



Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: March 7, 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.	TOWN HALL	12:35 PM - 12:45 PM	
4.	MINUTES	12:45 PM - 12:50 PM	
4.1	Local Trust Committee Minutes dated February 7, 2019 - for adoption		4 - 15
4.2	Section 26 Resolutions-Without-Meeting Report - none		
4.3	Advisory Planning Commission Minutes - none		
5.	BUSINESS ARISING FROM MINUTES	12:50 PM - 1:15 PM	
5.1	Follow-up Action List dated February 27, 2019		16 - 19
5.2	Signage at Buckley Bay - discussion		
5.3	Bylaw Enforcement Notification Bylaw - Staff Report		20 - 22
6.	DELEGATIONS	1:15 PM - 1:25 PM	
6.1	<i>Harlene Holm agent for Land Owner and Board Member of Denman Community Land Trust Association (DCLTA) regarding DE-RZ-2017.1 and DE-CL-2018.4</i>		23 - 29
7.	APPLICATIONS AND REFERRALS	1:25 PM - 3:00 PM	
7.1	DE-DVP-2018.2 (Newcombe & McDonald - 2993 Nelson Crescent) - Staff Report		30 - 53
7.2	DE-ALR-2018.1 (Kirk - 1100 Lacon Road) - Staff Report		54 - 73
7.3	DE-RZ-2018.1 Denman Housing Association - Staff Report		74 - 133

----- BREAK 3:00 PM TO 3:20 PM -----

8. LOCAL TRUST COMMITTEE PROJECTS

9. CORRESPONDENCE

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

10. NEW BUSINESS

10.1 Advisory Planning Commission Appointments- Staff Report

146 - 150

11. REPORTS

3:20 PM - 3:40 PM

11.1 Trustee Reports

11.2 Chair's Report

11.3 Trust Conservancy Report - none

11.4 Electoral Area Director's Report

11.5 Applications Report dated February 27, 2019

151 - 158

11.6 Trustee and Local Expense Report dated January, 2019

159 - 159

11.7 Adopted Policies and Standing Resolutions

160 - 161

11.8 Local Trust Committee Webpage

12. WORK PROGRAM

3:40 PM - 3:50 PM

12.1 Top Priorities Report dated February 27, 2019

162 - 162

12.2 Projects List Report dated February 27, 2019

163 - 164

13. CLOSED MEETING

3:50 PM - 4:05 PM

13.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d)(f) and (i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated February 7, 2019, Bylaw Enforcement and Legal advice and that the recorder and staff attend the meeting.

13.2 Recall to Order

13.3 Rise and Report

14. UPCOMING MEETINGS

4:05 PM - 4:10 PM

- 14.1 Next Regular Meeting Scheduled for Tuesday, April 4, 2019 at t 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

15. ADJOURNMENT

4:10 PM - 4:10 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: February 7, 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: Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner
 Miles Drew, Bylaw Enforcement Manager
 Lisa Wilcox, Sr. Intergovernmental Policy Advisor
 Vicky Bockman, Recorder

Others Present: Approximately nine (9) 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 territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following addition was presented for consideration:

10.6 Signage at Buckley Bay

DE-2019-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve the agenda as amended.

CARRIED

3. TOWN HALL

Members of the public commented with the following noted:

- Expenses for local farmers are increasing, making supporting and purchasing from local farmers even more important.
- Cannabis land use regulations should be considered after community consultation and separate from the Farm Plan Implementation project. Speaking notes were submitted.

4. MINUTES

4.1 Local Trust Committee Minutes dated November 20, 2018 - for adoption

DE-2019-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the November 20, 2018 Local Trust Committee meeting.

CARRIED

4.2 Section 26 Resolutions-Without-Meeting Report dated January 24, 2019

Received.

4.3 Advisory Planning Commission Minutes - none

5. BUSINESS ARISING FROM MINUTES

5.1 Follow-up Action List dated January 31, 2019

Trustees considered that discussions with Comox Valley Regional District (CVRD) Electoral District A Director regarding the Marine Guardians' proposal for a beach trail and other possible topics might be beneficial.

DE-2019-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee provide a written invitation to the local Comox Valley Regional District Director to attend the next meeting of the Local Trust Committee to make introductions and discuss activities of mutual interest.

Discussion followed and staff confirmed that the letter is to come from the Chair.

CARRIED

6. DELEGATIONS

6.1 Harlene Holm (Denman Community Land Trust Association) regarding DE-RZ-2017.1

Harlene Holm, speaking on behalf of the Denman Community Land Trust Association (DCLTA), commented with the following key points summarized. She submitted her speaking notes for the record.

- Provided background information and an update of actions and additional documents that have been provided to facilitate the rezoning application for the proposed Seniors' Affordable Housing project.
- Asked the Local Trust Committee to defer consideration of proof of adequate, potable water to the March 7, 2019 meeting to allow staff to receive and review information from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).
- DCLTA's water conservation plan was presented.

Trustees discussed elements of the water conservation plan and water sufficiency with the following noted:

- A water budget showing how much water would be provided from catchment versus the well might be useful for possible future considerations.
- More information regarding the Groundwater Licence will be forthcoming and will provide information to inform next steps.

7. APPLICATIONS AND REFERRALS

7.1 DE-RZ-2017.1 Denman Community Land Trust Association (DCLTA) – Memorandum

Planner Eggen presented the Memorandum that provides an update on DCLTA's Water Licence application and the status of the draft Terms of Reference (TOR) requested by the Local Trust Committee (LTC); and reports that the Agricultural Land Reserve (ALR) has provided DCLTA with an option to exclude the .8 ha parcel only, subject to conditions. Staff advised that a restrictive covenant may help to satisfy this requirement.

Discussion ensued with the following points noted:

- Trustees discussed the value of knowing what reports or tests FLNRORD considers in their review of water license applications to eliminate possible duplication in a harmonized approach.
- A Trustee asked if FLNRORD considers climate change factors in their review.

DE-2019-004

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

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

7.2 DE-DVP-2017.2 (Doheny) - Follow Up – Memorandum

Planner Eggen summarized the Memorandum that reports on subdivision and density transfer potential in response to an LTC enquiry.

7.3 DE-RZ-2018.1 (Denman Housing Association (DHA)) - verbal update

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:26 pm.

Planner Zupanec provided a verbal update, summarized documents received thus far in support of the rezoning application, and reported that the applicant has provided an alternative approach to water requirements for the LTC's consideration.

7.3.1 Correspondence from DHA - Simon Palmer

Simon Palmer, speaking on behalf of the Denman Housing Association (DHA), reported that DHA has commissioned a professional study to support meeting the water needs of the 20 proposed houses in the project through collection and storage of rainwater combined with low-flow devices and a common laundry with water supplied from a separate non-potable source. He asked that the LTC consider removing the requirement for a hydrogeological assessment as set out in a November 20, 2018 LTC meeting resolution.

Trustees discussed the proposal and the following key points were noted:

- They confirmed that the intention of the alternative approach to water requirements is for rainwater to service all needs;
- They requested that the commissioned study include information regarding potential climate change impacts;
- The requirement for a hydrogeological assessment as outlined in DE-2018-102 will remain at this time. The LTC will be able to have a complete discussion on the matter when the professional report and staff input on larger land use planning issues are available for their review.

Trustee Busheikin returned to the meeting at 1:43 pm.

8. LOCAL TRUST COMMITTEE WORK PROGRAM

8.1 Denman Farm Plan Implementation - Staff Report

Planner Eggen presented the Staff Report that requests LTC consideration of an amendment to Proposed Bylaw No. 228 in order to advance the Denman Island Farm Plan.

DE-2019-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Proposed Bylaw No. 228 (OCP), cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018” by replacing item 1.15 Policy 3 with the following text:

“Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots unless there is a demonstrated agricultural or community benefit to support panhandle parcel configuration.”

A Trustee commented that community concern had been expressed regarding this proposed amendment, however, a level of comfort was provided with the explanation that variances may be considered for unique situations.

CARRIED

Discussion on the proposed Special Meeting for public consultation followed. A Trustee requested that the proposed amendments be reviewed at this time, and suggested changes to ensure that information provided for community consultation reflects the most recent input from referrals and community.

DE-2019-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a) Include Temporary Use Permit (TUP) and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family;
- b) Reduce the lot line setback for feedlots from 50 metres to 30 metres;
- c) Remove the term, “feedlot”;
- d) Add a new defined term, “confined livestock area”;
- e) Remove “agriculture” as an accessory use in the R1 zone, while retaining “horticulture” as an accessory use in that zone;
- f) Remove the term “intensive agriculture”;

- g) 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;
- h) Permit the “keeping of animals for personal use” as an accessory use in the R1, R2, R3 zones.

In speaking to the motion, Trustee Busheikin noted R2 and R3 zones have been omitted from “e” as there are 10-acre R2 lots being actively farmed with community support. Trustees supported considering this component in terms of lot size rather than by zone. Staff indicated that information and options could be provided by lot size versus zones for public consultation and to guide future LTC decisions.

CARRIED**DE-2019-008****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a) 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;
- b) Remove “horticulture” as a permitted use in the A, F, and RE zones, while retaining “agriculture” as a principal permitted use in these zones;
- c) Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies.

During debate the removal of the option for seasonal cabins and permitting of three sleeping units was examined with Trustees suggesting that further public consultation on these points would be useful.

Trustees differed on their support for inclusion of cannabis regulations within the Farm Plan Implementation project with reasons for their position given.

When asked by the Chair if there was further discussion on the motion, it was agreed by unanimous consent that the motion be amended by removing item “c”.

The question on the motion, as amended, was then called:

DE-2019-008**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a) 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;
- b) Remove “horticulture” as a permitted use in the A, F, and RE zones, while retaining “agriculture” as a principal permitted use in these zones.

CARRIED

DE-2019-009**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare the following amendment to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

“Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies.”

Trustee Critchley spoke to the motion, noting that community members have expressed concern regarding this issue and that addressing it through inclusion in the Farm Plan Implementation project would be a more timely approach than considering the issue in a separate project.

Other Trustees expressed concern with the motion, preferring to include cannabis regulation in a separate project in order to provide time for receipt of necessary information on the subject, to educate the public, and to maintain momentum on advancing the Farm Plan Implementation project.

The question on the motion was then called.

DEFEATED

Chair Fast and Trustee Busheikin Opposed

DE-2019-010**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a special meeting for the purposes of holding a public consultation event to solicit input on proposed Bylaw No. 228 (OCP) and revised 229 (LUB), to be scheduled as early as March 7, 2019.

CARRIED

DE-2019-011**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee revise the Denman Island Farm Plan Implementation Project Charter v.4.3, dated January 29, 2019 by adding to the “Out of Scope” column: “Cannabis regulations”.

Trustee Busheikin spoke to the motion, noting that over time and through gathering more information she has been convinced that the best way forward to addressing cannabis regulations is to separate it from the Farm Plan and to keep the momentum moving forward on that project.

CARRIED

Trustee Critchley Opposed

By general consent the meeting recessed at 2:28 pm and reconvened at 2:39 pm.

8.2 First Nations Reconciliation - Staff Report and facilitated discussion

Senior Intergovernmental Policy Advisor Wilcox, Kwakwemtenaat, commented that the report “Creating Parallel Understanding” was created to increase understanding and to guide reconciliation work within the Local Trust Area.

Discussion followed with the following comments noted:

- The suggestion was made that this work might be presented at Trust Council where there are many new incoming members;
- A format of facilitated workshops can be an effective approach to work with the material provided and to address questions that arise;
- Approaches to encourage protection of heritage, archeological and ancestral remains sites might be considered.

DE-2019-012

It was MOVED and SECONDED,

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:

- 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;
- For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- 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;
- 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;
- 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.

CARRIED

Trustees discussed the value of holding a facilitated workshop and requested that this item be added to the next LTC meeting agenda for further consideration.

8.3 Cannabis Land Use Regulations - Staff Report

Regional Planning Manager Kjerulf outlined the Staff Report that presents the Cannabis Land Use Regulations Project Charter v.1 for consideration of endorsement.

Discussion included the following points:

- A suggestion was made that staff review the Bowen Island bylaw recently advanced that considers more than production and sales regulations;
- Public communication through The Flagstone as well as The Grapevine was suggested.

DE-2019-013

It was MOVED and SECONDED,

that the Cannabis Land Use Regulations Project Charter v.1 dated February 7, 2019 be amended by adding the words “and Flagstone” after “Grapevine” in the fourth bullet under “In Scope”.

CARRIED

DE-2019-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Cannabis Land Use Regulations Project Charter v.1 dated February 7, 2019 as amended.

CARRIED

9. CORRESPONDENCE - none

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

10. NEW BUSINESS

10.1 Bylaw Enforcement – discussion

A Trustee reported that Bylaw Enforcement Manager Drew has been asked to address the LTC regarding the Bylaw Enforcement Notification (BEN) system.

Bylaw Enforcement Manager Drew asked the LTC to reconsider adopting a BEN bylaw, advising that the system has been successfully used on several other islands with lack of controversy. He commented that it is an adjudication system, is not onerous, is cost effective, provides resolution, and is a tool that has been shown to be effective in gaining compliance.

Discussion following with the following key points noted:

- Enforcement policy would continue to begin with investigation and efforts to obtain compliance prior to employing the BEN;
- Other LTCs have created a process where the fine is reduced if a compliance agreement is entered into and completed;
- The listing of possible bylaw infractions cannot be altered, however, the LTC can establish a standing resolution enforcement policy that would indicate how Bylaw Enforcement is to respond to certain situations;
- A report from Bylaw Enforcement about the BEN bylaw with communication plan recommendations would be helpful as the LTC considers the issues.

DE-2019-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Bylaw Enforcement Manager to prepare a report with recommendations on the topic of a Bylaw Enforcement Notification Bylaw.

CARRIED

10.2 Support for Denman Flagstone – discussion

A Trustee suggested that the LTC consider options to support the local publication, The Flagstone, in addition to The Grapevine. It was proposed that payment be made to this non-profit for articles published. It was clarified that statutory notices are time sensitive and timelines are not possible for The Flagstone to meet, however, compensation might be provided for Trustee Reports and other articles published if provided with an invoice.

Discussion of budgetary considerations relating to this matter was continued at agenda item 11.7.

10.3 Updated Islands Trust Climate Change Webpages – Briefing

Received.

10.4 Coastal Douglas-fir & Associated Ecosystems Toolkit - Staff Report

<http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

DE-2019-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee consider implementation of the report *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* as a Project on their Work Program.

CARRIED

10.5 Response to Herbicide Spraying - Referral for Pesticide Use Permit Application – discussion

Trustee Busheikin reported that she attended a public consultation regarding the application to authorize herbicide application to aid in the eradication of invasive intertidal cordgrasses including on Denman Island. She observed that there has been a successful manual eradication program on Denman Island and proposed that a letter be sent requesting support for continued manual removal on Denman Island.

DE-2019-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter signed by the Chair in response to the consultation on the application for a Pesticide Use Permit to eradicate invasive intertidal cordgrass infestations, expressing support for manual removal techniques only, on Denman Island.

CARRIED

10.6 Signage at Buckley Bay

Trustee Critchley reported on actions taken to investigate alternative locations for the Islands Trust signage at the Buckley Bay Ferry Terminal. He suggested a placement similar to its prior location with an alteration in size to accommodate the space. Trustees discussed a consideration of change in wording to incorporate references to First Nations and Hornby Island.

LTC members supported taking these suggestions to the next Ferry Advisory Committee (FAC) meeting for discussion. They requested this agenda item be returned to the next LTC meeting for continued follow-up.

11. REPORTS

11.1 Trustee Reports

Trustee Busheikin reported on her attendance at the following:

- Trust Council included presentation of an award to Northern Office staff member Cottingham and Planner Eggen for their work in organizing the well-received event with community and members of K'ómoks First Nation;
- A working group open house regarding plans for invasive Spartina removal;
- A Local Planning Committee meeting where she was pleased to be elected as Chair. She provided a summary of some of the projects that are being undertaken.

Trustee Critchley reported on his attendance at the following:

- Trustee Office Hours where concern was expressed by community members regarding the noise and length of BC Ferry announcements on the Baynes Sound Connector. He advised that he will bring this issue forward to the FAC;
- An Association of Denman Island Marine Stewards event where it was reported that scientific studies on the effect of micro plastics on herring will be conducted;
- Trust Council;
- An informal meeting with Kris La Rose of Comox Valley Regional District (CVRD) Liquid Waste Management to discuss the present outfall off Cape Lazo;
- A Trust Programs Committee meeting.

11.2 Chair's Report

Chair Fast reported on the following:

- She attended the Trust Council meeting and invited the public to review and comment on the Islands Trust's draft 2019/20 budget which is now available and can be viewed online.
- An Islands Trust Conservancy Board meeting was attended;
- She is a member of the Financial Planning Committee and will be attending those meetings;
- She is looking forward to the by-election to fill the vacant Local Trustee position for the Hornby Island Local Trust Committee.
- Executive Committee will be coming to Bowen Island for the joint meeting in early March 2019.

11.3 Trust Conservancy Report dated November, 2018

Received

11.4 Electoral Area Director's Report - none

11.5 Applications Report dated January 31, 2018

Trustees reviewed the Applications Report and received updates as requested.

11.6 Trustee and Local Expense Report dated November, 2018

Received

11.7 Trustee and Local Expense Report dated December, 2018

Discussion on proposed payments for articles published in The Flagstone was continued from agenda item 10.2.

DE-2019-018

It was MOVED and SECONDED,

that publication charges for Trustee Reports in local publications be paid out of the Local Trust Committee Communications budget.

CARRIED

11.8 Adopted Policies and Standing Resolutions

Received

11.9 Local Trust Committee Webpage

There were no changes requested.

