2004.
READ A SECOND TIME this	18TH	DAY OF	FEBRUARY	, 2004.
READ A THIRD TIME this	18TH	DAY OF	FEBRUARY	, 2004.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	23RD	DAY OF	MARCH	, 2004
ADOPTED this	24TH	DAY OF	MARCH	, 2004.

Gisele Rudischer
CHAIRPERSON

Linda Prowse
SECRETARY

How to Share Your Ideas with the Denman Island Local Trust Committee

Guidelines for correspondence and meeting participation

Town Hall

What? Town Hall is a chance for people to talk to the Local Trust Committee (LTC). You can talk about any subject connected to Denman Island.

When? Town Hall is usually at the beginning of a meeting.

How? You don't need to sign up in advance. Just show up, and when the meeting chair asks who wants to speak, put your hand up.

How long can I speak for? Usually, people have about two minutes to talk, but it might be less if lots of people want to speak. We will try to hear everyone, but might need to place limits.

Guidelines are different for applicants. See the section called *Applicants*, below, to learn about the best time for you to have input.

Delegations

What? A delegation is a more formal presentation. It's a chance to talk about ideas and information that aren't on the agenda. Delegation presenters and topics are listed on the agenda ahead of time.

When? Delegations usually happen near the beginning of a meeting, after the Town Hall.

How? To speak as a delegation:

- Send a request to northinfo@islandstrust.bc.ca
- Deadline: two weeks before the meeting
- Include your name and address, your topic, and any materials you plan to present

How long can I speak for? Delegations can speak for up to 10 minutes. The LTC can allow extra time if there's a good reason. Sometimes the LTC will limit the number of delegations at a meeting, because it needs time to complete all the work on the agenda.

What kind of follow-up can I expect? The LTC does not typically make decisions on delegation requests at the same meeting. They may ask staff to report back with more information.

Guidelines are different for applicants. See the section called *Applicants*, below, to learn about the best time for you to have input.

Correspondence

You can send correspondence to the LTC at any time to northinfo@islandstrust.bc.ca. If you are an applicant, please send correspondence to the staff member assigned to their application.

How does correspondence get recorded?

- Correspondence about LTC projects or complex applications is typically posted to the LTC website
- Correspondence about other issues can be included in the LTC agenda package
- If you want your correspondence included in an LTC agenda package, send it at least two weeks before the LTC meeting.

The Islands Trust does not accept anonymous correspondence.

Applicants

If you, or a group you represent, has put in an application, here are guidelines to help you communicate with the LTC and staff:

At meetings:

- You will be invited to speak when your application appears on the agenda
- Staff will present a report and recommendations to the LTC
- You then can speak for up to five minutes
- After the LTC makes a decision, you can ask questions about the decision and next steps

We encourage you to contact staff before the meeting if you have questions or concerns about a staff report. Applicants can participate in meetings by computer or phone.

Thinking about making an application?

Talk to Islands Trust staff about how the process works. Contact staff at northinfo@islandstrust.bc.ca or visit http://www.islandstrust.bc.ca/islands/land-use-planning/application- guides-forms/ for further information.

Please keep in mind

Meetings are workplaces for Islands Trust staff. As employers, we are committed to providing a safe, supportive environment. Personal critique, shouting, insults and harassment will not be tolerated.

The LTC does not have to accept delegations, town hall comments, correspondence, or other submissions that it considers defamatory or offensive.

September 25, 2019

DELIVERED BY E-MAIL

Ms. Marnie Eggen
meggen@islandstrust.bc.ca
Island Planner
Islands Trust, Northern Office
700 North Road, Gabriola Island, BC, V0R 1X3

Dear Ms. Eggen:

I am writing in response to your email of September 16, 2019, in which you advised that the Denman Island Local Trust Committee (LTC) is still very much interested to meet with representatives of the BC Farm Industry Review Board (BCFIRB) at an LTC meeting on Denman Island. Your email also noted that the LTC would also like to take BCFIRB on a tour of the aquaculture operations along Denman shores.

Further to our telephone conversation of September 25, 2019, where we discussed this request, I confirm that I would be pleased to travel to Denman Island to provide a 20 - 30 minute presentation about BCFRB and its role in hearing nuisance complaints under the *Farm Practices Protection Act (BC)* (FPPA). The presentation would generally include a description of BCFIRB, the legislation and the complaint process. Specifically, I would be happy to describe the criteria set out in the FPPA around complaints and the role of BCFIRB in determining normal farm practice.

The FPPA defines normal farm practice as a practice consistent with proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances. BCFIRB makes determinations as to whether odour, noise, dust or other nuisance disturbances result from normal farm practice, or not. BCFIRB decides what is normal farm practice on a case by case basis, depending on both site-specific issues and considerations, as well as similar farm businesses.

After a hearing process, BCFIRB will either dismiss the complaint if the farm operation is determined to be following normal farm practice, or, order the farmer to stop or modify their practices if the farm operation is deemed not to be following normal farm practices.

You may be interested to read the recent 2019 BCFIRB case decision involving two aquaculture operation complaints, Hayden and Kemp v. Island Sea Farms Inc. I have attached the decision.

British Columbia
Farm Industry Review Board

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
1st Floor, 780 Blanshard Street
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website:www.gov.bc.ca/BCFarmIndustryReview Board

I note that BCFIRB promotes, where suitable, dispute resolution through mediation, facilitation or other processes. BCFIRB encourages farmers and their neighbors to work together to resolve disputes. BCFIRB can also require parties to a complaint under the FPPA to participate in a mandatory facilitated settlement process prior to the matter moving to a BCFIRB hearing process.

As mentioned in our telephone discussion, I am generally available after November 12, 2019, to travel to Denman Island given sufficient advance notice to do this presentation. I may also bring another BCFIRB staff representative to the meeting.

With respect to the LTC's offer to take members of BCFIRB on an aquaculture tour of Denman's shores, the Chair of BCFIRB, Mr. Peter Donkers, has asked if a tour could be explored for BCFIRB board members and staff for August 2020. Chair Donkers has indicated that a half day tour on either August 12 or 13th of 2020 may work out well and would be appreciated as an opportunity for BCFIRB to learn and engage about this regional area.

Please pass on our thanks from BCFIRB and I look forward to working with you on these arrangements.

Yours truly,



Kirsten Pedersen
Executive Director

cc: Peter Donkers, Chair BCFIRB
Gloria Chojnacki, Case Manager

STAFF REPORT

File No.: DE-DVP-2019.1 (Muggoch)

DATE OF MEETING:	October 3, 2019
TO:	Denman Island Local Trust Committee
FROM:	Ian Cox, Planner 1 Local Planning Services
SUBJECT:	Development Variance Permit Application Applicant: Nancy Muggoch Address: 3780 East Road, Denman Island PID: 003-225-640

RECOMMENDATION

1. **That the Denman Island Local Trust Committee approve issuance of DE-DVP-2019.1 (Muggoch).**

SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application DE-DVP-2019.1 that seeks to vary Section 3.3 of the Denman Island Land Use Bylaw No. 186, 2008 (LUB) to permit the projection of eaves and gutters associated with a 1,680 square foot single family dwelling (SFD), into the setback areas to the south-east and north-west side lot lines of the subject property. The requested variances appear minor in nature and as such staff is recommending issuance of the Draft DVP as presented in **Attachment 3** to this report.

BACKGROUND

In February 2019, staff approved and issued a Siting and Use Permit (SUP) for the proposed SFD and associated sewage disposal system (septic tank and field) that is now the subject of this DVP application.

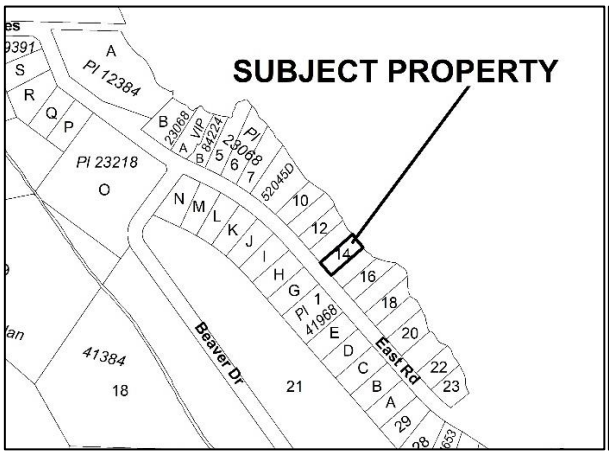


Figure 1 - Subject Property Location



Figure 2 - Subject Property Air Photograph

The site and building plans submitted by the applicant as part of the SUP application, showed the house as being located outside the required 3 metre (9.84 feet) side lot line setbacks, at 3.35 metres (10 feet) and 3.048 metres (11 feet), respectively (See figure 3 below).

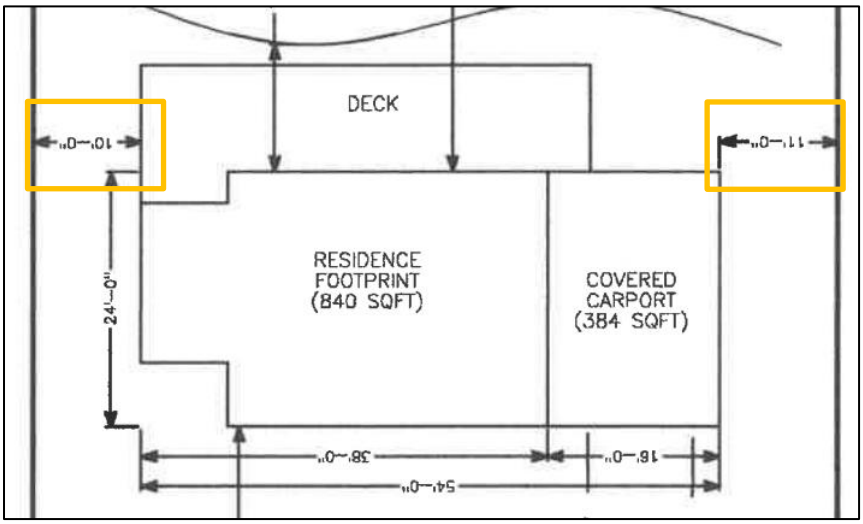


Figure 3 – Excerpt from DE-SUP-2019.1, Schedule "A" Site Plan

At the time the plans for the SUP were reviewed, the primary concern for staff was that an existing shed on the property was shown to be sited within the setback to the natural boundary of the sea. The applicant agreed to move the shed and the permit was issued for the SFD since all else described in the plans conformed to LUB regulations. Evidently the applicant did not become aware of the applicability of the setbacks to such building features as eaves, gutters, etc., until after the issuance of the SUP.

ANALYSIS

Policy/Regulatory

An analysis of relevant OCP and LUB policies and regulations is included as **Attachment 1** – Site Context and Policies. The following is a summary:

Official Community Plan:

The subject property is designated Residential (R) in the Denman Island Official Community Plan and is not located within any Development Permit Areas currently enacted for Denman Island. The proposal does not conflict with the OCP objectives and policies for Residential land use.

Land Use Bylaw:

The property is zoned Residential 1 – R1 under the current LUB.

PART 3 ZONE REGULATIONS, Section 3.3 states:

"minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy" is:

- *7.5 meters from the front lot line*
- *3 meters from the rear or side lot line*
- *4.5 meters from the exterior side lot line*

Structure is defined in the bylaw thusly:

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

The LUB regulations provide only one exemption for the siting of structures within the setback areas, as follows:

> ***2.3***
>
> ***Setback Exemptions***
>
> *6 Despite setback regulations 1 through 5 in Section 2.3 and setback regulations in Part 3 of this Bylaw, the following may be located in setback areas:*
>
> - *tanks for the storage of rainwater, provided they do not project more than 1.0 metre into the required setback.*

Since the only setback exemption provided is for rainwater storage tanks, it is necessary to vary LUB Section 3.3 in order to accommodate the eaves and gutters of the proposed SFD from the required 3 metres from side lot lines, to 2.39 metres at the north-west boundary and from 3 metres to 2.29 metres at the south-east boundary **(See Attachment 2).**

Issues and Opportunities

Applicant stated rationale

> *'Both my designer and I thought that 3 meter setback was from foundation rather than dripline. When I found out it was dripline I stopped construction on sides to obtain variance for eaves/gutters extending .6008 m on NW side and .703 m into setback on NE side. Bylaw is 3 m setback on side.'*
>
> The DVP application form further states:
>
> *'…ICF [insulated concrete forms] were poured for basement and SIPS placed for main floor walls before was told by a neighbour that setback is from dripline on Denman where most lots are wider. The house would be a neighbourhood eyesore without eaves and my siding would suffer weather damage without eaves…'*

Intent of Setback Regulations

Setbacks are typically intended to provide a buffer to reduce potential conflicts between adjacent land owners - especially those resulting from different land uses. Setbacks also often provide space for a visual or vegetative buffer between neighbouring properties. In this case, the envelope/footprint of the building would not be sited within the setback area and the massing of the relatively moderate SFD is not expected to produce a negative visual impact to neighbouring properties.

Impact on Adjacent Properties

The DVP would allow the SFD to remain ~60 cm closer to the north-west interior side lot line and ~70cm closer to the south-eastern interior side lot line, rather than at the minimum required 3 meters from each. Granting a variance does not set a legal precedent for future applications on Denman Island and the LTC is unfettered in its ability to grant or deny DVPs. However, the approval of variances for minor setback issues may create expectations in the community with regard to other applications or neighbouring properties.

No comments have been received by neighbouring property owners or the public at the time of this report resulting from the statutory notification process. The applicant also states:

> *'I spoke with both immediate neighbours (adjacent) and they tell me they are okay with infringing the setback.'*

Alternatives to DVP Remedy for Encroachments

The applicant could consider the following alternatives to a DVP in seeking compliance with the LUB:

- Lot line adjustment(s) through cooperation and agreement with neighbouring property owners and an application for subdivision to the Ministry of Transport and Infrastructure (MOTI);
- SFD and carport roof line design solution.

It is the opinion of staff that both alternate solutions would entail significant time and financial investment.

Consultation

Protocols

No formal protocol agreement exists between the LTC and any First Nation or Indigenous community at this time.

First Nations | Archaeology

The subject property is within 250 metres of an identified archaeological site and as such, chance find[1] procedures should be in place during construction.

Islands Trust Council adopted a Reconciliation Declaration[2] on March 14, 2019 that is intended to inform all consideration and decisions made by Islands Trust elected officials and staff in regard to reconciliation and First Nations relations.

Archaeological sites are protected by *The Heritage Conservation Act* (HCA), whether on Provincial Crown or private land and are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that are protected for their historical, cultural, scientific and educational value to the general public, local communities and First Nations. Impacts to archaeological sites must be avoided or managed by development proponents. It is recommended that the property owner discuss development plans with the provincial Archaeology Branch to ascertain the need for any additional permitting that may be required under the *Heritage Conservation Act*.

[1] http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf
[2] http://www.islandstrust.bc.ca/media/347494/reconciliation-declaration.pdf

Statutory Requirements

Statutory Notice was distributed to neighbouring property owners on September 16, 2019 in accordance with *Local Government Act* requirements **(See Attachment 4).**

At the time of preparing this report, the Islands Trust has received no public correspondence in relation to the application as a result of the notification. Further comments may be received from the public before or during the LTC meeting on October 3th, 2019. All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the LTC. Correspondence may be sent to DenmanIslandLocalTrustCommittee@islandstrust.bc.ca.

Rationale for Recommendation

Staff finds that the DVP application seeks to relax the LUB setback regulations to a modest degree on a small lot and as such is unlikely to have a negative impact on neighbouring properties or the natural environment. Further, the applicant appears to have been unaware that the setback regulations applied to certain building features such as eaves and gutters. Because of this, the applicant began construction of the foundation and main walls which are currently in place and now unreasonable to relocate. The applicant immediately made application for the DVP upon learning of the issue and is seeking compliance with the LUB by way of this application. Staff is recommending issuance of the DVP as presented in Attachment 1 and described in the Recommendations section on page 1 of this report.

ALTERNATIVES

1. **Request further information**

   Particularly related to the alternate remedies outlined in the "Issues and Opportunities" section of this report, the LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

   That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust [describe information requested].

2. **Deny the application**

   The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

   That the Denman Island Local Trust Committee deny application DE-DVP-2019.1 for the following reasons [insert reasons].

3. **Amend the permit**

   The LTC may amend the proposed permit prior to making a decision regarding issuance. If this option is chosen, the LTC should first pass a resolution to amend the permit and subsequently render a decision for issuance or denial of the permit (with or without conditions).

Submitted By:	Ian Cox - Planner 1, Northern Region	September 9, 2019
Concurrence:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager	September 10, 2019

ATTACHMENTS

1. Site Context and Policies
2. Site Plan Survey
3. Draft Development Variance Permit
4. Statutory Notification

ATTACHMENT 1 - SITE CONTEXT AND POLICIES

LOCATION

Legal Description	LOT 14, SECTION 9, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 23068
PID	003-225-640
Civic Address	3780 East Road, Denman Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential immediately adjacent Agricultural to the North across Piercy Road

HISTORICAL ACTIVITY

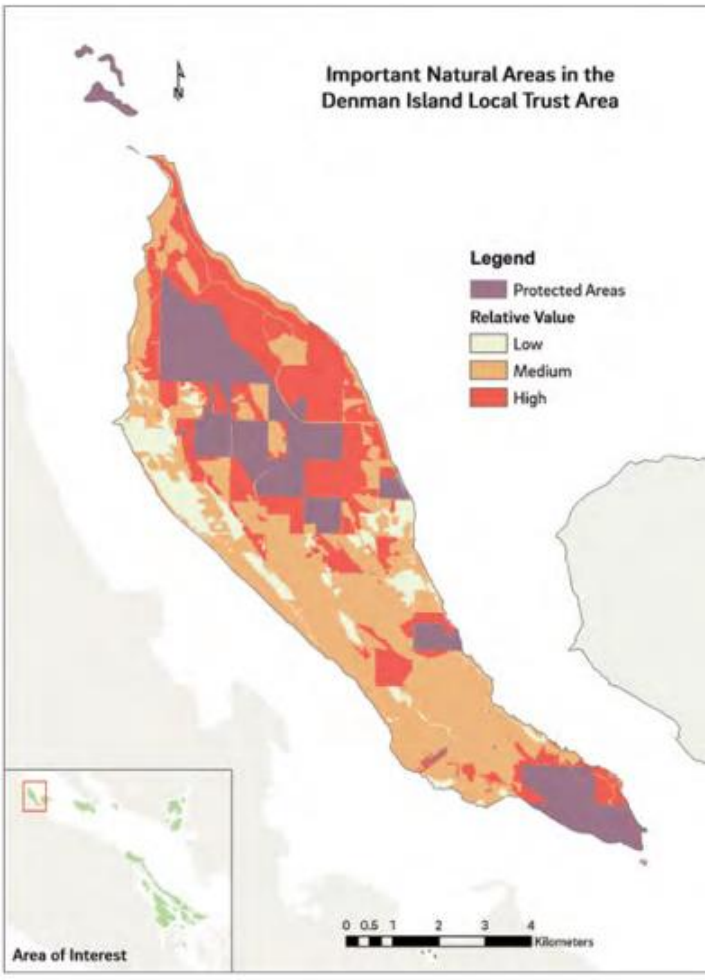
File No.	**Purpose**
DE-SUP-2019.1	Siting of residential and accessory structures (SFD and septic system)

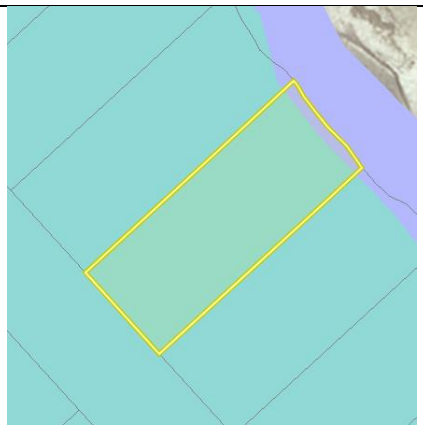
POLICY/REGULATORY

OCP Designations	Residential Land Use Designation Not within currently enacted DPAs Complies with Residential policies and objectives
Land Use Bylaw	Zoning: R1- Residential 1
Regulations	**Table 5 - Setbacks** — R1 / R2 / R3 In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply 1 Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy • from the front lot line — 7.5 m / 7.5 m / 30.0 m • from the rear or side lot line — 3.0 m / 3.0 m / 30.0 m • from the exterior side lot line — 4.5 m / 4.5 m / 30.0 m 2 Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops — 8.0 m / 8.0 m / 30.0 m 3 Minimum setback from all lot lines for domestic chicken coops — 3.0 m / 3.0 m / 30.0 m **Setback Exemptions** 6 Despite setback regulations 1 through 5 in Section 2.3 and setback regulations in Part 3 of this Bylaw, the following may be located in setback areas: • tanks for the storage of rainwater, provided they do not project more than 1.0 metre into the required setback.
Covenants	UNDERSURFACE RIGHTS only

Bylaw Enforcement	Nothing on current TAPIS file
Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor a property adjacent to an ITC-owned property or conservation covenant area. Referral to ITC for comment is not required.

SITE INFLUENCES

Regional Conservation Plan	This area of Denman Island is identified in the Regional Conservation Plan 2018-2027 as having medium priority relative conservation value in the Trust area commensurate with its classification as a Natural Area of medium importance in terms of biodiversity when compared with the rest of Denman island itself and the Trust area. 
Species at Risk	No currently mapped SAR occurrences/habitat
Sensitive Ecosystems	ITEM: Rural (teal), Littoral along shoreline (purple) SEI: no

	
Hazard Areas	None currently mapped
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a high probability that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. ***Archaeological information must not be shared or redistributed without the permission of the Archaeology Branch.* **Diana Cooper |** Archaeologist/Archaeological Site Inventory Information and Data Administrator **Archaeology Branch**|Ministry of Forests, Lands, Natural Resource Operations and Rural Development Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7| PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3 Phone: 250-953-3343 | Fax: 250-953-3340 | Website: http://www.for.gov.bc.ca/archaeology/
Climate Change Adaptation and Mitigation	This DVP application seeks to lawfully site proposed residential structures on the property and as such does not propose any additional intensity of use or development beyond what is currently permitted by zoning. GHG emissions can be expected to be commensurate with normal levels associated with Single Family Residential development patterns and use, including the use of personal vehicles for transport on and off island.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder

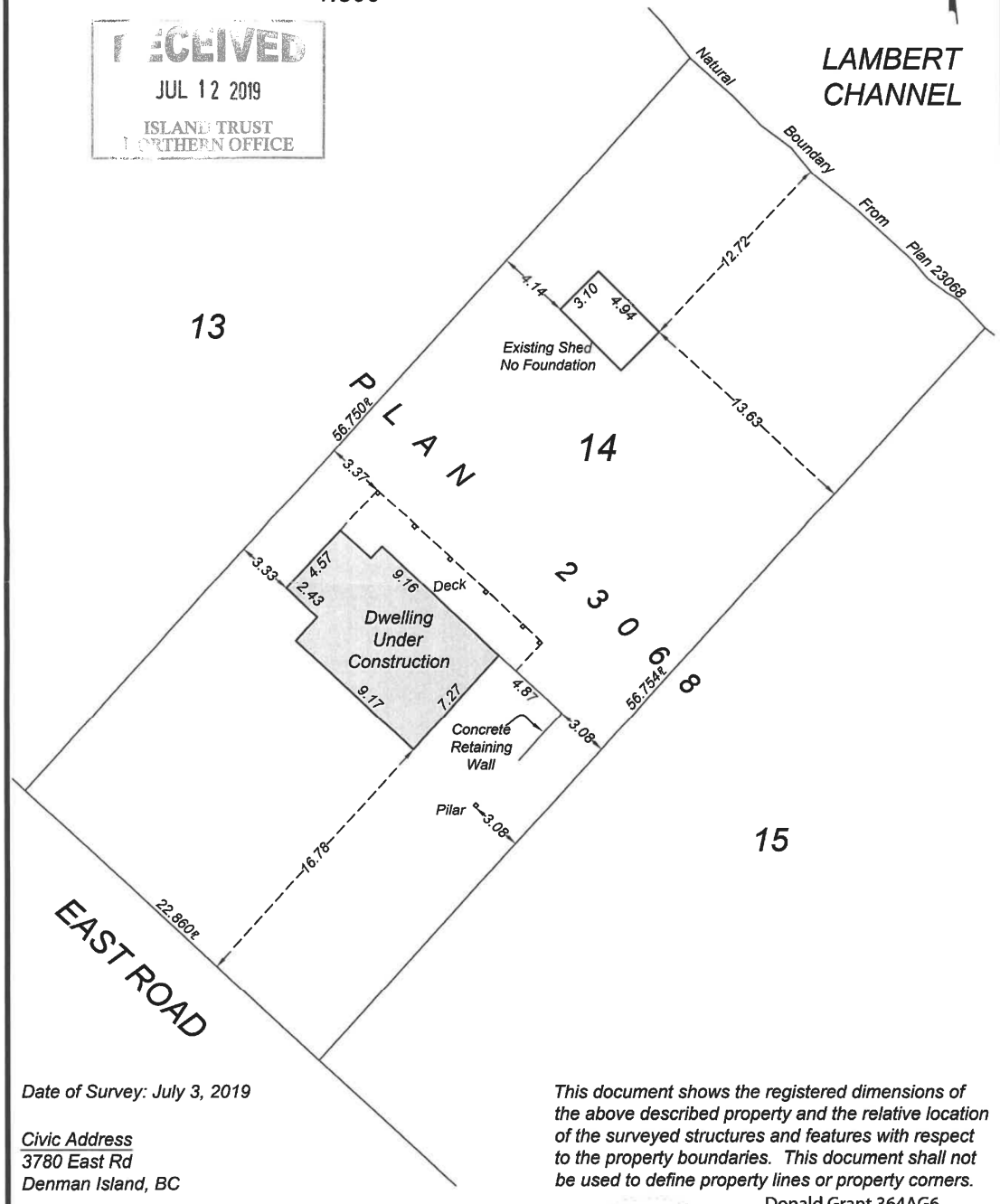
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT 14, SECTION 9, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 23068.

Parcel Identifier: 003-225-640

6 0 6 12 18 24 30 metres

1:300

RECEIVED
JUL 12 2019
ISLAND TRUST
NORTHERN OFFICE



Date of Survey: July 3, 2019

Civic Address
3780 East Rd
Denman Island, BC

Offset dimensions are to the exterior of the siding/main foundation wall and are perpendicular to the property lines.

This document shows the registered dimensions of the above described property and the relative location of the surveyed structures and features with respect to the property boundaries. This document shall not be used to define property lines or property corners.

Donald Grant 364AG6
c=CA, cn=Donald Grant 364AG6, o=BC Land Surveyor, ou=Verify ID at www.juricert.com/LKUP.cfm?id=364AG6
2019.07.06 10:06:24 -07'00'

_____, BCLS

This document is not valid unless digitally signed.

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20190704

GRANT LAND SURVEYING INC.
580 10th STREET
COURTENAY, B.C. V9N 1P8
250.941.0804

DRAFT

Islands Trust	**DENMAN ISLAND LOCAL TRUST COMMITTEE** **DEVELOPMENT VARIANCE PERMIT** **DE-DVP-2019.1 (MUGGOCH)**

TO: Nancy Muggoch

1. This Development Variance Permit applies to the land described below:

   PID: 003-225-640
   LOT 14, SECTION 9, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 23068

2. Pursuant to Section 498 of the *Local Government Act*, the ***Denman Land Use Bylaw No. 186, 2008*****, PART 3 ZONE REGULATIONS, Section 3.3 Residential Zoning Tables, Table 5 – Setbacks, Subsection 1** is varied as follows:

   a) The required setback from a side lot line in the R1 zone is varied from 3.0 metres to 2.39 metres at the north-west boundary and from 3 metres to 2.29 metres at the south-east boundary to permit the siting of one single family dwelling.

   These setback variances apply only to the proposed single family dwelling and associated eaves and gutters as shown on Schedule "A" - Site Plan, attached to and forming part of this Permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw No. 186, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

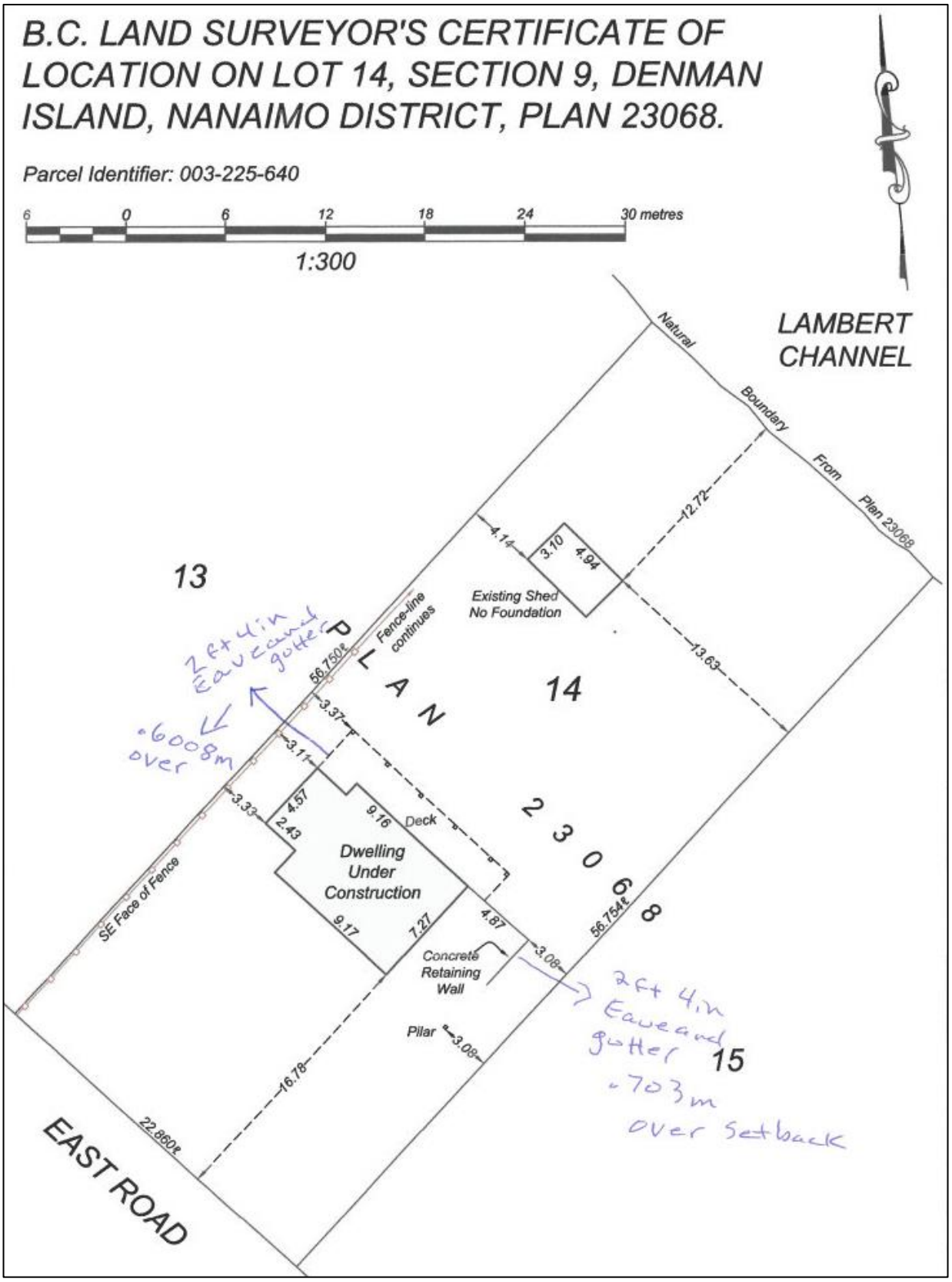
AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS ____TH DAY OF ____, 2019

_____
Deputy Secretary, Islands Trust

_____
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____TH DAY OF _____ 2021, THIS PERMIT AUTOMATICALLY LAPSES.

Site Plan - Schedule "A"



AMENDED NOTICE

DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DVP-2019.1 (Muggoch)

Northern Office
700 North Road
Gabriola Island, BCV0R 1X3
Tel: 250-247-2063
Fax: 250-247-7514

As of September 23, 2019:

Please be advised that due to clerical error, the following statutory notice for the above-mentioned Development Variance Permit has been amended to reflect the correct street address of the subject property which is located at 3780 East Road, Denman Island. The notice that was distributed to neighbouring property owners in accordance with the *Local Government Act* on September 13, 2019, identified the street address as 2993 Nelson Crescent, being the sole error with the notice. Other property location information including the Parcel Identifier (PID), legal property description, and subject property map were all correct. Staff will address this issue as part of delivery of the staff report at the Denman Island Local Trust Committee regular business meeting on October 3, 2019.