12. WORK PROGRAM**12.1 Top Priorities Report dated January 31, 2019**

Received

12.2 Projects List Report dated January 31, 2019

Trustees requested that "Cannabis production and retail sales" be removed from the list as it has been added to the Top Priorities.

13. CLOSED MEETING**13.1 Motion to Close the Meeting**

DE-2019-019

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering Adoption of *In-Camera* Meeting Minutes dated November 20, 2018 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 4:54 pm.

13.2 Recall to Order

By general consent the LTC reconvened in open meeting at 5:08 pm to rise and report.

13.3 Rise and Report

Chair Fast reported that the *In Camera* minutes of the LTC meeting of November 20, 2018 were adopted.

14. UPCOMING MEETINGS**14.1 Next Regular Meeting Scheduled for Tuesday, March 7, 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.

15. ADJOURNMENT

By general consent the meeting was adjourned at 5:09 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

06-Feb-2018

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

09-Oct-2018

Activity	Responsibility	Target Date	Status
Staff to bring forward options for the use of the K'omoks name for Denman Island on LTC meeting agendas.	Marnie Eggen		On Going

20-Nov-2018

Activity	Responsibility	Target Date	Status
Trustees Buskeikin and Critchley to investigate alternative locations for Islands Trust signage at the Buckley Bay Ferry Terminal.			On Going

07-Feb-2019

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Provide a written invitation from the Chair to the CVRD Area Director to attend the next meeting of the Local Trust Committee. to get to know one another each and matters or activities of mutual interest. Chair Fast to contact Area Director Daniel Arbour.

On Going

Request FLNRORD to provide information relied upon to make a decision on the water license application for DE-RZ-2017.1 (DCLTA).

Marnie Eggen

Done

Request FLNRORD staff to provide any information they have or are developing regarding Denman Island groundwater and aquifers.

Marnie Eggen

Done

Amend Bylaw No. 228 (OCP) by replacing item 1.15 Policy 3 (as per Feb. 7, 2019 staff report).

Becky McErlean
Sonja Zupanec
Marnie Eggen

On Going

Follow Up Action Report

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
Sonja Zupanec
Marnie Eggen

On Going

LTC endorsed revised Farm Plan Implementation Project Charter as amended (adding Cannabis Land Use Regulations as an Out of Scope activity).

Sonja Zupanec
Marnie Eggen

On Going

LTC adopted standing resolution with respect to reconciliation.

Marnie Eggen
Penny Hawley
Ann Kjerulf

On Going

LTC endorsed Cannabis Land Use Regulations Project Charter, as amended (to include recognition of Denman Flagstone).

Ann Kjerulf

Done

Follow Up Action Report

Request that Bylaw Enforcement report to the LTC on a possible bylaw enforcement notification bylaw.	Miles Drew	Done
Add Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018) to the LTC Projects List.	Ann Kjerulf	Done
Staff to prepare a written response, signed by the chair, in response to the consultation on the application for pesticide use permit to eradicate invasive intertidal cordgrass.	Ann Kjerulf	Done
Trustee reports published in local publications be charged to LTC communications budget.	Wil Cottingham	On Going

DATE OF MEETING: March 7, 2019
TO: Denman Island Local Trust Committee
FROM: Miles Drew, Bylaw Enforcement Manager
Local Planning Services
SUBJECT: Bylaw Enforcement Notification (BEN) Bylaw

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee request staff to prepare a Bylaw Enforcement Notification Bylaw for consideration by the Denman Island Local Trust Committee.
2. That the Denman Island Local Trust Committee request staff to prepare an enforcement policy on unlawful housing for consideration by the Denman Island Local Trust Committee which restricts enforcement for only those circumstances where one or more of the following conditions exist:
 - a) There is a complaint by an immediate neighbour;
 - b) There is more than one unlawful dwelling on a property;
 - c) The unlawful dwelling contravenes Development Permit Area regulations;
 - d) There are health and safety issues that another agency is taking enforcement action on.

REPORT SUMMARY

In this report Staff reviews the advantages of a BEN Bylaw and previous objections to the adoption of a BEN Bylaw. Staff also proposes that the Denman Island Local Trust Committee adopts an enforcement policy, which reduces concerns about potential negative impacts on the community.

BACKGROUND

BEN bylaws have been in use in the Islands Trust Area since 2011. Currently, eight local trust areas have adopted BEN bylaws.

In 2012, the Denman Island Local Trust Committee gave three readings to a BEN Bylaw but eventually decided against adoption due to public concerns. Among the objections the most significant were: the impact fines might have on low income persons; the desire for a dispute resolution alternative to enforcement; the impact a ticketing system might have on the availability of low income housing, much of which is unlawful; and the fear that ticketing would be used to support aspects of the Land Use Bylaw that no longer reflected community desires, particularly guest accommodation regulations.

The Denman Island Local Trust Committee at its meeting of February 7, 2019, requested staff to prepare a report about the possible implementation of a BEN Bylaw for the Denman Island Local Trust Area.

ANALYSIS

As noted in the linked document "[Local Government Toolkit: Bylaw Dispute Adjudication System](#)", the Bylaw Notice Enforcement and Adjudication (BNEA) system's goal is to create simple, fair, and cost-effective systems for dealing with uncomplicated bylaw contraventions.

The model:

- promotes the timely resolution of bylaw enforcement disputes;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- eliminates the requirement for tickets to be handed directly to the accused (personal service);
- avoids the unnecessary attendance of witnesses; and
- avoids the need to hire legal counsel.

The Toolkit explains the BNEA system comprehensively; this report will not duplicate that.

The BNEA system is a very effective and low cost way of helping to ensure that a community's bylaws are respected and that the community's goals they represent are met. Gaining compliance with bylaws is very difficult and sometimes not possible without a ticketing enforcement tool. For instance, the new prohibition on driving on a beach would certainly not be effectively enforced without the BNEA system being in place.

The very high cost to taxpayers and individuals of Court action sometimes means that bylaws are not enforced and therefore do not meet the goals they were designed to achieve. This can be very frustrating for persons who expect there to be compliance with bylaws. It also contributes to a lowering of the legitimacy of bylaws and general non-compliance.

The original objections to adopting a BEN Bylaw may no longer be as strongly felt as they were in 2012 because they have been addressed in the following ways:

- fine amounts are reduced to zero if compliance is achieved after receiving a bylaw violation notice;
- officers have been trained in mediation techniques and mediation principles can be used in resolving disputes;
- the LTC has permitted suites in some areas;
- guest accommodation regulations have been reviewed and bylaw changes have been made;
- the LTC may adopt a housing enforcement policy restricting enforcement; and
- the LTC is considering permitting temporary use permits.

Rationale for Recommendation

Staff recommends that the LTC consider adopting a BEN bylaw because of its inherent advantages in supporting the goals expressed in its bylaws. Staff also recommends that the LTC consider adopting an enforcement policy restricting enforcement on unlawful housing to reduce the fear that the BEN bylaw may be used to force persons out of their homes and contribute to homelessness on Denman Island.

Alternatives

1. Not adopt a Bylaw Enforcement Notification (BEN) Bylaw or Enforcement Policy

The LTC may decide not to adopt a BEN bylaw, or enforcement policy.

Submitted By:	Miles Drew, Bylaw Enforcement Manager	February 22, 2019
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Formal survey to establish
*strata-subdivision into two
two-acre parcels, * setbacks
according to bylaws,
* screening requirements
according to the ALC and the
anticipated zoning bylaw.

Application to Ministry of
Transportation (MOTI) for
strata subdivision

Water licence issued by FLNRORD

* 99% OF
GRANTS TO
COVER
CONSTRUCTION
HAVE A ONE YEAR
WINDOW

* WATER SUPPLY
PERMIT
(ISLAND
HEALTH) TIMES
OUT AFTER ONE
YEAR

**Islands
TRUST**

* SURVEY TIMES OUT
AFTER ONE YEAR

* CONDITIONS FOR
SUBDIVISION TIME OUT
AFTER ONE YEAR
* CONDITIONS FOR FINAL
APPROVAL REQUIRE
INSTALLATION OF PROJECT
2'S WASTEWATER SYSTEM

Trust requires its draft standards for
water as a pre-condition to drafting
rezoning bylaw

work to
create 8 units of
seniors' affordable
housing requires owning
the two acre parcel →
ownership depends on
rezoning.

Of consultation and jurisdiction

At its Nov. 14/17 meeting and on staff's advice, the LTC moved

that the Denman island Local Trust Committee request planning staff to develop, in consultation with the Islands Trust Freshwater Specialist and applicant for DE-RZ-2017.1, a draft terms of reference for information to be supplied by the applicant in order to understand the potential impacts of the proposed development, including its water supply and sewage disposal systems, on local groundwater resources, and that the draft terms of reference be provided to the Local Trust Committee.

DCLTA was not consulted. DCLTA's attempt to facilitate consultation via its Nov. 23/17 email and followed by a Dec.7/17 registered letter to the Trust staff went unanswered. On January 22/18, DCLTA received a draft Water Assessment Terms of Reference (TOR).

At its Feb.7/18 meeting, the LTC moved:

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.

Feb.8/18 Trust staff offered DCLTA a one-shot Feb.23/18 session in Nanaimo for DCLTA to "discuss" the TOR – premised on Trust staff's stated preference to limit consultation to the experts.

A Feb.16/18 phone call discussion between the Fresh Water Specialist and DCLTA's (volunteer) qualified professional resulted in suggestions that were never incorporated. The Jan. 22/18 TOR remained as drafted.

The TOR's stated purpose is to "parallel Provincial Acts and Regulations" and "provide a framework for a hydrogeological assessment." To me, the TOR's purpose is to expand and standardize Trust jurisdiction over water to the point that the FLNRORD licensing process requirements can be trumped (pun intended).

At its Feb.7/19 meeting the LTC passed two motions which essentially asked staff to find out what information, tests, investigations and data FLNRORD brought to its decision to grant a licence for our project's well. Subsequently,

FLNRORD has agreed to a meeting with Trust staff in order to explain the basis for evaluating DCLTA's water licence application.

[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.

and,

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.

I was cc'd on email correspondence, dated Feb.25/19, wherein FLNRORD made this offer:

...in an effort to work collaboratively and to help understand each other's processes we would like to offer to share a redacted version (we are not permitted to share personal information) of the technical report and other supporting information. Some of this information is not published or final, but was done as in house desktop analysis specific to this application. As such, we would like to meet with appropriate Islands Trust staff to share the information and explain how it was used in the decision.]

The Mar.7/19 agenda addendum Staff Report does not report on the results of the two motions because Trust staff has not yet offered a date for this meeting. Instead, the Staff Report provides its own interpretation of the FLNRORD water licence conditions for our project, reiterates the Land Use Bylaw water requirements and calls for DCLTA to prove sufficient to run a small brewery (setting aside the addendum's math error regarding decimal places).

Thirteen months ago, Trust staff stated that DCLTA's rezoning application would not be drafted until the TOR was 'settled.' DCLTA's rezoning application appears to have fallen victim to a Trust jurisdictional tussle with FLNRORD.

DCLTA challenges the LTC to sit in on the proposed FLNRORD /Trust staff meeting in order to determine – first hand – what FLNRORD water licensing brings to the protection of ground water.

DCLTA Contact with Island Health re: Proposal

DCLTA had two preliminary discussions with VIHA/Island Health: Sept.18/14 meeting with Dave Cherry, Environmental Health Officer, Vancouver Island Health Authority to seek advice on options and requirements for potable water and wastewater disposal and, following Trust planner efforts to warn Island Health of our proposal, DCLTA met with Dave Cherry Feb.16/16 to present a Seniors' Affordable Housing project update and seek on-going advice.

At the Nov.14/17 LTC meeting, the LTC made it clear that Trust staff would ask Island Health staff to review DCLTA's wastewater documents. Subsequently I sent this to John Hillis at Island Health:

"At its November 14, 2017 Local Trust Committee (LTC) meeting, Trust planner Marnie Eggen was asked to contact Island Health to verify DCLTA project's January 26/16 Wastewater Assessment for Development and August 21/17 Wastewater Treatment System Specifications. As a DCLTA delegate to the LTC meeting, I pointed out that until the subdivision process was underway, this information would not be required by VIHA. However, in the interest of addressing this LTC directive, I am forwarding both documents."

My last contact with Island Health/VIHA was a mid-February 2018 phone call to John Hillis, Health Environmental Officer for Denman Island, to verify that he was the stranger who Bev Severn (owner of Lot M) saw park in her driveway roundabout and disappear into the woods. He had apparently come to look into the proposal's perc holes because of pressure from Trust staff, and he told me at length about the reality of the actual Island Health role and that expected by the Trust.

The unknown VIHA official, oft quoted in Trust staff reports, is correct – in so far as parcels less than one hectare must have a wastewater system designed by a qualified professional. The Trust must be aware that, throughout the islands, parcels with areas less than one hectare have approved wastewater systems as a result.

Please note two statements in the *Drinking Water Protection Act*, Part 2 – Drinking Water Supply:

6) A construction permit

a) is valid for one year, unless a different period is specified in the permit, and (b) is not transferable unless the transfer is approved by an issuing official.

The intent of Part 2 – Drinking Water Supply is to verify that the water is potable and the system meets health standards. A construction permit is taken out prior to construction and not as part of the bylaw amendment process. BTW an in-depth analysis of the proposal's well water was part of the Sept.6/17 rezoning application package.

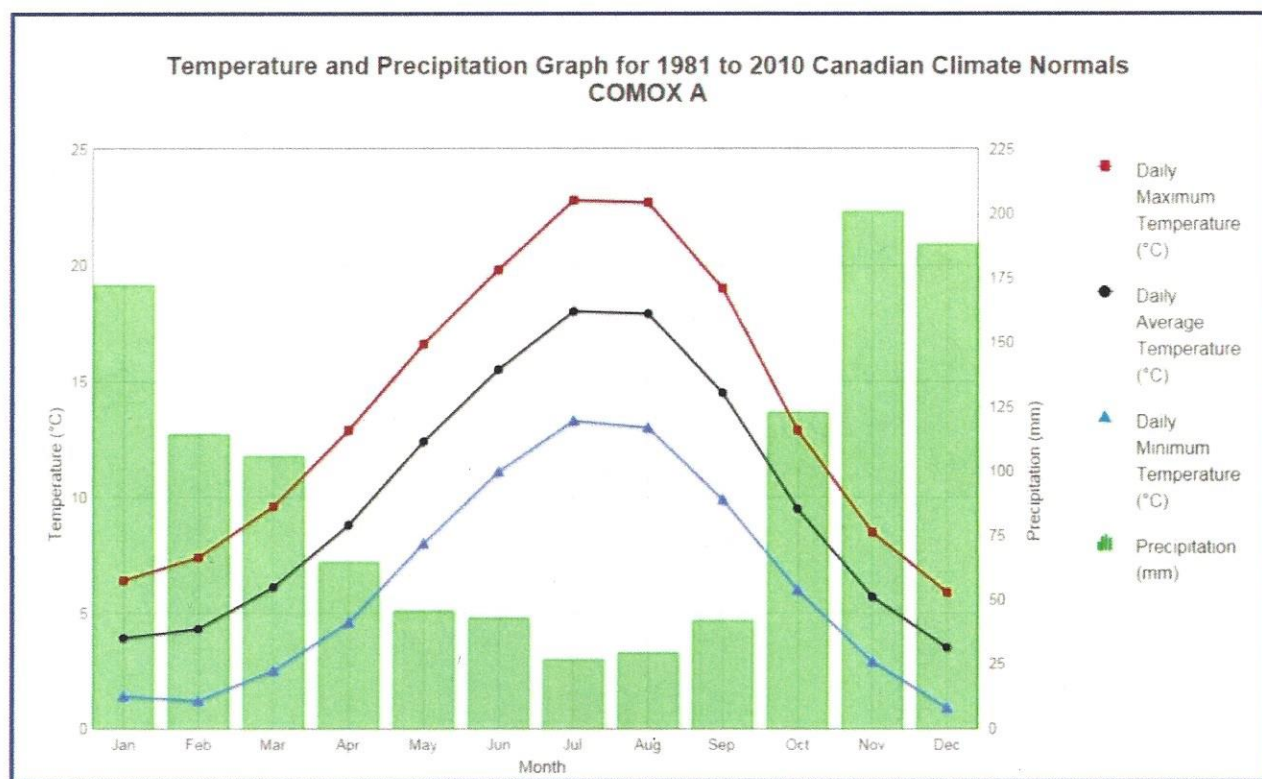
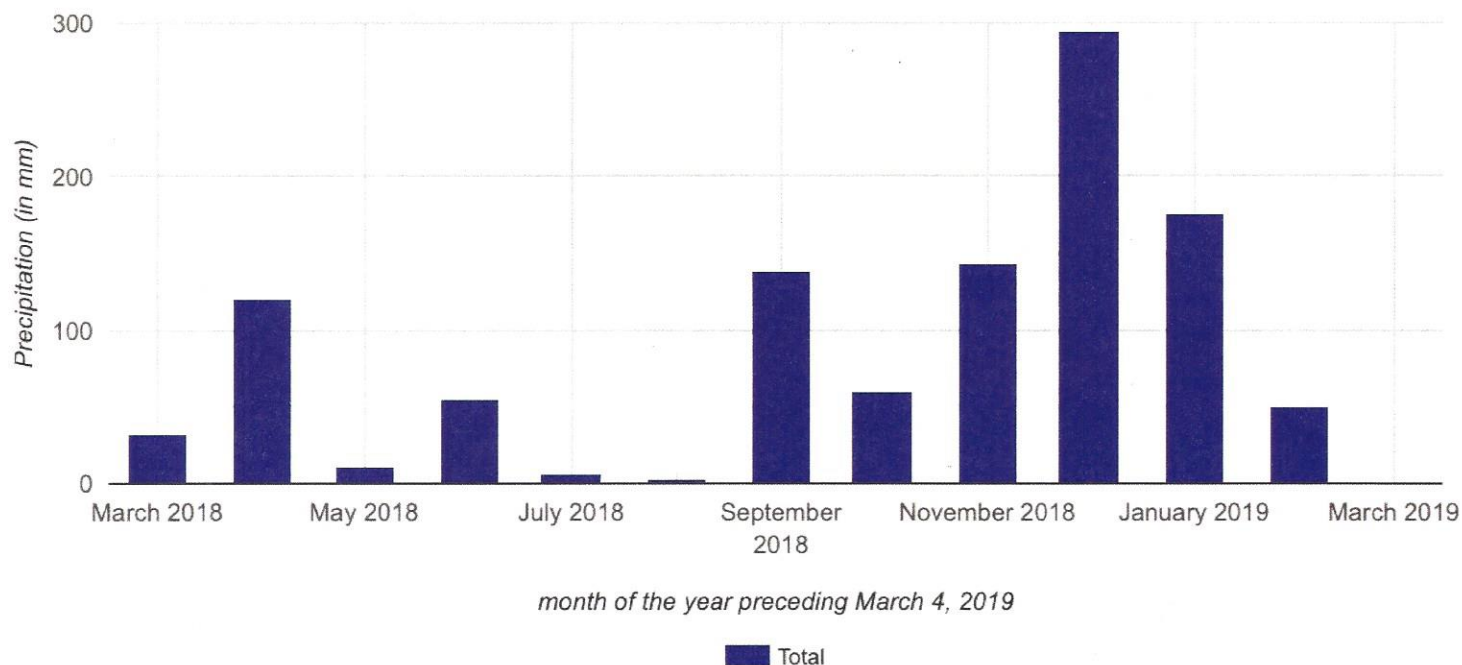


Figure 6. 1981 to 2010 Climate Normals for Comox Weather Station. Obtained from:
http://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?stnID=155&autofwd=1

^ Total Precipitation - Monthly data (1 year)



From: Nancy Hoyano <nhoyano@telus.net>

Sent: Wednesday, March 06, 2019 10:42 AM

To: Sue Ellen Fast

Cc: David Critchley; Laura Busheikin

Subject: Re: Denman Community Land Trust Association Re: Seniors Affordable Housing project

Hi Sue Ellen,

We look forward to welcoming you to the proposed seniors affordable housing site today at 3pm. Since we received notice of the Trust staff's addendum posted last evening and given serious questions raised by Trust staff I am forwarding an email chain from FLNRORD because it resolves much that is questioned in the addendum. We want to provide this information ahead of time so that we can focus our time on the site visit and answering any questions you may have about this important project.

Nancy

Begin forwarded message:

From: "Melnechenko, Cali FLNR:EX" <Cali.Melnechenko@gov.bc.ca>

Subject: RE: Mar.5.19 Trust staff recommends turning down DCLTA proposal

Date: March 6, 2019 at 9:16:10 AM PST

To: "HHolm" <ananke@telus.net>

Hi Harlene,

It does appear that IT is making some assumptions based on the water licence that was issued. Our office does intend to meet with IT to review our process and considerations, but that won't happen until next month, unfortunately. My response to their comment about volume would be that the volume granted in the licence is based on the ability to make beneficial use of the water. It is not indicative of water availability in any way. The WSA does not allow a licensee to hold rights for water that they cannot foreseeably make beneficial use of. If a licensee is not able to make beneficial use of some or all of the water rights under a licence, FLNRORD may cancel some or all of the rights based on non-beneficial use. The volume in a water licence does not have any bearing over the capacity of the water system constructed to divert the water or, in this case, the instantaneous diversion rate. The volume granted is based on evidence of water use in similar housing situations. It would be irresponsible of FLNRORD to grant a larger volume than what is reasonable. In our decision we were also satisfied with the water conservation measures being proposed, including meters, which has proven to reduce water consumption. Further, the use of large tanks would allow the DCLTA to limit their pumping rate, but still maintain a sufficient water supply in all seasons. I understand that local government water requirements often do not align with the requirement for beneficial use under the Water Sustainability Act. The only compromise I can think of is to conduct another pumping test at the rate required by Islands Trust. This may demonstrate that the volume required is 'available' from the well. However, as described above, FLNRORD would need evidence that beneficial use could be made of this water before a licence for additional volume could be granted.

In response to the comment about the date for beneficial use (December 31, 2023), this is a legislated requirement, but a licensee can apply to extend the date within reason.

In response to the saltwater intrusion comments; FLNRORD cannot grant a water licence for a well that cannot be operated in a manner that doesn't cause saltwater intrusion or any other contamination of an aquifer or stream. The pumping test conducted by H2O demonstrated, to our satisfaction, that the well can be operated without causing saltwater intrusion. However, it is our due diligence to inform a licensee that their well is in an area that has been identified as being at risk to for saltwater intrusion. Due to this risk, a monitoring condition was included in the licence. We would do this for any new licence granted in an area where saltwater intrusion was a significant risk. However, we have enough confidence that the well can be operated without causing saltwater intrusion that the licence was granted.

Kind Regards,
Cali

-----Original Message-----

From: HHolm [mailto:ananke@telus.net]

Sent: Tuesday, March 5, 2019 11:04 PM

To: Melnechenko, Cali FLNR:EX

Cc: Slater, Darryl FLNR:EX

Subject: Mar.5.19 Trust staff recommends turning down DCLTA proposal

Hi Cali,

I am attaching a Trust staff report that I received at 9:00 tonight as a late addendum to the Local Trust Committee (LTC) meeting scheduled for March 7/19.

It would appear that Trust staff's future meeting with FLNRORD has been pre-empted by conclusions drawn by Trust staff based on the February 20/19 Conditional Water Licence for our Seniors' Affordable Housing project. At a quick read, it appears that Trust staff have concluded that the project's area has scarce water resources, our well does not produce sufficient water and that salinization is likely.

Our rezoning application was submitted Sept.6/17, and it appears that Trust staff will never draft the amending bylaws. DCLTA will have 5 minutes to make a presentation at the March 7/19 [meeting] which we had to book two weeks in advance. We now have one day to read the addendum and prepare to counter the damaging assumptions and directives.

Does FLNRORD have any advice?

Harlene



File No.: DE-DVP-2018.2
(Newcombe and McDonald)

DATE OF MEETING: March 7, 2019

TO: Denman Island Local Trust Committee

FROM: Ian Cox, Planner 1
Local Planning Services

SUBJECT: Development Variance Permit Application
Applicant: Wayne Newcomb and Judith McDonald
Address: 2993 Nelson Crescent, Denman Island
PID: 000-120-251
Legal Description: LOT 4, SECTION 19, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 32156

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of DE-DVP-2018.2 (Newcombe and McDonald).

SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application DE-DVP-2018.2 that seeks to make lawful the siting of an existing single family dwelling with an associated deck and two existing accessory buildings ("shed 1" and "shed 2") in accordance with the Denman Island Land Use Bylaw No. 186, 2008 (LUB) - See **Attachment 2** – Site Plan Survey. The "proposed carport" shown on the plan is not part of this DVP application and, as such, no variance is sought for that structure at this time. Staff supports issuance of the DVP in order to bring the structures on the property into compliance with the LUB.

BACKGROUND

The current owner and applicant purchased the property in 2016 with the assumption that all development on the parcel was in compliance with the LUB, as per the property disclosure statement at the time of purchase (See **Attachment 3** – Property Disclosure Statement). During the course of a survey to determine a possible location for a carport/garage, it was discovered that the existing house and sheds did in fact encroach into the front and side yard setbacks. The applicant now seeks to remedy the encroachment issues by way of this DVP application.

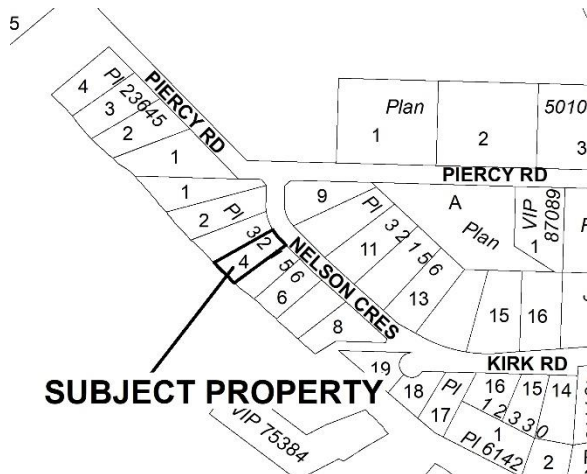


Figure 2 - Subject Property Location



Figure 1 - Subject Property Ortho Photograph

Two previous Siting and Use Permits were issued by the LTC for placement of the same structures that are now the subject of this application:

1. DE-SUP-09-99 for the siting/construction of a dwelling unit, writing and art studio, and storage shed.
2. DE-SUP-2007.2 for the siting and use of one dwelling, one garage, and one boathouse.

Staff has confirmed that the as-built location of the buildings are not in compliance with the previously issued Siting and Use Permits, or the current LUB. This was determined by comparing the recent survey conducted by Bruce Lewis Land Surveying Inc. dated February 22, 2017 to the site plans attached as schedules to and forming parts of the previous permits (See **Attachment 3** – 1999 and 2007 Siting and Use Permits).

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: the “*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

Issues and Opportunities

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, particularly in cases where a variance permit is sought retroactively as opposed to prior to the construction of proposed developments.

Applicant Rationale for Variance

The applicant appears to have been legitimately unaware that the buildings on the property were constructed in contravention of LUB regulations.

Impact on Adjacent Properties

The DVP would allow the existing house to remain slightly closer to the front lot line (abutting the Nelson Crescent roadway) than permitted by the LUB, while the existing sheds and the stairs used to access the ramp to the deck would be sited closer to the south-east and north-west interior side lot lines at 1.82 metres and 2.4 metres, respectively, rather than the required 3 meters from each. See **Attachment 6** – Proposed Development Variance Permit.

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 - See **Attachment 5** – Exterior Photographs, for existing plantings on property.

Alternatives to DVP Remedy for Encroachments

The owner/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);
- Moving/Removing the portion of the deck, stairs and shed #2 that encroach into the interior side setback on the south-eastern parcel boundary.
- Moving/Removing the existing deck/ramp and shed# 1 that encroach into the interior side setback on the north-eastern parcel boundary.

Consultation

No consultation is necessary or recommended for this application beyond the statutory Public Notice required pursuant to the *Local Government Act*.

Statutory Requirements

Notice was distributed to neighbouring property owners (see **Attachment 7** - Statutory Notice of Development Variance Permit) on February 22, 2019 in accordance with *Local Government Act* requirements.

At the time of preparing this report, the Islands Trust has received two public letters of support for the application as a result of notification. Further comments may be received from the public before or during the LTC meeting on March 7th, 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.

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-2018.2 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 Local Planning Services	February 22, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager, Northern Team	February 27, 2019

ATTACHMENTS

1. Site Context and Policies
2. Site Plan Survey
3. Previous Siting and Use Permits (1999, 2007)
4. Property Disclosure Statement and Letters of Support
5. Exterior Photographs
6. Proposed Development Variance Permit
7. Statutory Notice of Development Variance Permit

ATTACHMENT 1 - SITE CONTEXT AND POLICIES

LOCATION

Legal Description	LOT 4, SECTION 19, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 32156
PID	000-120-251
Civic Address	2993 Nelson Crescent, Denman Island

LAND USE

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

HISTORICAL ACTIVITY

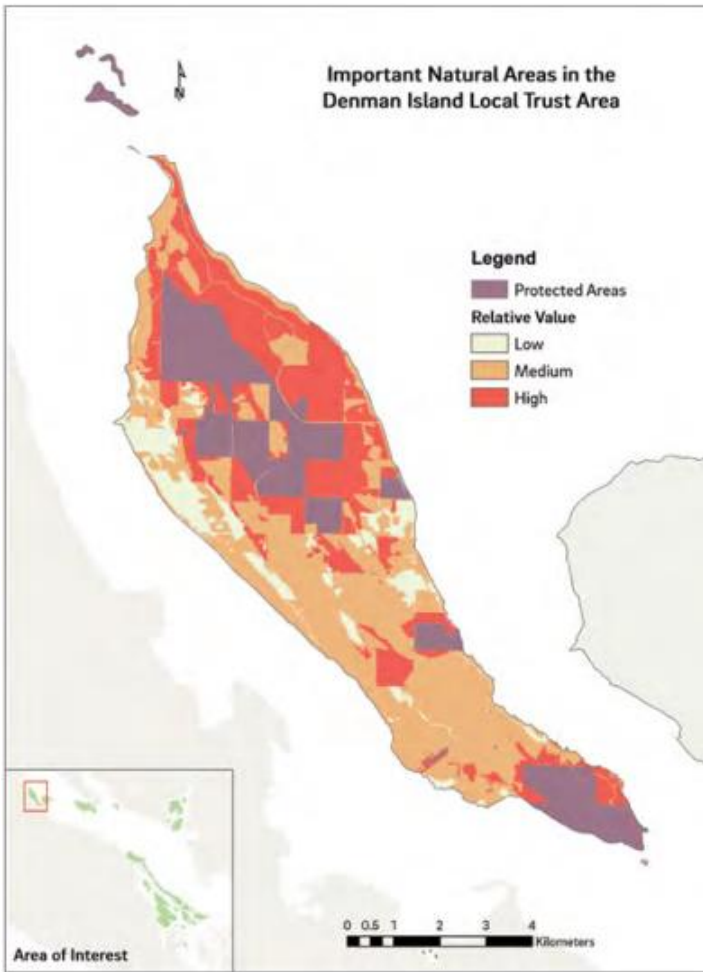
File No.	Purpose
DE-SUP-2007.2	Siting of residential and accessory structures
DE-SUP-1999.9	Siting of residential and accessory structures

POLICY/REGULATORY

Official Community Plan Designations	Residential Land Use Designation Not within currently enacted DPAs Complies with Residential policies and objectives																																											
Land Use Bylaw	Zoning: R1- Residential 1																																											
Other Regulations	<table> <tr> <th colspan="2">Table 5 - Setbacks</th><th>R1</th><th>R2</th><th>R3</th></tr> <tr> <td colspan="5">In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply</td></tr> <tr> <td>1</td><td>Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy</td><td></td><td></td><td></td></tr> <tr> <td></td><td>• from the front lot line</td><td>7.5 m</td><td>7.5 m</td><td>30.0 m</td></tr> <tr> <td></td><td>• from the rear or side lot line</td><td>3.0 m</td><td>3.0 m</td><td>30.0 m</td></tr> <tr> <td></td><td>• from the exterior side lot line</td><td>4.5 m</td><td>4.5 m</td><td>30.0 m</td></tr> <tr> <td>2</td><td>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</td><td>8.0 m</td><td>8.0 m</td><td>30.0 m</td></tr> <tr> <td>3</td><td>Minimum setback from all lot lines for domestic chicken coops</td><td>3.0 m</td><td>3.0 m</td><td>30.0 m</td></tr> </table> 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.				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
Table 5 - Setbacks		R1	R2	R3																																								
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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 RCP 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.  Important Natural Areas in the Denman Island Local Trust Area Legend - Protected Areas - Relative Value - Low - Medium - High Area of Interest 0 0.5 1 2 3 4 Kilometers
Species at Risk	No currently mapped SAR occurrences/habitat
Sensitive Ecosystems	ITEM: Developed (grey), Littoral along shoreline (purple)

	 SEI: no
Hazard Areas	None currently mapped
Archaeological Sites	Area of archaeological concern mapped on property according to provincial RAAD mapping. Proposed development is not within mapped area, however: 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 other 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. 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 existing structures on the property and as such does not propose any additional intensity of use or development beyond current. 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	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	Flat, Continuous Eelgrass within water zone W1 adjacent to upland parcel. 

SKETCH PLAN TO ACCOMPANY DEVELOPMENT
VARIANCE APPLICATION FOR: LOT 4, SECTION 19,
DENMAN ISLAND, NANAIMO DISTRICT, PLAN 32156

LEGEND

LOT DIMENSIONS ARE BASED ON PLAN 32156
AND MAY VARY UPON A FULL LEGAL SURVEY.

- DENOTES - OVERHEAD WIRES
- DENOTES - UTILITY POLE
- DENOTES - TRAVERSE HUB
- DENOTES - IRON POST FOUND

PID: 000-120-251

OWNER: NEWCOMBE / MCDONALD

CIVIC: 2993 NELSON CRESCENT

3

CARPORT VARIANCES:

SIDE YARD: 3.0 to 1.5 M.
FRONT YARD: 7.5 to 1.0 M.

HOUSE VARIANCES:

and existing outbuildings
SIDE YARD: 3.0 to 1.8 M.
FRONT YARD: 7.5 to 7.2 M.

PLAN

4

5

6

BAYNES SOUND

BRUCE LEWIS
LAND SURVEYING INC.
8111 HIGHRIDGE COURT
COMOX B.C. V9M 3R4

FILE: 1823-A01

DATE: FEBRUARY 22, 2017

SCALE = 1 : 300



All distances are in metres and decimals thereof unless otherwise stated

THIS PLAN LIES WITH THE
ISLANDS TRUST - DENMAN ISLAND

Bruce V. Lewis, BCLS

**DENMAN
ISLAND LOCAL TRUST COMMITTEE**

SITING AND USE PERMIT

DE-SUP-09-99

TO:



Your application for a Siting and Use Permit for the following construction/siting and use of:

a dwelling unit , a writing/art studio and a storage shed

on (*legal description*):

Lot 4, Section 19, Plan 32156, Denman Island, Nanaimo District

as described in the application and shown on the attached Site Plan is:

APPROVED


Signature of Trust Official

June 21, 1999

Date

subject to the writing/art studio not being used for human habitation.