If you have any questions or comments regarding the proposed permit or the identified error, please contact Ian Cox, Planner 1, at 250-247-2204. For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

NOTICE

DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DVP-2019.1 (Muggoch)

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying a subsection of the Denman Island Local Trust Committee Land Use Bylaw No. 186, 2008, as follows:

PART 3 ZONE REGULATIONS, Section 3.3 Residential Zoning Tables, Table 5 – Setbacks, Subsection 1 is varied as follows:

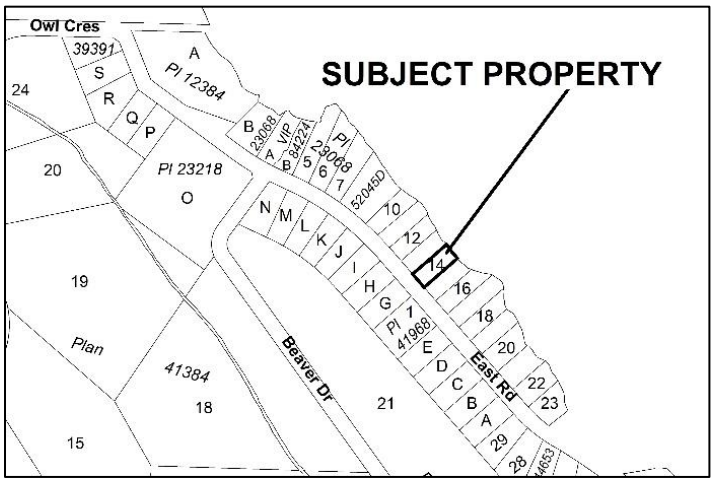
a) The required setback from a side lot line in the R1 zone is varied from 3.0 metres to 2.39 metres at the north-west boundary and from 3 metres to 2.29 metres at the south-east boundary to permit the siting of one single family dwelling.

These setback variances apply only to the proposed single family dwelling and associated eaves and gutter encroachments as described on the Site Plan – Schedule "A" of the draft permit.

- The property located at 3780 East Road, Denman Island is legally described as:

  PID: 003-225-640
  LOT 14, SECTION 9, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 23068

The general location of the subject area is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 a.m. and 4:00 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **September 20, 2019** and continuing up to and including **October 2, 2019**. Also, attached for your convenience, is a copy of the proposed permit.

If you have any questions or comments regarding the proposed permit, please contact Ian Cox, Planner 1, at 250-247-2204. For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola, BC V0R 1X3
Fax: 250-247-7514 or **Email:** northinfo@islandstrust.bc.ca

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed permit at its Regular Business Meeting to be held at 12:30 PM, Thursday, October 3, 2019 at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will be provided to the Local Trust Committee and will form part of the public record.

Becky McErlean
Deputy Secretary

25 Sept.19

Denman Island Local Trust Committee
DE-DVP-2019-.1 [Muggoch]

Dear Ms. Becky McEriean,
Deputy Secretary

We have owned the property at [redacted] Denman Island since August 1975. Our property was developed in accord with the Island Trust Building By-Laws. While not permanent residents over the years we have enjoyed our property and supported the Denman community.

We are not in favour of this sought, after the fact, significant variance to both sides of Lot 14 by the owner. Lot 14, is a small lot. The owners request for a reduction of the side set back requirements of approximately 2.4 Ft on each side of Lot 14, as per the information you provided, seeks a large variance. If the request for the variance involved few inches that would be one thing but the size of the variance is almost five feet in total. Approving this variance would negate the validity of the applicable by-law as well as setting a bad precedent. A precedent that will be exploited by others. Thus, sharply degrading the creditability of having meaningful set back requirements and the Island Trust's building code and regulations.

We understand that the owner of the property is a qualified general contractor having taken a qualifying course.The owner knew the set back by-laws. The builder is an experienced island builder so he too knew the set back rules. The owner's approach appears to have been from the start to over build the property and then seek a variance.

Besides the set back issue it appears that the height of the improvements on Lot 14 maybe above the permitted height level. Is there another variance forthcoming on the height of the new house on Lot 14?

My understanding of the Island Trust Building By-Laws is that using the excuse of financial hardship to correct violations of the building code is not deemed a creditable excuse. Given the likely expense to correct the violations of the set back requirement in this case the financial hardship is the likely reason that will be sited to seek approval of the variance requested. Such approval would be wrong and signal to others that the Island Trust building code and regulations can be ignored with impunity. Is it possible that the approach taken by the owner was given tacit advance agreement by local Island Trust staff? If so this entire procedure is simply giving credence to others that they can ignore the Island Trust building code on Denman Island and build at will.

In conclusion we are not in favour of this request for a variance or any other request for a variance on Lot 14 by the owner. The requested variance is too large for the small lot and approving it would set a precedent that would further devalue the legitimacy and creditability of the Island Trust Building codes.

Yours truly,

J.E.L. Gollner

[redacted]

From: Alec Szibbo [redacted]
Sent: Tuesday, October 01, 2019 12:13 PM
To: northinfo; Laura Busheikin; David Critchley
Cc: Cathie Szibbo
Subject: Application DE-DVP-2019.1 (Muggoch)

To the Denman Island Local Trust Committee (DILTC):

We, Catharine and Alexander Szibbo, are the owners of property at [redacted], Denman Island, which is located on the north-west side abutting the Applicant's property.

Several neighbours have already made submissions to the DILTC opposing application DE-DVP-2019.1(Muggoch) . Attached is our submission similarly opposing the application.

Would you please confirm that you have received this email and the attached submission, that it will constitute part of the public record, and that it will be reviewed and taken into consideration by the DILTC in its deliberations of application DE-DVP-2019.1 on October 3 at its Regular Business Meeting at the Denman Activity Centre.

Thank you
Alec Szibbo
Cathie Szibbo

[redacted] Denman Island- B.C. - V0R 1T0 Canada
[redacted]

October 1, 2019

To: Islands Trust
Denman Islands Local Trust Committee

From: Catharine and Alexander Szibbo

Re: Development Variance Permit (DVP) - application DE-DVP-2019.1 (Muggoch)

Request: That the Denman Island Local Trust Committee (DILTC) NOT APPROVE issuance of DE-DVP-2019.1 (Muggoch).

Catharine and Alexander Szibbo (the "Respondents") are the owners of [redacted] Denman Island, BC (the "Respondents' Property"). The Respondents' Property is located on the north-west side abutting the Applicant's property at 3780 East Road, Denman Island, BC legally described as Lot 14, Section 9, Denman Island , Nanaimo District, Plan 23068 (the "Applicant's Property").

This is the Respondents' submission in response to the Notice received from DILTC regarding the Applicant's application DE-DVP-2019.1 concerning the Applicant's Property.

Relevant Facts:

The Applicant's Property and the Respondents' Property are both located in the area on Denman Island which contains the smallest or among the smallest properties on Denman Island and is fondly called "Little Burnaby". Many of them are less than 1/2 acre in size.

The Applicant took a builder- owner course and as such self-certified and held out to Islands Trust that the Applicant possessed the knowledge to comply with all bylaws and applicable requirements to construct a dwelling on the Applicant's Property.

The Applicant is a full time resident in Olympia Washington, and visits Denman Island sporadically. This has resulted in the construction of the dwelling at the Subject Property having been left in the hands of Mr. Steve Ord who, if not being the de facto general contractor in all but name, is at the very least the day-to-day supervisor of the construction on the Applicant's Property. As a long time resident and very experienced builder on Denman Island, Mr. Ord is very familiar with construction requirements on Denman Island. He describes his services in the Denman Island Skills and Services Directory as follows- " From foundation to fine finishing. 30 years experience. Steve Ord".

The Applicant retained Churchill Timberworks to design the building on the Applicant's Property. Churchill Timberworks are experienced designers/fabricators located in Courtenay, BC, who on their web site state that they have " many years of professional projects" and ask their customers to " Take advantage of our expertise designing, fabricating, installing and coordinating timber building projects...".

The Siting and Use Permit DE-SUP-2019.1 ("SUP') is the subject of this application. The Islands Trust staff report states that " *the primary concern for staff was that an existing shed on the property was shown to be sited within the setback to the natural boundary of the sea. The applicant agreed to move the shed and the permit was issued for the SFD*". The SUP was

issued to the Applicant in February 2019. Moving the shed, which was a condition of the issuance and validity of the SUP, has still not been done by the Applicant as of this date.

Applicable Legal Principles

The recent BC Supreme Court Case *1139652 B.C. Ltd. v. Whistler (Resort Municipality)*, 2018 BCSC 1806, has held that when a local government considers whether to allow a Development Variance Permit ("DVP") from land use requirements (including zoning bylaw section) pursuant to section 498 of the Local Government Act, the following factors are proper considerations:

- whether this is a minor variance
- whether there is hardship on the applicant in turning the variance down
- whether approval of the variance would create a precedent for other small parcels created in the same way in the same neighbourhood
- whether there is strong opposition from neighbouring property owners

The general guiding principles set out by the Court included the following:

[par 57] "*In exercising discretion to grant a DVP under s. 498 of the Local Government Act, a municipal council is not adjudicating an inter-party dispute, but rather is considering whether the requested variance is* ***in the interests of the community as a whole.***" (emphasis added)

[par 84] "*All of these factors appear to me to be properly within the scope of the statutory mandate of the Council to* ***represent the interests and respond to the needs of the community*** *(per s. 1 of the Local Government Act). The Petitioner had no vested right to a variance. The granting of the DVP was entirely within the discretion of the Council,* ***who is in turn responsible to the electorate for its land use and planning decisions:***" (emphasis added).

[par 85] "*The Council was not bound by the opinion of Staff. Indeed, the Council was not bound to consider only the factors expressly listed in the Evaluation Criteria. Consistent with the wide discretion granted by s. 498 of the Local Government Act,* **it was open to Council to adopt a broader community perspective in considering whether a DVP should issue.**" (emphasis added)

Submissions

1. It is very difficult to believe that among the Applicant who certified as owner-builder, and the very experienced contactors (Churchill Timberworks and Mr. Ord), there was no knowledge of the setback requirements and how they were to be applied. It appears more likely that they knew the bylaw setback requirements but disregarded them on the assumption that they would be entitled to receive a waiver if one was required in the future. However, as stated by the BC Supreme Court (see Whistler case above), " *The Petitioner had no vested right to a variance*".

2. Alternatively, if it is to be believed that neither the Applicant, Churchill Timberworks nor Mr. Ord knew the appropriate setback requirements, then they can not rely on ignorance of the law as justification for receiving the variance. Ignorance of the law has never been held to be a basis to justify avoiding compliance with applicable laws. If it was otherwise, then the Islands Trust would be opening the door to many applications claiming an entitlement to a variance on the basis that the applicants were ignorant of the requirements and had deliberately not informed themselves in order to be able to make such a claim.

3. It appears that the Applicant has for over 7 months disregarded the Applicant's SUP undertaking to move the shed located on the Applicant's Property. The DVP should not be granted to apply to the SUP, because the condition precedent to the validity of the SUP was never fulfilled by the Applicant. If the Applicant is in breach of the Applicant's undertaking applying to the SUP, then any DVP would also be a nullity on the basis that the SUP was not validly in effect. Furthermore, the Islands Trust should rule that all construction on the Applicant's Property should cease until the Applicant has complied with the undertaking and brought the SUP back into legal force and effect.

4. The Applicant's claim in the staff report that if the DVP is rejected "*the house would be a neighbourhood eyesore without eaves and my siding would suffer weather damage without eaves*", does not constitute hardship that the Applicant will inadvertently suffer. If anything, this constitutes a self-induced hardship that should not qualify as a factor for granting the DVP. Otherwise it would open the floodgates to future builders constructing non-compliant structures and then expecting to receive variances on the basis that if the bylaw was enforced and the variance not granted, there would be a resulting eyesore or potential weather damage.

5. If the DVP is not granted there will be no hardship experienced by the Applicant that will prevent the home from being completed. On the north-west side, the metal roof has not been installed yet, and the gutters can be readily added to the roof line as it now exists, or the roof line could be redesigned within the existing setback. On the south-east side, the roof has not yet been built and can be redesigned to allow for eaves and gutters within the existing setback.

6. The staff report states that the " *requested variances appear minor in nature"*. It is a fundamental principle that the onus falls to the Applicant to demonstrate that the variance is "minor" in nature- this has not been done. On the more typical properties found on Denman Island, the requested reductions in setbacks may not have a significant impact because those properties are more than one acre, and in fact usually several acres in size. Both the Applicant's Property and the Respondents' Property are less than 1/3 of an acre in size. By no stretch of the imagination can it be said that the proposed setback reductions of 20.3% on the north-west boundary and 23.6% on the south-east boundary are "minor". The requested reductions will create a material and significant impact on the proximity of the properties.

7. The staff report states " *the relatively moderate SFD is not expected to produce a negative visual impact to neighbouring properties*". This is not accurate. The fact is that the eaves would be very close to and very visible from the Respondents home's side door and side windows. Whether there is a resulting "negative visual impact" to neighbouring properties is not a decision that can be made by the staff of the Islands Trust. It is a decision that rests solely in the eyes of those that will be faced with the visual impact. The Respondents submit that there will clearly be a negative visual impact from the Respondents' Property and from the front of the Respondents' Property on the Respondents, guests and neighbours.

8. The staff report states that " *Granting a variance does not set a legal precedent for future applications on Denman Island and the LTC is unfettered in its ability to grant or deny DVPs.*" This appears to be at odds with the decision of the BC Supreme Court which held that the following was a proper consideration in the exercise of discretion to grant, or not grant, a DVP (see above)- " *approval of the variance would create a precedent for other small parcels created in the same way in the same neighbourhood".* Nevertheless, the staff report does admit that- " *However, the approval of variances for minor setback issues may create expectations in the community with regard to other applications or neighbouring properties."* The Respondents

submit that granting this DVP would send the wrong signal to builders and developers on Denman Island and, if not resulting in a binding precedent, would undoubtedly create expectations that would be difficult for the Islands Trust to reject in future applications.

9. While the staff report statement that " No *comments have been received by neighbouring property owners*" may have been accurate at the time of its drafting, as of today's date several neighbours have submitted responses indicating strong opposition to the DVP application. The staff report should immediately be amended to reflect the various concerns raised by the various neighbours opposing this application.

10. The staff report quotes the Applicant as saying " *I spoke with both immediate neighbours (adjacent) and they tell me they are okay with infringing the setback*" . This is not an accurate record of the discussions between the Respondents and the Applicant. To be clear, the Respondents' position is set out in this submission. Note that the actual setback reduction measurements on both sides of the Applicant's Property were only revealed to all neighbours when the DVP application documents were received after September 16. There is no possible way that the Respondents or any neighbour could have indicated that they were " *okay with infringing the setback*" since the Respondents did not know what those were and had not had any discussions with the Applicant between the date the DVP was received and the date the staff report was prepared.

11. The staff report states that " *alternate solutions would entail significant time and financial investment".* It is a fundamental principle that financial hardship is not a factor to be considered on an application for a DVP. Otherwise, virtually every builder could proceed to blindly spend a lot of money on the construction, relying on obtaining exemptions down the road simply because they proceeded to expend many funds.

12. As described above, the staff report is not factually accurate in a number of respects. Furthermore it is not up to date and is missing relevant information. It should not be determinative as to the decision of the DILTC. As the BC Supreme Court held in the Whistler case- " *The Council was not bound by the opinion of Staff. Indeed, the Council was not bound to consider only the factors expressly listed in the Evaluation Criteria.*"

13. Apart from claims of ignorance of the law, financial hardship, the design resulting in an eyesore or potential weathering- none of which qualify as a legitimate justification for a variance- there has not been one relevant legitimate reason provided as to why this DVP application should be approved. Applicable factors justifying variance approval are ones that show they could not have been avoided by the Applicant and were not within the Applicant's control. In the present case, the design, siting and construction of the building on the Respondent's property were totally within the control of the Applicant and the Applicant's experienced designers and contractors.

14. It is clear from the BC Supreme Court in the Whistler case that the overriding principle to be followed is that a DVP decision should be made " *..in the interests of the community as a whole".* This area of Denman Island is a unique integrated locale comprised of small lots comprising Little Burnaby where there is a true community feeling. It is submitted that the DILTC decision should not be made to reward one person at the expense of many- a builder who either didn't take the time to learn the local laws, or who ignored them in the hope that no one would notice. It should be a decision that, using a broad community perspective, results in the DILTC supporting multiple neighbouring residents who have written in opposition to this application and upholding the existing bylaws which were designed to benefit the entire community.

Petition:

The Respondents respectfully request that the DILTC not approve issuance of DE-DVP-2019.1 .

Catharine Szibbo

Alexander Szibbo

[redacted]

Denman Island, BC

cc. Trustee Laura Busheikin

Trustee David Critchley

Concerned neighbours of the Applicant's Property

From: james Robert panabaker [redacted]
Sent: Saturday, September 28, 2019 3:58 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Denman Island Local Trust Committee DE-DVP-2019.1 (Muggoch)

Re: Development Variance Permit PID: 003-225-640
Property located at 3780 East Rd., Denman Island, BC

In response to your recent notice, we are writing to express concerns regarding an Islands Trust Development Variance Permit for PID: 003-225-640 (3780 East Rd., Denman Island, BC).

In the interests of accuracy and valid process, we would like to express concern that the notice lists the incorrect address for the property location. We understand that the legal description is correct, but we believe notice has not been properly given since most recipients may not recognize the discrepancy between the street address and the legal description.

First, as to variance request itself, we believe in the general principle that The Islands Trust Land Use Bylaws should be adhered to in the design and construction of all new buildings.

That the owner of the above-mentioned property commenced building *prior* to applying for a variance complicates any expression of concern since Denman Island is a small community and the area of East Road in question is a neighbourhood of very small properties and close neighbours.

The existing structure, which is not within the required setback at the north-west boundary, has already been built. This is problematic since other property owners on the island have conformed to Land Use Bylaws; further, others have applied for variances *prior* to building and been denied.

While we are not suggesting that the property owner be required to rebuild the portion of the structure already built, we believe the overhang at the north-west boundary should be curtailed to come as close to conforming with Island Trust Land Use Bylaws as possible. We further believe the plan for the structure at the south-east boundary of the property (which has not yet been erected) should be amended to conform with Islands Trust Land Use Bylaws.

Second, the variance requested is 1.32 metres, which is substantial on a property less than 23 metres wide.

The property in question is only .319 acres; the property on the north-west boundary is only .327 acres; the property on the south-east boundary is also only .327 acres. These are among the smallest properties on Denman Island; thus, conforming to the Islands Trust Land Use Bylaws is essential because any variance of setbacks between properties is much more profound than such a variance might be on larger properties where maintaining distances between homes is not as great an issue.

We do hope that a compromise such as the one outlined can be reached.

Respectfully submitted,

Sheila Hancock and James Panabaker
[redacted]
Denman Island, BC
V0R 1T0

STAFF REPORT

File No.: DE-RZ-2017.1
(Denman Community Land Trust Association)

DATE OF MEETING:	October 3, 2019
TO:	Denman Island Local Trust Committee
FROM:	Marnie Eggen, Island Planner Northern Team
COPY:	Heather Kauer, Regional Planning Manager David Marlor, Director Local Planning Services
SUBJECT:	OCP and LUB Bylaw Amendments for Seniors Affordable Housing Development Applicant: Harlene Holm for the Denman Community Land Trust Association Location: 3730 Denman Road, Denman Island (PID 009-708-537)

RECOMMENDATION

1. **That Denman Island Local Trust Committee Bylaw No. 233 cited as "Denman Island Official Community Plan, 2008, Amendment No.1, 2019" be read a first time.**

2. **That Denman Island Local Trust Committee Bylaw No. 234 cited as "Denman Island Land Use Bylaw, 2008, Amendment No.1, 2019" be read a first time.**

3. **That Proposed Bylaw Nos. 233 and 234 be referred to the following First Nations, Local Governments and agencies for comment:**

    a. **First Nations:**

    K'omoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.

    b. **Local Governments and Agencies:**

    Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture, Islands Trust Freshwater Specialist.

4. **That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 233 cited as "Denman Island Official Community Plan, 2008, Amendment No.1, 2019" is not contrary to or at variance with the Islands Trust Policy Statement.**

5. **That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 234 cited as "Denman Island Land Use Bylaw, 2008, Amendment No.1, 2019" is not contrary to or at variance with the Islands Trust Policy Statement.**

6. **That the Denman Island Local Trust Committee request staff to schedule a special meeting for a community information meeting for application DE-RZ-2017.1 (DCLTA) and Proposed Bylaw Nos. 233 and 234 following the close of the bylaw referral period.**

REPORT SUMMARY

This report delivers revised draft bylaws to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB) to enable the proposed seniors affordable housing development for 8 units as presented in application DE-RZ-2017.1 (DCLTA). Staff is recommending that the draft bylaws in Attachment 2 and 3 of this report be given first reading as presented.

BACKGROUND

The LTC passed the following resolution at their last business meeting, held on April 24, 2019:

> **DE-2019-036**
> **It was MOVED and SECONDED,**
> that the Denman Island Local Trust Committee request staff to draft a bylaw for application DE-RZ-2017.1 (DCLTA).
>
> Trustees debated drafting bylaws in the absence of some information, while an LTC member observed that progress is being made and acknowledged the value of continuing the recommended process.
>
> The question on the motion was then called.
>
> **CARRIED**

At the June 6, 2019 LTC meeting, staff presented preliminary draft bylaws for information. Since then, staff have undertaken further analysis of the bylaw amendments and communicated with the applicant, which has resulted in some changes to the bylaw amendments. The amending bylaws are found in Attachments 2 and 3.

The following are outstanding resolutions that were passed at previous LTC meetings that are addressed in this staff report:

> **DE-2018-003 (Feb. 6, 2019)**
> **It was MOVED and SECONDED**, that the Denman Island Local Trust Committee request staff to consult with Denman Community Land Trust Association and its consultant to review and attempt to settle the terms of the draft Terms of Reference prior to the next Local Trust Committee meeting.
>
> **CARRIED**

> **DE-2019-004 (Feb. 7, 2019)**
> **It was MOVED and SECONDED,**
> that the Denman Island Local Trust Committee request staff, under File DE-RZ-2017.1, to provide a brief report as to the tests, investigations, and data review employed or relied upon by the Water Licensing Branch prior to its issuance of a Water License.
>
> **CARRIED**

DE-2019-005 (Feb. 7, 2019)
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request staff to request the Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff to provide any information they have or are developing about Denman Island groundwater and aquifers.

CARRIED

A meeting with the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD) was set in an effort to settle the terms of the draft Terms of Reference and determine how the criteria relied upon by FLNRORD to issue the water licence may provide the confidence to support the development of bylaws that would be consistent with the Denman Official Community Plan and the Islands Trust Policy Statement (ITPS), namely policies 4.4.2 and 4.4.3 as mentioned in staff report dated February 6, 2019. Island Planner and Regional Planning Manager met with MFLNRORD's Senior Water Authorizations Specialist, Water Authorizations Section Head and Water Protection Head responsible for authorizing groundwater licences on May 23, 2019. They confirmed the following with respect to the criteria used to evaluate the groundwater licence application:

- That *Water Sustainability Act, The Groundwater Protection Act* and the *Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia* along with their technical expertise provide the guidance used when assessing groundwater applications. They verbally shared great detail about the level of analysis that is applied to applications, and did not have any other technical reports etc. to share publicly besides the issued water licence.

- Based on potential issues regarding water availability and the risk of saltwater intrusion, the Ministry staff requested 72 pump test however only 12 hours were pumped due to a power outage. Further pumping was not requested. Review and decision incorporated consideration of the short fall of the requested pump test, which has resulted in the conditions listed on the issued groundwater licence.

- Consideration of the pump test, of the aquifer supply-demand, and of long term yield, ministry staff concluded that the well is capable of supplying the amount of groundwater requested.

- As a result of the short fall of the requested pump test, analysis of the application by ministry staff was very conservative and consideration was given to impacts of the groundwater use on surface water and other groundwater users. The analysis concluded that there is no hydrological connection between the surface water in the area and that the proposed water use will have no impacts on other groundwater users.

- Under the *BC Drinking Water Protection Act and Regulation*, Operating Permits are required for all drinking water systems serving anything other than a single-family dwelling. Drinking Water Officers with Island Health work with water suppliers and monitor for compliance with the legislation. Based on testing, treatment will be determined to ensure water is potable. The water system must not be operated without an Operating Permit.

- The maximum quantity of groundwater to be used for the proposed senior's affordable housing of 3.68 cubic metres was determined based on the amount of water the applicant proposed to use, in consultation with the ministry staff. If the applicant uses more than the set quantity, they would be non-compliant with the licence and be subject to enforcement.

- Analysis included consideration of a Denman water budget. Planning staff have made a request to obtain a copy of the budget and await the Ministry's response.

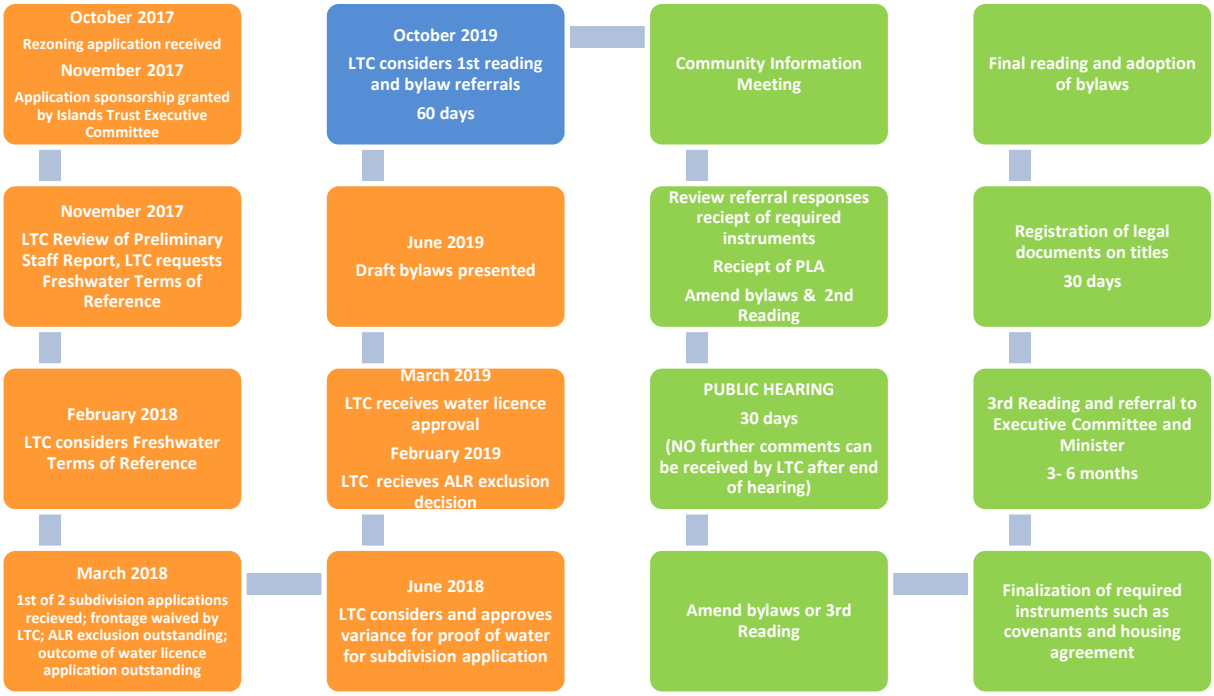
DE-2019-030 (March 7, 2019)
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee refer application DE-RZ-2017.1 (DCLTA), including staff reports and associated technical reports, to the Island Health Drinking Water Officer responsible for Denman Island to determine the permissibility of a Water Supply System providing 3.68 m^3/day to serve 8 dwelling units.

CARRIED

Staff recommend to refer the application to Island Health as requested in resolution DE-2019-030 above, along with the bylaw referrals.

Application Process Steps and Timing

The following timeline outlines the rezoning application process milestones to date along with next steps and approximate timing which may assist in managing applicant and community expectations in how an OCP and LUB amendment application such as this, is processed:



ANALYSIS

Policy/Regulatory

Issues and Opportunities

Staff have identified the following issues for LTC consideration:

- Summary of Draft Bylaw No. 233 (OCP)
- Summary of Draft Bylaw No. 234 (LUB)
- Proof of Adequate Potable Water and Draft Terms of Reference
- Agricultural Land Commission's Conditions of Exclusion from the Agricultural Land Reserve
- Bylaws Consistent with Islands Trust Policy Statement and OCP
- Pending Amendments to Enable New Development Permit Areas
- Restrictive Covenants and Housing Agreements

Draft Amendment Bylaw No. 233 (OCP):

Draft Bylaw No. 233 (Attachment 2), if adopted, would introduce new policies in the OCP to: require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer; re-designate 0.8 ha portion of the parcel from 'Sustainable Resource' to 'Residential', and allow for smaller sized lots to be created by subdivision for the purposes of allowing the seniors affordable housing project in order to contemplate eventual subdivision into 2-3 parcels; and require consideration of residential rental tenure zoning for multi-family dwellings to ensure affordability is maintained in perpetuity. Extracted pages of a mock consolidated OCP with the proposed changes has been included in the October 3, 2019 LTC agenda package for convenience.

Draft Amendment Bylaw No. 234 (LUB):

Draft Bylaw No. 234 (Attachment 3), if adopted, would amend the LUB by: rezoning the parcel to two new site specific 'A(15)' and 'R4(2)' zones to allow for the eventual subdivision into 2-3 lots and allow an increase in density in R4(2) zone; permit multi-family affordable housing by way of a residential rental tenure zone; and regulate siting, size, lot coverage, parking, signage and several other land use parameters for the new R4(2) zone. Extracted pages of a mock consolidated LUB with the proposed changes has been included in the October 3, 2019 LTC agenda package for convenience.

Residential Rental Tenure Zoning in Draft Bylaw No. 234 (LUB)

In 2018, the UBCM's Special Committee on Housing (A Home for Everyone: A Housing Strategy for British Columbians) recommended the Province provide a rental zoning authority to local governments and the province responded by creating this residential rental tenure zoning. On May 31, 2018 the Provincial government amended the *Local Government Act,* granting local governments with the authority to zone land for rental tenure (residential rental tenure zoning). The intent of this new legislation is to give local governments greater ability to preserve existing rental housing and/or increase the supply of new rental housing in their communities. The authority applies to any location where multi-family residential use is permitted and can apply to an entire parcel of land; require a certain number or percentage of units; or require a portion of a building be rental tenure. The use of housing agreements with residential rental tenure zoning further assists to secure affordability over time through conditions.

The residential tenure may not be varied by a Development Variance permit, Development Permit, Heritage Alteration Permit or Board of Variance. Several local governments have prepared and/or implemented new rental zones (Ladysmith, Richmond, Burnaby, Port Moody). Draft Bylaw No. 234 introduces a new residential rental tenure zone in the LUB called 'Multi-Family Dwelling (R4)' to be applied to the Seniors Affordable Housing project portion of the parcel. This new zone regulates the use, density, siting, setbacks, lot coverage and parking requirements for new development to enable the proposal as presented in application DE-RZ-2017.1 (DCLTA).

Proof of Adequate Potable Water and Draft Terms of Reference

It appears that the criteria used by FLNRORD to review the applicant's groundwater application addresses the ITPS policies below:

> 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
>
> 4.4.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.

However, the Islands Trust Freshwater Specialist has expressed concern about the issuance of groundwater licence. General categories of concern include aquifer stress and risk of salt water intrusion.

Planning staff are moving to advance the draft bylaws to first reading based on the discussion with FLNRORD, and the fact that the Section 2.8 15 of the Denman Land Use Bylaw No. 18 (LUB) can be used at the time of subdivision in a case such as this. Section 2.8 15 of the LUB contemplates requiring a covenant at the subdivision stage should the required amount of potable water not be supplied. The applicant is proposing 3.86 cubic metres/day instead of the required 1200 litres/dwelling/day. The covenant restricts the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied with certification under the seal of a qualified professional, in this case FLNRORD.

Additionally, staff recommend referring the amendment bylaws to the Freshwater Specialist for formal comment. Referrals will include a request to comment on the status of the Draft Terms of Reference, given the issued water licence.

Agricultural Land Commission's Conditions of Exclusion from the Agricultural Land Reserve: Vegetation and Fencing Plan & Road Access

On June 1, 2019, staff received a copy of the approval from the Agricultural Land Commission (ALC) for the applicant's Vegetation and Fencing Plan which includes the proposed vegetative buffer and fencing plans. The Plan is found in Attachment 6 and the ALC approval in Attachment 7.

In response to a request by the applicant, staff requested and received confirmation via email from the ALC that the road access as indicated in the map attached to the ALC's Exclusion Decision, dated November 2018 is not intended to be excluded from the ALR. This is reflected in the bylaw amendments. The email and exclusion map is in Attachment 8.

Bylaws Consistent with Islands Trust Policy Statement and OCP

Planning staff have included a table of relevant Islands Trust Policy Statement and OCP policies along with staff recommendations as presented in the draft bylaws. Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement Directives Only Checklist (ITPS Attachment 3) and concluded that the Draft Bylaw No. 233 (OCP) and Draft Bylaw No. 234 as written are not contrary to or at variance with the ITPS.

Pending amendments to enable new Development Permit Areas (DPAs)

As directed by the LTC, staff working on DE-RZ-2018.1 are developing bylaw amendments that would also introduce new DPAs to be applied to those properties to protect the natural environment, farming and promote energy, water conservation and reduction of greenhouse gas emissions. Staff suggest that a DPA to promote energy and water conservation and reduce greenhouse gas emissions could be applied to this application (DE-RZ-2017.1).

In order to implement these changes, staff is recommending a separate set of draft bylaws to amend the OCP and LUB. The drafts are currently being reviewed by staff and are anticipated to be ready for LTC review at a future LTC meeting date for consideration of first reading. The LTC can advance consideration of Draft Bylaw Nos. 233 (OCP) and 234 (LUB) in the interim, and all four bylaws can be presented at a public hearing together without delaying the legislative review process.

Restrictive Covenants and Housing Agreements

Staff will be providing the LTC with an analysis of the land use planning tools that will be required to ensure the following:

- that Energy Step Code compliance is required for all new dwellings on the parcel,
- that any new multi-family dwelling is subject to a housing agreement to ensure rental affordability in perpetuity,
- that the conditions related to the ALC exclusion are required by covenant, and
- any conditions related to water supply, storm water management, sewerage system maintenance.

Such legal instruments would need to be considered by the LTC in advance of second reading and be available to the public for review as part of a public hearing package.

Consultation

As this application proposes an amendment to the official community plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed below and in the recommendations on page 1 of this report. Staff also recommend a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. Significant changes to the bylaw (either as a requirement of the LTC, or by the applicant) that necessitate further referrals or community meetings or application complexities may require more involved consultation.

Statutory Requirements

As the project would involve an OCP amendment, the LTC is required by the Local Government Act to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than identified below and direct staff accordingly.

<u>Agencies</u>

Should the LTC concur with the staff recommendation to give first reading to both bylaws, referrals will be sent to the following agencies and adjacent local governments for comment:

- Denman Island Advisory Planning Commission

- Island Trust Freshwater Specialist
- Comox Valley Regional District
- Island Health
- Agricultural Land Commission/Ministry of Agriculture
- School District 71
- Hornby Island Local Trust Committee

First Nations

The following First Nations include Denman Island as part of their marine, land territory or Treaty area and bylaw referrals should be sent to the following First Nations for comment:

- K'omoks First Nation
- Qualicum First Nation
- Te'Mexw Treaty Association
- Lake Cowichan First Nation
- Penelakut Tribe
- Nanwakolas Council
- Snaw'Naw'As Nation
- Stz'uminus First Nation
- We Wai Kum Nation
- Lyackson First Nation
- Laich-kwil-tach Treaty Society
- Tla'amin Nation
- We Wai Kai Nation
- Halalt First Nation
- Lyackson First Nation
- Laich-kwil-tach Treaty Society
- Cowichan Tribes

Protocols

The LTC has a protocol agreement with the Comox Valley Regional District (CVRD, 2011) and staff of the Islands Trust have a letter of understanding with staff of the CVRD (2018) to ensure interagency collaboration on land use, park planning, bylaw enforcement and servicing. Bylaws would be referred to CVRD for comment.

Public Correspondence

Public correspondence received to date is being redacted by staff and posted to the applications website.

Rationale for Recommendation

Draft bylaws have been prepared to amend the OCP and LUB and contemplate multi-family affordable housing and subdivision as presented in application DE-RZ-2017.1 (DCLTA). Staff recommend first reading of both bylaws in order to advance referral responses from First Nations, provincial agencies, adjacent local governments and select referral agencies. The staff recommendations are found on page 1 of this report.

ALTERNATIVES

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

1. **Request additional information/defer consideration of first reading.**

   The LTC can request specific additional information from staff and/or the applicant prior to consideration of first reading. If this alternative is selected then the following resolution is recommended:

   "*That the Denman Island Local Trust Committee request staff/applicant to provide the following (specify information request) prior to further consideration of Draft Bylaw Nos. 233 and 234."*

NEXT STEPS

Should the LTC concur with the staff recommendations, referrals will be sent out requesting a response within 60 days of the date on the referral, and a community information meeting will be tentatively scheduled and draft bylaws for the DPAs will be finalized for LTC consideration.

Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	September 26, 2019
Concurrence:	Heather Kauer, MCIP, RPP Regional Planning Manager	September 26, 2019

ATTACHMENTS

1. Policies Table, revised October 2019
2. Draft Bylaw No. 233 (OCP)
3. Draft Bylaw No. 234 (LUB)
4. Islands Trust Policy Statement Directives Only Checklist (Bylaw 233)
5. Islands Trust Policy Statement Directives Only Checklist (Bylaw 234)
6. Applicant's proposed vegetation and fencing plan to meet ALR exclusion conditions, dated January 20, 2019
7. Agricultural Land Commission Approval of Vegetation and Fencing Plan, dated May 13, 2019
8. Agricultural Land Commission Response regarding road access, dated September 24, 2019

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Consistent	Staff Recommendations as represented in Draft Bylaws 233 (OCP) & 234 (LUB)
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Yes	• Proposed amendments (OCP) add policy that multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	N/A	• No changes proposed. Non DPA creek on subject property to be subject to current LUB setbacks to streams for buildings and structures. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	Yes	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; proposed bylaw amendments (OCP & LUB) allow for use.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	Yes	• Proposed amendments (LUB) add lot line setbacks to Agricultural lands following Ministry of Agriculture's Guide to Edge Planning. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: • neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, • water quality is maintained, and • existing, anticipated and seasonal demands for water are considered and allowed for.	Yes	• Proposed amendments (LUB) add new zone to allow for increased density. No changes to OCP. • MFLNRORD approved water licence for lesser amount of supplied water than required by LUB and identified risk of salt water intrusion; review guided by Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in BC, which includes consideration of aquifer status and anticipated demands for water. • As per current LUB Section 2.8. 15, a covenant should be required to allow a lesser amount of supplied water as approved by MFLNRORD. • Bylaws to be referred to Island Health re: water quality. • Potential issues indicated by Freshwater specialist; bylaws to be referred for formal response.

ITPS Policy	Consistent	Staff Recommendations as represented in Draft Bylaws 233 (OCP) & 234 (LUB)
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	Yes	• No changes proposed. • MFLNRORD approved water licence that included review of impacts on in-stream uses (registered wells). • Potential issues indicated by Freshwater specialist; bylaws to be referred for formal response. As per current OCP D.3, Policy 6, the LTC should consider requiring mitigating measures to conserve water and protect the ground water resource, which could be added to a covenant.
4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.	Yes	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; proposed bylaw amendments (OCP & LUB) allow for proposed use.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	Yes	• Proposal is subject to current OCP policies and LUB regulations addressing these areas; • Proposed bylaw amendments (OCP and LUB) further address these areas (e.g. setbacks to lot lines, stream, step code consideration, creation of residential rental tenure zoning to ensure affordability).
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	Yes	• No changes proposed. • LTC directed the use of OCP Policy 11 to allow an increase residential density of 8 dwelling units on the subject property. • Staff to provide a standing resolution clearly identifying density reserves available and remaining.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	Yes	• Bylaw amendment (LUB) adds one bicycle parking space per dwelling unit in a multi-family dwelling.
5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	Yes	• Proposal intended to address community's housing needs for seniors affordable housing. Bylaw amendments (OCP & LUB) facilitate seniors affordable housing.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
C.2 Freshwater Policy 2 Adequate setbacks should be maintained to discourage development encroachment on riparian habitat and reduce pollution of this habitat.	• No changes proposed. • Non DPA creek on subject property will be subject to current LUB setbacks to streams for buildings and structures. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
C.2 Freshwater Policy 7 Landowners are encouraged to landscape their property in a way that promotes ponding of excess water, thus reducing run-off and curtailing the amount of water and sediment entering any watercourse.	• No changes proposed. • Staff recommend that storm water management provisions be included in a covenant.
C.2 Freshwater Policy 9 Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	• Bylaw amendment (LUB) adds exclusion of cisterns for the collection of rainwater from definition of lot coverage & provides adequate height max. • Proposal includes rain water harvesting; staff recommend a DPA for water conservation to require rain water harvesting and collection systems.
C.4 Climate Change Policy 2 The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	• Bylaw amendment (OCP) adds that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend including step code requirement in a covenant.
C.4 Climate Change Policy 4 The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	• Bylaw amendment (OCP) adds that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend including step code requirement in a covenant.
D.2 Transportation and Utilities Policy 8 When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	• Bylaw amendment (LUB) adds one bicycle parking space per dwelling unit in a multi-family dwelling.
D.3 Water Management Policy 6 When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	• MFLNRORD indicates some level of scarce ground water supply, but has approved a water licence for a lesser amount than required in the LUB. Islands Trust Freshwater Specialist indicate some concerns. Bylaws to be referred for formal response. • Staff suggest that a covenant as per LUB Section 2.8. 15 be required to allow a lesser amount of supplied water as approved by MFLNRORD, and that the draft amendment bylaws are referred to Islands Trust Freshwater Specialist. Any mitigating measures could be included in covenant.
D.4 Waste Management Policy 1 The Local Trust Committee should address the potential negative impacts of surface water runoff and septic systems on lakes, streams, wetlands and the sea when considering all zoning amendment applications.	• No changes proposed. • Staff recommend that storm water management provisions be included in a covenant.

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
E.1 Housing Policy 1 In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare.	• Bylaw amendment (OCP) adds exception to lot size for lots created by subdivision in the Residential designation for the purpose of allowing multi-family affordable housing to allow for future subdivision (+/- 0.8 ha lot size) of subject property.
E.1 Housing Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares, and the size of new lots for agricultural and other uses that are created by subdivision may not be less than 15 hectares.	• Bylaw Amendment (OCP) adds exception for new lots created by subdivision in the Sustainable Resource designation for agriculture for the purpose of allowing multi-family -affordable housing which will allow for future subdivision (+/- 0.8 ha lot size) of subject property as proposed.
E.1 Housing Policy 8 In the Residential designation and the Rural designation, the principal use should be single family residential with the exception of the existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw.	• Bylaw Amendment (OCP) adds an exception for multi-family affordable housing through completion of a successful rezoning application in order to allow proposed seniors affordable housing development.
E.1 Housing Policy 9 In the Residential designation, unless otherwise permitted by Policy 29, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area.	• Bylaw Amendment (OCP) adds an exception to allow more than one dwelling unit per 1.0 ha in order to allow proposed seniors affordable housing development of 8 units. See Policies 27, 28 below.
E.1 Housing Policy 11 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section….	• No changes proposed. • LTC directed the use of OCP Policy 11 to allow an increase residential density of 8 dwelling units on the subject property. • Staff to provide a standing resolution clearly identifying density reserves available and remaining.
E.1 Housing Policy 21 Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the Riparian Area Regulation under the Fish Protection Act.	• Bylaw Amendment (LUB) includes lot line setbacks for new zone. • Non DPA creek on subject property will be subject to current LUB setbacks to streams for buildings and structures. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
E.1 Housing Policy 23 Zoning regulations should establish sufficient setbacks for septic disposal systems: • to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and • to protect adjacent properties from effluent or odours.	• Bylaw Amendment (LUB) includes lot line setbacks for new zone. • Staff recommend consideration of sewerage system maintenance provisions to be included in covenant to ensure proper functioning of proposed system.
E.1 Housing Policy 24 Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.	• Bylaw Amendment (LUB) adds a 10 metre lot line setback to adjacent Agricultural lands following Ministry of Agriculture's Guide to Edge Planning.

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
E.1 Housing Policy 26 The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	• Proposed amendment (OCP) revises this policy to say that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend including step code requirement in a covenant.
E.1 Housing Policy 27 The Local Trust Committee should consider zoning amendment applications for seniors housing provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal is small-scale; • that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that the applicants enter into a housing agreement with the Local Trust Committee; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposal is designated a development permit area to guide form and character; and • that the proposed development will not place a strain on existing public services and infrastructure.	• Proposed amendment (OCP) adds to the end of this policy that residential rental tenure zoning be considered to ensure affordability is maintained in perpetuity.
E.1 Housing Policy 28 The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposed development will not place a strain on existing public services and infrastructure.	• Proposed amendment (OCP) adds to the end of this policy that residential rental tenure zoning be considered to ensure affordability is maintained in perpetuity.
E.4 Resources Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; proposed bylaw amendments (OCP & LUB) allow for proposed use.

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 233

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 Area under the *Islands Trust Act,* enacts as follows:

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as "Denman Island Official Community Plan, 2008" is amended as shown on Schedules "1,""2,"and "3" attached to and forming part of this bylaw.

2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019".

READ A FIRST TIME THIS	xx	DAY OF	, 2019
READ A SECOND TIME THIS	xx	DAY OF	, 20xx
READ A THIRD TIME THIS	xx	DAY OF	, 20xx
PUBLIC HEARING HELD THIS	xx	DAY OF	, 20xx
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF	, 20xx
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF	, 20XX
ADOPTED THIS		DAY OF	, 20XX

Chair **Secretary**

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:

   1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: "except for lots created for the purpose of allowing multi-family affordable housing."

   1.2. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 3 is amended by replacing it in its entirety with the following:

   "Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares."

   1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, is amended by adding the following new Policy 4 after Policy 3 and renumbering subsequent Policies chronologically:

   "Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing."

   1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:
   "In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:
   - The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
   - Multi-family affordable housing through the completion of a successful rezoning application."

   1.5. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing "Policy 29" to "Policy 30".

   1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by adding "28, 29, or" after the word "Policy" and before the number "30."

   1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 27 is replaced in its entirety with the following:
   "Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title."

1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 28 is amended by adding an additional bullet to the end of the list that reads: “that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity.”

DENMAN ISLAND LOCAL TRUST COMMITTEE

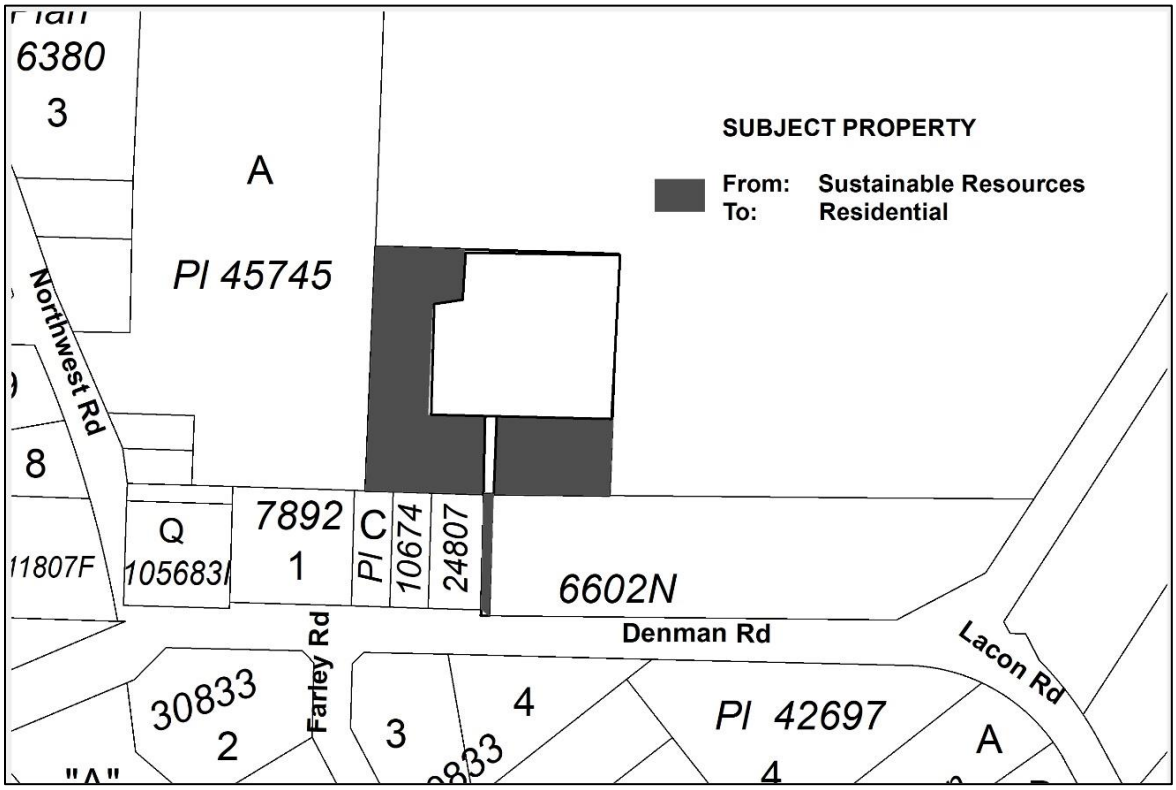
BYLAW NO. 233

Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Plan No. 1 – <u>CONCEPTUAL PLAN ONLY</u>

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 68031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

   This bylaw may be cited for all purposes as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019".

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

_____ _____

Chair **Secretary**

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:

1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"*lot coverage* means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."

1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

"*dwelling*, *multi-family* means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

dwelling unit, *single family* means a building containing one dwelling unit;

residential rental tenure means the granting of a right to occupy a *dwelling unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *dwelling unit* is not owned by a *dwelling unit* occupant, but where regular payments are made to the owner for the use of the *dwelling unit*;*"*

1.3 PART 2 ADMINISTRATION, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Multi-family (R4) Zone'." after the word "Bylaw".

1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Multi-family (R4).'" after the word "accommodation".

1.5 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:

- "one per one single family residential use"

And replacing it with:

- "one per one single family residential dwelling unit"

1.6 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:

- "two per dwelling unit in a multi-family dwelling"

1.7 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:

- "one per dwelling unit in a multi-family dwelling"

1.8 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding “Multi-family (R4)” after “(R3)”.

1.9 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing “R3 zone” and replacing with “R3 and R4 zones”.

1.10 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, **Residential Zones** is amended by adding “Multi-family R4”.

1.11 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 1 – Permitted Uses is deleted in its entirety and replaced with:

	Table 1 - Permitted Uses	**R1**	**R2**	**R3**	**R4**
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓ *Secondary dwelling units must be approved through a Temporary Use Permit		

1.12 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 2 – Permitted Buildings and Structures is deleted in its entirety and replaced with:

	Table 2 - Permitted Buildings and Structures	**R1**	**R2**	**R3**	**R4**
1	Single family dwelling units	✓	✓	✓	
2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures accessory to a constructed multi-family dwelling unit				✓

5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	

1.13 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 3 – Density of Uses, Buildings and Structures is deleted in its entirety and replaced with:

	Table 3 - Density of Uses, Buildings and Structures	**R1**	**R2**	**R3**	**R4**
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

1.14 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 4 – Height is deleted in its entirety and replaced with:

	Table 4 – Height	**R1**	**R2**	**R3**	**R4**
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

1.15 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 5 – Setbacks is deleted in its entirety and replaced with:

	Table 5 - Setbacks	R1	R2	R3	R4
	In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply				
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	• from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	• from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	• from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

1.16 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 6 – Floor Area is deleted in its entirety and replaced with:

	Table 6 - Floor Area	R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m^2	6.0 m^2	6.0 m^2	10.0 m^2
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m^2	30.0 m^2	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m^2	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m^2	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m^2	100 m^2

1.17 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 7 – Subdivision is deleted in its entirety and replaced with:

	Table 7 - Subdivision	R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	
2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha	

1.18 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 8 – Site Specific Regulations is amended by adding a new R4(2) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
R4(2)	1 Despite line 4 in Table 1 of this Section, the following uses, and no other uses, are permitted as home occupations: • general business offices, • professional offices, including health services, • personal services, • food processing. 2 Despite line 3 in Table 3 of this Section, the maximum number of dwelling units per lot is 8. 3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 20%. 4 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house • from the front lot line is 7.5 m • from the rear or side lot line is 3 m, except it is 10 m where the lot line abuts land in the ALR that is not for the sole purpose of access and egress • from the exterior side lot line is 3 m 5 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a dwelling unit in a multi-family dwelling is 60 m^2. 6 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares.

1.19 PART 3 – ZONE REGULATIONS, Section 3.4 – "Resource Zoning Tables", Table 8 – Site Specific Regulations is amended by adding a new A(15) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
A(15)	7 Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

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

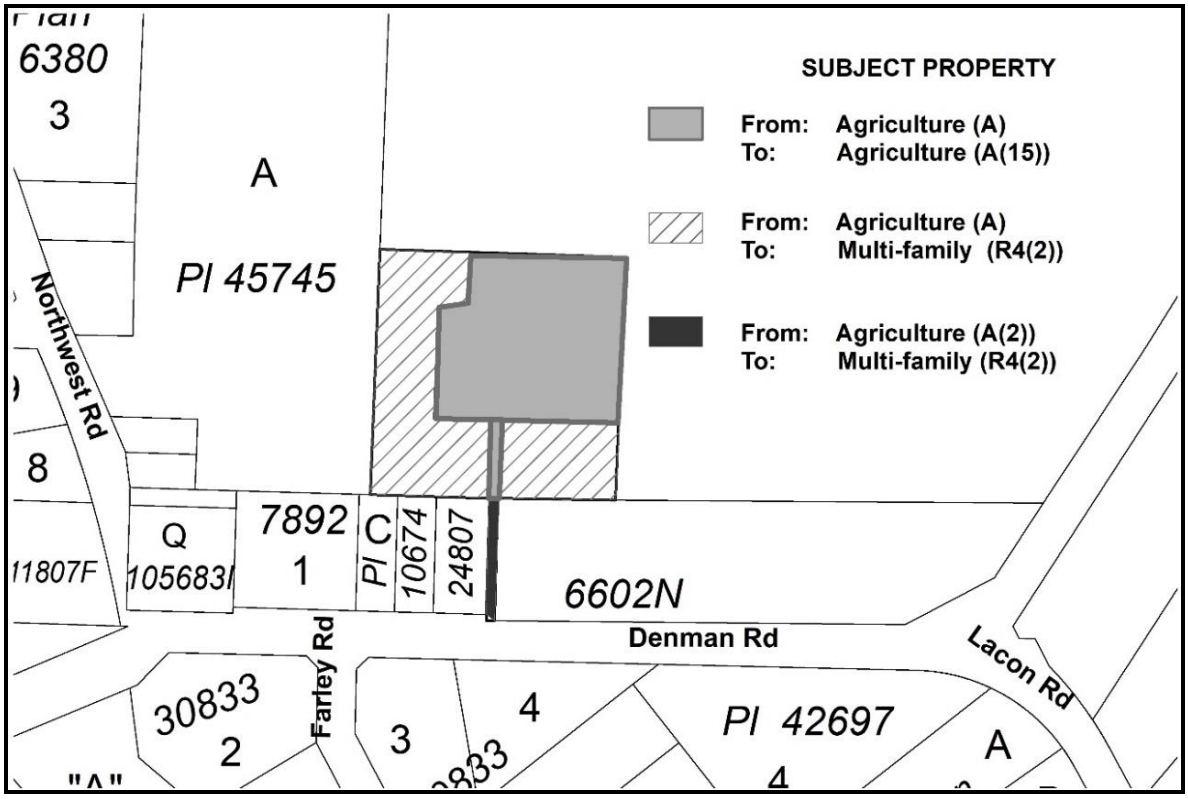
2.1. Schedule "B" – North Sheet is amended by changing the name "North Sheet" to "North Map".

2.2. Schedule "B" – South Sheet is amended by changing the name "South Sheet" to "South Map".

2.3. Schedule "B" – North Map, is amended by changing the zoning classification of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 186 as are required to effect this change.

Plan No. 1 – <u>CONCEPTUAL PLAN ONLY</u>

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 68031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2017.1 (DCLTA)
File Name: Bylaw No. 233 (OCP)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
N/A	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
N/A	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
N/A	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
✓	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
N/A	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
N/A	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
✓	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
✓	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	NO.	DIRECTIVE POLICY

	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
N/A	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
✓	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2017.1 (DCLTA)
File Name: Bylaw No. 234 (OCP)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
N/A	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
N/A	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
N/A	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
N/A	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
✓	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
N/A	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
✓	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
✓	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
✓	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
N/A	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
✓	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

January 20, 2019

Ron Wallace, Planner
Provincial Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC V5G 4K6

Dear Ron Wallace:

Re: ALC File 54694) – Vegetative Buffer and Fencing Plan (draft for comment)

ALC exclusion condition 25.a. reads, "the Commission receive and approve a vegetative buffer and fencing plan between the Property and adjacent agricultural lands, and that the buffer be on the non-ALR side."

As the agent working on behalf of the Lot M landowner and a board member of Denman Community Land Trust Association (DCLTA), I am developing the materials needed to satisfy this condition. I will not be providing a formal buffer design plan, because much of the vegetative buffer, as described in Landscaped Buffer Specifications A.6 "Existing Vegetation Retention," is already in place. In addition, a portion of the proposed buffer configuration follows an existing ditch which drains farmland to the east of Lot M and provides a deterrent to trespass, as outlined in Schedule A.5. "Water Feature and Fence." (See attachment #1 with the project site plan, aerial photos of the proposed location of the buffer, the existing vegetation for Lot M and the 12 photos of this buffer and ditch.)

I propose that the fencing be placed on the inside of the 3 metre setback buffer area and follow the project's eastern property line to the project's northern property line and that the fencing then continue westward the full length of Lot M to the project's western property line, roughly paralleling the drainage ditch. Thus located, the vegetative buffer and fencing proposal will meet four goals:

1) fulfill the ALC conditions of preventing trespass onto ALR land while also addressing the layout and safety concerns of the Seniors' Affordable Housing Project;

2) recognize buffer area features in Lot M's existing landscape that would discourage trespass by the project's tenants and provide a visual buffer between the project residential use and the nearby agricultural land;

3) acknowledge community concerns regarding perceived hazards associated with use of barb wire and the environmental degradation resulting from the use of pressure treated posts; and

4) recognize that, in the experience of local farmers, including myself, it is far more likely that, over time, fencing that is visible will be maintained and repaired as needed and will remain accessible for such ongoing upkeep.