If a Siting and Use Permit application is approved, structures, mobile homes, etc. must be constructed/sited and used in accordance with the application information only; no variations are authorized by this permit. Any change in use or construction/siting requires a new application. Infractions of the bylaws can result in prosecution.

The issuance of this Siting and Use Permit certifies only that the construction/siting and use proposed in the permit application would comply with the requirements of the land use bylaw. The applicant is solely responsible for determining the safety of construction/siting and the existence of any potential hazard to development, including the stability of the land on which the structure/mobile home, etc. is to be located. The applicant should also ensure that any planned construction/siting and use complies with all other relevant provincial regulations. Note that provincial legislation requires that all new construction of buildings and structures or alterations to existing buildings and structures must comply with the latest edition of the B.C. Building Code. Responsibility for compliance with the B.C. Building Code rests entirely with the property owner and applies even in areas where there is no building permit or inspection requirement.

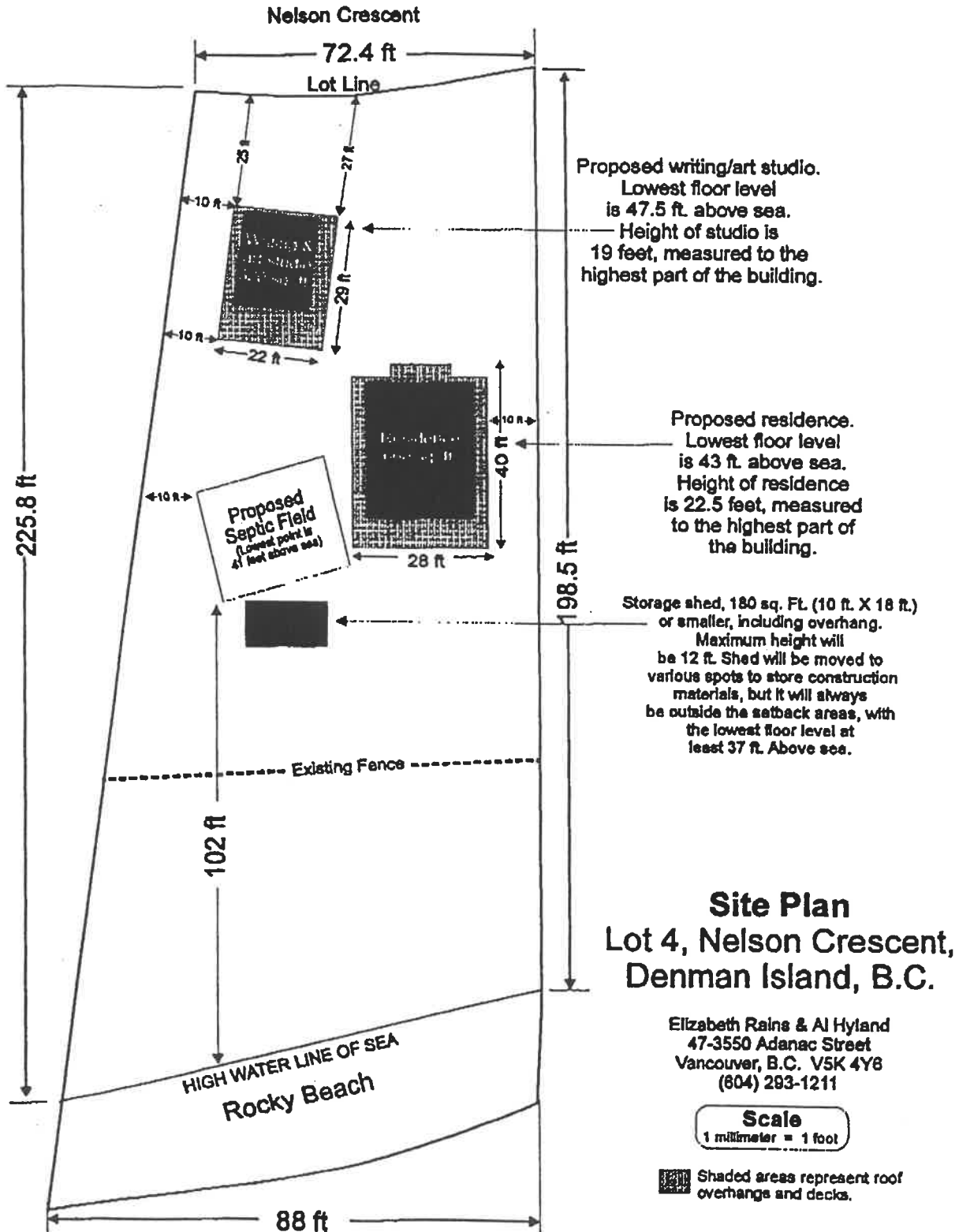
Please note that a Siting and Use Permit pertains only to the situation as of the date of issuance. If regulations change, it is possible that the proposal would no longer comply. If there is a delay in construction/siting, or use, you are advised to check with the Islands Trust office to ensure that regulations have not changed or that your proposal complies with any bylaw changes that have been adopted since the date of issuance of this permit. If construction of the works proposed does not substantially commence within two years of this date, this permit lapses.

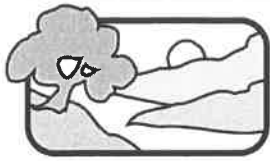
I hereby certify this to be the Site Plan which is attached to and forms part of Siting and Use Permit No. DE-SUP-09-99.

Kathy J.
Deputy Secretary, Islands Trust

June 21, 1999

Date of Issuance





Islands Trust

DENMAN ISLAND LOCAL TRUST COMMITTEE

SITING AND USE PERMIT

DE-SUP-2007. 2

TO:



Buildings and structures must be constructed/sited and used in accordance with the information provided by your application only. No variations are authorized by this permit. Any change in use or construction/siting requires a new application. Infractions of the bylaws can result in prosecution.

The issuance of this Siting and Use Permit certifies only that the construction/siting and use proposed in the permit application would comply with the requirements of the land use bylaw.

Your application for a Siting and Use Permit for the following siting and use of:

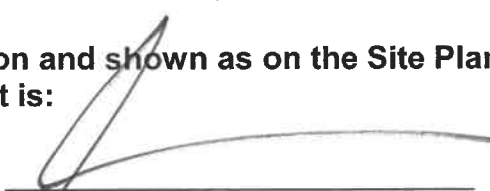
- One Dwelling
- One Garage
- One Boathouse

on (legal description):

Lot 4, Section 19, Denman Island, Nanaimo District, Plan 32156

as described in the application and shown as on the Site Plan(s) attached as Schedule "A-1" to this permit is:

APPROVED


Signature of Trust Official

January 31, 2007

Date

Subject to:

Denman Island Land Use Bylaw No. 148 Regulations.

Notes:

1. If construction of the building or structure for which this permit is issued is not irrevocably commenced* within 2 years of the date of issuance of this permit, the permit lapses on the second anniversary of the date of issuance of the permit.

*For the purposes of this provision” irrevocably commenced” means:

- in the case of a building or structure whose height is regulated by the Denman Island Land Use Bylaw, completion of the foundation and the framing and structural roof elements such that the height of the building or structure, as regulated by the Bylaw, may be ascertained;
 - in the case of a building or structure with a permanent foundation and no roof, completion of construction of the foundation such that it is capable of supporting the building or structure without further modification; and
 - in the case of a building or structure with neither roof nor permanent foundation, assembly at the construction site of all building materials required to construct it and the obtaining of all authorizations to construct required by any authority having jurisdiction, including any right to occupy Crown land, as evidenced by the provision of a true copy of such authorization to the Islands Trust.
2. Note that provincial legislation requires that all new construction of buildings and structures or alterations to existing buildings and structures must comply with the latest edition of the B.C. Building Code. Responsibility for compliance with the B.C. Building Code rests entirely with the property owner and applies even in areas where there is no building permit or inspection requirement.
3. The applicant is solely responsible for determining the safety of construction/siting and the existence of any potential hazard to development, including the stability of the land on which the building or structure is to be located. The applicant should also ensure that the planned construction/siting and use(s) comply with all other relevant provincial regulations including, but not limited to:
- Road access requirements of the Ministry of Transportation; and
 - Sewage disposal and health requirements of the Vancouver Island Health Authority(VIHA)

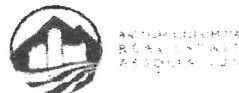
Note: Effective May 31, 2005, VIHA staff no longer routinely review the sewerage system plans and specifications, conduct initial site investigations, or conduct final inspections of installed sewerage systems. Only registered practitioners or professionals may design, file plans and install sewerage systems. Property owners will no longer be able to file plans, design or install their own systems.

Other provincial regulations may apply and it is the responsibility of the applicant to obtain all necessary approvals.

VIREB PROPERTY DISCLOSURE STATEMENT

RESIDENTIAL

PAGE 1 of 3 PAGES

Date of disclosure: MARCH 14, 2016

The following is a statement made by the seller concerning the premises or bare-land strata lot located at:

ADDRESS/BARE-LAND STRATA LOT #: 2993 NELSON Crescent
DENMAN ISLAND, B.C. VOR ITO (the "Premises")

THE SELLER IS RESPONSIBLE for the accuracy of the answers on this property disclosure statement and where uncertain should reply "Do Not Know." This property disclosure statement constitutes a representation under any Contract of Purchase and Sale if so agreed, in writing, by the seller and the buyer.		THE SELLER SHOULD INITIAL THE APPROPRIATE REPLIES.			
		YES	NO	DO NOT KNOW	DOES NOT APPLY
1. LAND					
A. Are you aware of any encroachments, unregistered easements or unregistered rights-of-way?			FR JR		
B. Are you aware of any past or present underground oil storage tank(s) on the Premises?			FR JR		
C. Is there a survey certificate available?			FR JR		
D. Are you aware of any current or pending local improvement levies/charges?			FR JR		
E. Have you received any other notice or claim affecting the Premises from any person or public body?			FR JR		
2. SERVICES					
A. Indicate the water system(s) the Premises use: Municipal Community ☒ Private Well Not Connected Other _____		FR JR			
B. Are you aware of any problems with the water system?			FR JR		
C. Are records available regarding the quantity of the water available?		FR JR			
D. Are records available regarding the quality of the water available?		FR JR			
E. Indicate the sanitary sewer system the Premises are connected to: Municipal Community Septic ☒ Lagoon Not Connected Other _____		FR JR			
F. Are you aware of any problems with the sanitary sewer system?			FR JR		
G. Are there any current service contracts; (i.e., septic removal or maintenance)?		FR JR			
H. If the system is septic or lagoon and installed after May 31, 2005, are maintenance records available?		FR JR			
3. BUILDING					
A. To the best of your knowledge, are the exterior walls insulated?		FR JR			
B. To the best of your knowledge, is the ceiling insulated?		FR JR			
C. To the best of your knowledge, have the Premises ever contained any asbestos products?			FR JR		
D. Has a final building inspection been approved or a final occupancy permit been obtained?					FR JR
E. Has the fireplace, fireplace insert, or wood stove installation been approved by local authorities?					FR JR
F. Are you aware of any infestation or unrepaired damage by insects or rodents?			FR JR		
G. Are you aware of any structural problems with any of the buildings?			FR JR		
H. Are you aware of any additions or alterations made in the last sixty days?			FR JR		
I. Are you aware of any additions or alterations made without a required permit and final inspection; e.g., building, electrical, gas, etc.?			FR JR		

FR JR John
INITIALS

November 15, 2018

Owner of subject property: Wayne Newcombe and Judith McDonald
2993 Nelson Crescent, Denman Island BC
PID; 000-120-251
Lot 4, Sect 19, Nanaimo District, Denman Island, Plan VIP32156

Island Trust,

We; Wayne Newcombe and Jude McDonald would like to ask to kindly consider our application for a variance in regards to slight encroachments that have recently come to our attention concerning some of the structures on our property that were constructed by the previous owner: see attached recent survey and showing the slight encroachments for;

-The deck on the north side and the deck on the south side as well as the small studio/shed & shed (on post).

We purchased 2993 Nelson Crescent- PID 000-120-251. Lot 4, Sect 19, Nanaimo district, Denman Island Plan VIP32156 on August 17th, 2016. At the time we were provided by a property disclosure statement from seller indicating that all compliances had been met. (copy attached)

Recently, we hired a surveyor with the intention to apply for a permit to build a carport. After receiving the survey results, we noticed some slight encroachments (which we were unaware of)- we then contacted the 2 adjoining neighbors to see if we could get a clearer picture of the circumstances that caused these infractions. Apparently, the previous owner's wife fell ill after they had built the house, which then required accommodation for wheelchair accessibility throughout the property. A stone mason was hired along with a framer for the addition of a wheelchair accessible decks (north and south) and a beautiful small studio for his wife to get in and out independently. Being that the 2 adjacent lots are in close proximity, buildings were position to allow privacy for neighbors and owner alike as well as restriction due to size of the lot and septic field location.

We are enclosing a signed letter from neighbors that reside on either side of said property. To present date these structures still create privacy barrier that we wouldn't have without them. To have the structures remedied we would be looking at over \$50,000 in expenses- this is according to builder's estimate excluding stone mason work to remove or alter the stone pillars. It would also be difficult and almost impossible to move the studio and shed due to size of lot and location of septic field.

As these encroachments happened under the previous owner, we would like to apply for a variance permit asking for a relax of the setbacks for this property.

Thank you for your consideration and feel free to contact us if further information required.

- Pictures attached

Sincerely

A handwritten signature in black ink, appearing to read 'Wayne & Jude', written in a cursive style.

Wayne Newcombe & Jude McDonald
2993 Nelson Crescent
Denman Island, BC
V0R1T0
250-335-2917

Variance Permit Letter for 2993 Nelson Crescent, Denman Island, BC

Owner of subject property: Wayne Newcombe and Judith McDonald
2993 Nelson Crescent
Denman Island BC
PID; 000-120-251
Lot 4, Sect 19, Nanaimo District, Denman Island, Plan VIP32156

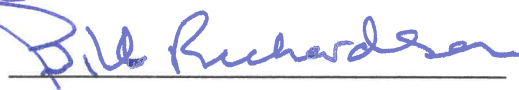
Owner of 2975 Nelson Crescent, Denman Island, BC
Jessica Motherwell McFarlane
William Richardson

The Structures at the described location do not offend or restrict the use of our property and we are in favour of the issue of a Variance permit for 2993 Nelson Crescent, Denman Island

Jessica Motherwell McFarlane



William Richardson



Dated 7 Nov 2018

Variance Permit Letter for 2993 Nelson Crescent Denman Island B.C.

Owner of subject property: Wayne Newcombe and Judith McDonald
2993 Nelson Crescent
Denman Island BC
PID; 000-120-251
Lot 4, Sect 19, Nanaimo District, Denman Island, Plan V1P32156

Owner of 3011 Nelson Crescent, Denman Island, BC
Theresa Clinton

The structures at the described location do not offend or restrict the use of my property and
I am in favour of the issue of a Variance permit for 2993 Nelson Crescent, Denman Island.

Theresa Clinton



Dated November 14, 2018





PROPOSED

 Islands Trust	DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT DE-DVP-2018.2 (NEWCOMBE & MCDONALD)
--	--

TO: W. Newcombe and J. McDonald

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

PID: 000-120-251
LOT 4, SECTION 19, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 32156
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 setback from the front lot line in the R1 zone is varied from 7.5 metres to 7.2 metres to permit siting of the existing single family dwelling;
 - b) The setback from the side lot line in the R1 zone is varied from 3.0 metres to 1.82 metres to permit siting of the existing deck, stairs and shed #2;
 - c) The setback from the side lot line in the R1 zone is varied from 3.0 metres to 2.4 metres to permit siting of the existing deck/ramp and shed #1.

These setback variances apply only to the existing single family dwelling, existing deck, existing stairs, and existing shed #1 and shed #2 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.