The following offers greater detail regarding points 1 - 4:

1. The portion of the project north of the drainage ditch will not have a residential use. Instead, this area will accommodate the dug well water storage, the wastewater treatment system and the drain field – all respecting the 3 metre setback required in the Denman Island Land Use Bylaw. Once these works are installed, activity will be minimal and restricted to system maintenance and grass cutting to prevent intrusion by invasive plants. I estimate that over 95% of the infrastructure will be underground. Given this proposed use, the vegetative buffer and fencing in the west part of the project property is best located along the drainage ditch, rather than along the property line.

Further, the owner of Lot M, and of the subsequent remnant ALR parcel, has expressed a clear preference for retaining her existing viewscape, which could be impaired or eliminated by a vegetative buffer separating her parcel from the project's non-tenanted area north of the drainage ditch. Also, she has a written agreement with DCLTA for her continued use of an existing path crossing the project parcel to the north of the ditch to allow her easy access the village area.

Additionally, a fenced, 'no-trespass' barrier running east-to-west would address the concern of the Denman Community Land Trust Association (DCLTA) that access to the drainage ditch might otherwise pose a safety concern for project tenants and their visitors.

2. The existing vegetation of grand fir, maple, predominant black hawthorn with its spikes, alder and wild rose in the area proposed as buffer, plus the drainage ditch, appear to fit with ALC Landscaped Buffer Specifications, Schedule A 5 and 6.

Photo # 2 shows that the eastern setback area buffer is a bit thin; this is where DCLTA will plant 3 *Cupressocyparis leylandii* (Leyland cypress). These trees are amenable to pruning, which would prevent unwanted shading of possible ALR farm use or of the project's construction area. In my experience, this tree tolerates a wide range of local soil conditions from wet to dry and requires no deer proofing beyond an initial sleeve to prevent bucks from using the stem to remove velvet from their horns.

The vegetation buffer plan includes sword ferns planted within the buffer area and several evergreen trees and shrubs planted along the setback fence west of the ditch, specifically, 3 Loquat trees and 2 Feijoa shrubs, as recommended by a local nursery specializing in edible landscapes, and 3 *Ceonothus L.* (California Lilac) for the benefit of pollinators. The Denman Island Land Use Bylaw requires a setback of 3 metres from lot lines and 15 metres for buildings and structures located near the ditch, excluding fencing; this facilitates establishing evergreen plants on the project side of the fencing (see photos of areas 5, 6, 9 and 10), which is advantageous, given that these plants will require protection from deer and removal of snow loads that could damage the plants.

3. Fencing in the draft buffer plan combines the requirement in Schedule D 5 but uses no-climb fencing rather than stock fencing and, if required, high-tensile top wire, as described in D 7. The draft plan proposes corner posts, brace posts and gate posts made of cement, using a template and expertise provided by local, second generation farmers John Isbister and John Mather. The draft plan includes two gates: one with a width of approximately 12 feet to access the remainder residence and one with a width of approximately 14 feet to access the project's wastewater and back-up water systems. The plan proposes 6-bar galvanized gates with wired-on faceplate of no-climb fencing.

As noted, the draft plan includes no-climb fencing (which uses wire 'knots' rather than welds). Combined with T-bar supports every 10 feet, the fence should make trespass unlikely by tenants, their visitors or dogs. While no-climb fencing is more expensive, it does not stretch and/or sag, trap wildlife or deteriorate the way stock fencing does.

Regarding barb wire, this community is particularly concerned about the damage that barb wire inflicts on deer and other wildlife. Unfortunately, remnants of barb wire are plentiful on the island as a result of the many farms here years ago. A member of the Denman Island Residents Association's Wild Life Committee spent countless hours removing an estimated 300 metres of derelict barb wire from Lot M, snipping it to unusable lengths and recycling it. Given community misgivings, the buffer design does not use barb wire.

Regarding pressure treated posts, this community has a strong commitment to protection of the environment from potentially damaging chemicals. In another community project, for example, pressure treated posts installed in 2015 to protect a sensitive area were removed and replaced a year later, following expressed community concern.

Although the requirements of the ALC regarding fence anchoring posts could be met by old growth cedar, these posts are a rare find and few islanders (including myself) are willing to split and share this precious resource. Concrete anchoring posts, as proposed in this plan, have been used successfully on this island for more than two decades and provide a satisfactory alternative.

4. I am a farmer with three decades of experience. I have used my experience installing and maintaining no climb fencing to draft details of the buffer plan. I also consulted with two second generation Denman Island farmers and added their views, and I used DCLTA's experience when removing derelict fencing on Lot M.

I would be grateful if you would review this draft plan and give me your comments and suggestions regarding any changes.

Thank you,
Harlene

[Note: this email text is also attached as a pdf]


Lot "M"
Buffer in pink. Gates as ( )
PLAN
Dunmair Road

From: "Wallace, Ron ALC:EX" <Ron.Wallace@gov.bc.ca>
Subject: RE: May 9.19 Fwd: Apr.23.19 DCLTA's vegetative/buffer plan re file 54694
Date: May 13, 2019 at 9:34:24 AM PDT
To: HHolm <ananke@telus.net>
Cc: Guy Marion <gmarion7@telus.net>, Nancy Hoyano <nhoyano@telus.net>

Hi Harlene,

The Island Panel of Commissioners has reviewed your Vegetative Buffer and Fencing Plan dated January 20, 2019. The Island Panel finds the proposed vegetative buffer and fencing plan to be satisfactory and consistent with its decision by Resolution #359/2018.

Thank you,

Ron Wallace, Planner
Provincial Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC V5G 4K6P: 604 660-7029 IF: 604 660-7033

From: ALC Island Land Use ALC:EX <ALC.Island@gov.bc.ca>
Sent: Tuesday, September 24, 2019 2:07 PM
To: Marnie Eggen
Subject: RE: ALC file 54694 - confirming follow up on conditions of exclusion from ALR for Denman Community Land Trust Association
Attachments: 54694d1 (DCLTA).pdf

Hi Marnie,

I just wanted to follow up with you on your road access enquiry. Please note that the road (highlighted in green on page 8 of the attached) was not included in the ~0.8 ha portion approved for exclusion. That is to say, the road is to remain in the ALR to provide access to the ALR portion of the parcel.

Sincerely,

Aimee McGowan MRM | Land Use Planner | Agricultural Land Commission
201 - 4940 Canada Way, Burnaby, BC, V5G 4K6 | 604.660.7038
Aimee.McGowan@gov.bc.ca | www.alc.gov.bc.ca

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From: McGowan, Aimee ALC:EX **On Behalf Of** ALC Island Land Use ALC:EX
Sent: Thursday, September 12, 2019 3:32 PM
To: 'Marnie Eggen'
Subject: RE: ALC file 54694 - confirming follow up on conditions of exclusion from ALR for Denman Community Land Trust Association

Hello Marnie,

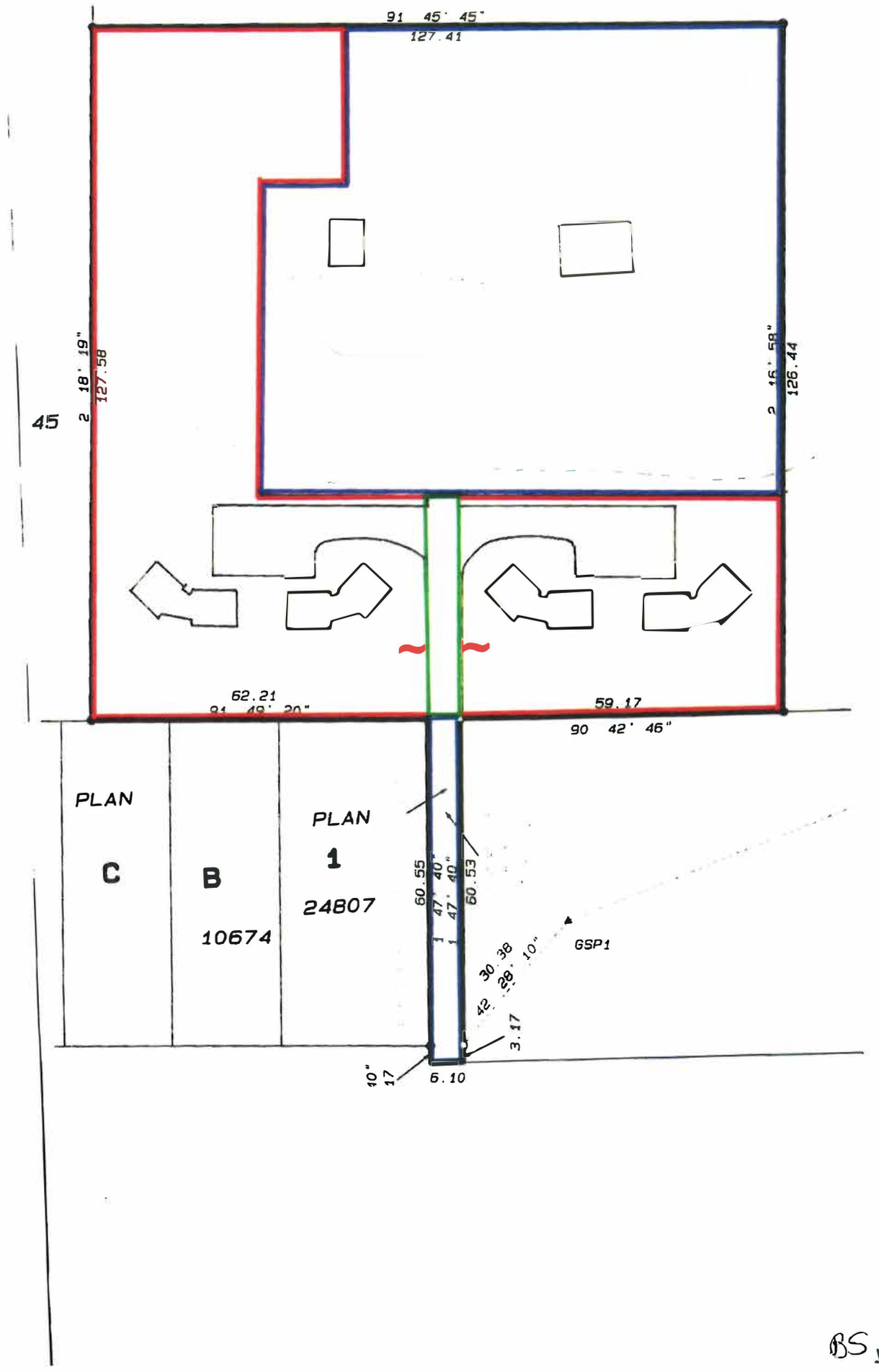
Thank you for your email. Please note that I have forwarded your bylaw amendment inquiry to the Regional Planner for Vancouver Island (Gordon Bednard) for review. Please forward any further inquiries as they relate to this subject matter to him at Gordon.Bednard@gov.bc.ca.

With respect to your road access inquiry. The road to Parcel ID 009-708-537 is not part of the Property and therefore would not be included in the area conditionally approved for exclusion. However, it appears that the road to the Parcel is currently not in the ALR (please see attached map).

Please let me know if you have any further questions.

Sincerely,

Aimee McGowan MRM | Land Use Planner | Agricultural Land Commission
201 - 4940 Canada Way, Burnaby, BC, V5G 4K6 | 604.660.7038
Aimee.McGowan@gov.bc.ca | www.alc.gov.bc.ca


91 45' 45"
127.41
45
2 18' 19"
127.58
2 16' 58"
126.44
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91 49' 20"
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90 42' 46"
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BS

STAFF REPORT

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

DATE OF MEETING:	October 3, 2019
TO:	Denman Island Local Trust Committee
FROM:	Sonja Zupanec RPP, MCIP Local Planning Services
SUBJECT:	OCP and LUB Amendments for 20 units of Rental Housing – "Denman Green" Applicant: Simon Palmer on behalf of the Denman Housing Association Location: PID 009-704-523 and PID 006-657-290 Denman Island

RECOMMENDATIONS

1. **That Denman Island Local Trust Committee Bylaw No. 235 cited as "Denman Island Official Community Plan, 2008, Amendment No.2, 2019" be read a first time.**

2. **That Denman Island Local Trust Committee Bylaw No. 236 cited as "Denman Island Land Use Bylaw, 2008, Amendment No.2, 2019" be read a first time.**

3. **That Proposed Bylaw Nos. 235 and 236 be referred to the following First Nations, Local Governments and agencies for comment:**

    a. **First Nations:**

    K'omoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.

    b. **Local Governments and Agencies:**

    Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture, Islands Trust Freshwater Specialist.

4. **That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 235 cited as "Denman Island Official Community Plan, 2008, Amendment No.2, 2019" is not contrary to or at variance with the Islands Trust Policy Statement.**

5. **That the Denman Island Local Trust Committee request staff to schedule a special meeting for a community information meeting on application DE-RZ-2018.1 (DHA) and Proposed Bylaw Nos. 235 and 236 following the close of the bylaw referral period and upon receipt of confirmation of an on-island back-up water supply for the proposed 20 units of rental housing.**

REPORT SUMMARY

This report introduces draft bylaws to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB) to enable the proposed multi-family rental housing development "Denman Green" as presented in application DE-RZ-2018.1 (DHA). Staff is recommending that the draft bylaws in Attachment 1 and 2 of this report be given first reading as presented. All relevant background information is posted to the current application website.

BACKGROUND

The Denman Island Local Trust Committee (LTC) passed the following resolutions at the July 4, 2019 regular business meeting:

> **DE-2019-067 It was MOVED and SECONDED,**
> that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, consistent with draft bylaw language presented in Attachment 1, Table 1 of the Staff Report dated July 4, 2019 for DE-RZ-2018.1 (Denman Housing Association).
> **CARRIED**
>
> **DE-2019-068 It was MOVED and SECONDED,**
> that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Denman Island Land Use Bylaw, 2008, consistent with draft bylaw language presented in Attachment 1, Table 2 of the Staff Report dated July 4, 2019 for DE-RZ-2018.1 (Denman Housing Association).
> **CARRIED**

Staff have prepared amending bylaws for LTC consideration of first reading (Attachments 1 and 2).

ANALYSIS

Issues and Opportunities

Staff have identified the following issues for LTC consideration:

- Summary of Draft Bylaw No. 235 (OCP)
- Summary of Draft Bylaw No. 236 (LUB)
- Bylaws consistent with Islands Trust Policy Statement
- Pending amendments to enable new Development Permit Areas
- Restrictive covenants and housing agreements

Summary of Draft Bylaw No. 235 (OCP)

Draft Bylaw No. 235 (Attachment 1), if adopted, would introduce new policies in the OCP to: enable the transfer of density from one parcel to another for the purposes of multi-family affordable housing; require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer; re-designate the receiver parcel (PID 006-657-290) from 'Sustainable Resource' to 'Rural' in order to contemplate eventual subdivision into 4 parcels; and require consideration of residential rental tenure zoning for multi-family dwellings to ensure affordability is

maintained in perpetuity. Extracted pages of a mock consolidated OCP with the proposed changes has been included in the October 3, 2019 LTC agenda package for convenience.

Summary of Draft Bylaw No. 236 (LUB)

Draft Bylaw No. 236 (Attachment 2), if adopted, would amend the LUB by: rezoning the donor parcel to a new site specific 'R7' zone to reduce the maximum permitted density/lots from seven dwellings/lots to three; rezoning the receiver parcel to two new site specific 'R8' and 'R4(1)' zones to permit an increase in density; permit multi-family affordable housing by way of a residential rental tenure zone; and regulate siting, size, lot coverage, parking, signage and several other land use parameters for the new site specific zones. Extracted pages of a mock consolidated LUB with the proposed changes has been included in the October 3, 2019 LTC agenda package for convenience.

Residential Rental Tenure Zoning in Draft Bylaw No. 236 (LUB)

In 2018, the UBCM's Special Committee on Housing (A Home for Everyone: A Housing Strategy for British Columbians) recommended the Province provide a rental zoning authority to local governments and the province responded by creating this residential rental tenure zoning. On May 31, 2018 the Provincial government amended the *Local Government Act,* granting local governments with the authority to zone land for rental tenure (residential rental tenure zoning). The intent of this new legislation is to give local governments greater ability to preserve existing rental housing and/or increase the supply of new rental housing in their communities. The authority applies to any location where multi-family residential use is permitted and can apply to an entire parcel of land; require a certain number or percentage of units; or require a portion of a building be rental tenure. The use of housing agreements with residential rental tenure zoning further assists to secure affordability over time through conditions.

The residential tenure may not be varied by a Development Variance permit, Development Permit, Heritage Alteration Permit or Board of Variance. Several local governments have prepared and/or implemented new rental zones (Ladysmith, Richmond, Burnaby, Port Moody). Draft Bylaw No. 236 introduces a new residential rental tenure zone in the LUB called 'Multi-Family Dwelling (R4)' to be applied to the Denman Green portion of the receiver parcel. This new zone regulates the use, density, siting, setbacks, lot coverage and parking requirements for new development to enable the proposal as presented in application DE-RZ-2018.1 (DHA).

Islands Trust Policy Statement

Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement Directives Only Checklist (ITPS Attachment 3) and concluded that the Draft Bylaw No. 235 (OCP) as written is not contrary to or at variance with the ITPS.

Attachment 4 illustrates that Draft Bylaw No. 236 (LUB) is currently contrary to the ITPS until such a time as the provision of potable water for the proposed 20 units of multi-family affordable housing is confirmed by the applicant. The LTC will be considering supplemental information from the applicant regarding the provision of potable water in November after the Comox Valley Regional District (CVRD) Board considers a report on bulk water services from Graham Lake on Denman Island. Staff recommend that the LTC proceed with first reading of the bylaws and referrals in advance of the water system details being confirmed by the applicant. Staff can report back on ITPS compliance prior to LTC consideration of second reading.

Pending amendments to enable new Development Permit Areas (DPAs)

The LTC directed staff in July to develop bylaw amendments that would also introduce new DPAs to be applied to the receiver parcel to protect the natural environment, farming and promote energy, water conservation and reduction of greenhouse gas emissions.

In order to implement these changes, staff is recommending a separate set of draft bylaws to amend the OCP and LUB. The drafts are currently being reviewed by staff and are anticipated to be ready for LTC review at a future LTC meeting date for consideration of first reading. The LTC can advance consideration of Draft Bylaw Nos. 235 (OCP) and 236 (LUB) in the interim, and all four bylaws can be presented at a public hearing together without delaying the legislative review process.

Restrictive covenants and housing agreements

In addition to draft DPA bylaws, staff will be providing the LTC with an analysis of the land use planning tools that will be required to ensure BC Energy Step Code compliance at the time of construction for all new dwellings on the receiver parcel and that any new multi-family dwelling is subject to a housing agreement to ensure rental affordability in perpetuity. Such draft legal instruments should be considered by the LTC in advance of second reading and be available to the public for review as part of a public hearing package.

Consultation

As this application proposes an amendment to the official community plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed below and in the recommendations on page 1 of this report. Staff also recommend a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. Significant changes to the bylaw (either as a requirement of the LTC, or by the applicant) that necessitate further referrals or community meetings or application complexities may require more involved consultation.

Statutory Requirements

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than identified below, and direct staff accordingly.

Agencies

Should the LTC concur with the staff recommendation to give first reading to both bylaws, referrals will be sent to the following agencies and adjacent local governments for comment:

- Denman Island Advisory Planning Commission
- Island Trust Freshwater Specialist
- Comox Valley Regional District
- Island Health
- Agricultural Land Commission/Ministry of Agriculture

- School District 71
- Hornby Island Local Trust Committee

First Nations

The following First Nations include Denman Island as part of their marine, land territory or Treaty area and bylaw referrals should be sent to the following First Nations for comment:

- K'omoks First Nation
- Qualicum First Nation
- Te'Mexw Treaty Association
- Lake Cowichan First Nation
- Penelakut Tribe
- Nanwakolas Council
- Snaw'Naw'As Nation
- Stz'uminus First Nation
- We Wai Kum Nation
- Lyackson First Nation
- Laich-kwil-tach Treaty Society
- Tla'amin Nation
- We Wai Kai Nation
- Halalt First Nation
- Lyackson First Nation
- Laich-kwil-tach Treaty Society
- Cowichan Tribes

Protocols

The LTC has a protocol agreement with the Comox Valley Regional District (CVRD, 2011) and staff of the Islands Trust have a letter of understanding with staff of the CVRD (2018) to ensure interagency collaboration on land use, park planning, bylaw enforcement and servicing. Proposed bylaws would be referred to CVRD for comment.

Correspondence from Applicant

The applicant has submitted correspondence to the LTC (Attachment 5) requesting the LTC and planning staff adhere to an expedited legislative review to coincide with a spring 2020 funding call from BC Housing for affordable housing.

Public Correspondence

All public correspondence received to date is being redacted by staff and posted to the applications website.

Rationale for Recommendations

Draft bylaws have been prepared to amend the OCP and LUB and contemplate density transfer, multi-family affordable housing and subdivision as presented in application DE-RZ-2018.1 (DHA). Staff recommend first reading of both bylaws in order to advance referral responses from First Nations, agencies and The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. **Request additional information/defer consideration of first reading.**

The LTC can request specific additional information from staff and/or the applicant prior to consideration of first reading. If this alternative is selected then the following resolution is recommended:

"*That the Denman Island Local Trust Committee request staff/applicant to provide the following (specify information request) prior to further consideration of Draft Bylaw Nos. 235 and 236."*

2. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

"*That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2018.1 (DHA)."*

Next Steps

Should the LTC concur with the staff recommendations, referrals will be sent out requesting a response within 60 days of the date on the referral; a community information meeting will be tentatively scheduled and draft bylaws for the DPAs will be finalized for LTC consideration.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	September 23, 2019
Concurrence:	Heather Kauer, RPP, MCIP Regional Planning Manager, Northern Office	September 23, 2019

ATTACHMENTS

1. Draft Bylaw No. 235 (OCP)
2. Draft Bylaw No. 236 (LUB)
3. Islands Trust Policy Statement Directives Only Checklist for Bylaw 235 (OCP)
4. Islands Trust Policy Statement Comparison Table Bylaw 236 (LUB)
5. Correspondence from Applicant, September 2019

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 235

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 Area under the *Islands Trust Act,* enacts as follows:

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as "Denman Island Official Community Plan, 2008" is amended as shown on Schedules "1" and "2" attached to and forming part of this bylaw.

2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2019".

READ A FIRST TIME THIS	xx	DAY OF	, 20xx
READ A SECOND TIME THIS	xx	DAY OF	, 20xx
READ A THIRD TIME THIS	xx	DAY OF	, 20xx
PUBLIC HEARING HELD THIS	xx	DAY OF	, 20xx
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF	, 20xx
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF	, 20XX
ADOPTED THIS		DAY OF	, 20XX

_____ _____

Chair **Secretary**

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 235

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:

1.1 PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:

"Objective 5 To protect and enhance the supply and quality of rental housing for low income households."

1.2 PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 8 is replaced in its entirety with the following:
"In the Residential and Rural designation, the principal use should be single family residential with the exception of the following:

- The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
- Multi-family affordable housing through the completion of a successful rezoning application.

1.3 PART E FAMILIES AND INDIVIDUALS – E.1 HOUSING, Housing Policies, Policy 10 is amended by adding the following sentence to the end of Policy 10: "Multi-family affordable housing may be considered by an application for rezoning in the Rural designation."

1.4 PART E FAMILIES AND INDIVIDUALS – E.1 HOUSING, Housing Policies, Zoning Amendments, Policy 26 is deleted in its entirety and replaced with:

"Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title."

1.5 PART E FAMILIES AND INDIVIDUALS – E.1 HOUSING, Housing Policies, Zoning Amendments, Policy 28 is amended by adding an additional bullet to the end of the list that reads: "that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity."

1.6 PART E FAMILIES AND INDIVIDUALS – E.1 HOUSING, Housing Policies, Zoning Amendments is amending by adding the following new policy after Policy 29 and renumbering subsequent policies chronologically:

"Policy 30 The provision for density transfer in Appendix C of this Plan may apply to the donation or sale of land for the development of multi-family affordable housing projects that include protection of the natural environment."

1.7 APPENDIX C DENSITY TRANSFER – is amended by inserting the following text in the introductory paragraph after the words "density transfer to permit":

"multi-family affordable housing with formal protection of the natural environment; permit";

and the following text after the words "simply replaces that of the lot":

"protected by covenant or Development Permit Area,".

1.8 APPENDIX C DENSITY TRANSFER – Policies, Policy 1 is replaced in its entirety with the following:

"The Local Trust Committee may consider applications for density transfer for multi-family affordable housing, conservation and park purposes only. Eligible situations are limited to the following:

- donation or sale of land for a multi-family affordable housing development that results in protection of the natural environment on the same parcel through a restrictive covenant or Development Permit Area; or
- dedication of land for a park; or
- donation or sale of land for conservation purposes."

1.9 APPENDIX C DENSITY TRANSFER – Policies, Policy 1, Guidelines for Density Transfer is amended by adding the following new guideline after Guideline 3 and renumbering subsequent guidelines chronologically:

"Guideline 4 The original parcel of land which is subject to a reduction in development potential in order to transfer the density to another parcel(s) for the purposes of multi-family affordable housing is referred to as the donor parcel."

1.10 APPENDIX C DENSITY TRANSFER – Policies, Policy 1, Guidelines for Density Transfer is amended by adding the following new guideline after Guideline 5 and renumbering subsequent guidelines chronologically:

"Guideline 6 Where the receiver parcel is intended for multi-family affordable housing, the following are required:

- a housing agreement to the satisfaction of the Local Trust Committee to protect the receiver parcel in perpetuity for the purposes of providing multi-family affordable housing; and
- protection of the natural environment on the receiver parcel by way of a restrictive or conservation covenant or Development Permit Area."

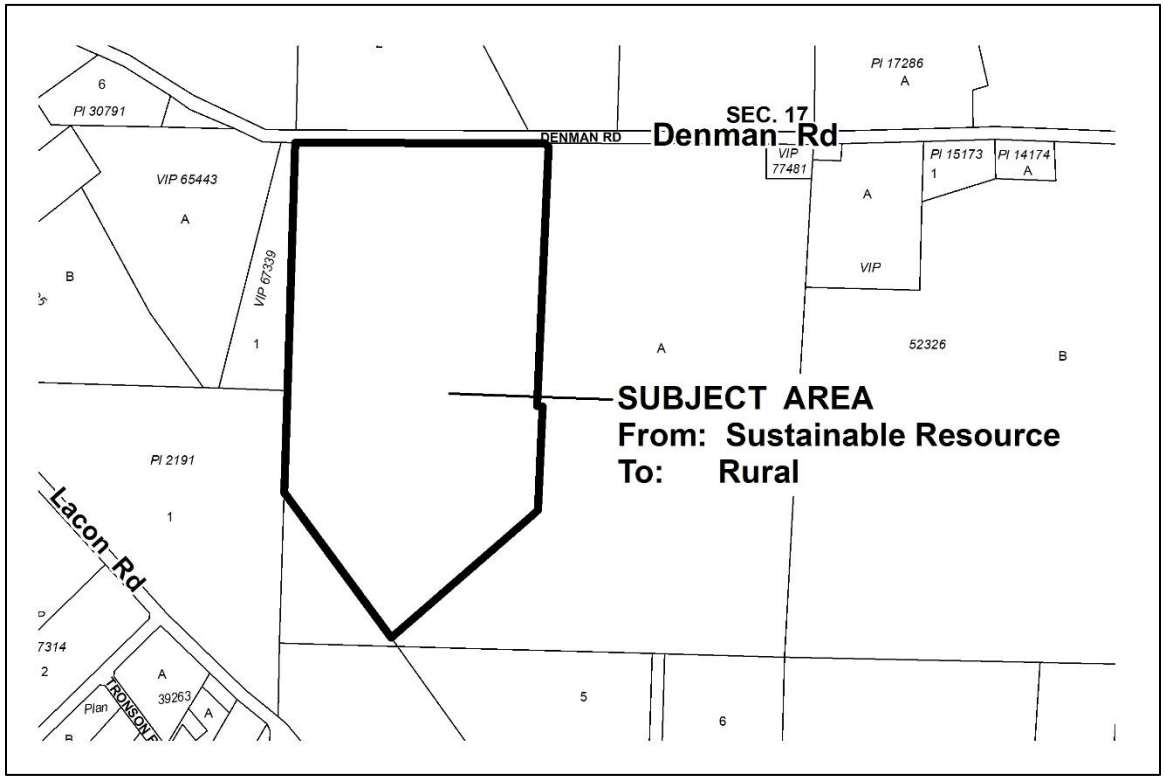
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 235

Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN 14174, VIP77481 AND VIP87456 (PID 006-657-290) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Plan No. 1



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 236

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

   This bylaw may be cited for all purposes as "Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2019".

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

_____ _____

Chair **Secretary**

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 236

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:

1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"*lot coverage* means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."

1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

"*dwelling*, *multi-family* means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

dwelling unit, *single family* means a building containing one dwelling unit;

residential rental tenure means the granting of a right to occupy a *dwelling unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *dwelling unit* is not owned by a *dwelling unit* occupant, but where regular payments are made to the owner for the use of the *dwelling unit*;*"*

1.3 PART 2 ADMINISTRATION, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Multi-Family (R4) Zone'." after the word "Bylaw".

1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Multi-Family (R4).'" after the word "accommodation".

1.5 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:

- "one per one single family residential use"

And replacing it with:

- "one per one single family residential dwelling unit"

1.6 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:

- "two per dwelling unit in a multi-family dwelling"

1.7 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:

- "one per dwelling unit in a multi-family dwelling"

1.8 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding "Multi-Family (R4)" after "(R3)".

1.9 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing "R3 zone" and replacing with "R3 and R4 zones".

1.10 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, **Residential Zones** is amended by adding "Multi-Family R4".