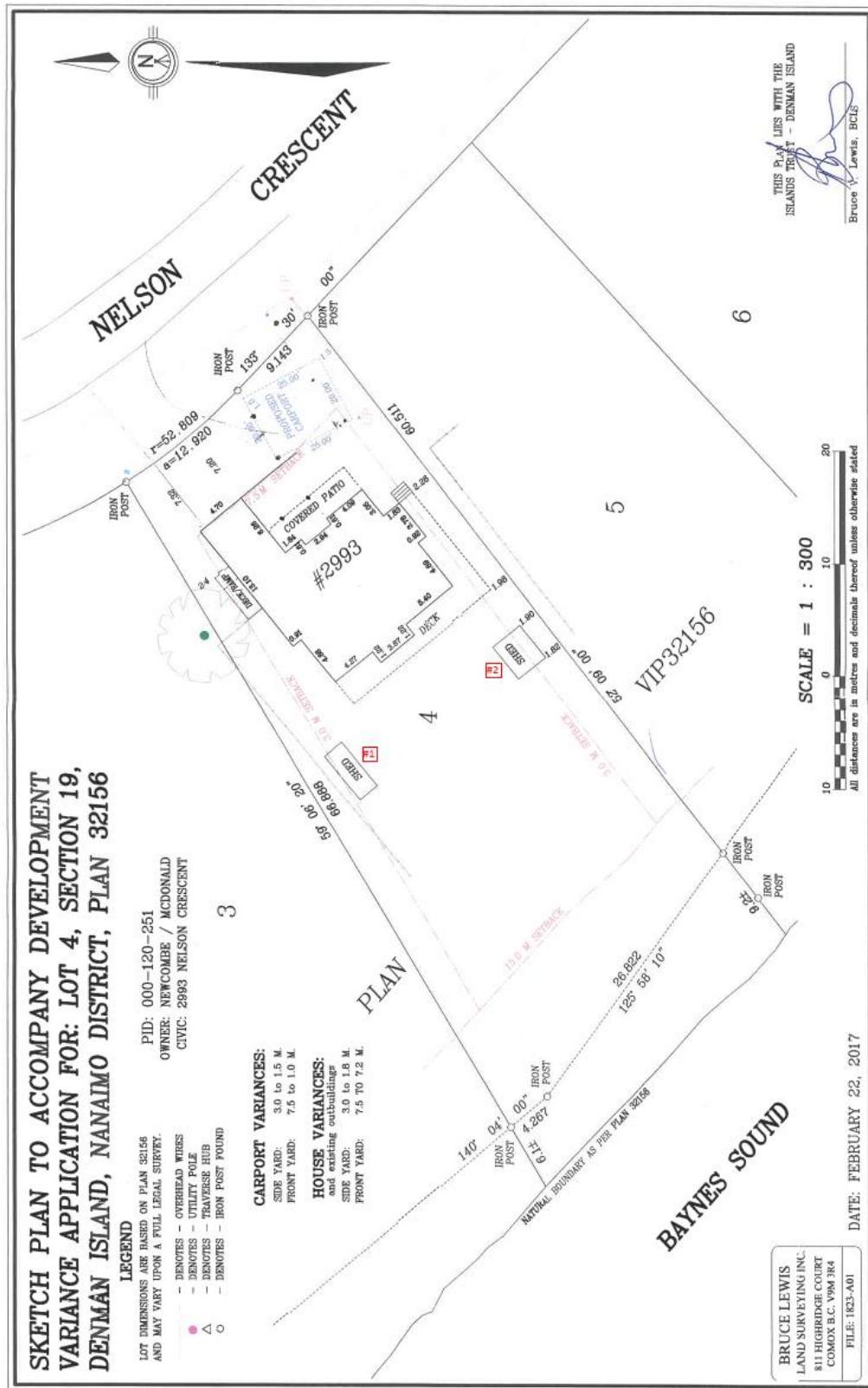
AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS ____TH DAY OF ____, 2019

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"



NOTICE

DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DVP-2018.2 (Newcombe & McDonald)

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 setback from the front lot line in the R1 zone is varied from 7.5 metres to 7.2 metres to permit siting of the existing single family dwelling;
- b) The setback from the side lot line in the R1 zone is varied from 3.0 metres to 1.82 metres to permit siting of the existing deck, stairs and shed #2; AND
- c) The setback from the side lot line in the R1 zone is varied from 3.0 metres to 2.4 metres to permit siting of the existing deck/ramp and shed #1; AND

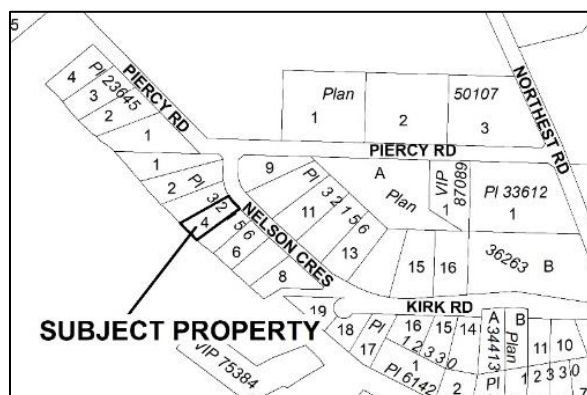
These setback variances apply only to the existing single family dwelling, existing deck, existing stairs, and existing shed #1 and shed #2 as shown in Site Plan – Schedule “A” of the draft permit.

- The property located at 2993 Nelson Crescent, Denman Island is legally described as:

PID: 000-120-251

LOT 4, SECTION 19, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 32156

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 **February 22, 2019** and continuing up to and including **March 6, 2019** at **4:00 p.m.** 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, March 7, 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.

DATE OF MEETING: March 7, 2019

TO: Denman Island Local Trust Committee

FROM: Jaime Dubyna, Planner 1
Northern Team

SUBJECT: Non-Farm Use Application in the Agricultural Land Reserve
Applicant: Jarrah Kirk
Location: 1100 Lacon Road; (PID 027-381-447); LOT 2 SECTION 18 DENMAN ISLAND
NANAIMO DISTRICT PLAN VIP84222

RECOMMENDATION

1. That the Denman Island Local Trust Committee not forward application DE-ALR-2018.1 to the Agricultural Land Commission for the following reasons:
 - a) The application is not consistent with Policy 3.3.1 of the Islands Trust Policy Statement requiring the Local Trust Committee to account for cumulative effects of existing and proposed development to avoid detrimental effects on watersheds and groundwater supply; and
 - b) The application is not consistent with Directive Policy 4.4.2 of the Islands Trust Policy Statement requiring the Local Trust Committee to address measures to 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 where existing, anticipated and seasonal demands for water are considered and allowed for.

REPORT SUMMARY

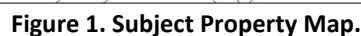
This referral to the Denman Island Local Trust Committee (LTC) is for local government consideration of a non-farm use application in the Agricultural Land Reserve (ALR) under subsection 20(3) of the *Agricultural Land Commission Act* (the "Act").

The applicant proposes to operate a cidery using apples from off-property sources until such time as the trees on the subject property are capable of producing at least 50% of the primary product. A non-farm use application is proceeding as a result of the proposal not meeting the current definition of "farm use" under the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the "Regulation"). The Agricultural Land Commission (ALC) is the approving authority for non-farm use applications within the ALR; however, pursuant to Section 25(3) of the Act, applications for a non-farm use in the ALR may not proceed to the ALC unless authorized by resolution of the LTC.

When assessing proposals that may result in an increase in groundwater use, the Islands Trust Policy Statement (ITPS) requires the LTC to take into account the cumulative effects of existing and proposed development to avoid any detrimental effects on watersheds and groundwater supplies. There are noted concerns for groundwater use within this area – both from a water quality and quantity standpoint. For that reason, staff

Therefore, staff recommend that the application not be forwarded to the ALC.

Proposed on-site activities include fermentation, carbonation, pasteurization, bottling and operation of a small retail shop. The applicant proposes to produce cider with apples from off-property sources while waiting for on-property trees to mature and begin producing apples, which is expected to take 3 to 5 years. In the meantime, the applicant has applied for a non-farm use in the ALR, as the current proposal does not fall under the “farm use” definition within the Regulation.



- **3.1.1 Trust Council holds that:**

- *proactive land use planning is essential for the protection of Trust Area ecosystems,*
 - *protection must be given to the natural processes, habitats and species of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, and kelp and eel grass beds, and*
 - *planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.*
- **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.*

Official Community Plan:

The OCP designates the subject property as **SR – Sustainable Resource**. The SR land use designation includes objectives and policies to protect the ALR, and support farming and agricultural use.

The following policies are pertinent to this application:

- **E.2 Policy 8** *Home occupations must be auxiliary to a residential use.*
- **E.2 Policy 9** *Home occupations should be encouraged but limited to specific uses and to a scale that will have minimum negative impact on neighbouring properties and the natural environment.*
- **E.4 Policy 7** *The Local Trust Committee should only support an application for non-farm use or subdivision of land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either:*
 - *allows an activity that supplements the farm income and does not decrease the farming capability of the property; or*
 - *protects the land for conservation purposes.*

See Attachment 3 for an analysis of OCP objectives and policies relevant to this application.

Land Use Bylaw:

The subject property is within the **A – Agriculture** zone in the LUB. The permitted uses in the A zone include agricultural and residential uses, buildings and structures; permitted accessory uses include home occupations, including food processing.

The following regulations are pertinent to this application:

- **Section 2.4.3** *Home occupations must be accessory to an active residential use.*
- **Section 2.4.5** *The maximum combined floor area used for home occupations:*
 - *on lots of 1.0 hectares or larger is 60 per cent of the combined floor area of the dwelling unit and accessory buildings in which the home occupations are located.*

It is challenging to deem the proposed cidery use consistent with the home occupation regulations given that the cidery use and residential dwelling would share a common building – there is no clear distinction between the principal residential use and proposed accessory home occupation.

Issues and Opportunities

Farm Use

Section 2(2.1) of the Regulation designates alcohol production facilities, and ancillary uses, as farm uses, if:

- (a) at least 50% of the primary farm product used to make the alcohol product produced each year is grown on the farm on which the alcohol production facility is located, or*
- (b) the farm on which the alcohol production facility is located is more than 2 ha in area and at least 50% of the primary farm product used to make the alcohol product produced each year is grown*
 - (i) on the farm, or*
 - (ii) both on the farm and on another farm located in British Columbia that provides that primary farm product to the alcohol production facility under a contract having a term of at least 3 years.*

Currently, the proposed cidery does not meet the definition of “farm use” noted above, as more than 50% of the primary farm product would be sourced from off-property. However, the applicant wishes to proceed with cider production in advance of the on-property orchard reaching maturity.

Staff note that should the on-property orchard produce at least 50% of the primary farm product used to make cider, under Section 2(1.1) of the Regulation, the cidery operation may be restricted but not prohibited by a local government.

Home Occupation Use

The applicant has undertaken activities on the subject property that meet the definition of “agriculture” in the LUB, including clearing and cultivating land, irrigation, and planting and/or grafting up to 300 apple trees. The applicant has stated they intend to undergo further cultivation and planting of apple trees over time. While these activities meet the definition of “agriculture”, the current proposal for the cidery does not.

Section 2.4 of the LUB provides a list of permitted activities under Home Occupation regulations, including food processing. Staff consider cider production to fall under the definition of “food processing” provided in the LUB. However, it is difficult to determine whether the proposed cidery is consistent with home occupation regulations at this time, namely whether the proposed cidery is *accessory to* the residential dwelling on the lot. For reference, the LUB defines “accessory” as:

in relation to a use, building or structure means ancillary, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, where the accessory use, building or structure is located on common property in a bare land strata plan, on a strata lot in the same strata plan.

As noted, the proposed cidery and residential dwelling share a common building and there is no clear distinction between these uses. In support of the proposal, the applicant has provided floor plans that indicate the floor area of the cidery meets subsection 2.4.5 of the LUB, which requires that the maximum floor area of the home occupation on a lot 1 hectare or larger not exceed 60% of the combined floor area of the dwelling unit and accessory buildings where the home occupation is to be located.

Since preparations have been undertaken on the subject property to operate a cidery under the ALR farm use regulations found in Section 2(2.1) of the Regulation, once the orchard reaches maturity, it is arguable that the proposed cidery use is accessory to agriculture use, rather than to the residential use. Were the LTC to deem this to be the case, the proposed cidery use would not be consistent with the home occupation regulations found in the LUB.

Water Use

The Water Sustainability Act (WSA), introduced in 2016, brought in new licensing requirements for use of groundwater and surface water for non-domestic purposes. Under the WSA, a water license and approval may be issued for water use purposes supporting agriculture, industry, natural resource development, power production, etc.

Staff have discussed the requirement of a water license or approval that authorizes the diversion and use of surface water or groundwater under the WSA, for anything other than domestic use with the applicant. The applicant has stated they intend to submit a groundwater license application to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).

While staff are not qualified to evaluate the water requirements of the proposed and future use on the subject property, it is noted that where an increase in groundwater use may occur, the ITPS requires the LTC to take into account cumulative effects on existing and proposed development in order to avoid any negative effects on watersheds and groundwater supply. Based on a recent assessment by FLNRORD, there are concerns related to aquifer quality and safety within close proximity to the subject property. Staff also note that the subject property is within 0.35 kilometres of Denman Village and a high density of groundwater wells.

From this information, staff are very concerned that there may be limitations to groundwater quality and quantity within the general area of the proposal, and that an increase in use may also impact groundwater quality and quantity on the subject property and surrounding area. FLNRORD water authorizations staff would review these concerns following the submission for a water license application under the WSA.

Consultation

There are no requirements for advertisement or public notice for a non-farm use application.

Rationale for Recommendation

Staff have outlined two policies in the ITPS that are relevant to this application: Policy 3.1.1 which requires the LTC to account for cumulative effects of existing and proposed development to avoid detrimental effects on watersheds and groundwater supply; and, Policy 4.4.2 which requires that the density nor intensity of land use increase in areas known to have a problem with the quality or quantity of freshwater supply. As the proposal involves increased groundwater use and there are noted concerns related to groundwater quality and quantity, staff recommend that the LTC not forward the non-farm use application to the ALC.

The staff recommendation is noted on Page 1 of this report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Recommended wording for the resolution is as follows:

*That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust:
[insert comments].*

Or,

*That the Denman Island Local Trust Committee request that staff provide the following information:
[insert comments].*

2. Add to the LTC Project List

In response to the WSA and concerns over water use on Denman Island, the LTC may wish to add to its LTC project list a review of its Home Occupation regulations in relation to water use. More specifically, the LTC may wish to review Home Occupations that result in intensive use of water resources on Denman Island. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee add to its Projects List, Home Occupation Review with the Activity to include a review of policies and regulations for home occupations in relation to water use and water sustainability.

NEXT STEPS

If the LTC agrees with the staff recommendation on page 1, then the application will be closed.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	February 25, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 26, 2019

ATTACHMENTS

1. Attachment 1 – Site Context
2. Attachment 2 – Plans
3. Attachment 3 – ITPS/OCP Policies
4. Attachment 4 – ALC Application

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 2, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP84222
PID	027-381-447
Civic Address	1100 Lacon Road
Lot size	1.52 hectares (3.75 acres)

LAND USE

Current Land Use	Residential, Agricultural
Surrounding Land Use	Residential, Agricultural, Transportation/Utilities, bare land

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-2001.2	Subdivision (boundary adjustment)
DE-DVP-2004.2	Variance of depth-width ratio, variance of FLL for existing non-conforming structure (barn)
DE-SUB-2006.3	Subdivision
DE-SUP-2016.11	Construction of building for agricultural (fruit processing) and residential uses

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Sustainable Resources (SR) Development Permit Area: None																											
Land Use Bylaw	Current zoning: Agriculture (A) 3.4 Resource Zoning Tables <table><tr><th colspan="2">Table 1 - Permitted Uses</th><th>A</th></tr><tr><td colspan="3">Principal Uses</td></tr><tr><td>1</td><td>Residential</td><td>✓</td></tr><tr><td>2</td><td>Agriculture, including Intensive agriculture</td><td>✓</td></tr><tr><td>3</td><td>Horticulture</td><td>✓</td></tr><tr><td>4</td><td>Forest fungi production</td><td>✓</td></tr><tr><td>5</td><td>Forestry</td><td>✓</td></tr><tr><td>6</td><td>Parks</td><td>✓</td></tr><tr><td>7</td><td>Utilities</td><td>✓</td></tr></table>	Table 1 - Permitted Uses		A	Principal Uses			1	Residential	✓	2	Agriculture, including Intensive agriculture	✓	3	Horticulture	✓	4	Forest fungi production	✓	5	Forestry	✓	6	Parks	✓	7	Utilities	✓
Table 1 - Permitted Uses		A																										
Principal Uses																												
1	Residential	✓																										
2	Agriculture, including Intensive agriculture	✓																										
3	Horticulture	✓																										
4	Forest fungi production	✓																										
5	Forestry	✓																										
6	Parks	✓																										
7	Utilities	✓																										

Table 3.4 continued...

Accessory Uses

7	Permitted home occupation uses listed in Section 2.4 accessory to a principal residential use	✓
8	Sale of forest products produced on-site and accessory to a principal forestry use	✓
9	Wood working and wood processing accessory to a principal forestry use on lots 10.0 hectares or larger	✓
10	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓
11	Generation of electricity from non-polluting renewable sources accessory to a principal use	✓
12	Secondary suites and secondary dwelling units	✓

*Secondary dwelling units must be approved through a Temporary Use Permit.

2.4 Home Occupation Regulations

Permitted Home Occupation Uses

2 *The following uses, and no other uses, are permitted as home occupations*

- *home-based guest accommodation*
- *artist or artisan studios, including sale of products produced on site*
- *general business offices*
- *professional office, including health services*
- *personal services*
- *welding shops, including sale of products produced on site*
- *manufacture, repair and assembly of goods*
- *sale of agricultural products produced on-site*
- *trades-person offices including storage of tools of the trade*
- *daycare*
- *food processing*
- *automobile repair and maintenance on lots larger than 2.0 hectares*

General Regulations

3 *Home occupations must be accessory to an active residential use.*

5 *The maximum combined floor area used for home occupations:*

- *on lots of 1.0 hectares or larger is 60 per cent of the combined floor area of the dwelling unit and accessory buildings in which the home occupations are located.*

Location of Uses

11 *On lots of 1.0 hectares or larger, home occupations may be in the principal dwelling unit and in accessory buildings.*

The Land Use Bylaw provides the following pertinent definitions:

“accessory” *in relation to a use, building or structure means ancillary, secondary and exclusively devoted to a principal use, building or structure*

	<i>expressly permitted by this Bylaw on the same lot or, where the accessory use, building or structure is located on common property in a bare land strata plan, on a strata lot in the same strata plan;</i> <i>“agriculture”</i> means the use of land, buildings or structures for any of the following activities: • <i>growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;</i> • <i>clearing, draining, irrigating or cultivating land;</i> • <i>using farm machinery, equipment, devices, materials and structures;</i> • <i>applying fertilisers, compost, manure and other growing agents;</i> • <i>intensively cultivating, in plantations, speciality wood crops or speciality fibre crops prescribed by the Minister of Agriculture, Food and Fisheries;</i> • <i>turf production;</i> • <i>aquaculture;</i> • <i>raising or keeping of game, within the meaning of the Game Farm Act, by a person licensed to do so under the Act;</i> • <i>raising or keeping fur bearing animals, within the meaning of the Fur Farm Act, by a person licensed to do so under the Act;</i> • <i>storage, processing or direct marketing by a farmer of farm products;</i> <i>but does not include any of the following activities:</i> • <i>a forest practice defined in the Forest Practices Code of British Columbia Act</i> • <i>the sale of processed wood products;</i> • <i>breeding pets;</i> • <i>operating a kennel or equestrian stable;</i> • <i>growing, producing, raising or keeping of exotic animals as defined by the Minister of Agriculture, Food and Fisheries;</i> <i>“dwelling unit”</i> 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; <i>“food processing”</i> 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; <i>“principal”</i> in relation to use, building or structure means the main or primary use, building or structure; <i>“residence”</i> means: • <i>the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or</i> • <i>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 include a tenant under a residential tenancy agreement;</i>
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	<i>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;</i>
Other Regulations	Agricultural Land Reserve The subject property is within the Agricultural Land Reserve (ALR). Pursuant to subsection 29(1) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulations (the “Regulation”), an owner of agricultural land may apply to the Agricultural Land Commission (ALC) for permission for a non-farm use under Section 20 of the Agricultural Land Commission Act (the “Act”). Pursuant to subsection 25(3) of the Act, a non-farm use application may not proceed to the ALC unless authorized by a resolution of the local government if, “...on the date the application is made, the application (a) applies to land that is zoned by bylaw to permit agricultural or farm use, or (b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.” Water Sustainability Act The Water Sustainability Act (WSA) requires anyone who diverts and uses groundwater for anything other than domestic (household) use to obtain a water license. Staff have provided the applicant with information regarding groundwater licensing.
Covenants	Covenant FB129063 (Vancouver Island Health Authority) – for placement of sewage disposal fields.
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Fund	The proposal does not directly affect an Islands Trust Conservancy Board (ITC)-owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Strategy	Map 6 of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition on the subject property is MEDIUM/LOW.
Species at Risk	Property boundary to the northeast is within close proximity to critical habitat for the Species at Risk: Dun skipper (<i>Euphyes vestris</i>).
Sensitive Ecosystems	None identified.
Hazard Areas	Property boundary to the northeast is within 12 m of an area identified within Development Permit Area No. 2 – Steep Slopes.
Archaeological Sites	Remote Access to Archaeological Data (RAAD) mapping does not indicate any known archaeological sites or archaeological potential on the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is

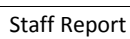
	encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	n/a
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a

ATTACHMENT 2 – MAPS, PLANS

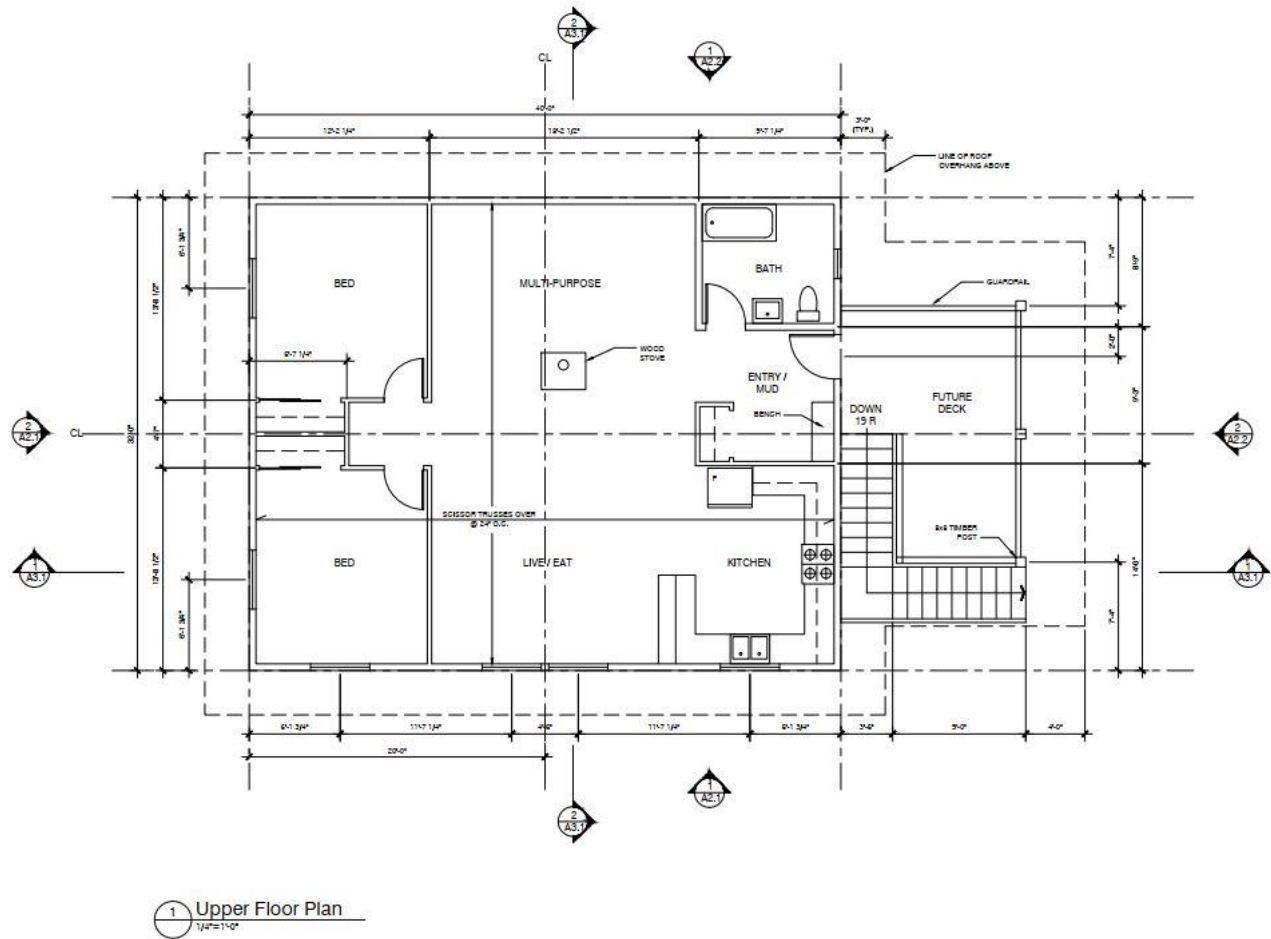
2.1 SITE PLAN



Islands Trust



2.3 BUILDING FLOOR PLAN (2ND LEVEL)



ATTACHMENT 3 – POLICIES

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
3.1.1 Trust Council holds that: - proactive land use planning is essential for the protection of Trust Area ecosystems, - protection must be given to the natural processes, habitats¹⁰ and species¹¹ of the Trust Area, including those of the old forests, Coastal Douglas-fir forests, Coastal Western Hemlock, Garry Oak/Arbutus forests, wetlands¹², open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors¹³, lagoons, and kelp and eel grass beds, and - planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats.	no	It is unclear at this time whether this application may have detrimental effects on watersheds and groundwater supplies, however, it is expected that an increase in groundwater use will occur as a result of the proposed cidery, and the future agricultural operation. Staff consider this policy to be relevant to this application.
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.	yes	It is an objective of the OCP to protect the Agricultural Land Reserve (ALR) and to encourage agricultural activities. The OCP supports non-farm use in the ALR when a proposal is consistent with zoning regulations and allows supplemental income activities on farms, but does not impact farming capability; or where the land is protected for conservation purposes.
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.	yes	The OCP and LUB both permit agricultural use as a principal use, and permit home occupations as an accessory use in the Sustainable Resource land use designation and Agriculture zone.
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	no	Staff anticipate an increase in water use for the proposed use. Based on a FLNRO assessment, this area has concerns related to increased groundwater use, on both water quality and quantity.

existing, anticipated and seasonal demands for water are considered and allowed for.		
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DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185

OCP Objective/Policy	Complies	Planner Comments
E.2 Policy 1 Economic undertakings permitted by zoning regulations should be sensitive to the ground water availability and sewage disposal capability of the location.	no	Under the <i>Water Sustainability Act</i> (WSA), a water license and approval would be required for water use purposes that support agriculture, industry, and other non-domestic uses. Staff have communicated the requirement of a water license to the applicant.
E.2 Policy 2 Economic undertakings should be small-scale and designed to meet the needs of residents and visitors, but may include off-island export of goods produced on Denman Island.	yes	Staff consider this application to be small in scale.
E.2 Policy 8 Home occupations must be auxiliary to a residential use.	unknown	The applicant has provided a floor plan indicating that the home occupation meets the maximum floor area permitted for a home occupation in subsection 2.4.5 of the LUB; however, it is unclear at this time whether the proposed use will be accessory to the principal residential use.
E.2 Policy 9 Home occupations should be encouraged but limited to specific uses and to a scale that will have minimum negative impact on neighbouring properties and the natural environment.	yes	The proposed use is considered “ <i>food processing</i> ”, a permitted home occupation activity in subsection 2.4.2 of the LUB. The application is considered to be small in scale, and is likely to not impact neighbouring properties or the natural environment.
E.2 Policy 12 Setbacks, parking, floor space and other regulations should be adopted by zoning regulation in recognition and concern of the negative impact on neighbouring properties and the ground water availability and sewage disposal capability.	yes	The proposal meets setback requirements, parking and floor area requirements. There is sufficient parking for the residence, and currently there are no employees that live off-property.
E.4 - Policy 1 In the Sustainable Resource designation: - the principal uses should be agriculture and silviculture; and, - zoning regulations may permit small-scale local value-added wood working industries and the development of non-timber forest products on land with silviculture as a principal use.	no	The application is for a non-farm use in the Agricultural Land Reserve (ALR). Staff consider the non-farm use application to not meet the definition of “ <i>agriculture</i> ” as it is defined in the Denman Island Land Use Bylaw No. 186 . However, staff consider the application to meet permitted home occupation regulations.
E.4 - Policy 2 All farm uses defined in the Agricultural Land Commission Act for land in the Agricultural Land Reserve should be permitted.	no	Staff consider the current proposal to not meet the definition of “ <i>farm use</i> ” as it is defined in Part 2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation .
E.4 - 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	no	Staff consider the proposal to not be an essential community service or amenity. However, it is noted that the proposal has the potential to contribute to the local economy.

reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.		Staff are of the opinion that the current proposal could be undertaken on land outside of the ALR; however, the applicant has undertaken site preparation for operation of an orchard to provide primary farm product to the cidery operation in the future.
E.4 - Policy 7 The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either: - allows an activity that supplements the farm income and does not decrease the farming capability of the property; or - protects the land for conservation purposes.	yes	This application precedes a full-scale agricultural operation in which the property will provide its primary farm product and process that product to supplement the farm income.



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58246

Application Status: Under LG Review

Applicant: Jarrah Kirk

Local Government: Islands Trust Regional District

Local Government Date of Receipt: 11/02/2018

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: our proposal is to allow us to proceed with non-farm status, making cider from apples from other sources until such time as our trees are grown and producing, so that we can fit into the ALR ancillary guidelines.

Mailing Address:

1100 Lacon rd
Denman Isl, BC
v0r 1t0
Canada

Primary Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 027-381-447

Legal Description: lot 2

Parcel Area: 1.5 ha

Civic Address: 1100 lacon rd Denman Isl

Date of Purchase: 06/16/2016

Farm Classification: No

Owners

1. **Name:** Jarrah Kirk

Address:

1100 Lacon rd
Denman Isl, BC
v0r 1t0
Canada

Phone: [REDACTED]

Email: [REDACTED]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

we currently have no agricultural crops that yield produce at this time. we are planting a cider apple orchard which will take 3-5 years before they are fully grown and able to produce.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

our field has been fallow for the last 50 years, in the last 2 we have removed an acre of Scots broom, ploughing it and planting cover crops 3 times in preparation for our orchard, we have also put a proper ditch system in, along with widening an existing pond for the summer months. along with this, we have 300 baby apple trees that were grafted this July in a smaller nursery on the grounds.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

we have built a cidery but can not proceed as we do not fit into ALR ancillary index until our trees are grown.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: fallow

East

Land Use Type: Residential

Specify Activity: there is a house

South

Land Use Type: Agricultural/Farm

Specify Activity: for sale and fallow

West

Land Use Type: Transportation/Utilities

Specify Activity: road

Proposal

1. How many hectares are proposed for non-farm use?

0.5 ha

2. What is the purpose of the proposal?

our proposal is to allow us to proceed with non-farm status, making cider from apples from other sources until such time as our trees are grown and producing, so that we can fit into the ALR ancillary guidelines.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

we are a land-based cidery and the piece of land that was chosen is ideal for growing cider apples, which are quite hard to obtain outside of growing them yourself. aside from that finding land on Denman that is ideal for growing apples and for sale outside of current ALR plots is non-existent.

4. Does the proposal support agriculture in the short or long term? Please explain.

I personally grew up on Denamn Island and have no interest in moving or changing occupations once this cidery and orchard is running in full. my personal long-term plans are to buy more farmland to extend

our orchard on ALR land that hasn't been used in 50 years. in short, the trees we are planting will hopefully produce for then next 100 years.

Applicant Attachments

- Proposal Sketch - 58246
- Certificate of Title - 027-381-447

ALC Attachments

None.

Decisions

None.



DATE OF MEETING: March 7, 2019

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec MCIP, RPP
Northern Team

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

RECOMMENDATION

1. That the Denman Island Local Trust Committee refer the staff report for DE-RZ-2018.1 (DHA) dated March 7, 2019 to the Advisory Planning Commission for early referral and comment on the issues identified in the staff report, and that the applicant, planning staff and one Trustee attend.
2. That the Denman Island Local Trust Committee request staff to provide the following prior to further consideration of application DE-RZ-2018.1 (Denman Housing Association):
 - a. Confirmation that the Approving Officer from the Ministry of Transportation and Infrastructure can approve the registration of a plan of subdivision for a parcel with a potential maximum density of 20 dwelling units, if the proof of water requirements in the Denman Island Land Use Bylaw No. 186 have been partially or completely waived by the Local Trust Committee; and
 - b. Analysis and/or confirmation that there are sufficient density reserves using Denman Island Official Community Plan’s Housing Policies, Use and Density Policy 11, from which to draw 19 new densities.

REPORT SUMMARY

This report summarizes the findings of the professional reports submitted by the applicant for consideration by the Denman Island Local Trust Committee (LTC). Staff recommends an early referral to the Advisory Planning Commission (APC) to comment on the issues identified in this staff report. Staff is also recommending that the LTC request an analysis of the availability of sufficient density reserves in the Denman Island [Official Community Plan](#) (OCP) before further consideration of the application and confirmation that the Approving Officer from the Ministry of Transportation and Infrastructure (MOTI) can approve the registration of a plan of subdivision if the proof of water requirements in the Denman [Land Use Bylaw](#) (LUB) have been partially or completely waived by the LTC.

BACKGROUND

A comprehensive [preliminary staff report](#) was considered by the LTC during the November 20, 2018 business meeting and the LTC passed the following resolution:

DE-2018-102 It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust the following reports applicable to the proposed eight hectare affordable housing site on PID 006-657-290 prior to further consideration of application DE-RZ-2018.1 (Denman Housing Association):

- a) Site plan, engineered drawings and an analysis of soil and site conditions, prepared by an Authorized Person, for the proposed community sewage system to service up to 20 residential units;
- b) A hydrogeological assessment, completed by a Professional Engineer or Professional Geoscientist, which identifies the potential impacts to the quantity and quality of groundwater of the proposed development, and delineates an immediate catchment area for proposed wells; and
- c) A biological inventory assessment report, completed by a Registered Professional Biologist, including: an inventory and classification of wildlife habitats, significant features and plant communities on the property; a study area map detailing the results of the study and recommendations for the retention, mitigation and compensation of significant features.

CARRIED

The applicant is unable to provide a hydrogeological assessment as requested by the LTC. Due to geological site constraints on the subject property, the first well that was drilled resulted in insufficient groundwater. In lieu of the requested hydrogeological assessment, the applicant has proposed 20 individual rainwater harvesting/ collection and treatment systems to service each affordable rental housing unit. The applicant has submitted a revised site plan, an assessment of the community sewage system, and a biological inventory of the subject property, discussed in this report.

ANALYSIS

Issues and Opportunities

Staff have identified the following as pertinent issues for LTC consideration prior to advancing the application to the draft bylaw stage:

- Potable Water Supply
- Protection of Coastal Douglas-fir Ecosystem

A summary of the professional assessments are included within the relevant sections of the report below.

Potable Water Supply

Based on preliminary drilling test results of the 8 hectare receiver parcel, the applicant reports that the ground water supply for this area appears to be insufficient to support the proposal as presented. The intent of a hydrogeological assessment was to clarify for the LTC, the Denman Island community at large and the applicant/owner(s), the specifics regarding the source, quantity and quality of water required to support the proposal. Instead, the applicant has proposed 20 individual rainwater harvesting/collection and treatment systems and provided a rainwater feasibility report (Attachment 4) to support this approach.

The rainwater feasibility report assumes a conservative potable water usage of 64 litres per person per day in light of proposed communal laundry facilities, mandatory composting toilets and low flow faucets and shower heads. The report recommends storage capacity of a minimum of 125 days worth of water, to offset the dry summer months (June, July, August) and high pollen count months (March and April), when no rainwater collection takes place. The proposal for up to 49 residents living on site would require a network of cisterns capable of storing just under 400,000 litres of water (or 105,000 US gallons). The site plan (Attachment 5) identifies a series of reservoirs in the south west corner of the proposed 8 hectare parcel, but no detail is

provided on storage capacity, distribution lines or siting of individual cisterns in proximity to proposed building sites, roads and trails.