1.11 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 1 – Permitted Uses is deleted in its entirety and replaced with:

	Table 1 - Permitted Uses	**R1**	**R2**	**R3**	**R4**
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
4	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	✓
5	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
6	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
7	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
8	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
9	Secondary suites and secondary dwelling units		✓ *Secondary dwelling units must be approved through a Temporary Use Permit		

1.12 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 2 – Permitted Buildings and Structures is deleted in its entirety and replaced with:

	Table 2 - Permitted Buildings and Structures	**R1**	**R2**	**R3**	**R4**
1	Single family dwelling units	✓	✓	✓	
2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures accessory to a constructed multiple family dwelling unit				✓

5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	

1.13 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 3 – Density of Uses, Buildings and Structures is deleted in its entirety and replaced with:

	Table 3 - Density of Uses, Buildings and Structures	**R1**	**R2**	**R3**	**R4**
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

1.14 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 4 – Height is deleted in its entirety and replaced with:

	Table 4 – Height	**R1**	**R2**	**R3**	**R4**
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	n/a

1.15 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 5 – Setbacks is deleted in its entirety and replaced with:

Table 5 - Setbacks		R1	R2	R3	R4
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	• from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	• from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	• from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

1.16 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 6 – Floor Area is deleted in its entirety and replaced with:

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m^2	6.0 m^2	6.0 m^2	10.0 m^2
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m^2	30.0 m^2	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m^2	n/a
4	Maximum gross floor area of a dwelling unit in a multiple family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m^2	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m^2	100 m^2

1.17 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 7 – Subdivision is deleted in its entirety and replaced with:

Table 7 - Subdivision		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	
2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha	

1.18 PART 3 – ZONE REGULATIONS, Section 3.3 – "Residential Zoning Tables", Table 8 – Site Specific Regulations is amended by adding the following text after row R2(6):

"R2(7) 1 Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(7) zone.

2 Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(7) zone is three.

3 Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(7) zone is three.

R2(8) 1 Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(8) zone.

2 Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(8) zone is five.

3 Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(8) zone is three.

R4(1) 1 Despite line 3 in Table 3 of this Section, the maximum number of dwelling units permitted in the R4(1) zone is 20.

2 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a dwelling unit in a multiple family dwelling is 140 m^2.

3 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.

4 Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to regulations in Section 2.8 is 8.0 hectares.

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

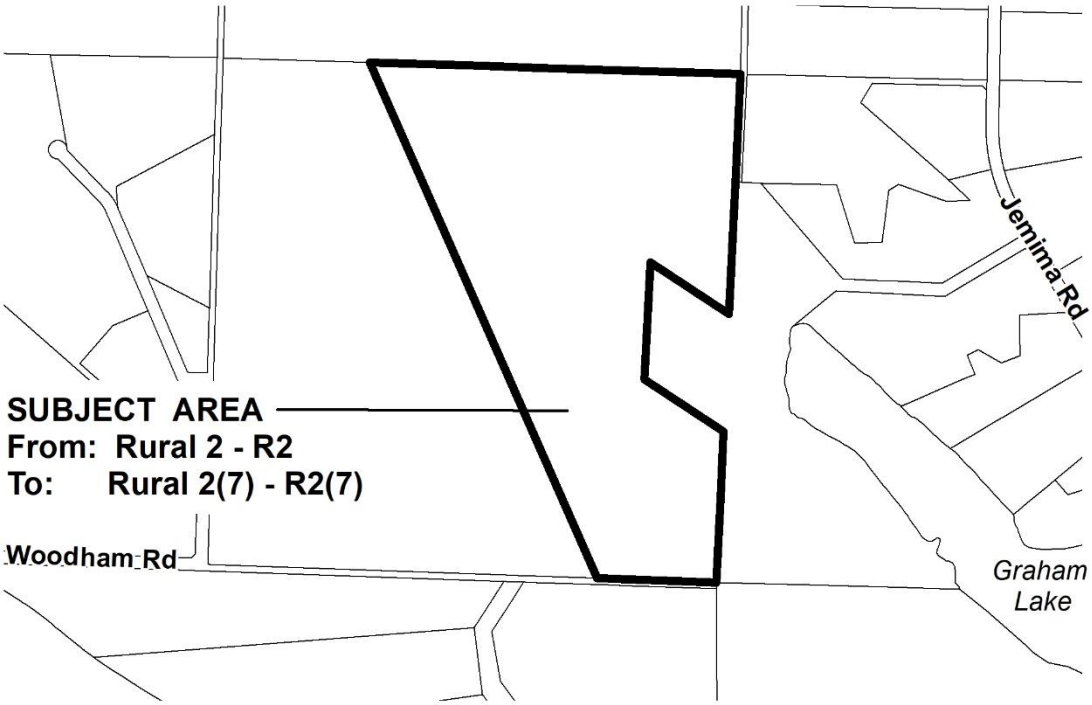
2.1 Schedule "B" – South Sheet, is amended by changing the zoning classification of the non-Agricultural Land Reserve portion of THE SOUTH WEST 1/4 OF SECTION 13, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PART IN PLAN VIP71627 (PID 009-704-523) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 186 as are required to effect this change.

2.2 Schedule "B" – North Sheet and South Sheet, are amended by changing the zoning classification of the non-Agricultural Land Reserve portion of THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN 14174, VIP77481 AND VIP87456 (PID 006-657-290) as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 186 as are required to effect this change.

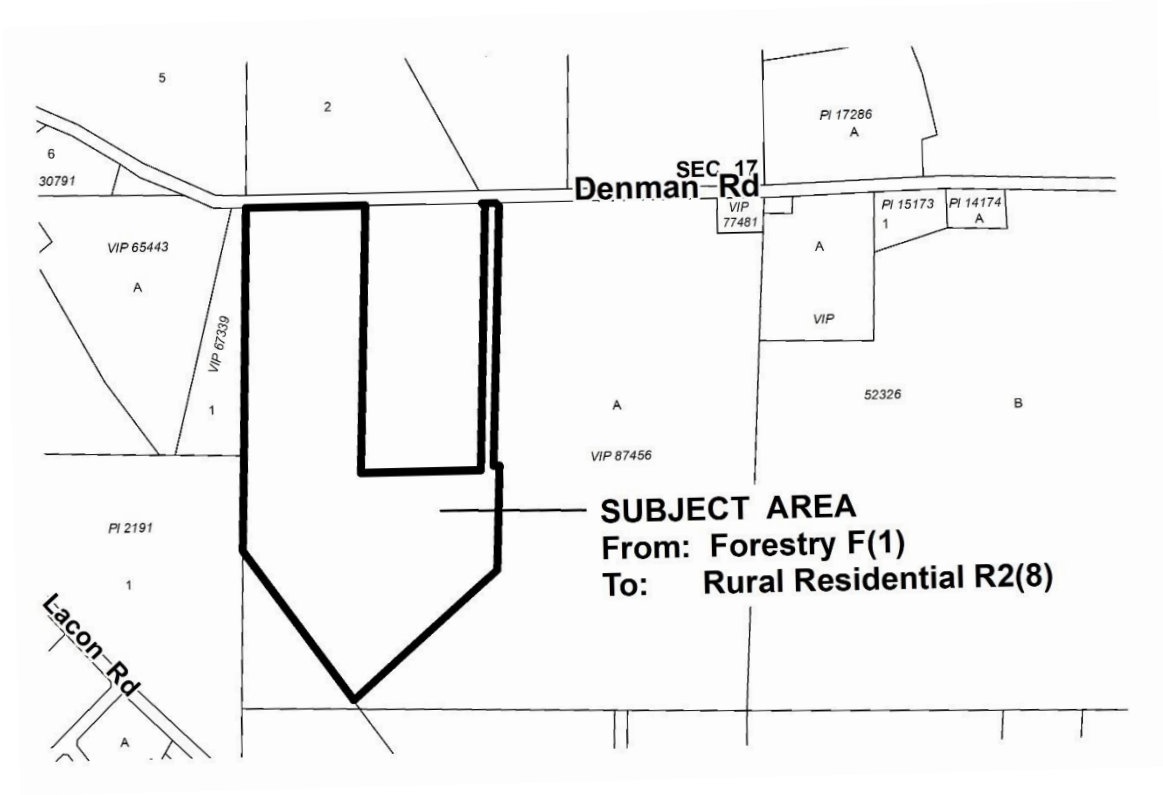
2.3 Schedule "B" – North Sheet and South Sheet, are amended by changing the zoning classification of the non-Agricultural Land Reserve portion of THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN 14174, VIP77481

AND VIP87456 (PID 006-657-290) as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

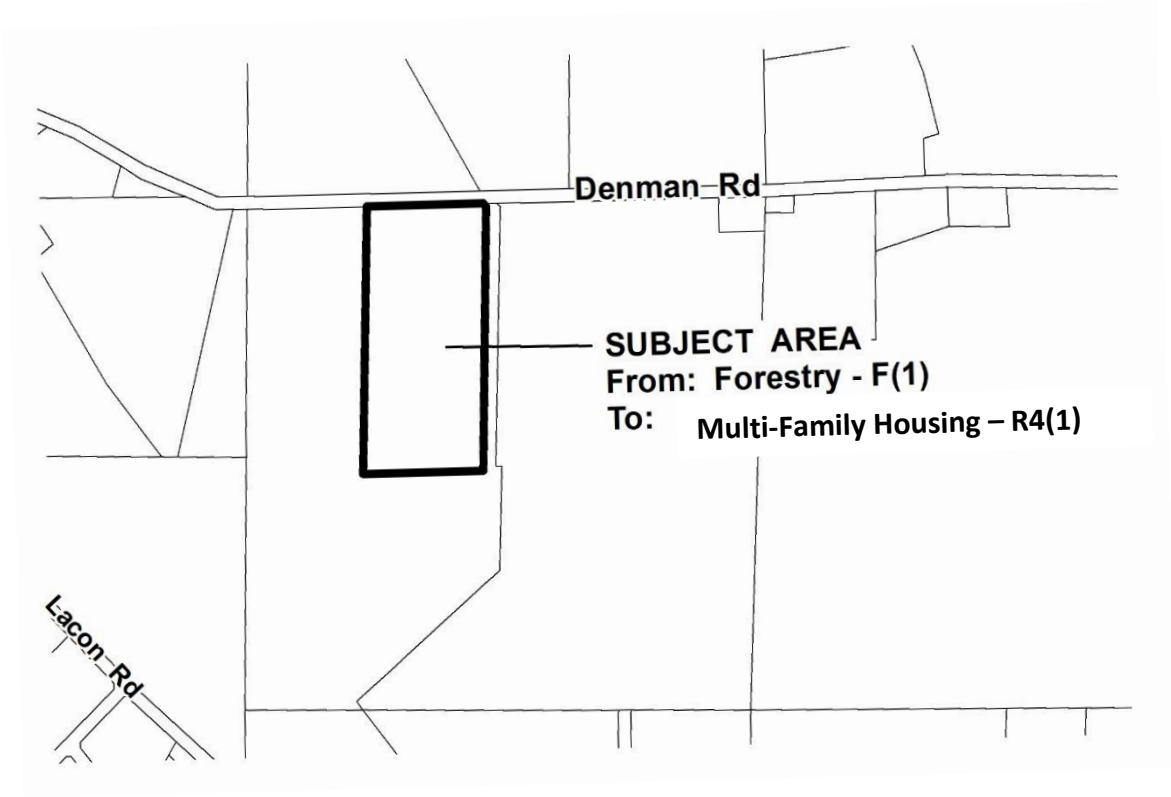
Plan No. 1


Jemima Rd
SUBJECT AREA
From: Rural 2 - R2
To: Rural 2(7) - R2(7)
Woodham Rd
Graham Lake

Plan No. 2


5
2
6
30791
Pl 17286
A
SEC 17
Denman Rd
VIP
77481
Pl 15173
1
Pl 14174
A
VIP 65443
A
VIP 67339
1
A
VIP
52326
B
A
VIP 87456
SUBJECT AREA
From: Forestry F(1)
To: Rural Residential R2(8)
Pl 2191
1
Lacon Rd
A

Plan No. 3


Denman Rd
SUBJECT AREA
From: Forestry - F(1)
To: Multi-Family Housing – R4(1)
Lacon Rd

ISLANDS TRUST POLICY STATEMENT
DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2018.1 (DHA)
File Name: Bylaw No. 235 (OCP)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

✓ if the bylaw is consistent with the policy from the Policy Statement, or
✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	**Ecosystems**
✓	**3.1.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	**3.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	**3.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	**Forest Ecosystems**
✓	**3.2.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	**Freshwater and Wetland Ecosystems and Riparian Zones**
N/A	**3.3.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	**Coastal and Marine Ecosystems**
N/A	**3.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	**3.4.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	**Agricultural Land**
N/A	**4.1.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	**4.1.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	**4.1.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**
N/A	**4.1.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	**4.1.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	**4.1.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	**Forests**
✓	**4.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	**4.2.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	**4.2.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	**NO.**	**DIRECTIVE POLICY**

	4.3	**Wildlife and Vegetation**
	4.4	**Freshwater Resources**
N/A	**4.4.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	**4.4.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	**Coastal Areas and Marine Shorelands**
N/A	**4.5.8**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	**4.5.9**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	**4.5.10**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	**4.5.11**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	**Soils and Other Resources**
N/A	**4.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	**Aesthetic Qualities**
N/A	**5.1 3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	**Growth and Development**
✓	**5.2.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	**5.2.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	**5.2.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	**5.2.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	**Transportation and Utilities**
N/A	**5.3.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	**5.3.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	**5.3.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	**5.3.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	**Disposal of Waste**
N/A	**5.4.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	NO.	DIRECTIVE POLICY

	5.5	**Recreation**
N/A	**5.5.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	**5.5.4**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	**5.5.5**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	**5.5.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	**5.5.7**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	**Cultural and Natural Heritage**
N/A	**5.6.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	**5.6.3**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	**Economic Opportunities**
N/A	**5.7.2**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	**Health and Well-being**
✓	**5.8.6**	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	***In compliance with Trust Policy***
	Not in compliance with Trust Policy for the following reasons:

ATTACHMENT 4 – ITPS AND DRAFT BYLAW 236 (LUB)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Draft Bylaw 236 Complies	Planner Comments
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	YES	To be addressed by new proposed draft development permit areas and restrictive covenants requiring compliance with BC Energy Step Code at time of construction.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	YES	Donor parcel is within RAR and non RAR Development Permit Area (DPA). Receiver parcel has a small portion of land within the RAR DPA. Guidelines will apply if subdivided.
4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	**pending new DPA**	Receiver parcel has 2.2 hectares of ALR land that is not being re-zoned or redesignated. New draft DPA may apply to the non ALR land adjacent.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	**pending new DPA**	To be addressed in bylaw amendments and can incorporate ALC buffer requirements.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: • neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, • water quality is maintained, and • existing, anticipated and seasonal demands for water are considered and allowed for.	**Does not comply.**	Insufficient groundwater to support the proposed increase in density on the receiver parcel. Applicant seeking access to Graham Lake water supply to support 20 units of housing. Remainder of the receiver lot anticipated to be further subdivided into 3 parcels/5 dwellings with no indication of adequate groundwater resources to support subsequent subdivision.

4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	**Pending receipt of additional information from the applicant**	LTC has requested further information about the water supply for the proposed development.
5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.	**pending DPA guidelines to be applied at subdivision**	Receiver parcel is within a protection area identified in Schedule D of the OCP. Draft new DPA subdivision regulations will address protection of the scenic value of the ridge.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	**pending new DPA and restrictive covenant**	New draft DPA being developed to address environmental issues.
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	YES	Complies with density transfer.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	YES	Location of affordable housing units in proximity to village and ferry terminal.
5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	Yes	Proposal seeks to address community's current and projected housing requirements for affordable housing.

Denman Housing Association

To: DILTC Chair Sue Ellen Fast and Trustee David Critchley
Denman Island Planner Sonja Zupanec

Re: DE-RZ-2018.1 Application Timeline & Potential Repercussions

Request: That DILTC & Planner coordinate to achieve the timeline below

Reason: Sept 30 DHA Board met with Kirsten Baillie, Development Manager, BC Housing
- Competition for capital funding is very real. Projects funding-ready preferred
- Clear title to land necessary. (For DHA this follows rezoning/subdivision)
- Next funding 'call' likely Spring 2020

Implications:

Spring 2020 Funding > Fall 2020 Land Prep > Spring 2021 Build > Fall 2021 Occupation

Failing which all is set back 12 months because Land Prep is restricted to non-fire danger months

So occupancy of Denman Green would only be in Fall 2022 or three years from now.

Application Timeline per Planner email Sept 9 2019 & Applicant Requests in Red

1. October 3 – LTC consider 1st reading and referrals to all First Nations, agencies and adjacent LTC's (60 day minimum referral period). Schedule a CIM to take place after the 60 day referral so that responses can be presented at the CIM.

LTC – 1st Reading of Bylaws & Referrals. Schedule CIM for December 12 (60 days +)

2. November 7 – LTC consider DPA Bylaws for 1st reading and referrals.

LTC – 1st Reading of DPA Bylaws & Referrals

3. Community Information Meeting

December 12

4. LTC can proceed to second reading in early 2020 and make any necessary changes based on the input of the CIM, agency or First Nation referrals.

LTC – 2nd Reading at February meeting (or first meeting in 2020 when set)

A public hearing can then be scheduled once the LTC has reviewed/accepted any necessary covenants, easements and proof of water requirements.

LTC - Review at February meeting (or first meeting in 2020 when set)

We recommend you have PLA for subdivision before the public hearing.

5. Third reading can be considered at the close of the PH or at a date after the PH.

Public Hearing & Third Reading – end February

6. After third reading bylaws are forwarded to the Executive Committee for approval, and Minister of Municipal Affairs and Housing.

Approval by end March.

7. Once those approvals are back the LTC can consider final adoption (pending registration of any covenants etc on title).

LTC - At April meeting or soonest after

Denman Island
Official Community Plan
Bylaw No. 185, 2008

As amended by the
Denman Island Local Trust Committee

Consolidated Version: February, 2017

MOCK CONSOLIDATED VERSION – OCTOBER 2 2019
BYLAW 233 AND 235

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only:**

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 198	Amendment No. 2, 2010	August 3, 2010
Bylaw No. 199	Amendment No.1, 2011	August 15, 2011
Bylaw No. 210	Amendment No. 1, 2014	November 30, 2014
Bylaw No. 212	Amendment No. 2, 2014	May 17, 2016
Bylaw No. 219	Amendment No. 2, 2015	January 31, 2017
Bylaw No 233	**Amendment No. 1, 2019**	
Bylaw No 235	**Amendment No 2, 2019**	

E.1 - HOUSING

Some islanders are concerned that growth and development of Denman Island could produce an accompanying sharp rise in land prices and could lead to a decrease in the diversity of the population in coming years. Comments submitted during the development of this Plan expressed a desire for a wide range of housing options to limit this possibility. As a result, this Plan introduces alternatives to the current land use pattern. Nonetheless, single family lots will continue to make up the majority of the land base on Denman Island.

This community acknowledges the need for affordable and special needs housing to maintain a diverse population in the face of rising land prices and to encourage seniors to remain on the Island. Limits on these forms of housing are designed to address the possible negative impact of locally increased density. Initiatives to provide opportunities for affordable housing of various kinds are ongoing.

The Residential designation, which is shown on Schedule C, includes the smaller lot subdivisions on the Island in which the existing principal use is single family residential.

The Rural designation, which is shown on Schedule C, includes the predominantly larger lots on the Island in which the existing principal use is single family residential.

The Sustainable Resource designation, which is shown on Schedule C, includes all of the large forested and agriculture lots on the Island, in which the existing principal use is locally operated sustainable resource harvesting.

Guiding Objective

To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community

Housing - Objectives

Objective 1	To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island
Objective 2	To ensure housing options preserve human diversity in the community
Objective 3	To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing flexibility for a range of dwelling types
Objective 4	To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their families' homes
Objective 5	To protect and enhance the supply and quality of rental housing for low income households

Commented [BM1]: Bylaw 235 Amendment 1.1

Housing - Policies

Subdivision

Policy 1	In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare except for lots created for the purpose of allowing multi-family affordable housing. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations.
Policy 2	In the Rural designation, the size of new lots created by subdivision may not be less than 2.0 hectares and the average lot size created by subdivision may

Commented [BM2]: Bylaw 233 Amendment 1.1

not be less than 4.0 hectares. In areas where the existing parcel size may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size and the minimum for the average parcel size in the zoning regulations.

Policy 3 — In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares.

Commented [BM3]: Bylaw 233 Amendment 1.2

INFORMATION NOTE: Subdivision of land in the Agricultural Land Reserve requires the prior approval of the Agricultural Land Commission.

Policy 4 — In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing.

Commented [BM4]: Bylaw 233 Amendment 1.3

Policy 5 — In the Sustainable Resource designation, the lot size averaging provision should not be used.

Commented [BM5]: Bylaw 233 Amendment 1.3

Policy 6 — In the Sustainable Resource designation, parcel sizes should be regulated in such a way as to encourage and enhance the sustainable resource capability of the land.

Commented [BM6]: Bylaw 233 Amendment 1.3

Policy 7 — When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.

Commented [BM7]: Bylaw 233 Amendment 1.3

Policy 8 — In the Residential designation, parcel consolidations are encouraged wherever possible.

Commented [BM8]: Bylaw 233 Amendment 1.3

Use and Density

Policy 9 — In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:

- The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
- Multi-family affordable housing through the completion of a successful rezoning application.

Commented [BM9]: Bylaw 233 Amendment 1.3 and Amendment1.4
Bylaw 235 Amendment 1.2

Policy 10 — In the Residential designation, unless otherwise permitted by Policy 28, 29, or 30, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area . Multi-family affordable housing may be considered by an application for rezoning in the Rural designation.

Commented [BM10]: Bylaw 233 Amendment 1.5 and Amendment 1.6

Commented [BM11]: Bylaw 233 Amendment 1.3

BL 210

Policy 11 — 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.

Commented [BM12]: Bylaw 235 Amendment 1.3

Commented [BM13]: Bylaw 233 Amendment 1.3

BL 210

Policy 12 — 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.

Commented [BM14]: Bylaw 233 Amendment 1.3

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

Commented [BM15]: Bylaw 233 Amendment 1.3

Policy 13 Landowners are encouraged to ensure that all dwelling units comply with the building safety and waste disposal regulations found in the B.C. Building Code and the applicable health standards.

Commented [BM16]: Bylaw 233 Amendment 1.3

BL 210 Policy 14 In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.

Commented [BM17]: Bylaw 233 Amendment 1.3

Policy 15 In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve:

- one dwelling could be permitted per the minimum lot area permitted by Subdivision; and
- additional dwellings could be permitted if they are required for full-time farm help.

Commented [BM18]: Bylaw 233 Amendment 1.3

BL 210 Policy 16 The Local Trust Committee may approve secondary dwelling units on lands within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.

Commented [BM19]: Bylaw 233 Amendment 1.3

BL 210 Policy 17 Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.

Commented [BM20]: Bylaw 233 Amendment 1.3

INFORMATION NOTE: A secondary dwelling unit on land in the Agricultural Land Reserve requires the approval of the Agricultural Land Commission.

Policy 18 The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.

Commented [BM21]: Bylaw 233 Amendment 1.3

Policy 19 The Local Trust Committee should consider amendments to this Plan allowing the Committee to accept and hold for affordable housing purposes, in accordance with the guidelines in Appendix D, any unused residential densities that are relinquished by owners of lots with subdivision potential or available through land sold or given for conservation or park.

Commented [BM22]: Bylaw 233 Amendment 1.3

Policy 20 The Local Trust Committee should review the policies in this section once the final report is available for the Hornby and Denman Island Housing Needs Assessment, with a view to determining whether further opportunities for affordable housing are needed and what form any such opportunities should take.

Commented [BM23]: Bylaw 233 Amendment 1.3

Siting

Policy 21 Land owners and residents are encouraged to maintain low-level directed lighting that is in keeping with the rural character of Denman Island and does not unduly illuminate an adjacent lot.

Commented [BM24]: Bylaw 233 Amendment 1.3

Policy 22 Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the *Riparian Area Regulation* under the *Fish Protection Act*.

Commented [BM25]: Bylaw 233 Amendment 1.3

Policy 23 Zoning regulations should establish sufficient setbacks to protect the foreshore and coastal marine environment and to protect development from foreshore erosion.

Commented [BM26]: Bylaw 233 Amendment 1.3

Policy 24 Zoning regulations should establish sufficient setbacks for septic disposal systems:

- to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and
- to protect adjacent properties from effluent or odours.

Commented [BM27]: Bylaw 233 Amendment 1.3

Policy 25 Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.

Commented [BM28]: Bylaw 233 Amendment 1.3

Zoning Amendments

Policy 26 The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.

Policy 27 Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Enery Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.

Commented [BM29]: Bylaw 233 Amendment 1.3 and 1.7
Bylaw 235 Amendment 1.4

Policy 28 The Local Trust Committee should consider zoning amendment applications for seniors housing provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal is small-scale;
- that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that the applicants enter into a housing agreement with the Local Trust Committee;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposal is designated a development permit area to guide form and character; and
- that the proposed development will not place a strain on existing public services and infrastructure.

Commented [BM30]: Bylaw 233 Amendment 1.3

Policy 29 The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal does not impact negatively on adjacent properties;
- that the proposal is small-scale;
- that the proposal is clustered and the siting and height are sensitive to surrounding land uses;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposed development will not place a strain on existing public services and infrastructure.

Commented [BM31]: Bylaw 233 Amendment 1.3

BL 199

- that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity.

Commented [BM32]: Bylaw 233 Amendment 1.8
Bylaw 235 Amendment 1.5

Policy 30 The Local Trust Committee should consider zoning amendment applications:

- to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction;
- to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and
- to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District.

Commented [BM33]: Bylaw 233 Amendment 1.3

Policy 31 The provision for density transfer in Appendix C of this Plan may apply to the donation or sale of land for the development of multi-family affordable housing projects that include protection of the natural environment.

Commented [BM34]: Bylaw 235 Amendment 1.6

DEVELOPMENT APPROVAL INFORMATION - CIRCUMSTANCES AND SPECIAL CONDITIONS

Policy 32 Applicants for a zoning amendment in the Residential or Rural designation in this Plan, may be required to provide development approval information.

Commented [BM35]: Bylaw 233 Amendment 1.3
Bylaw 235 Amendment 1.6

Policy 33 The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations.

Commented [BM36]: Bylaw 233 Amendment 1.3
Bylaw 235 Amendment 1.6

Housing - Advocacy Policies

Advocacy Policy 1 The Vancouver Island Health Authority and landowners are encouraged:

- to consider, as an alternative, innovative methods of waste water treatment that minimize water use; and
- to consider rain water collection as a source of water.

Advocacy Policy 2 The Ministry of Community Development is encouraged to assist individuals or groups planning affordable or special needs housing projects.

Advocacy Policy 3 The Comox Valley Regional District is encouraged to work with the Denman Island community to review its regulations with regard to noise pollution and animal control.

APPENDIX C

DENSITY TRANSFER

Density transfer refers to two consecutive zoning amendments undertaken to protect a specified property by removing some or all of the development potential from one property and transferring that density to another property or to another portion of the same property. On Denman Island, the Local Trust Committee is willing to consider using density transfer to permit multi-family affordable housing with formal protection of the natural environment; permit a land owner to give or sell land to a conservation organization, or dedicate land for park, without losing the subdivision potential of the property. There is no net increase in residential density because the residential density that is transferred simply replaces that of the lot protected by covenant or Development Permit Area, given to the conservation agency or dedicated as park.

Commented [BM37]: Bylaw 235 Amendment 1.7

Commented [BM38]: Bylaw 235 Amendment 1.7

Policies

Policy 1 The Local Trust Committee may consider applications for density transfer for multi-family affordable housing, conservation and park purposes only. Eligible situations are limited to the following:

- donation or sale of land for a multi-family affordable housing development that results in protection of the natural environment on the same parcel through a restrictive covenant or Development Area; or
- dedication of land for a park; or
- donation or sale of land for conservation purposes

Commented [BM39]: Bylaw 235 Amendment 1.8

Guidelines for Density Transfer

Guideline 1 Transfer of residential density should only be considered for the eligible situations listed under Policy 1 of this Appendix.

Guideline 2 The original parcel on which the land is being protected under Policy 1 of this Appendix is referred to as the parent parcel.

Guideline 3 The parcel of land to be given or sold to a conservation organization or dedicated as park is referred to as the protected parcel.

Guideline 4 The original parcel of land which is subject to a reduction in development potential in order to transfer the density to another parcel(s) for the purposes of multi-family affordable housing is referred to as the donor parcel.

Commented [BM40]: Bylaw 235 Amendment 1.9

Guideline 5 The parcel of land to which the density is being transferred is referred to as the receiving parcel.

Commented [BM41]: Bylaw 234 Amendment 1.9

Guideline 6 Where the receiver parcel is intended for multi-family affordable housing, the following are required:

- a housing agreement to the satisfaction of the Local Trust Committee to protect the receiver parcel in perpetuity for the purposes of providing multi-family affordable housing; and
- protection of the natural environment on the receiver parcel by way of a restrictive or conservation covenant or Development Permit Area.

Commented [BM42]: Bylaw 235 Amendment 1.10

Density transfer to permit the provision of land under Policy 1 of this appendix should result in no net overall increase in residential density.

Guideline 7 Density transfer to permit the provision of land under Policy 1 of this appendix should result in no net overall increase in residential density.

Commented [BM43]: Bylaw 235 Amendment 1.10

Guideline 8 Calculation of the number of residential densities will be based on the area of the protected parcel divided by the minimum average lot size for the zone in which the protected parcel is located (in the absence of a minimum average lot size, the minimum lot size shall be used).

Commented [BM44]: Bylaw 235 Amendment 1.10

Guideline 9 In the event the above calculation results in a fraction, the number may be rounded up to the nearest whole number provided that by rounding the number up there is no net increase in residential density on the parent parcel.

Commented [BM45]: Bylaw 235 Amendment 1.10

INFORMATION NOTE: Under the Land Use Bylaw, residential density is rounded down in the event of a fraction. For example, if the minimum average lot size is 2.0 hectares, a parcel of 8.5 hectares would be permitted 4 residential densities (8.5 divided by 2 equals 4.25, which rounds down to 4). Rounding up in the guideline above will result in no loss or gain of residential densities. For example, on the 8.5 hectare lot above, if 0.5 hectares is donated or sold, no additional density shall be given as the remaining 8.0 hectares still has a potential of 4 residential dwellings. On the other hand, if 0.6 hectares is donated or sold, one additional density will be given as the remaining 7.9 hectares would only have potential for 3 residential dwellings.

Guideline 10 Applications that affect land in the Agricultural Land Reserve will be subject to the approval of the Agricultural Land Commission.

Commented [BM46]: Bylaw 235 Amendment 1.10

Guideline 11 Where the protected parcel is intended for conservation, the density transfer is conditional on the conservation organization agreeing to accept the protected parcel and the Local Trust Committee considering the protected parcel suitable for conservation purposes.