The rainwater feasibility report identifies a significant potable water monitoring and maintenance schedule for each of the 20 point-of-entry disinfection and treatment systems. It is proposed that each tenant would be relying on the owner(s) to ensure that each system is properly maintained, serviced and/or repaired.

The following issues have not been addressed by the rainwater feasibility report:

- Identification of a start-up and back-up water system;
- Fire suppression and water availability to protect up to 20 homes and accessory buildings;
- Estimated costs associated with the rainwater harvesting, storage, distribution, treatment and annual maintenance of each cistern/water system;
- Quantity, size or location of the required cisterns;
- The approximate minimum clearance around each dwellings' roofline from adjacent trees in order to adequately collect rainwater and reduce leaf litter and pollen accumulation; or
- The number of trees to be removed to accommodate the proposed site plan.

The Denman Island Land Use Bylaw specifies in Section 2.8.15 what should occur if insufficient **groundwater resources** are unavailable at the time of a proposed subdivision:

"If the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Regulation 12 of this section cannot be made, the applicant must: • provide a community water system complying with the requirements of Regulation 18 of this section, or • grant a covenant complying with Regulation 4 of Section 1.2 restricting the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied in accordance with regulations 9 through 11 and a certification has been made under Regulation 12 of this section."

The LTC would need to consider a variance to these regulations in order to proceed with the application as presented.

The LUB stipulates the minimum groundwater requirement per dwelling to support a subdivision application:

"In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 (error - should be 16) of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit "

The remainder of the 29 hectare subject parcel is proposed to be further subdivided into five lots, not for use for affordable housing. The applicant and owner(s) must be made aware that if the application proceeds, further subdivision may not be viable due to insufficient groundwater resources. The LTC would need to contemplate further variances to the proof of water requirements, to enable subsequent subdivision, which may or may not be granted.

Islands Trust Policy Statement (ITPS) 4.4.2 requires that the LTC **address measures to 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**. Staff advise that an increase in density in this location to allow for 20 units of affordable housing appears to be inconsistent with this Islands Trust Policy. The Executive Committee (EC) of the Islands Trust cannot approve proposed bylaws that are inconsistent with any one policy in the ITPS. Should the LTC direct staff to prepare draft bylaws, an early referral to the EC is strongly recommended.

Protection of the Coastal Douglas-fir Ecosystem

A baseline ecological inventory (Attachment 3) has been submitted for the proposed 8 hectare (20 acre) portion of the subject property (PID 006-657-290). The report adequately addresses all the requirements for a biophysical inventory, based on the [Islands Trust Conservancy template report](#). The report identifies three coastal Douglas-fir and associated ecosystems at risk and the location of remnant 'veteran' mature or old growth Douglas-fir trees on the subject property, shown in Figure 1.

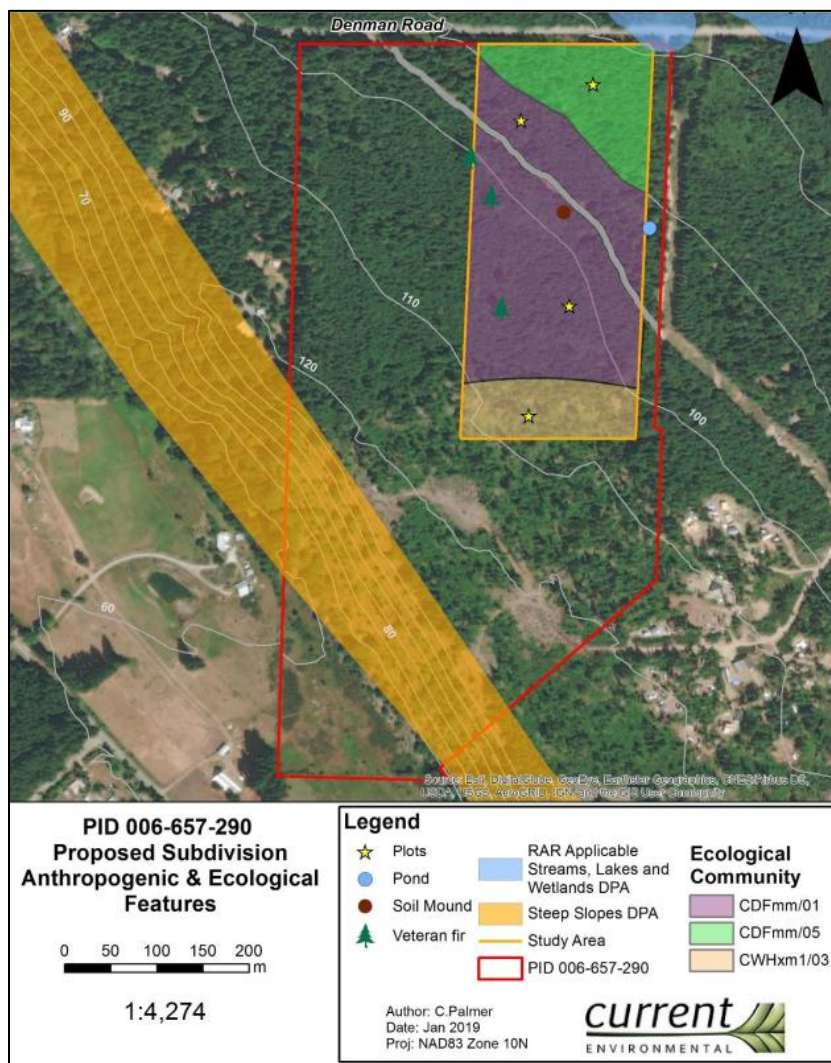


Figure 1. Subject Property – Sensitive Ecosystems

These ecosystems are identified in this report as being under significant pressure from development, yet home to the highest number of at-risk species in BC. Despite historic logging activities on the subject property, the ability for these ecosystems to regenerate over time could be eliminated or adversely impacted by a proposed housing development. The applicant's revised site plan (Attachment 5) proposes over 750 metres of gravel road/access lanes; a significant trail system; two 60 metre long sewage disposal fields and 10 duplexes in the vicinity of the last remaining old growth trees on the subject property. The development is proposed to be reliant on rainwater collection, therefore significant tree removal would be anticipated in order to create building envelopes free of leaf litter and overhanging branches. No large tracts of land are identified to be protected from development for regeneration of the sensitive ecosystem. The site plan does not appear to address several Denman OCP Policies (Attachment 1).

Proposed Sewage Disposal:

The applicant provided a wastewater assessment report (Attachment 2) that recommends a Type 1 greywater system with individual septic tanks for each duplex pumping effluent into two separate dosing tanks. From there, effluent would be time-dosed to two separate dispersal fields to avoid soil saturation during peak time uses. The site plan provided in the report does not match the revised site plan (Attachment 5) nor does it appear to be informed by the ecological inventory mapping (Attachment 3). The author reports that there is adequate area available for both primary and reserve dispersal fields on the subject lot.

The following issues have not been addressed by the wastewater assessment report:

- Specifications of number and size of septic tanks, pumps required;
- Estimated costs associated with the installation and ongoing maintenance of the sewage disposal system;
- Quantity, size or location of all above and below ground infrastructure required for the sewage disposal system in relation to the applicant's revised site plan and ecological inventory; and
- The approximate minimum clearance around each dispersal field from adjacent trees in order to prevent tree root infiltration.

Should the LTC direct staff to prepare draft bylaws, staff recommend the LTC request an updated sewage assessment report addressing the issues identified above.

Rationale for Recommendations

Staff recommends the LTC refer the Staff report dated March 7, 2019 to the APC for early comment on the issues identified in this report. Staff also recommends the LTC request an analysis and confirmation that additional densities can be accounted for by existing OCP policies. The Approving Officer of MOTI should be requested to confirm that they can approve the registration of a subdivision where the proof of water requirements have been partially or completely waived by the LTC. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. Proceed no further.

As the application does not include evidence that the proposed receiver parcel can provide adequate groundwater to support the intended rezoning application and subsequent subdivision, the LTC can deem the application to be inconsistent with Islands Trust Policy Statement 4.4.2 and proceed no further with the following resolution:

"That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2018.1 (DHA) as the proposal would require a waiver of proof of potable water requirements for subdivision in the Denman Island Land Use bylaw and would be inconsistent with Islands Trust Policy Statement 4.4.2, which requires that 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."

2. Request additional information from the applicant prior to preparation of draft bylaws.

Should the LTC wish to proceed with developing draft bylaws to enable the density transfer, rezoning and amendments to the OCP, staff recommend the applicant provide additional information to the LTC to support their application. If this alternative is chosen, the following resolution can be considered:

"That the Denman Island Local Trust Committee request that the applicant provide the following to the Local Trust Committee prior to further consideration of application DE-RZ-2018.1 (Denman Housing Association):"

- a) Preliminary design and specifications for a proposed start up/back up water supply system to the proposed rainwater collection system intended to service the proposed 20 unit housing development on PID 006-657-290 (Denman Road);
- b) A revised site plan which addresses Official Community Plan section D.2 Transportation and Utilities Policy 8 and section E.1 Housing Policies 16 and 28 by:
 - i. significantly clustering the proposed dwellings and infrastructure adjacent to Denman Road;
 - ii. Illustrating the siting of all cisterns, fire suppression infrastructure and fire protection access;
 - iii. Clarifying the proposed landscaping/irrigation;
 - iv. reducing the total amount of proposed new roads, trails and access lanes;
 - v. delineating the critical root zones (CRZ) of identified 'veteran fir' trees in Figure 7. Map 2 of the 'Baseline Ecological Inventory' Report dated January 2019 in order to establish a buffer the equivalent of 1.5 times the height of each tree, prohibiting construction, excavation or placement of above ground or underground infrastructure; and
 - vi. identifying which portions of the coastal Douglas-fir (CDFmm/01 and CDFmm/05) sensitive ecosystems identified in Figure 7. Map 2 of the 'Baseline Ecological Inventory' Report dated January 2019, are to be included as proposed 'no-build' areas for the purposes of ecological regeneration.
- c) Examples of successful rental affordable housing developments that rely solely on the use and maintenance of composting/incinerating toilets and specifications of how the proposed toilets are to be maintained and how the waste is intended to be harvested, stored or used on-site in accordance with provincial regulations;
- d) Updated wastewater assessment report to reflect the updated site plan; specifications of all above and below ground infrastructure and minimum required clearance from tree root zones;
- e) A Pro Forma prepared by a qualified professional to demonstrate the viability of the proposed housing project including development costs, maintenance and operating costs and a 20 year projection; and
- f) Written confirmation from the owner(s) of PID 006-657-290 that they have considered the evidence of insufficient groundwater resources on the subject property and understand that if the application is to proceed as presented, further subdivision of the remainder of the subject property into five lots may not be viable as the subdivision would be subject to proof of water requirements.

NEXT STEPS

Should the LTC concur with staff recommendations, staff will report back to the LTC with a comprehensive report regarding the approving officer's authority in approving subdivisions without adequate proof of water and an analysis of whether or not there are sufficient density reserves using Denman Island Official Community Plan's Housing Policies, Use and Density Policy 11, to draw 19 new densities.

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	February 26, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	February 27, 2019

ATTACHMENTS

1. Consistency with the Islands Trust Policy Statement and Denman OCP Policies
2. Proposed Wastewater Assessment, January 2018
3. Biophysical Inventory Report, January 2019
3. Rainwater Feasibility Report, February 2019
4. Revised Site Plan, February 10, 2019
5. Applicant Correspondence, March 7, 2019

ATTACHMENT 1 – POLICIES DE-RZ-2018.1 (DENMAN HOUSING ASSOCIATION) – REVISED MARCH 2019

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Pending further application review	To be addressed by applicant through professional reports and proposed site plan.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	Pending further application review	Donor parcel is within RAR and non RAR DPA. Guidelines will apply if subdivided. Biological inventory has been provided only for the 8 ha parcel proposed for affordable housing. LTC can require protection of significant ecosystems through progressive site specific zoning, no build covenants and other land use planning tools.
4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	Pending further application review	Receiver parcel has 2.2 hectares of ALR land that can be appropriately re-designated as part of the application process.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	Pending further application review	To be addressed in bylaw amendments and can incorporate ALC buffer requirements.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: - neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, - water quality is maintained, and	Does not comply.	Insufficient groundwater to support the proposed increase in density on the receiver parcel. Remainder lot anticipated to be further subdivided into 5 parcels with no indication of adequate groundwater resources to support subsequent subdivision.

existing, anticipated and seasonal demands for water are considered and allowed for.		
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	Pending receipt of additional information from the applicant	Staff recommends the LTC request further information about the start up and back up 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 further application review	Receiver parcel is within a protection area identified in Schedule D of the OCP. Future zoning and subdivision regulations should address protection of the scenic value of the ridge.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	Pending further application review	To be addressed through OCP policy review.
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	Pending further application review	Analysis of OCP Policies required to confirm compliance with this policy.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	Pending further application review	Location of affordable housing units in proximity to village and ferry terminal. Revised site plan relies on significant road infrastructure and parking. Recommend a clustered, conservation based site plan to eliminate need for extensive access roads and trails.
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	Pending further application review	Proposed development provides an opportunity for LTC consideration.

5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	Yes	Proposal seeks to address community's current and projected housing requirements for affordable housing.
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DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185, 2008

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

D.3 Water Management Policy 1 - Zoning regulations should specify minimum requirements for water supply for new lots created by subdivision.	Does not comply	In order to proceed the application would require a complete waiver of existing ground water supply requirements identified in the LUB.
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.	Yes.	Insufficient groundwater resources, applicant is proposing rainwater collection.
D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.	Yes.	Applicant has provided a baseline assessment that a Type 1 sewage system can support the development as proposed. Staff recommend a revised assessment to address the updated site plan, cost estimates and specifications of all required infrastructure above and below ground in relation to the detailed site plan and ecological inventory.
D.7 Viewscapes Policy 2 - Zoning regulations should be developed to protect Island viewscapes.	Pending further application review	Receiver parcel has an identified viewscape. Rezoning process can identify options to protect natural vegetation and views through regulation or covenant.
E.1 Housing Policy 6 - When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.	Pending further application review	Donor parcel has significant riparian qualities that can be protected through rezoning and subdivision regulations.
E.1 Housing Policy 10 - In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.	Pending further application review	Applicant to confirm if Donor and Receiver parcels were intended to accommodate secondary suites.
E.1 Housing Policy 11 - The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling	LTC direction required.	LTC to request staff to provide analysis on density increase available.

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.		
E.1 Housing Policy 16 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	LTC direction required.	Applicant's site plan for Denman Green attempts to cluster housing and accessory buildings. Staff recommend a revised site plan to delineate 'no build' portions of the lot to prevent sprawl and significant attempts to cluster all proposed buildings and structures closer to Denman Road. Ecological inventory identifies ecosystem and veteran tree protection opportunities.
E.1 Housing Policy 17 - The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	Yes	LTC and Executive Committee have supported the financial sponsorship of the bylaw amendment fees for the application.
E.1 Housing Policy 23 - Zoning regulations should establish sufficient setbacks for septic disposal systems: • to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and • to protect adjacent properties from effluent or odours.	Yes	Wastewater assessment report recommends a Type 1 system.
E.1 Housing Policy 26 - The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	Pending further application review	Applicant has indicated commitment to BC Energy Step Code building standards. Development Permit guidelines can require a standard of construction for form and character/water conservation/energy efficiency.
E.1 Housing Policy 28 - The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses;	LTC direction required.	The LTC has not been provided information from the applicant to address protection of environmentally sensitive areas.

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

January 18, 2019

H₂O File: 18-13

Denman Housing Association
3720 East Road
Denman Island, BC V0R 1T0

**Re: Revised Wastewater Assessment for Development
SW ¼ Sec. 17, Nanaimo LD, Denman Island**

Introduction

H₂O Environmental Ltd. (H₂O) was retained by the Denman Housing Association (DHA) to aid in the characterization of the soils and groundwater conditions of a proposed subdivision at the above legal address.

Domestic water for this area is supplied by private wells. The size of the planned lot is approximately 8.3 ha.

Wastewater Considerations

The proposed development onsite is ten 1 bedroom units, six 2 bedroom units and four 3 bedroom units. The SPM¹ lists the daily design flow (DDF) as 700, 1,000 and 1,300 litres per day for the 1, 2 and 3 bedroom homes, respectively, for a total DDF of 18,200.

The DHA has chosen to design the waste streams with incinerating toilets in each dwelling unit. This reduces the DDF of the units by 30%². The total estimated effluent flow would be 12,740 litres per day from the group of homes.

The average daily flow is estimated to be ½ the DDF. The DDF is used for design to allow for peak uses.

General Site Information

The proposed lot is rectangular, bordered on the north by Denman Road. To the west and north is undeveloped land. A multiple family co-housing development is located on the large property to the east.

Regional topography consists of a gentle grade to the northeast. The subject lot sloped gently between 2% to 6%. The area of the wastewater dispersal field has a slope of approximately 5%.

The well for the development to the east is located upgradient of the proposed area for wastewater dispersal on the subject lot.

¹ Ministry of Health, *Sewerage System Standard Practices Manual*, Version 3, September 2014

² Ministry of Health, *Manual of Composting Toilet and Greywater Practice*, July 2016

Methodology

Four testpits were advanced on the proposed lot. These were placed to the north of the disused logging road that runs diagonally across the site.