Commented [BM47]: Bylaw 235 Amendment 1.10

Guideline 12 Where the protected parcel is intended as park, the density transfer is conditional on the relevant government agency agreeing to accept the protected parcel for a park and the Local Trust Committee considering the protected parcel suitable for park purposes.

Commented [BM48]: Bylaw 235 Amendment 1.10

Guideline 13 The minimum lot size for the receiving parcel resulting from density transfer zoning amendments in any designation is 1.0 hectare, provided adequate potable water and sewage disposal capacity is demonstrated.

Commented [BM49]: Bylaw 235 Amendment 1.10

Guideline 14 Applicants for a density transfer zoning amendment that includes sensitive areas shown on Schedule D or in a development permit area shown on Schedule E may be required to provide Development Approval Information for the special conditions outlined in Guideline 13 of this Appendix.

Commented [BM50]: Bylaw 235 Amendment 1.10

Guideline 15 The areas shown on Schedule D and the development permit area for the protection of the natural environment shown on Schedule E are environmentally sensitive areas in which development is not encouraged. Development Approval Information may be required to help the Local Trust Committee determine appropriate uses, density and siting of development resulting from a density transfer zoning application.

Commented [BM51]: Bylaw 235 Amendment 1.10

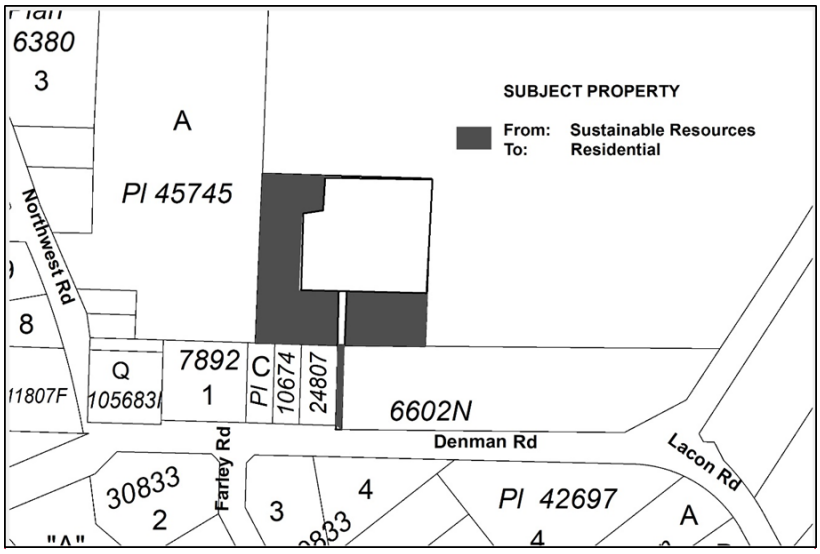
Guideline 16 The protected parcel must be secured in perpetuity for conservation or park either by dedication or the registration of a covenant that restricts the use of the protected parcel to conservation or park.

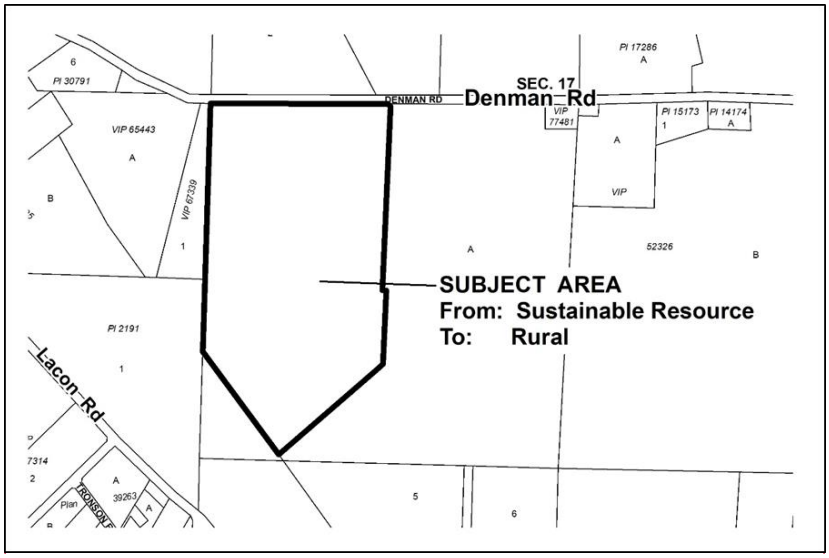
Commented [BM52]: Bylaw 235 Amendment 1.10

Guideline 17 Density transfer zoning applications should be consistent with all other policies of this Plan.

Commented [BM53]: Bylaw 235 Amendment 1.10

Schedule “C” – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:





Commented [ME1]: Bylaw 233 Schedule 2 Amendment 1

Commented [ME2]: Bylaw 235 Schedule 2 Amendment 1

Denman Island
Land Use Bylaw

Bylaw No. 186, 2008

As amended by the
Denman Island Local Trust Committee

MOCK CONSOLIDATED VERSION – OCTOBER 2, 2019
Consolidated Version: July, 2018

This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

For reference to original bylaw and amendments, please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

This copy is consolidated for convenience only and includes the following **text amendments only:**

Bylaw Number	Amendment Number	Adoption Date
Bylaw No. 190	Amendment No. 1, 2009	April 13, 2010
Bylaw No. 194	Amendment No. 3, 2009	August 3, 2010
Bylaw No. 195	Amendment No. 1, 2010	June 21, 2011
Bylaw No. 200	Amendment No. 1, 2011	August 15, 2011
Bylaw No. 204	Amendment No. 1, 2012	September 24, 2013
Bylaw No. 211	Amendment No. 1, 2014	November 28, 2014
Bylaw No. 213	Amendment No. 2, 2014	May 17, 2016
Bylaw No. 216	Amendment No. 1, 2015	January 28, 2016
Bylaw No. 220	Amendment No. 3, 2015	February 1, 2017
Bylaw No. 225	Amendment No. 1, 2017	June 26, 2018
Bylaw No. 234	Amendment No. 1, 2019	
Bylaw No. 236	Amendment No. 2, 2019	

community kitchen means a shared-use commercial processing area that is agency approved for preparing foods that may be sold elsewhere or for such things as catered functions;

community water system means a system for the supply of water serving two or more customers as approved by a public authority;

constructed top width means the width of the relatively level portion of a road, measured between the insides of the ditches, shoulders, cutbanks, or fills;

constructed total width means the width of a road, including the constructed ditches, shoulders, cutbanks, or fills;

covered walkway means a structure that shelters a walking area by a roof or awning and that is connected to a building;

dangerous tree means a tree that is hazardous to human safety because of location or lean, physical damage, overhead hazards, deterioration of the limbs, stem or root system, or a combination of these;

dbh means the diameter at breast height measured outside the bark around the trunk of the tree at 1.3 m above the point of germination;

derelict vehicle means any vehicle that has been unlicensed for 12 months or more;

domestic chicken coop means a building or structure used for accommodating chickens that are used for non-commercial purposes;

dwelling, *multi-family* means a building containing two or more dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

Commented [BM1]: Bylaw 236 Amendment 1.2
Bylaw 234 Amendment 1.2

dwelling unit means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy;

BL 204

dwelling unit, affordable housing means a deed restricted and/or rent controlled *dwelling unit* that is secured by a housing agreement, and is available to persons with a low income as defined by housing agreement for the dwelling unit;

dwelling unit, *single family* means a building containing one dwelling unit;

Commented [BM2]: Bylaw 234 Amendment 1.2
Bylaw 236 Amendment 1.2

Engineer means a member of the Association of Professional Engineers and Geoscientists of British Columbia;

Feedlot means commercial operation containing a fenced area where livestock, poultry or farmed game is confined solely for the purpose of growing or finishing and is sustained by means other than grazing, but excludes confinement of animals for domestic purposes;

fill means uncontaminated earth, sand, gravel or any other similar material used, or capable of being used, to raise the contour of the ground surface;

food processing in regards to a home occupation means the creation of packaged food products intended for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;

front yard means the area of a lot located between the front lot line and the front wall of the building closest to that lot line, and extending the full width of the lot;

forest fungi means naturally growing mushrooms or similar products that may be cultivated using wood products from local trees and excludes mushrooms grown on manure;

forestry sales mean the sale of lumber, timber, posts, and other similar wood products, but excludes the sale of goods manufactured from these materials;

gouge means an injury to the stem of a tree that penetrates into the sapwood or deeper;

grade means the average elevation of the ground at a distance of 1.0 metre from a building or structure determined by averaging the finished elevations at the midpoint of all of the exterior walls;

gross floor area means the sum of the area of all storeys in a building or structure, measured to the outermost wall surface, including the areas of roofed porches, roofed terraces and roofed decks;

ground-based machinery means powered vehicles that move by means of wheels or tracks in contact with the ground, including trucks, skidders, loaders, excavators, backhoes, and tractors;

guest accommodation means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year;

height means the vertical distance to the highest point of the upper roof of a building or structure measured from the grade;

BL 194 *hermitage* means a spiritual retreat centre that may also offer educational programs and provides overnight accommodation and meals to guests participating in its programs and activities;

high high water mark means the high water mark identified on the plan most recently registered in the Land Title Office, and where there is no such plan, means the natural boundary;

horticulture means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot;

intensive agriculture means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;

lot means any parcel, block or other area in which land is held or into which it is subdivided, whether under the Land Title Act or the Bare Land Strata Regulations under the *Strata Property Act*;

lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection;

Commented [BM3]: Bylaw 234 Amendment 1.1
Bylaw 236 Amendment 1.1

lot line means a legally defined boundary of any lot, and in the case of tenure under the Land Act, a boundary of the lease area;

BL 200 *lot line – edge* means any lot line on a lot in the Agriculture zone that abuts a lot in another zone;

lot line – front means the lot line common to the lot and the abutting highway, or access route under the Strata Property Act, and where there is more than one lot line common to a highway or access route, the following rules apply:

- the shortest lot line abutting a highway or access route that is greater than 20.0 metres is the front lot line, except where there are no lot lines greater than 20.0 metres abutting a highway or access in route, in which case the longest line abutting a highway or access route is the front lot line;
- where there are three or more lot lines and one or more of the lot lines is a corner-cut, one of the other lot lines is the front lot line based on the preceding rule;
- where there are more than two lot lines defining a curve, including any tangents making up the curve in a highway or access route, all such lot lines defining the curve must be considered to be one lot line for the purpose of determining the front lot line; and
- where a lot is split by a highway or access road, a front lot line will be determined for each portion of the lot;

lot line - rear means the property line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting lines, it shall be the point of such intersection;

lot line – exterior side means a lot line not being the front lot line but common to a lot and an abutting highway or access route;

lot line - side means any lot line not being a front lot line, rear lot line or exterior side lot line;

BL 194 *mobile* means, in relation to a building, not permanently affixed to the land with the ability to be moved to another location by towing or similar means;

BL 211 *Moveable housing unit* means a dwelling unit capable of being moved from location to location which does not require a permanent foundation;

natural boundary means:

- with reference to the sea or a lake, the visible high water mark of the lake, where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark on the soil or rock of the bed of the sea or a lake a character distinct from that of the adjoining upland, in vegetation as well as in the soil or rock;
- with reference to a stream, the normal high water mark of the stream, which is often indicated by the edges of rooted terrestrial vegetation, and a definite change in vegetation and sediment texture, above which soils and terrestrial plants appear undisturbed by recent erosion, and below which the stream banks show signs of scouring or sediment deposition or both;
- with reference to a wetland, the boundary between the wetland and the adjacent upland, where the extent of the wetland is usually indicated by the presence of plants that normally grow in water or

residence means:

- the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
- the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;

and residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

residential rental tenure means the granting of a right to occupy a *dwelling unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *dwelling unit* is not owned by a *dwelling unit* occupant, but where regular payments are made to the owner for the use of the *dwelling unit*;

Commented [BM4]: Bylaw 234 Amendment 1.2
Bylaw 236 Amendment 1.2

retail sales and rentals means the selling of goods or merchandise directly to the consumer and includes bicycles, scooters, tools, equipment and home entertainment products, but excludes automobiles, recreational vehicles and heavy equipment;

riparian describes the land adjacent to the normal high water level in a stream, lake, or wetland and extending to the portion of land that is directly influenced by the presence of adjacent ponded or channelled water;

school means a school as defined by the *Schools Act* or the *Independent Schools Act* and does not include overnight accommodation or a dormitory;

BL 195 *seasonally flooded agricultural field* means land that has been previously modified for agriculture and experiences flooding during part of the year due to its location in a low lying area with poor drainage or with a high water table;

BL 211 *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;

BL 211 *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;

setback means the horizontal distance that a building, structure or use must be sited from a specific lot line, building, structure or other specified point;

shellfish aquaculture means the raising of any aquatic invertebrate animal having a shell (for example, oysters, clams, and crabs) for commercial purposes;

storey means all areas of a building or structure in which the ceiling is at least one metre above the floor at its lowest point, but excludes crawl spaces;

stream means any natural depression:

- in which water exists at least seven months of the year flowing on a perennial or seasonal basis; and
- in which the continuous channel bed is 0.6 metre or more below the average elevation of the surrounding land; or if the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, in which the channel bed is scoured by water or contains observable deposits of mineral alluvium;

but excludes road side drainage ditches on a highway right-of-way;

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

third party signs means signs advertising business, products, goods or services not provided on the lot on which the sign is located

top of the inner gorge means the boundary between a side-wall slope adjacent to a stream, that has a slope greater than or equal to 60% slope, and an adjacent upland area that has a slope of less than 60%;

utilities means water, sewer, electrical, telephone and similar services where established by a government body or by a company operating under the Utilities Commission Act, and where such use is intended for the local community;

vehicle fuel service means the retail sale of gasoline, propane and diesel fuel;

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.

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

INFORMATION NOTE: Secondary suites and secondary dwelling units are not permitted to be used for short term vacation rental or for the accommodation of paying guests in accordance with Regulation 2.1.2 of the Denman Island Land Use Bylaw.

Accessory Buildings and Structures

10 Accessory buildings and structures are not to be used for overnight accommodation **other than on an occasional basis,** except as permitted elsewhere in this Bylaw and the use is not permitted on a parcel in the 'Multi-family (R4) Zone'.

Commented [BM5]: Bylaw 234 Amendment 1.3
Bylaw 236 Amendment 1.3

Travel Trailers

11 Travel trailers may be stored on the lot and used for occasional non-commercial accommodation except on a parcel zoned 'Multi-family (R4). .

Commented [BM6]: Bylaw 234 Amendment 1.4
Bylaw 236 Amendment 1.4

BL 211 12 A travel trailer, bus or similar vehicle may be used as a principal dwelling unit or as a secondary dwelling unit approved by a Temporary Use Permit on any lot where a single family dwelling is a permitted building provided that it:

- is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7;
- is connected to an approved sewage disposal system; and
- is considered a dwelling unit for the purpose of residential density calculations.

Water Zones

13 In the water zones, no building or structure may be used for overnight accommodation.

14 In the water zones, a vessel may be used for occasional non-commercial accommodation but shall not be used as a permanent residence.

Covered Walkways

15 Buildings located within 4.0 metres of each other and attached by a covered walkway are deemed to be one building.

Undersized Lots

16 Where a lot exists prior to the effective date of this Bylaw and the area of such a lot does not conform to the minimum lot area established in Part 3 relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for that zone and provided the provisions of the Health Act and attendant regulations have been met.

2.2 General Height Regulations

1 Despite any regulations in the zoning tables in Part 3, height restrictions do not apply to radio or television antennas or any accessory radio or television antennas, including satellite dishes, flag poles, lighting poles, utility poles, stairways, chimneys, or water storage tanks that are attached to and accessory to a principal use.

2.3 General Setback Regulations

Setbacks from Cliffs

13 The slope of any automobile parking space shall not exceed 10 per cent.

14 Lighting fixtures for the parking area must be less than 1.0 metre in height and must be directed exclusively at the parking area at illumination levels of 11 lux or less[1].

Number of Parking Spaces Required

15 The minimum number of parking spaces required is as specified in accordance with regulations 16 to 18 of this section

16 Minimum number of automobile parking spaces is

residential

- one per one single family residential dwelling unit
- one per one cabin or accessory residential use
- two per dwelling unit in a multi-family dwelling

home occupations

- one per two non-resident employees in a home occupation
- one per rental room in a home occupation providing home-based guest accommodation

commercial

- one per 20.0 square metres of gross floor area of a building or structure for a commercial use other than a restaurant, cafe, public docking facility, or vehicle fuel sales
- one per three seats in a restaurant or café
- one per four berths in a public docking facility, plus four per launch ramp or hoist
- four per vehicle fuel service

institutional

- one per 25.0 square metres of gross floor area of a building or structure for a school, community hall, church, social hall, museum use, health care service use, recycling centre or similar use
- one per each employee or volunteer for a fire hall, police station or ambulance station

resource

- one per 30.0 square metres of gross floor area for a building or structure for an industrial, equipment storage, material supply or warehouse use
- one per 15 square metres of gross floor area for a greenhouse, a nursery, farm sales or forestry sales.

17 Minimum number of bicycle parking spaces is

- four, or one per 150 square metres of gross floor area for a commercial use, whichever is greatest
- four, or one per 10 students in a school, whichever is greatest
- four, or one per 150 square metres of gross floor area for a community hall, church, social hall, museum or other institutional use, whichever is greatest.
- one per dwelling unit in a multi-family dwelling

18 Of the number of automobile parking spaces required in Regulation 16 of this section for commercial or institutional uses, a minimum of one, or one per 50 required parking spaces, whichever is greatest, must be provided for disabled persons.

Commented [BM7]: Bylaw 234 Amendment 1.5
Bylaw 236 Amendment 1.5

Commented [BM8]: Bylaw 234 Amendment 1.6
Bylaw 236 Amendment 1.6

Commented [BM9]: Bylaw 234 Amendment 1.7
Bylaw 236 Amendment 1.7

[1] A lux is a measure of candlepower per square metre. Ten lux is considered adequate to do most tasks.

2.6 Signs Regulations

	Permitted Signs	Maximum Area of a Sign	Maximum Combined Sign Area	Maximum Number of Signs
1	Residential (R1), Rural Residential (R2), Co-housing (R3) and Multi-family (R4) zones	0.5 m^2	1.0 m^2 per lot	no limit
2	Agriculture (A), Forestry (F) and Resource (RE) zones	0.75 m^2	2.0 m^2 per lot	no limit
3	Commercial (C) **and Light Industrial (L) zones**	2.0 m^2	2.0 m^2 per business	2 per business
4	Institutional (IN) zone	2.0 m^2	2.0 m^2 per lot	2 per lot
5	Conservation (CN) and Parks (PK) zones	1.0 m^2	1.0 m^2 per lot	no limit
6	Marine Aquaculture (W3) zone	0.5 m^2	1.0 m^2 per tenure	2 per tenure
7	In addition to the signs permitted in regulations 1 to 6 of this section, temporary real estate signs in all zones, which must be removed within 2 weeks of sale	1.0 m^2	2.0 m^2 per lot	2 per lot

8 In addition to Regulation 3 of this section, each business in the Commercial (C) zone **and Light industrial (L) zone** is permitted a maximum of one additional non-flashing neon sign that advertises the business as open, and such a sign must be no larger than 0.3 square metres.

9 In all zones, free standing signs shall not be deemed “structures” for the purposes of requiring compliance with horizontal setback regulations from lot lines or natural features.

10 The maximum areas set out in Section 2.6, Regulations 1 to 7 refers to the area of one face of a sign.

Height of Signs

11 In all zones, the maximum height of free standing signs is 3.0 metres.

12 In all zones, the maximum height of a sign attached to a building or structure is the same as the maximum height for the building or structure as set out in the zoning tables in Part 3.

Exempted Signs

13 Signs exempted from the provision of this section are:

- those approved by a public authority such as directional signs, traffic signs, electoral signs and marine navigational signs
- warning signs, such as private property, no trespassing, no vehicles, and no hunting signs provided that such signs are no larger than 0.2 square metres.
- interpretative signs
- murals, providing the mural is not advertising a product or service.

Prohibited Signs

14 Except as permitted in regulations 3 to 12 of this section, the following signs are expressly prohibited

- animated signs
- Illuminated signs
- obsolete signs
- third party signs larger than 0.5 square metre regardless of location

Commented [BM10]: Bylaw 234 Amendment 1.8
Bylaw 236 Amendment 1.8

2.7 Screening Regulations

General Regulations

1 Where a landscape screen is required by this Bylaw, it must be provided in the form of:

- existing vegetation of the required height or
- a row of drought-tolerant evergreen plants that after three years of growth will attain the required height

and provide a continuous, permanent visual screen between the uses being separated.

2 The minimum height of a landscape screen is 2.0 metres.

3 The minimum depth of a landscape screen is 1.5 metres.

4 Landscape screens along a front or exterior side lot line must be unbroken, except to provide for access to or from the lot.

Landscape Screens

5 All commercial, industrial and institutional uses must be screened from view from a lot in the Residential (R1) or Rural Residential (R2) zone by a landscape screen.

6 All outdoor storage or use related to a home occupation must be screened from view from an adjacent lot or highway by a landscape screen.

7 All works yards, commercial or industrial outdoor storage, or derelict vehicles must be screened from view from an adjacent lot or highway by a landscape screen.

8 All uses in the R3 and R4 zones must be screened from adjacent properties with a landscape screen located within the setback area, except that dead trees or trees that pose a safety risk may be extracted from the setback area.

Commented [BM11]: Bylaw 234 Amendment 1.9
Bylaw 236 Amendment 1.9

2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

1 Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.

2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.

3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

Total area of all proposed lots including the remainder

divided by

Number of Proposed lots including the remainder.

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum lot Area.

4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

3 ZONE REGULATIONS

3.1 Creation of Zones

1 The area included in Schedule B of this Bylaw is divided and designated into the following zones:

Zone Classification	Zoning Code
Residential Zones	
Residential	R1
Rural Residential	R2
Co-housing	R3
Multi-family	R4
Resource Zones	
Agriculture	A
Forestry	F
Resource	RE
Commercial and Light Industrial Zones	
Commercial	C
Light Industrial	L
Community Zones	
Institutional	IN
Conservation	CN
Park	PK
Water Zones	
Marine Conservation	W1
Marine Service	W2
Aquaculture	W3
Marine Protection	W4
Lakes	W5

Commented [BM12]: Bylaw 234 Amendment 1.10
Bylaw 236 Amendment 1.10

3.2 Definition of Zones

Interpretation of Zone Boundaries

1 Except where otherwise specified the zone boundaries, together with any explanatory legends, notations and references in respect thereof, are delineated and described on a computer record compiled by means of geographic information software and a global positioning system (the "Zoning Map").

2 The Zoning Map is kept at the Islands Trust Victoria Office and forms part of this Bylaw.

3 A generalised diagrammatic representation of the Zoning Map is annexed to this Bylaw as Schedule B. In the event of any conflict or inconsistency between the Zoning Map and Schedule B, the Zoning Map shall govern.

3.3 Residential Zoning Tables

	Table 1 - Permitted Uses	R1	R2		
	Principal Uses				
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
	Accessory Uses				
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
BL 211 10	Secondary suites and secondary dwelling units		✓ *Secondary dwelling units must be approved through a Temporary Use Permit		

Commented [BM13]: Bylaw 234 Amendment 1.11
Bylaw 236 Amendment 1.11

	Table 2 - Permitted Buildings and Structures	R1	R2		
1	Single family dwelling units	✓	✓		
2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures to accessory to constructed multi-family dwelling unit				✓
5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	

Commented [BM14]: Bylaw 234 Amendment 1.12
Bylaw 236 Amendment 1.12

	Table 3 - Density of Uses, Buildings and Structures	R1	R2		
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha		
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%
5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3

Commented [BM15]: Bylaw 234 Amendment 1.13
Bylaw 236 Amendment 1.13

	Table 4 – Height	R1	R2		
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

Commented [BM16]: Bylaw 234 Amendment 1.14
Bylaw 236 Amendment 1.14

	Table 5 - Setbacks	R1	R2		
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	• from the front lot line	7.5 m	7.5 m	30.0 m	10.0 m
	• from the rear or side lot line	3.0 m	3.0 m	30.0 m	10.0 m
	• from the exterior side lot line	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

Commented [BM17]: Bylaw 234 Amendment 1.15
Bylaw 236 Amendment 1.15

	Table 6 - Floor Area	R1	R2		
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m^2	6.0 m^2	~~6.0 m~~	~~10.0 m~~
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m^2	30.0 m^2	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m^2	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m^2	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m^2	100 m^2

Commented [BM18]: Bylaw 234 Amendment 1.16
Bylaw 236 Amendment 1.16

	Table 7 - Subdivision	R1	R2	
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha
2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha

Commented [BM19]: Bylaw 234 Amendment 1.17
Bylaw 236 Amendment 1.17

Table 8 - Site Specific Regulations

The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code		Site Specific Regulations
R1(1)	1	In addition to Table 1 of this Section, accessory residential is a permitted use.
	2	Despite lines 2 and 3 in Table 3 of this Section, the maximum number of accessory residential dwelling units permitted is one per lot, provided it is contained in or attached to the principal dwelling unit.
	3	The maximum permitted gross floor area of an accessory residential dwelling unit is 56.0 square metres.

INFORMATION NOTE: The site specific regulations for R1(1) are to permit a use previously permitted on two specific lots.

R1(2)	1	Despite lines 4 to 7 in Table 1 of this Section, the only accessory use permitted is accessory residential.
	2	Despite line 2 in Table 2 of this Section, the only accessory buildings and structures permitted are cabins.
	3	Despite lines 2 and 3 in Table 3 of this Section, the maximum number of cabins permitted is six per lot.
	4	Despite Table 7 of this Section, the minimum lot area permitted is 3.75 hectares.
	5	The maximum gross floor area of a permitted cabin is 56.0 square metres.

INFORMATION NOTE: The site specific regulations for R1(2) are to permit the historical use on one specific lot .

BL 200

R1(3)	1	Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted providing one is limited to a footprint of 18.6 m2 (200 square feet) and one storey.

INFORMATION NOTE: The site specific regulations for R1(3) are to permit the historical density on one specific lot.

BL 204	R1(4)	1	Despite Tables 2 and 3 of this section, single family dwelling units and buildings and structures accessory to single family dwelling units are not permitted and instead, one *affordable housing dwelling unit* is permitted, and buildings and structures accessory to the *affordable housing dwelling unit* are permitted.
		2	In addition to Table 6 of this section, the maximum gross floor area for an *affordable housing dwelling unit* is 93 square metres.
		3	Despite Section 2.1, travel trailers are not permitted to be stored on the lot or to be used as a principal dwelling unit. However, a travel trailer may be used on the lot for up to six months during construction of the *affordable housing dwelling unit*..
		4	Home occupation uses are permitted as an *accessory* use. Despite Section 2.4, home-based *guest accommodation*, welding shops, including sale of products produced on site, daycare, and automobile repair and maintenance, are not permitted.
	R2(1)	1	In addition to the uses listed in Table 1 of this Section, a kennel accessory to a residential use is permitted.
		2	In addition to the buildings and structures listed in Table 2 of this Section, buildings or structures for a kennel use are permitted.
		3	In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a kennel is 30.0 metres.
	R2(2)	1	In addition to the uses listed in Table 1 of this Section, a riding stable accessory to a residential use is permitted.
		2	In addition to the building and structures listed in Table 2 of this Section, buildings or structures for a riding stable use are permitted.
		3	In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a riding stable is 30.0 metres.
BL 200	R2(3)	1	Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted.
	R2(4)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.4 hectares.
	R2(5)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 3.33 hectares.
BL 220	R2(6)	1	Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56ha.
	R2(7)	1	Despite line 9 in Table 1 of this Section, secondary suites are not permitte
		2	Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(7) zone is three.
		3	Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(7) zone is three.
	R2(8)	1	Despite line 9 in Table 1 of this Section, secondary suites are not permitte
		2	Despite line 3 in Table 3 of this Section, the maximum number of single fa in the R2(8) zone is five.
		3	Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.

Commented [BM20]: Bylaw 236 Amendment 1.18

Commented [BM21]: Bylaw 236 Amendment 1.18

R4(1)

1 Despite line 3 in Table 3 of this Section, the maximum number of dwelling
R4(1) zone is 20.

Commented [BM22]: Bylaw 236 Amendment 1.18

2 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a dwelling unit in a multiple family dwelling is 140 m².

3 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.

4 Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to regulations in Section 2.8 is 8.0 hectares.

R4(2)

1 Despite line 4 in Table 1 of this Section, the following uses, and no other
home occupations:

Commented [BM23]: Bylaw 234 Amendment 1.18

- general business offices,
- professional offices, including health services,
- personal services,
- food processing.

2 Despite line 3 in Table 3 of this Section, the maximum number of dwelling units per lot is 8.

3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 20%.

4 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house

- from the front lot line is 7.5 m
- from the rear or side lot line is 3 m, except it is 10 m where the lot line abuts land in the ALR that is not for the sole purpose of access and egress
- from the exterior side lot line is 3 m

5 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a dwelling unit in a multi-family dwelling is 60 m^2.

6 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares.

INFORMATION NOTE: The site specific regulations for R2(3), R2(4) and R2(5) are to permit the historical density on

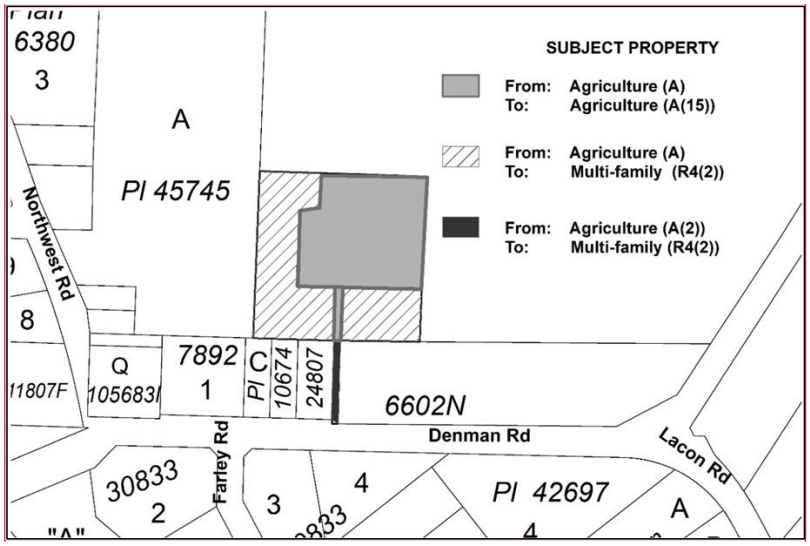
	A(5)	1	Despite Table 1 of this section, no residential use is permitted.
		2	Despite Table 2 of this section, single family dwelling units and buildings and structures accessory to a constructed single family dwelling unit are not permitted.
		3	Despite Table 5 of this section, the minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy from the front, rear, side and exterior side lot lines is 30 m.
		4	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 13.0 ha.
BL 190	A(6)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 45.0 hectares.
		2	Despite Table 3 of this section, the minimum lot area per principal single family dwelling unit is 45.0 hectares.
BL 194	A(7)	1	In addition to the uses listed in Table 1 of this section, hermitage is a permitted accessory use.
		2	In addition to the buildings and structures listed in Table 2 of this section, mobile accessory buildings for overnight accommodation of people participating in the activities or programs of a hermitage on the same lot are permitted.
		3	Despite section 2.1(4) up to eight mobile accessory buildings with a floor area not greater than $10m^2$ each may be used for overnight accommodation of hermitage participants.
BL 200	A(8)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 8.4 hectares.
	A(9)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 7.5 hectares.
		2	If a lot in this zone is subdivided, a total of 4 dwelling units are permitted on the resulting lots.
	A(10)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 14.91 hectares.
	A(11)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 5.25 hectares.
	A(12)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 10.45 hectares.
	A(13)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.55 hectares.
	A(14)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 9.0 ha.
	A(15)	7	Despite Table 7of this Section, the minmum lot area is 0.8 hectares.

Commented [BM24]: Bylaw 234 Amendment 1.19

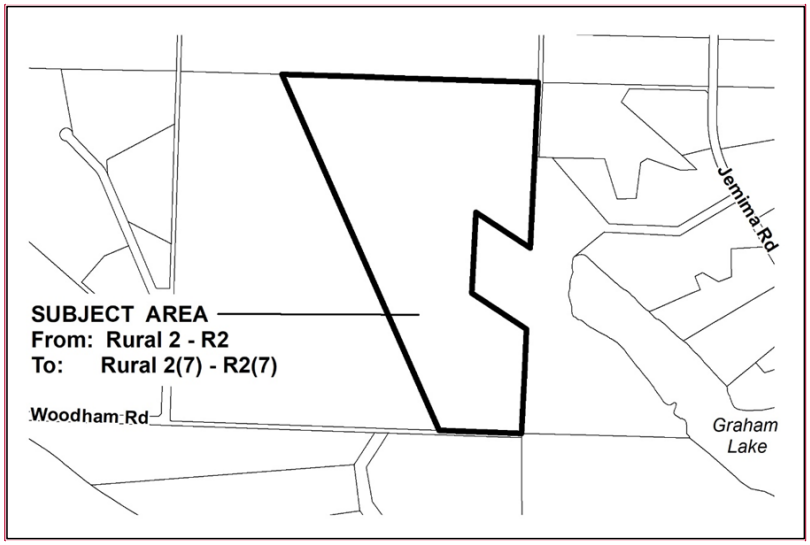
INFORMATION NOTE: The site specific regulations for A(8), A(9), A(10), A(11), A(12) and A(13) are to permit the historical density on seven specific lots. Approval from the Agricultural Land Commission may be required for more than one dwelling per lot.

	F(1)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 20 ha.

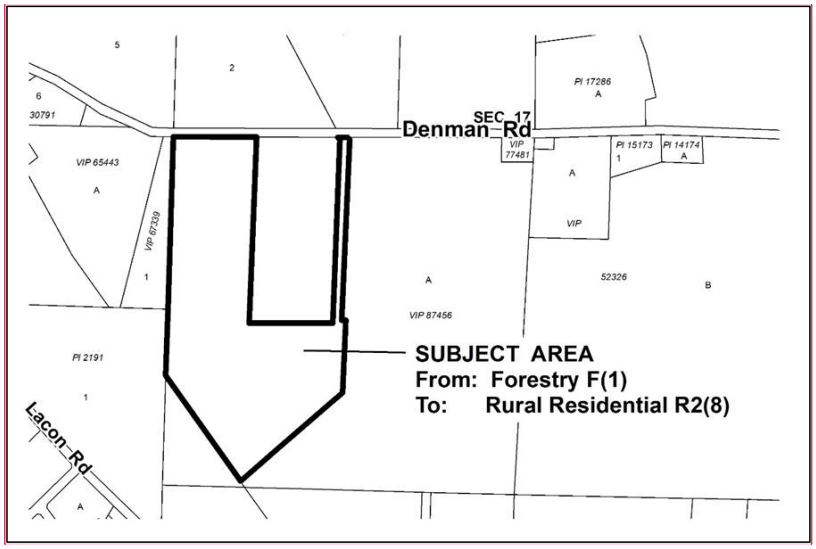
Schedule “B” of Denman Island Land Use Bylaw, 2008 is amended as follows:



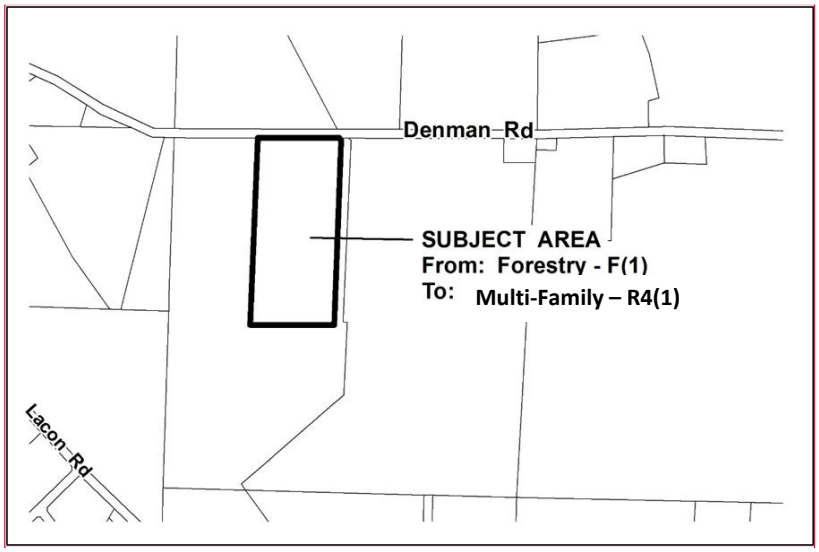
Commented [ME1]: Bylaw 234 Schedule B Amendment 1



Commented [ME2]: Bylaw 236 Schedule B Amendment 1



Commented [ME3]: Bylaw 236 Schedule B Amendment 2



Commented [ME4]: Bylaw 236 Schedule B Amendment 2

From: Vanda Wood [redacted]
Date: August 21, 2019 at 5:14:22 PM PDT
Cc: "lbusheikin@islandstrust.bc.ca" <lbusheikin@islandstrust.bc.ca>, "sfast@islandstrust.bc.ca" <sfast@islandstrust.bc.ca>, "dcritchley@islandstrust.bc.ca" <dcritchley@islandstrust.bc.ca>
Subject: The 5G network on the islands

Hello,

My name is Vanda Wood and I live on Denman Island. This letter is in regard to the rolling out of the '5G' network in the Trust area and related scientifically proven health issues.

The industry has not done any studies on 5G, EMF and health that I can find however many have been done independently.

This month beginning August 26 there is a FREE seminar with speakers very knowledgeable and highly educated in this field. I include the brochure in hopes you are able to watch at least some of it.

If you register with email and first name, you will be able to immediately watch several of the videos (their free gift) I've watched the videos and highly recommend the following two:

-Dr Devra Davis, PhD MPH - *Science on 5G and Wireless Radiation*

- Dr Martin Pall, PhD - *How Wireless Causes Harm*
Link below to Dr Pall study:
https://www.researchgate.net/publication/275052209_Scientific_evidence_contradicts_findings_and_assumptions_of_Canadian_Safety_Panel_6_Microwaves_act_through_voltage-gated_calcium_channel_activation_to_induce_biological_impacts_at_non-thermal_levels_s

Studies show this radiation is harmful to every living thing down to the DNA level - trees show damage to the side facing radiation, honeybees subjected to cell phone radiation for 2 hours per day had significantly reduced Queen production, directional problems, produced less honey than control hives (Dr Devra Davis) there are countless harms proven in reputable studies.

The industry has stated humans are safe as the radiation only slightly penetrates our skin. . . however it's been rigorously proven otherwise. Our skin is covered with 2-4 million sweat glands with a high concentration on the face and forehead (WebMD) These glands act as a helical syphon allowing the radiation to penetrate into us very deeply where damage occurs at the cellular level (Dr Martin Pall). This damage becomes irreparable over time.

In comparison to climate change the radiation 5G antennas bring is an immediate danger that becomes deadly over time. Instead of public engagement on 5G the government uses climate change to distract. There is money to be made and intense pressure from the telecommunications industry which insists we need this technology or Canada will become obsolete. Satellites and antennas will be required to make the 5G system work with a concentration of approx one antenna every 500'.

Even though fiberoptic cable is proven to be safe, cheaper, fast, there has been no suggestion of this or anything else as an alternative, instead they would have us believe there *is no* choice.

There is always a choice and it is up to us to **make the choice** to keep ourselves safe if our government will not.

It is unconscionable and possibly unconstitutional for our Canadian government to force direct harm upon us and our children, our islands and every living thing on and around them.

thank you for reading this letter,

Vanda Wood
[redacted]
Denman Island, BC
email: [redacted]
cell: [redacted]

From: Jenny Balke [redacted]
Sent: Thursday, September 12, 2019 1:24 PM
To: Laura Busheikin; David Critchley
Subject: Denman facilities

Dear Trustees
I have serious concerns that our Trustees do not know the details regarding the licencing of these operations in our community. As our public representatives, could you please find out so that this information can be shared with the community. These operations have a major impact on the community and are causing considerable stress. A public concern is building regarding the appropriateness of such large seemingly commercial-scale operations in our residential neighborhoods. More information is needed by the public.
Below is the contact link that is best addressed by those representing their community.
Thank you for your attention to this request,
Sincerely,
J Balke

https://www.canada.ca/en/health-canada/services/drugs-medication/cannabis/industry-licensees-applicants/licensing-summary/guide.html#8

8.0 Contact us

For questions related to a specific licence application, an email may be sent to: HC.licensing-cannabis-licences.SC@canada.ca. The email must clearly indicate the application file number, the applicant's name and the subject of the correspondence in the subject line of the email. Meeting or teleconference requests are evaluated on a case-by-case basis.

For other general questions about the Cannabis Act and its Regulations outside of a specific application, including those related to the CTLS, email: cannabis@canada.ca.

Alternatively, the Cannabis Legalization and Regulation Branch may be contacted by phone at
1-866-337-7705.

Llbus

PETITION TO THE ISLANDS TRUST AND ALL LOCAL TRUST COMMITTEES

DO NOT ADOPT THE PROPOSED "MODEL STRATEGY FOR ANTENNA SYSTEMS": CREATE AN ANTENNA SITING POLICY THAT PRESERVES AND PROTECTS

We, the undersigned, residents of Canada, draw the attention of the Islands Trust and our Local Trust Committees to the following:

THAT WHEREAS the telecommunications industry is preparing for 5G, moving away from macro tower installations and towards installing many small cell or microcell antennas in our public rights-of-way, and;

WHEREAS the federal government gives the public no input on the placement of small cell antennas on existing structures like utility poles on our streets, and;

WHEREAS the proposed Trust-wide *Model Strategy for Antenna Systems* now being voted on for adoption is much less protective than current individual local Trust polices now in place,

THEREFORE, we the undersigned **RESIDENTS OF CANADA** call upon **LOCAL TRUST COMMITTEES,** and the **ISLANDS TRUST** overall, to create a Trust-wide Antenna Siting Protocol that is as protective as possible, thus adhering to the Precautionary Principle as outlined in several Trust regions' official community plans.

Such a policy would state that:

- Radiofrequency radiation-emitting antennas be located no closer to areas of continuous human activity than 500 metres, with the cumulative sum total of incident radiofrequency power density levels at regularly occupied buildings not to exceed 2 microwatts/cm2, consistent with the Salt Spring Antenna protocol of 2011; and,
- Antennas not be placed near sensitive areas including schools, playgrounds, and day care facilities, consistent with the current 2018 Galiano Island siting protocol, and that hospitals, long-term care facilities and areas where people frequently congregate, including parks, beaches and lakes, be 1000 metres away from telecom facilities.

PRINTED NAME	SIGNATURE	ADDRESS
Denise MacKean	[redacted]	[redacted] Denman Island, B.C.
Boyd MacKean		[redacted], Denman Island BC.

Please Sign and Give This Page to Your Local Trustee

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PRINTED NAME	SIGNATURE	ADDRESS
Bell Blitterswy	[redacted]	D.T.
MARCUS		
Blitterswy		B.C.
K. Blitterswyk		B.C.

Please Sign and Give This Page to Your Local Trustee

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WHEREAS the federal government gives the public no input on the placement of small cell antennas on existing structures like utility poles on our streets, and;

WHEREAS the proposed Trust-wide *Model Strategy for Antenna Systems* now being voted on for adoption is much less protective than current individual local Trust polices now in place,

THEREFORE, we the undersigned **RESIDENTS OF CANADA** call upon **LOCAL TRUST COMMITTEES,** and the **ISLANDS TRUST** overall, to create a Trust-wide Antenna Siting Protocol that is as protective as possible, thus adhering to the Precautionary Principle as outlined in several Trust regions' official community plans.

Such a policy would state that:

- Radiofrequency radiation-emitting antennas be located no closer to areas of continuous human activity than 500 metres, with the cumulative sum total of incident radiofrequency power density levels at regularly occupied buildings not to exceed 2 microwatts/cm2, consistent with the Salt Spring Antenna protocol of 2011; and,
- Antennas not be placed near sensitive areas including schools, playgrounds, and day care facilities, consistent with the current 2018 Galiano Island siting protocol, and that hospitals, long-term care facilities and areas where people frequently congregate, including parks, beaches and lakes, be 1000 metres away from telecom facilities.

PRINTED NAME	SIGNATURE	ADDRESS
W. M. PETERS	[redacted]	
SHIRLEY WARD		

Please Sign and Give This Page to Your Local Trustee

PETITION TO THE ISLANDS TRUST AND ALL LOCAL TRUST COMMITTEES

DO NOT ADOPT THE PROPOSED "MODEL STRATEGY FOR ANTENNA SYSTEMS": CREATE AN ANTENNA SITING POLICY THAT PRESERVES AND PROTECTS

We, the undersigned, residents of Canada, draw the attention of the Islands Trust and our Local Trust Committees to the following:

THAT WHEREAS the telecommunications industry is preparing for 5G, moving away from macro tower installations and towards installing many small cell or microcell antennas in our public rights-of-way, and;

WHEREAS the federal government gives the public no input on the placement of small cell antennas on existing structures like utility poles on our streets, and;

WHEREAS the proposed Trust-wide *Model Strategy for Antenna Systems* now being voted on for adoption is much less protective than current individual local Trust polices now in place,

THEREFORE, we the undersigned **RESIDENTS OF CANADA** call upon **LOCAL TRUST COMMITTEES,** and the **ISLANDS TRUST** overall, to create a Trust-wide Antenna Siting Protocol that is as protective as possible, thus adhering to the Precautionary Principle as outlined in several Trust regions' official community plans.

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- Antennas not be placed near sensitive areas including schools, playgrounds, and day care facilities, consistent with the current 2018 Galiano Island siting protocol, and that hospitals, long-term care facilities and areas where people frequently congregate, including parks, beaches and lakes, be 1000 metres away from telecom facilities.

PRINTED NAME	SIGNATURE	ADDRESS
Michael Rapati	[redacted]	, D.I.
KATHLEEN RAPATI		an Island

Please Sign and Give This Page to Your Local Trustee

MEMORANDUM

File No.: 11-6000-20

DATE OF MEETING:	October 3, 2019
TO:	Denman Island Local Trust Committee
FROM:	David Marlor, Director, Local Planning Services
SUBJECT:	Climate Change Adaptation and Mitigation Strategies

PURPOSE

At its regular business meeting in June 2019, Trust Council passed the following resolution:

> ***TC-2019-043***
> ***It was Moved by Trustee Fast and Seconded by Trustee Peterson,***
> *That Trust Council direct staff to add agenda items 6.4 and 8.4 regarding climate emergency tools and strategies to all Local Trust Committee's upcoming agendas and suggest to the Bowen Island Municipality.*

NEXT STEPS

The two reports "Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust" and "Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation" are provided for information on the local trust committees, and to assist when determining local actions to take in response to Trust Council's climate emergency declaration.

Submitted By:	David Marlor, MCIP, RPP Director, Local Planning Services	August 29, 2019

ATTACHMENTS

1. Attachment 1: Items 6.4 and 8.4 from June 2019 Trust Council

BRIEFING

To:	**Trust Council**	**For the Meeting of:**	June 19, 2019
From:	**CAO**	**Date Prepared:**	May 23, 2019

SUBJECT: **Report on Climate Change Adaptation and Mitigation strategies by the Islands Trust**

PURPOSE: To provide Trust Council a summary report on current and past actions, and policies adopted by the Islands Trust to address climate change. This report is a companion report to the land use actions report on the current agenda and is offered to provide context for Trust Council as they contemplate a range of potential options to address climate change within the Trust Area.

BACKGROUND: On March 13, Trust Council passed the following resolution:

That the Islands Trust Council:

1. Declare a Climate Change Emergency in the Islands Trust Area.
2. Add climate change mitigation, resilience, and adaptation policies to the Islands Trust Policy Statement amendment project.
3. Direct the Trust Council Chair to write to the Chairs of Regional Districts in the Islands Trust Area asserting Trust Council's full support for declarations of a Climate Emergency;
4. Direct the Trust Council Chair to write to the Provincial Minister of the Environment, asserting the Islands Trust Council's support to help the Province close the 25% emissions gap in the Clean BC Plan, and calling on the Province to provide the powers and resources to local governments;
5. Direct the Trust Council Chair to write to the Federal Minister of the Environment, asserting the Islands Trust Council's support to help Canada meet its Nationally Determined Contribution target made in the Paris Agreement and call on the federal government to provide the powers and resources to local governments.
6. Direct staff to report back to the June 2019 Trust Council meeting on measures and land-use planning actions that the Islands Trust can take to advance progress toward Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations.
7. Direct staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning to provide guidance and support for the Trust Area's efforts to transition away from fossil fuels in ways that prioritize those most vulnerable to climate impacts and most in need of support in transitioning to renewable energy.
8. Trust Council directs staff to work with First Nations and First Nations government agencies to seek support for the climate change emergency and to engage to coordinate climate action strategies with First Nations within the Islands Trust Area.

While the Islands Trust, as a function of its mandate and authority, has included climate change adaptation and mitigation measures in its decision making, including Bill 27 OCP implementation and the application of land use regulations, this briefing provides an overview of specific climate actions that the organization has taken.

1. **Anticipated climate changes within the Trust Area:** Given accessible climate change information for the region, it is anticipated that with an increase in global warming at or above 1.5 C the Trust Area would be impacted in the following ways.

    i. Wetter fall seasons
    ii. Dryer, hotter summers, drought conditions
    iii. More inclement weather, extreme weather events
    iv. Warmer winters
    v. No frost
    vi. Rise in sea level
    vii. Species shift

2. The following table provides a timeline of key climate change actions by the Islands Trust and Islands Trust Conservancy over the last 15 years.

Table 1. Timeline of climate change actions

2005	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
passed resolution for advocacy on climate change	Signed BC Climate Action Charter	developed "Trust Area Climate Vulnerabilities" document	Bill 27 requirements, develop OCP amendments: Climate Smart Islands Program	over 2 year span, the majority of OCPS are amended to incorporate Bill 27			adoption of Carbon Neutral Operations Policy 7.4.v		Letter to Prime Minister Trudeau re Paris Climate Accord	State of the Islands Report	initiated groundwater workshops	delivered seal level rise workshops	declared climate emergency
		adopted Corporate Climate Action Plan					Corporate Sustainability Advisory Group initiataed					Adopted CDF toolkit	

3. **BC Climate Action Charter**

The Islands Trust is a signatory to the BC Climate Action Charter and has taken a number of steps to honor that commitment. Since 2007, we have reported on our website on our plan to achieve our climate action goals. We participate in the Climate Action Revenue Incentive Plan (CARIP) that requires we summarize our GHG emissions and energy consumption and detail our programming towards carbon neutrality. To summarize, the Islands Trust as an organization generates between 55 and 65 tCO2e per year. We have traditionally then purchased carbon credits to achieve carbon neutrality from the Community Carbon Marketplace, which we been doing since 2012.

Using 2017 CARIP report as an example, key emissions measures are the following:

a) Direct emissions
    a. Vehicles — fuel — 14652 L
    b. Stationary — gigajoule — 346
b) Indirect Emissions
    a. Purchased energy — gigajoule — 506
    b. Purchased reported — gigajoule — 126
c) Scope 3 emissions
    a. Office paper — packages — 608

Please note that while the Province committed to providing Community Energy and Emission Inventory data for local governments, there is insufficient data for the Islands Trust specifically, requiring that we use a conversion factor to approximate some of our emissions measures.

4. **Bill 27 OCP Greenhouse Gas amendments**

Under separate cover a report will be provided to the June 2019 Trust Council meeting that will include the amendments to local trust committees OCPs required by Bill 27. Generally, each LTC/Bowen Island Municipality (except Piers Island) adopted target reductions for their area, either a 50% or 33% reduction by 2020 and a greater, 85% reduction by 2050. Land use bylaws have not been comprehensively updated to reflect OCP direction. There has been no sustained performance measurement of each local trust area/island municipality to determine how successful the OCP amendments have been in reducing emissions. Datasets are limited on an LTA/IM by LTA/IM basis for specific GHG reductions.

5. **Corporate Actions**

i. In 2007, the Islands Trust adopted a **Corporate Climate Action Plan.** From a corporate perspective, the three areas effecting our emissions levels are travel, paper and building heating and maintenance. The Climate Action Plan provides a reasonably rigorous analysis of these target emission sources as well as others and make recommendations for mitigations. The Action Plan has led to a number of business practices that are still in place including:

   a. Reduction of printing
   b. Reduction of color printing
   c. Double siding of documents
   d. Not producing paper agendas
   e. Support for employees to commute by bike
   f. Increased ride sharing to staff and Trust meetings
   g. Replacement of the windows and shading of Victoria office
   h. Revised purchasing policy to emphasize energy efficiency

The plan is now somewhat dated and could be refreshed to find new points of emphasis and education for staff and trustees.

Since 2007 the Trust has monitored its GHG generation and in support of the Action Plan.

ii. Adoption of **Policy 7.4.5 Carbon Neutral Operations**. This policy formalized a number of Trust wide operations dedicated to GHG reduction, including a carbon reduction goal, identification of carbon emission sources, dedication to using offsets to achieve carbon neutrality (including purchasing criteria) and reporting requirements.

iii. In January 2013, a Corporate Sustainability Advisory Group (Green Team) was identified consisting of one member of Trust Council and a department representative across the organization. The term was for 12 months and the terms of reference included develop innovating ways to address climate change impacts and GHG reductions and to implement the Corporate Action Plan.

From the available data on Islands Trust operations, it is reasonable to conclude that we are a low carbon producing organization.

6. **Regional and National Context**

It would be impractical to provide a comprehensive overview of regional climate change initiatives; however, it is worth noting that there have been 16 declarations of a climate emergency in BC. Prominent among them is the City of Vancouver who have recently unanimously approved a motion recognizing the climate emergency and passing an ambitious set of six “Big Moves” that will guide

the City's response to Climate Change. The goal is to meet the objective of limiting warming to 1.5C as per the Paris Agreement.

The initial wave of climate emergency declarations occurred in Quebec (2018-2019), with over 300 communities having taken this step.

7. **Issues and Opportunities**

The following items provide a list of issues, amongst many, that could form the basis for further discussion by Trust Council.

- We do not have accurate Community Energy and Emissions Inventory information which limits our ability to accurately measure how emissions programing is reducing carbon levels.
- Issue of built form density is central to lessening climate change impacts and GHG production within the Trust Area.
- The Islands Trust does not have climate change policy in the Policy Statement but does in Official Community Plans and a variable level of climate regulation in LUBs.
- Corporate opportunities: electronic meetings, carbon friendly foods, further policies on travel.
- We have not liaised with First Nations on climate change in any substantial manner and will need to include this issue in our Policy Statement discussions.

ATTACHMENT(S):

1. **N/A**

FOLLOW-UP: As directed by Trust Council

Prepared By: **R Hotsenpiller**

Reviewed By/Date: **May 28, 2019**

Islands Trust Council Plan for Continuous Learning

(What other topics would trustees like to propose?)

Updated May 9, 2019

Year	Trust Council Meeting	Trust Wide and Administrative Topics	Legal and Governance Topics	Planning How-To	Working With Others
2019	December (Victoria)				
	September (Bowen)				
	June (Galiano)	Strategic Plan	What Elected Officials Need to Know about FOI & Protection of Privacy Training (LGMA) June 25th webinar.		Chair, Vice Chair, Committee Chairs & ITC Chair training
	March 2019 (Gabriola)	Strategic Plan	Young/Anderson Introduction Bill Buholzer		
	January 2019 Nanaimo	Orientation	Orientation		NA
2018	November (Victoria)	Orientation	Orientation	Orientation	Orientation
	September (Gambier/Keats)	Lessons Learned 2014 -2018	Implications of the Water Sustainability Act		
	June (Saturna)	Strategic Plan	*Islands Trust Act* Amendments		Agricultural Land Commission/Islands Trust
	March (Salt Spring)	(Freshwater Specialist) (Water Sustainability Act) Regional Conservation Plan		Adapting to Climate Change	March (Salt Spring)

BRIEFING

To:	Trust Council	**For the Meeting of:**	June 18, 2019
From:	David Marlor, Director, Local Planning Services	**Date Prepared:**	May 30, 2019
SUBJECT:	**Climate Change Emergency Declaration – Local Planning Tools for Mitigation and Adaptation**		

PURPOSE:

To provide an initial approach in response to Trust Council's Climate Change Emergency Declaration in respect to local planning tools to address climate change.

BACKGROUND:

At its regular business meeting in March 2019, Trust Council declared a Climate Change Emergency. As part of that declaration, Trust Council requested that staff:

> *"report back to June 2019 Trust Council meeting on measures and land use planning actions that the Islands Trust can take to advance progress towards Local Trust Committee climate reduction targets and achieve further reductions in carbon from Trust operations".*

This briefing focuses on land use planning actions that the local trust committees and Bowen Island Municipality could take to advance progress towards greenhouse gas reduction targets and to adapt to the effects of climate change.

Following the implementation of new mandatory requirements for official community plans to include targets and policies for greenhouse gas reductions, all local trust committees and Bowen Island Municipality amended their official community plans to include those targets and policies.

The following table includes a summary of the targets established by each local trust committee and Bowen Island Municipality in their official community plans. Each local trust committee and Bowen Island Municipality also adopted related policies on how to achieve those targets.

Local Trust Committee/Island Municipality	Reduction By 2015	Reduction By 2020	Reduction By 2050	Notes
Bowen Island Municipality	-	33%	80%	Reduction over 2007 emissions
Ballenas-Winchelsea	-	50%	50%	Below per Canadian per capita for 2020/2050
Gabriola	-	33%	85%	Reduction over 2007 emissions

• Mudge	-	50%	50%	Below per Canadian per capita for 2020/2050
• DeCourcy	-	50%	50%	Below per Canadian per capita for 2020/2050
Galiano	-	33%	-	Reduction over 2007 emissions
Gambier	-	33%	85%	Reduction over 2007 emissions
• Associated	-	20%	85%	Reduction over 2007 emissions
• Keats	-	33%	85%	Reduction over 2007 emissions
Denman	-	33%	85%	Reduction over 2007 emissions
Hornby	-	25%	80%	Reduction over 2007 emissions
Lasqueti	-	50%	50%	Below per Canadian per capita for 2020/2050
Mayne	-	33%	-	Reduction over 2007 emissions
North Pender	-	33%	-	Reduction over 2007 emissions
• Associated	-	50%	50%	Below per Canadian per capita for 2020/2050
Saturna	-	33%	-	Reduction over 2007 emissions
SSI	15%	40%	85%	Reduction over 2007 emissions
• Piers	-	-	-	Bylaw is not compliant
South Pender	-	33%	-	Reduction over 2007 emissions
Thetis	-	33%	85%	Reduction over 2007 emissions
Associated	-	-	-	Bylaw contains no targets
Valdes	-	50%	50%	Below per Canadian per capita for 2020/2050

A. Local Planning Actions Since 2010

Since 2010, planning Staff regularly include consideration of climate change mitigation and adaptation in staff reports on planning applications and projects. As a result, all planning decisions by local trust committees over the past eight years have included a climate change lens. In addition to this, local trust committees adopted specific policies in their official community plans related to climate change mitigation and adaptation. Many of these policies have been implemented through land use bylaw amendments. A list of these implemented policies is included in Appendix 1.

Appendix 2 lists the official community plan policies that have not yet been implemented in the land use bylaws.

The remainder of this briefing provides information on land use planning actions that can be undertaken in relation to climate change. Section B addresses actions related to climate change mitigation and Section C addresses actions related to climate change adaptation.

B. Climate Change Mitigation Tools

Climate change mitigation involves actions that reduce greenhouse gas emissions (GHGs). In the local trust areas the main source of GHGs is combustion from transportation and combustion from heating and cooling buildings. Therefore, any policies and regulations that reduce the need for transportation, or reduce the need for heating or cooling of buildings will help in reducing GHGs.

The Province committed to providing the Community Energy and Emissions Inventory (CEEI) for local governments. For the Islands Trust area there is very little data available. The only metric is residential heating using wood, propane or oil (and this is withheld for Lasqueti and Gambier LTAs). There are no metrics available for transportation or any other source of GHG emissions. The last year CEEI reports were undertaken was 2012. As a result we currently do not have metrics to measure progress towards targets in OCPs. Bowen Island Municipality has Community Energy and Emission Inventories (starting on page 40 of this linked document https://bowenisland.civicweb.net/document/118760).

Local trust committees and Bowen Island Municipality have the following tools available to them to reduce GHGs:

- **GHG Reduction Targets** - Section 473 of the *Local Government Act* – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- **Zoning Authority** – Section 479 of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** – Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions** - Section 488(1)(j) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to mitigate climate change.

1. **Enact existing Official Community Plan policies** for the mitigation of climate change that are already in the official community plans but have not yet been acted on (Appendix 2 contains a list of these policies).

2. **Update official community plans** to ensure the mandatory GHG reduction targets and policies are relevant and up to date; Galiano Island, Mayne Island, North Pender Island, South Pender Island and Saturna Island local trust committees have targets for GHG reduction set for 2020 with no targets for any future dates, and as such those targets will be out of date next year. The Salt Spring Island Local Trust Committee has not adopted any targets or policies for the Piers Island OCP. The Thetis Associated Islands OCP contains objectives and policies but no targets. While the Islands Trust has very limited metrics to measure progress, the requirement to have targets and policies in official community plans is mandatory under s. 473 of the *Local Government Act*. These official community plans should be updated within the next year to ensure they remain compliant with required content for an official community plan, and to address targets and polices for GHG reduction. Other local trust committees should review their targets and policies for relevance to current conditions.

3. **Use the zoning authority under s. 479 of the *Local Government Act* to cluster development** and move away from large lots to small compact "villages". This can be accomplished through OCP policies to require this kind of development, rezoning appropriately by increasing density in appropriate locations and reducing in other locations and density transfer to move density to appropriate areas. Some local trust committees already have some form of this in their OCPs. Salt Spring and Gabriola have density transfer that has seen some significant land use changes. While these were not specifically created to address climate change mitigation, they can be

effective in changing the land use pattern to one that is more sustainable and reduces the need for transportation.

5. **Use the climate change development permit areas to reduce the heating and cooling requirements for buildings**. To improve building energy efficiency, land use planning can require landscaping and orientation of buildings in a way to maximize sun in winter and shade in summer. This would be done through a development permit area (DPA), with the justification and objectives in the Official Community Plan and the guidelines in the Land Use Bylaw. Local trust committees and Bowen Island Municipality may use DPAs to reduce GHG emissions and for energy conservation under s. 488 of the *Local Government Act*. Using these DPAs, local trust committees and Bowen Island Municipality may establish guidelines around landscaping, siting of buildings and structures, form and exterior design of buildings and structures, machinery, equipment and systems external to buildings or structures. The DPA may also place restrictions on type and placement of trees and other vegetation in proximity to buildings and structures to provide for energy conservation and reduction of GHGs.

C. Climate Change Adaptation Tools:

Climate change adaptation involves adapting communities to the anticipated effects of climate change. In the Islands Trust area, these effects include sea-level rise, longer periods of drought, more intense storm events, wildfires, warmer summers and warmer winters, and ecosystem changes which may impact plant and animal species.

Local trust committees and Bowen Island Municipality have the following tools available to them to adapt to climate change:

- **Zoning Authority** - Section 479 of the *Local Government Act*.
- **Runoff Control Bylaw** - Section 523 of the *Local Government Act*.
- **Development Permit Area to Protect Development from Hazardous Conditions** – Section 488(1)(b) of the *Local Government Act*.
- **Development Permit Area to Promote Energy Conservation** - Section 488(1)(h) of the *Local Government Act*.
- **Development Permit Area to Promote Water Conservation** – Section 488(1)(i) of the *Local Government Act*.

Local trust committees and Bowen Island Municipality could undertake the following to adapt their communities to the effects of climate change:

1. **Sea Level Rise Adaptation Tools**

   The Provincial government has established an expected sea-level rise in the Victoria area of 3.1 cm/50 years.

   The Provincial (Subdivision) Approving Officer is currently requiring at time of subdivision a covenant for a 15 metres setback and 1.5 metres above the current high high water mark for any buildings or structures. This approach by the Provincial Approving Officer is a broad-brush approach to adapting to climate change and does not consider site specific conditions. Before initiating adaptation measures local trust committees and Bowen Island Municipality should have an understanding of the local situation.

   a) **Undertake mapping of sea-level rise** on the islands to provide information to assist with developing policies and regulations to adapt to sea-level rise.

   b) **Enact zoning regulations under s.479 of the *Local Government Act* and flood level regulations under s. 524 of the *Local Government Act*.** Using these provisions, local trust committees and Bowen Island Municipality may enact regulations to require setbacks for

buildings and structures from the future anticipated natural boundary of the sea, as well as establish a minimum elevation for buildings and structures above the anticipated future elevation of the sea. Local trust committees and Bowen Island Municipality could make exceptions for structures that are designed to be moved (not on permanent foundation). Notwithstanding, the Provincial Approving Officer will continue to have independent authority to establish different requirements.

2. **Longer Periods of Drought Adaptation Tools**
Islands Trust Staff currently has little information on groundwater such as the effects of climate change on recharge and capacity of the aquifers to provide water. Research and mapping of aquifers would allow local trust committees to develop policies and regulations that reflect the capacity of the aquifers including anticipated climate change effects. Water storage and alternative water supplies could be considered. Means to reduce water consumption includes using development permit areas for water conservation, requiring drought tolerant planting, and requiring features to reduce water use.

   a) **Undertake research and mapping of aquifers, develop water consumption budgets, and identify salt water intrusion risks**, based on expected climate change effects. This work would then inform the land use planning for future development on the islands. This work is already underway for some islands, and staff is working with the Ministry of Forest, Lands, Natural Resource Operations and Rural Development to undertake a robust salt water intrusion risk assessment and mapping for the Islands Trust area.

   b) **Update policies and regulations to align their development potential** – through land use and density provisions – with the anticipated capacity of the aquifers.

   c) **Use the climate change development permit areas under s. 488 of the *Local Government Act* to promote water conservation.** Local trust committees and Bowen Island Municipality could establish goals, objectives and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote water conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for water conservation.

4. **More Intense Storms Adaptation Tools**
Climate change is expected to result in more intense storm events, with higher winds and heavier rain than in the past.

   a) **Develop runoff control bylaws** under s. 523 to deal with anticipated flood and runoff from storm events.

   b) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas subject to flooding and require they remain free from development except development may be permitted in accordance with the guidelines. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

5. **Wildfire Adaptation Tools**
   As climate change results in hotter and longer dryer periods during the summer months, the risk of wildfires on the islands increases. Most islands have a wildfire plan prepared by the fire district or regional district.

   a) **Establish development permit areas for the protection of development from hazard conditions** under s. 488 of the *Local Government Act*. Under this development permit area, local trust committees and Bowen Island Municipality could establish areas at risk to wildfires and include requirements respecting the character of development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures, and establish restrictions on the type and placement of trees and other vegetation in proximity to the development. These requirements may vary use and density but only as it relates to health, safety or protection of property from damage. The legislation also allows the local trust committee and Bowen Island Municipality to require a professional report at the applicant's expense to help with determining appropriate development permit conditions.

6. **Warmer Summers and Warmer Winters Adaptation Tools**
   Climate change is expected to lead to our summers and winters becoming warmer.

   a) **Establish development permit areas for energy conservation** under s. 488 of the *Local Government Act* to require that the exterior form and design of buildings, and other specific features of the development, reduce the need for energy in summer and winter. Local trust committees and Bowen Island Municipality could establish goals, objective and guidelines related to landscaping; siting of buildings and structures; form of exterior design of buildings and structures; specific features in the development; and machinery, equipment and systems external to buildings and structures to promote energy conservation. The guidelines may restrict the type and placement of trees and other vegetation in proximity to buildings and structures in order to provide for energy conservation.

ATTACHMENTS:

1. Summary of Local Trust Committee OCP climate change policies already implemented
2. Summary of Local Trust Committee OCP climate change polices not yet implemented

FOLLOW-UP:

Further work in specified areas as indicated in the briefing, or as requested by the Trust Council, Executive Committee, Local Planning Committee or local trust committees.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date: Russ Hotsenpiller, Chief Administrative Officer/

APPENDIX 1 – May 30, 2019

Summary of Official Community Plan policies, listed by local trust area, that have been implemented in the land use bylaws.

Ballenas-Winchelsea Local Trust Area

- Shoreline Development Permit Area (applicable to 30 m upland of the natural boundary of the sea).
- Regulations in the land use bylaw exempts solar collectors, wind generators and water storage tanks from height restrictions.

Denman Island Local Trust Area

- Climate change impacts are considered in staff.
- Providing the dedication of conservation area, consistent with OCP policies for density transfer.

Gabriola Island Local Trust Area

Gabriola Island

- Climate change impacts are considered in staff reports.
- Providing for rainwater collection and storage, trail/path connections and dedication of 300+ acres of parkland.
- Development Approval Information (DAI) Bylaw amended (2013) to include option to address GHG emissions, anticipated energy usage, carbon emissions and groundwater resources in conjunction with bylaw amendment or TUP applications [Criteria for assessing OCP/LUB applications developed.
- Land Use Bylaw (parking regulations and Village DPA guidelines) amended to encourage public transit, smaller vehicles, non-polluting vehicles, and permeable parking surfaces and increase walkability.
- Land Use Bylaw amended to measure the footprint of buildings and structures from the interior walls instead of the outer perimeter of the foundation of the building, so increased insulation is encouraged, and to exclude cisterns from floor area calculation.
- Official Community Plan and Land Use Bylaw amended to encourage local food production.

Mudge Island

- Climate change impacts considered in staff reports.
- Land Use Bylaw amended to exclude from the calculation of lot coverage in the RR zone: cisterns and similar structures for rainwater collection and storage; fire-fighting towers; pervious paths, driveways and parking spaces; and garden beds.

DeCourcey Island

- Climate change impacts considered in staff reports.

Galiano Island Local Trust Area

- Climate change impacts considered in staff reports, and inclusion of a policy in the Land Use Policies section of the Official Community Plan applicable to consideration of all applications.
- Amendments to shoreline development permit area to include guidelines to consider and address sea level rise impacts.
- Changes to zoning regulations to permit small-scale renewable energy, specifically height regulations amended.

Gambier Island Local Trust Area

- Climate change impacts considered in staff reports.

Hornby Island Local Trust Area

- Climate change impacts considered in staff reports.
- Official Community Plan Water Supply Protection and Water Resource Protection Development Permit Area includes guidelines to protect water resources.
- Official Community Plan Community Service Use Development Permit Area includes guidelines to provide rainwater catchment and storage; and hydrology study.
- Official Community Plan Commercial Development Permit Area includes guidelines to maintain natural vegetation and reduce light pollution.
- Water storage tanks and wind turbines exempt from Land Use Bylaw height regulations.

Lasqueti Island Local Trust Area

- Climate change impacts considered in staff reports.

Mayne Island Local Trust Area

- Climate change impacts considered in staff reports.
- Zoning amended to exclude solar collectors, wind generators and water tanks from maximum height regulations.
- Geothermal heating systems permitted.
- Amendments to Land Use Bylaw to permit mixed use (second storey residential) in commercial zones.
- Zoning for employee accommodation in commercial resorts.
- Secondary suites permitted.

North Pender Island Local Trust Area

North Pender Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted.
- Temporary use permit guidelines amended to include climate change impacts.

North Pender Associated Islands

- Climate change impacts considered in staff reports.
- Shoreline DPAs include erosion provisions.

Salt Spring Island Local Trust Area

Salt Spring Island

- Climate change impacts considered in staff reports.
- Secondary suites permitted in select areas.
- Amenity Zoning includes implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations.
- Climate change considered when evaluating suitability of density transfer.
- Rezoning application supporting local food production and storage as a community amenity
- Coordination with local and provincial agencies regarding fresh water demand and supply in relation to climate change.
- Land use regulations require 15m setbacks from natural bodies of water; 1.5 m elevation above natural body of water.
- Pathways and bikeways dedication at time of subdivision as per OCP Cycle Route map.

- DAI Bylaw including development permit checklist (both are drafted but not yet implemented).

Piers Island

- Climate change impacts considered in staff reports.
- 3.0 m elevation of buildings required if within 30m of water body.

Prevost Island

- Climate change impacts considered in staff reports.

Saturna Island Local Trust Area

- Climate change impacts considered in staff reports.
- Geothermal heating permitted.
- Secondary dwelling units (secondary suites amendment in process).
- Sustainability checklist.
- TUP guidelines amended to include consideration of climate change impacts.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.
- Although not a Bill 27 requirement, LUB was amended to limit dwelling floor area and overall floor area on residential lots.

South Pender Island Local Trust Area

- Climate change impacts considered in staff reports.

Thetis Island Local Trust Area

Thetis Island and Valdes Island

- Climate change impacts considered in staff reports.

Thetis Associated Islands

- Climate change impacts considered in staff reports.
- Land Use Bylaw definition of floor area excludes any floor area occupied by a cistern used for the collection of rainwater for domestic use or fire protection.
- Land Use Bylaw permits the following uses in all zones: conservation; water supply facilities for the purposes of supplying potable or grey water on an individual island, including cisterns, reservoirs, pipes, treatment facilities, catchment and storage facilities and pumping and intake structures; solar collectors; wind turbines; and ocean geothermal loop exchange systems.
- Solar collectors are exempt from Land Use Bylaw height regulations.

APPENDIX 2 – May 30, 2019

Summary of Local Trust Committee Official Community Plan Policies that have yet to be implemented.

The following is a summary of Official Community Plan policies on climate change that have not yet been enacted in the land use bylaw regulations or through development permit areas. For actual wording of the policies, please consult that relevant official community plan bylaw.

Ballenas-Winchelsea Local Trust Area

- Identify significant un-fragmented forest and non-forest ecosystems and ensure these are noted on mapping for environmental and carbon sequestration value.

Denman Island Local Trust Area

- Review zoning to ensure provisions encourage energy efficiency and the greenhouse gas emissions reduction in new construction.
- Review development permit area guidelines and incorporate provisions to promote energy conservation, water conservation and greenhouse gas emissions reduction.
- Encourage renewable energy, limit fossil fuel consumption, encourage energy-efficient and carbon-efficient building construction.

Gabriola Island Local Trust Area

Gabriola Island

- Consider new development permit area guidelines that promote low impact land uses, alternative transportation, energy conservation, water conservation, and the reduction of GHGs.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping both for their environmental values as well as carbon sequestration areas.
- Amend LUB to consider setbacks from the ocean in relation to sea level rise.

Mudge Island

- Establish climate change as a fundamental factor in land use decision making.
- Encourage on-island agriculture and sharing of local food production.
- Encourage all new construction be built at the highest possible energy-efficiency standards.
- Further policies and actions to be considered as part of a future review of the OCP.

DeCourcey Island

- Encourage on-island agriculture and the sharing of local food production.
- Encourage new construction built at highest possible standards to reduce energy needs.
- Specific policies and actions to be included in a future OCP review.

Galiano Island Local Trust Area

- Amendments to parking requirements to require alternatives to parking spaces.
- Requiring new development to utilize building technology that minimizes energy use.

Gambier Island Local Trust Area

Gambier Island

- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support protection of forest resources.
- Require water storage with every dwelling unit.

Gambier Associated Islands

- Support actions to minimize GHG emissions.
- Recognize importance of forested lands in removing carbon dioxide from the atmosphere.
- Consider potential impacts on global climate change and GHG reduction targets when considering applications.
- Identify significant un-fragmented forest ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Reduce extent of infrastructure (e.g. development of common docks).
- Zoning regulations should support small scale residential solar and wind power generation on residential lots.

Keats Island

- Promote use and development of renewable energy sources.
- Develop new criteria for assessing OCP or zoning amendment applications from the perspective of climate change adaptation and mitigation.
- Support cluster development appropriate for Keats Island.
- Encourage energy efficient buildings.
- Encourage use of alternative energy.
- Encourage water storage for every dwelling unit

Hornby Island Local Trust Area

- Develop criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.
- Encourage retention of forest cover except for the clearing of land for farming in the ALR.
- Limit size of buildings and opportunities for attached dwelling units and visitor accommodation units.
- Encourage green building techniques and alternative energy systems (solar, wind, geothermal, or water based) into residential housing.
- Encourage safe multi-use trails and bike lanes to facilitate non-motorized forms of travel.
- Encourage “climate wise” actions, including water conservation, storm water retention, the use of alternative energy sources for home use, and the use of alternative transportation methods.
- Support the local provision of services that residents presently travel off-island to access.
- Review LUB to provide for community gardens and community food processing and storage.
- Encourage local food production.

Lasqueti Island Local Trust Area

- Develop criteria for assessing OCP or zoning applications from the perspective of climate change adaptation and mitigation.
- Encourage energy conserving buildings.
- Encourage cycling and walking trails to permit non-automobile based forms of travel.
- Encourage water conservation and rainwater catchment.

Mayne Island Local Trust Area

- Permitting attached dwellings.
- DPA to manage lot layout.
- DPA for energy conservation.
- Amendments to amenity zoning and density transfer policies.

North Pender Island Local Trust Area

North Pender Island

- A review of overall development potential to consider amendments to zoning where changes could limit or reduce emissions.
- Permitting attached dwellings.
- Amending parking requirements.
- DPA to manage subdivision layout (conservation subdivision design project started but later abandoned by LTC).
- Second storey residential over commercial.
- Requiring cisterns or other water conservation measures in new development.
- Permitting community wood chipping or composting.
- Amend existing DPA to include energy conservation provisions.

North Pender Associated Islands

- Specific policies and actions to be included in a future review of the plan.

Salt Spring Island Local Trust Area

Salt Spring Island

- Calculation of carbon budget at time of rezoning or demonstrated conformity with LEED or similar.
- GHG or energy efficiency specific DPA.
- Amend fees bylaw to support energy efficient building design.
- Mapping and analysis to anticipate potential impacts of climate change on land use.
- Height relaxation for solar and wind power generation on residential lots.

Piers Island

- In progress of updating OCP for Climate Change.

Prevost Island

- No policies on climate change – bylaw requires updating

Saturna Island Local Trust Area

- Amending zoning to allow mixed use, including second storey residential in commercial designation.
- Amending parking requirements.
- Include energy conservation measures in DPA.
- Implement DPA for lot layout and tree removal.
- Permitting attached dwellings.
- Limit floor area of dwellings.

South Pender Island Local Trust Area

- Permit community gardens.

Thetis Island Local Trust Area

Thetis Island

- Develop new criteria for assessing OCP or LUB amendment applications from the perspective of climate change adaptation and mitigation.

- Promote land use that supports local food production to reduce food transportation costs and GHGs.
- Support new forms of housing that include clustering and zero emission housing.
- Encourage local, small-scale generation of alternative non-polluting energy sources.
- Regulate the size, siting and height of wind turbines to minimize environmental impacts and safety risks.

Thetis Associated Islands

- Consider the potential impacts on climate change GHG emissions in bylaw provisions and review of development applications.
- Identify significant un-fragmented forest and wetland ecosystems within the planning area and ensure that these areas are noted on mapping for both their environmental value and as carbon sequestration areas.
- Through bylaw provisions, support residential renewable energy (e.g. micro hydro, solar, wind, waste heat, etc.) use.
- Promote the conservation of forested lands and wetlands as a cost effective and important climate change mitigation strategy.

Valdes Island

- Establish climate change as a fundamental factor in land use decision-making.
- Policies and actions with respect to climate change mitigation will be considered as part of a future review of the Rural Land Use Bylaw.

MEMORANDUM

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

DATE OF MEETING:	October 3, 2019
TO:	Denman Island Local Trust Committee
FROM:	Heather Kauer, Regional Planning Manager Northern Team
SUBJECT:	2020 Local Trust Committee Meeting Schedule

RECOMMENDATION

1. **That the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2020: January 21, March 17, May 19, July 7, September 8, and November 3.**

DISCUSSION

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular business meeting schedule for 2020. Tentative dates have been identified in relation to anticipated project commitments, application volumes, trustee availability, ferry schedules, statutory holidays, conferences, Trust Council, Trust Council Committees, Trust Fund Board, and available staff and financial resources. Tentative meeting dates are identified in Attachment 1. Please note that this is a reduction in the number of meetings from seven to six for the year.

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

Submitted By:	Heather Kauer, AICP Regional Planning Manager	September 23, 2019

ATTACHMENT

1. Tentative 2020 Northern Local Trust Committee Meeting Schedule

ATTACHMENT 1 – TENTATIVE 2020 NORTHERN LOCAL TRUST COMMITTEE MEETING SCHEDULE

LTC	Denman	Gabriola	Gambier	Hornby	Lasqueti	Thetis	Ballenas-Winchelsea
	January 21 - March 17 - May 19 - July 7 - September 8 - November 3 -	January 16 February 27 - April 2 May 14 June 25 July 30 - September 10 October 22 November 26 -	January 30 - March 26 - May 28 - July 23 - - October 1 November 19 -	January 24 - March 6 - May 1 June 26 - August 28 - - November 6 -	- February 24 - April 27 June 22 - August 10 - October 5 - -	- February 11 - April 14 - June 2 July 21 - September 1 October 27 - -	- - March 4 - - - - - - October 7 - -
Total	6	9	6	6	5	6	2
Day	Tuesday	Thursday	Thursday	Friday	Monday	Tuesday	Wednesday
Time	12:30 pm	10:15 am	10:30 am	11:30 am	11:00 am	9:30 am	10:00 am
Location	Denman Activity Centre	Gabriola Arts & Heritage Centre	Various	New Horizons	Judith Fisher Centre	Thetis Community Centre	Various

Key Dates

Stat Holidays	Jan. 1; Feb.12; Apr 10, 13; May 18; July 1; Aug.3; Sept.1; Oct.12; Nov.11; Dec.25, 26
Trust Council	Mar. 10-12, June 16-18, Sept 15-17, Dec. 1-3 – locations tbd
Executive Committee	TBD
Financial Planning Committee	TBD
Islands Trust Conservancy Board	TBD
Trust Programs Committee	TBD
Local Planning Committee	TBD
SD 79 (Cowichan) Spring Break	Mar 9-20
SD 46 (Sunshine Coast) Spring Break	Mar 16-27
SD 68 (Nanaimo) Spring Break	Mar 16-27
SD 71(Comox) Spring Break	Mar 16-27
Salish Sea Ecosystem Conference	April 20-22
AVICC Conference	April 17-19
LGMA Conference	June 9-11
PIBC/CIP Conference	July 7-10
UBCM Conference	Sept. 21-25

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2018.1	Kirk, JARRAH	05-Nov-2018	PID: 027-381-447 Cider production from other sources. Civic address: 1100 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 16-Apr-2019

No change. Planner awaiting submission of requested information.

Status Date: 07-Mar-2019

Application to LTC for consideration.

Status Date: 07-Mar-2019

LTC resolution 2019-025.\nthat the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust the Groundwater Licence application and the Forests, Lands, Natural Resource Operations and Rural Development response and/or an evidence-based estimate of the amount of water that would be used for the proposed non-farm use and a professional report commenting on how anticipated water use will potentially affect the aquifer, neighbouring wells and natural environment of the surrounding area for the purposes of satisfying Trust Policy Statement 3.3.1 and Directive Policy 4.4.2.\n

Development Permit

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

Planner: Marnie Eggen

Planning Status

Status Date: 25-Sep-2018

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.

Status Date: 29-Jul-2013

File passed on to Bylaw enforcement

Applications

Development Variance Permit

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

Planning Status

Status Date: 25-Sep-2018
No change in status.

Status Date: 18-Apr-2017
Waiting for applicant to take next steps working with Bylaw Enforcement team.

Status Date: 29-Jul-2013
no change; file passed on to bylaw enforcement

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2019.1	Muggoch, Nancy **Planner:** Ian Cox	06-Aug-2019	PID: 003-225-640 Single family dwelling. Civic address: 3780 East Road, Denman Island, BC.

Planning Status

Status Date:

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association **Planner:** Marnie Eggen	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planning Status

Status Date: 03-Oct-2019
LTC considers 1st reading and bylaw referrals.

Status Date: 06-Jun-2019
Draft bylaws presented.

Status Date: 07-Mar-2019
LTC receives groundwater licence approval from FLNRORD.

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association (Snyder & Terry) **Planner:** Sonja Zupanec	01-Oct-2018	PIDs: 009-704-523 (Snyder) and 006-657-290 (Terry) Rezoning to change number of allowed dwellings

Planning Status

Status Date: 03-Oct-2019
Draft bylaws to amend OCP and LUB to be presented to LTC October 3, 2019

Status Date: 04-Jul-2019
LTC directed staff to prepare draft bylaws consistent with staff recommendations as set out in July 4, 2019 report.

Status Date: 24-Oct-2018
Executive Committee approved sponsorship application

Siting and use Permit

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

Planner: Marnie Eggen

Planning Status

Status Date: 25-Sep-2018
No change in status.

Status Date: 30-Jun-2011
On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.10	Kulich, Peter	07-Aug-2019	PID: 003-041-107 Addition to cabin. Civic address: 4141 East Road, Denman Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Sep-2019

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

Status Date: 16-Sep-2019

Applicant submitted detailed building plans at the request of planner.

Status Date: 09-Sep-2019

Revised building plan requested by planner.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.11	Helliwell + Smith + Blue Sky Architecture Inc.	22-Aug-2019	PID: 017-541-131 Single family dwelling, carport and existing accessory building. Civic address: 2650 Swan Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date:

Subdivision

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

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Sep-2018

Returned original copy of covenant and proof of registration on title received. Planner working with Finance to close Cost Recovery file and SUB file.

Status Date: 05-Jun-2018

LTC accepted the covenant and signed. Planner returned covenant to applicant's lawyer for final signatures and registration. Awaiting confirmation of registration on title and returned original copy of signed covenant for IT records.

Status Date: 16-Apr-2018

Planner recommending LTC to accept and sign the Covenant at the May 1 LTC meeting.

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

Planning Status

Status Date: 05-Sep-2019

Waiting on MOTI re-referral for revised proposed plan of subdivision.

Status Date: 16-Apr-2019

Applicant working to meet PLA conditions including DP and required QEP report for portion of Valens Brook.

Status Date: 12-Apr-2019

File to planner IC.

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

Planning Status

Status Date: 20-Feb-2019

Final confirmation letter sent via email to MOTI and copied to Denman LTC , owners and the applicant.

Status Date: 10-Oct-2018

No change.

Status Date: 17-Aug-2017
Revised Preliminary Layout Approval received from MOTI

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

Planner: Marnie Eggen

Planning Status

Status Date: 23-Jan-2019
Final Letter of Approval issued.

Status Date: 19-Sep-2018
Preliminary Layout Approval received from MOTI

Status Date: 16-Aug-2018
Awaiting Preliminary Layout Approval from MOTI.

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

Planner: Jaime Dubyna

Planning Status

Status Date: 13-Jun-2019
Staff forwarded copy of covenant template to applicant for review.

Status Date: 25-Apr-2019
MOTI PLA received.

Status Date: 26-Feb-2019
Planner to submit LSR regarding drafting, reviewing and registration of covenant, at the request of the applicant.

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

Planner: Ian Cox

Planning Status

Status Date: 04-Feb-2019

Referral response sent to MOTI. Awaiting PLA and fulfillment of conditions.

Status Date: 28-Jan-2019

Planner to provide referral response by end of January.

Status Date: 04-Jan-2019

MOTI tech confirm will still accept response. Appliant provided additional info regarding updated plan, covenant, etc.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.1	Grant Land Surveying Inc. **Planner:** Jaime Dubyna	25-Feb-2019	PID: 006-657-290 2 lot subdivision. Civic address: 2.2km east of Denman West ferry terminal; Denman Road between top of the hill and firehall.

Planning Status

Status Date: 28-Mar-2019

Planner completed review and sent referral report to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.

Status Date: 20-Mar-2019

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.2	Formstate Design Inc. (Pandesign) **Planner:** Jaime Dubyna	27-Aug-2019	PID: 006-660-495 Six lot subdivision. Civic address: Danes Road, Denman Island, BC

Planning Status

Status Date: 10-Sep-2019

Planner reviewing application.

Islands Trust

LTC EXP SUMMARY REPORT F2020

Invoices posted to Month ending August 2019

615 Denman	Invoices posted to Month ending August 2019	Budget	Spent	Balance
65000-615	LTC "Trustee Expenses"	378.00	404.51	-26.51
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,337.00	1,647.15	2,689.85
65210-615	LTC - Local Exp - APC Meeting Expenses	493.00	739.77	-246.77
65220-615	LTC - Local Exp - Communications	250.00	239.98	10.02
65230-615	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		5,374.00	2,626.90	2,747.10
Projects				
73001-615-4011	Denman Farm Plan	2,250.00	182.02	2,067.98
TOTAL Project Expenses		2,250.00	182.02	2,067.98

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms; o The location of the proposed establishment and the subject site; o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	That the Denman Island Local Trust Committee adopt the following standing

			unlawful STVRs	resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	That the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural

				heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019	DE-2019-056	Bylaw enforcement against unlawful dwellings	that the Denman Island Local Trust Committee adopt the following standing resolution: "The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to pursue enforcement against unlawful dwellings upon receipt of a written complaint, if any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area. and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time."

Islands Trust

Print Date: September 26, 2019

Top Priorities Report

Denman Island

1. *Denman Island Farm Plan Implementation*	Responsible	Dates
Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)	Marnie Eggen Sonja Zupanec	

2. *Temporary Use Permits*	Responsible	Dates
To support the development of Temporary Use Permits for short-term vacation rentals and other uses		Rec'd: 09-Oct-2018

3. *Cannabis Land Use Regulation*	Responsible	Dates
Review of land use regulations with respect to cannabis production and retail sales.	Jaime Dubyna	Rec'd: 20-Nov-2018

Projects Report

Denman Island

1. *Protected Area Network*	Responsible	Date Received
Undertake planning for a Protected Area Network on Denman Island		15-Mar-2011

2. *Alternative Energy*	Responsible	Date Received
Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.		15-Aug-2011

3. *Dwelling Floor Area Regulation*	Responsible	Date Received
Consider regulations to limit the gross floor area of a dwelling		25-Oct-2011

4. *Climate Change*	Responsible	Date Received
Consider climate change adaptation and mitigation measures		25-Oct-2011

5. *Development Procedures Review*	Responsible	Date Received
Review and update Development Procedure Bylaw No. 71		11-Dec-2012

6. *Alternative Dispute Resolution*	Responsible	Date Received
To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee		26-May-2015

7. *Denman Village Plan*	Responsible	Date Received

Projects Report

Denman Island

Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.

26-May-2015

8. *Travel trailers*	Responsible	Date Received
LUB amendments and enforcement policies regarding the use of travel trailers		07-Mar-2017

9. *Occasional use of accessory buildings*	Responsible	Date Received
Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there		07-Mar-2017

10. *Greenshores Workshop*	Responsible	Date Received
		01-May-2018

11. *Incorporate the Regional Conservation Plan into land use planning.*	Responsible	Date Received
To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)		07-Aug-2018

12. *Facilitating affordable, attainable and seniors housing.*	Responsible	Date Received

Projects Report

Denman Island

Secondary suites review and consideration of further opportunities to support housing options. Consideration of DCLTA and Northern Housing Needs Assessment report recommendations.

20-Nov-2018

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13. *Coastal Douglas-fir protection*	Responsible	Date Received
Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Island Trust Tool Kit (2018).		07-Feb-2019