To measure the *in-situ* permeability of the soils, two permeameter tests were conducted by H₂O on the proposed lot. Auger holes were advanced within the proposed wastewater dispersal area to a maximum depth of 40 centimetres (cm). The permeameter test consists of a calibrated tube filled with water which is inserted into the auger hole allowing the water to escape at a flow rate determined by the ability of the soil to transmit it away from the tube. The water flow out of the tube is measured and a hydraulic conductivity of the soil is calculated from the results.

Figure 1 showing approximate locations of testpits is attached to this report.

Results

The general soil profile is a thin layer of forest debris, underlain by brown fine sandy loam to with 25% to 30% coarse fragments to approximately 45 cm. This layer was followed by a fractured sandstone bedrock layer to approximately 60 cm, with competent sandstone below. It is assumed that surficial groundwater will travel across the bedrock surface. Soil logs are attached to this report.

The average measured field-saturated hydraulic conductivity (K_{fs}) of the two tests on the subject site was 680 mm/day. Although there is no direct conversion to traditional percolation test rates, this is a range roughly equivalent to a 8 to 10 minute/2.54 cm percolation speed. K_{fs} is generally considered to be approximately $\frac{1}{2}$ of the soil hydraulic conductivity, K .

Based on the assumed highest soil hydraulic conductivity of approximately 1.3 m/day, an assumed average hydraulic gradient of 0.05 (from measured onsite slope), and a soil porosity of 25%, the effluent velocity in the soils was calculated using the following equation: $V = Ki/n$ where: K = hydraulic conductivity, ($2 \times K_{fs}$), i = hydraulic gradient and n = the estimated porosity of the sandy soils.

The average velocity of groundwater in the soils on the proposed lot is calculated to be approximately 0.26 metres/day.

Wastewater Treatment Levels

A Type 1 wastewater system is only septic tank treated effluent with total suspended solids (TSS) and five day biochemical demand (BOD₅) on the order of 150-300 milligrams per litre (mg/L) and 150-250 mg/L, respectively. BOD₅ is a measure of the oxygen use of the microbes within the effluent.

Type 2 effluent reduces the effluent concentrations of TSS and BOD₅ to less than 45 mg/L.

Typically, fecal coliform concentrations from a septic tank range from 10^3 to 10^4 colony forming units (CFU) per 100 millilitres. Type 3 effluent standards call for both TSS and BOD₅ to be <10 mg/L and reduction of the fecal coliforms to less than 400 CFU per 100 milliliters.

These bacterial standards are generally achieved with tertiary treatment, i.e. – a UV light or placement of a greater depth of engineered sand under the dispersal field (passive Type 3). Each higher level of treatment allows a significant reduction in the size of the dispersal field.

However, the key factor in determining the size of the dispersal field is the allowable Linear Loading Rate (LLR). This value takes into account the soil and site characteristics and ties in the DDF volumes to give a minimum length across the slope for the dispersal field.

Due to the elimination of blackwater from the system, the resulting combined greywater will be treated to Type 1 levels.

Discussion and Preliminary System Design

The groundwater velocity on the subject site averages 0.26 m/day. The low end of the proposed area for the wastewater dispersal field is approximately 100 metres distant from Denman Road. The travel time to Denman Road in the subsoils would be in excess of 1 year. Fourteen days is the generally accepted time for full polishing and natural attenuation of Type 1 effluent in the native soils.

H₂O has split the wastewater collection and dispersal into two separate systems. Each system would consist of approximately ½ the dwellings with septic tanks sized for the dwelling configuration. All tanks would gravity feed, if achievable, to an 14,775 litre equalization/dosing tank, located near each field. Effluent would then be time dosed to the separate dispersal fields. Site plans are presented in Figures 2 and 3.

The dispersal fields would use a pressurized distribution arrangement to optimize treatment in the existing soil conditions and avoid soil saturation. Time dosing spreads the application of effluent over an entire 24 hour period versus dosing the field only at peak time uses such as in the morning and evening.

Based on the hydraulic loading rate and the linear loading rate in the SPM, the dispersal field for the development would have to be 230 metres long. This can be reduced by creating two separate dispersal fields, approximately 120 metres long, with one lower on the slope and separated by 4 metres. The total length of each side would be 60 metres. The zones would consist of three laterals within gravelless chambers, on top of 10 cm of specified sand. There would be duplex pumps in each pump chamber and an indexing valve to separate the dispersal field into six zones. This reduces the required pump size and allows for better distribution of effluent. The basic configuration of each of the dispersal fields is presented in Figure 4.

There is adequate area available for both primary and reserve dispersal fields on the subject lot.

Conclusions

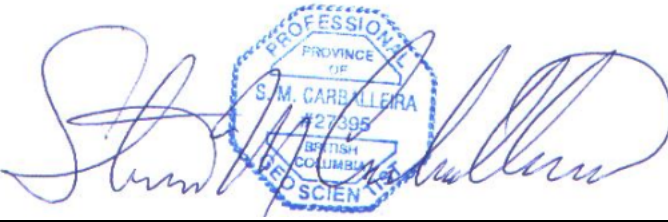
Incinerating toilets will be used on the site. The adjusted daily design flow will be 12,740 litres/day. Available thickness of permeable soil is approximately 45 cm below grade. H₂O has preliminarily designed a wastewater system that will safely disperse Type 1 greywater to the environment. The wastewater system will be able to safely collect, treat and disperse the effluent from the 20 planned homes.

Due to the soil characteristics and the grades onsite, the effluent travel time is more than adequate to ensure there is minimum risk that the treated effluent will negatively impact the neighbouring properties.

Closure

H₂O is pleased to provide you with this letter regarding the soil conditions on the proposed subdivision of the SW1/4 of Section 17 on Denman Road on Denman Island. Please call with any questions you may have regarding this information.

H₂O Environmental Ltd.

Per: 
Steven M. Carballeira, P.Geo.

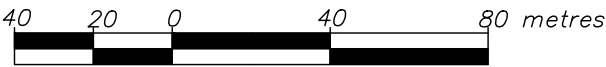
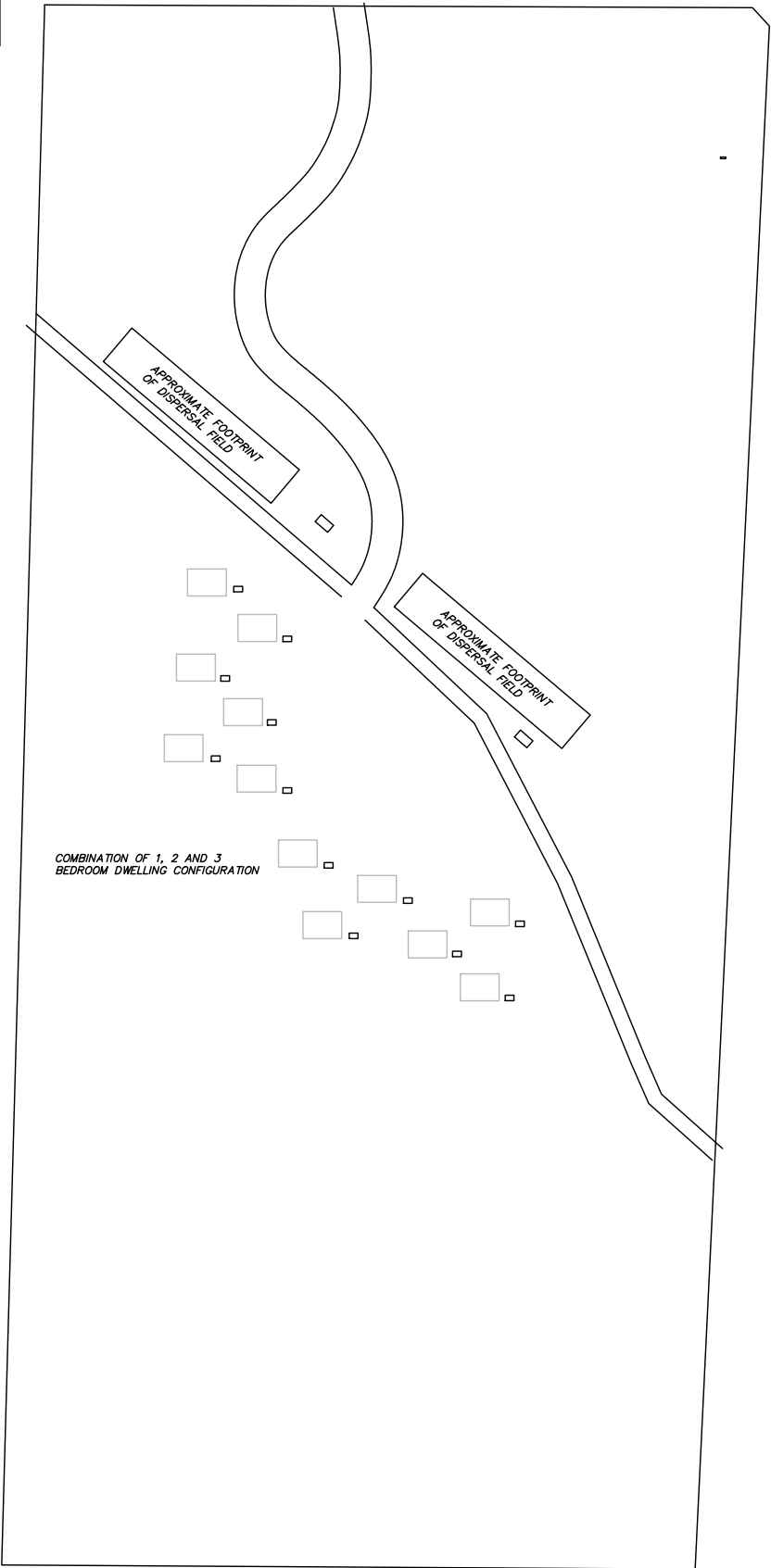
Attachments:

- Figure 1 – Approximate Locations of Testpits
- Figure 2 – Site Plan
- Figure 3 – Site Plan Detail
- Figure 4 – Dispersal Field Configuration
- Testpit Logs



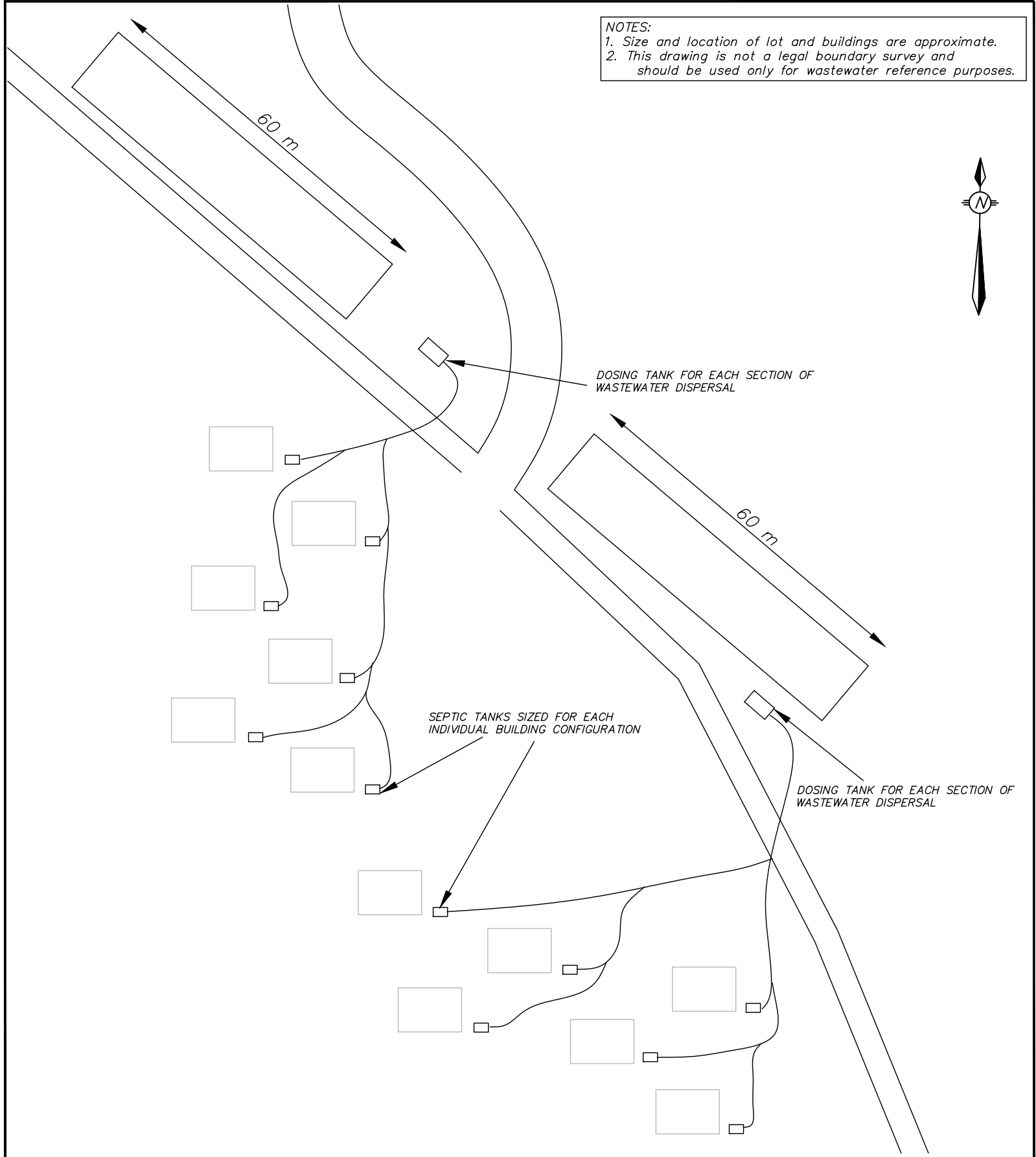
Figure 1 – Approximate Locations of Testpits

NOTES:
 1. Size and location of lot and buildings are approximate.
 2. This drawing is not a legal boundary survey and should be used only for wastewater reference purposes.



	TITLE:	SITE PLAN	DATE:	JAN 18, 2019	FIGURE 2
			DRAWN BY:	SMC	
	PROJECT:	PRELIMINARY WASTEWATER DESIGN DENMAN GREEN	CHECKED BY:	SMC	
			SCALE:	AS SHOWN	
	CLIENT:	DENMAN HOUSING ASSOCIATION	PROJECT NO.:	18-13	

NOTES:
 1. Size and location of lot and buildings are approximate.
 2. This drawing is not a legal boundary survey and should be used only for wastewater reference purposes.

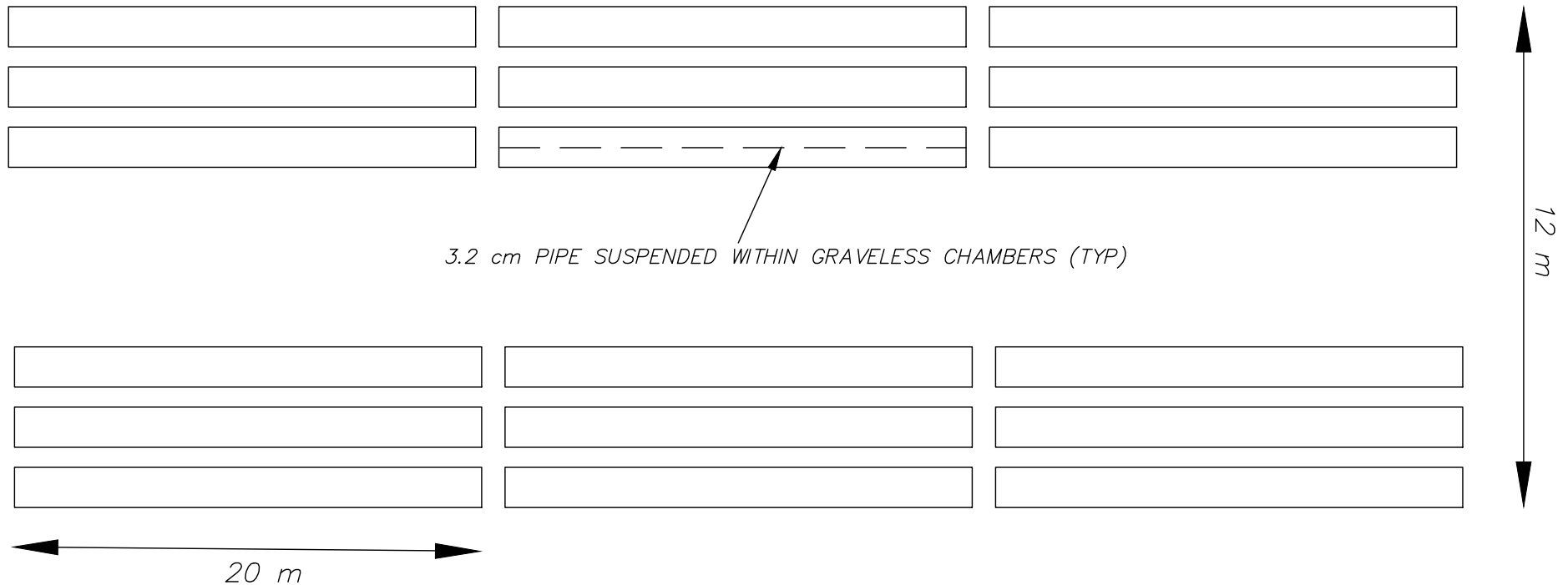


	TITLE:	SITE PLAN	DATE:	JAN 18, 2019	Windows OLE Object
			DRAWN BY:	SMC	
	PROJECT:	PRELIMINARY WASTEWATER DESIGN DENMAN GREEN	CHECKED BY:	SMC	
			SCALE:	AS SHOWN	
	CLIENT:	DENMAN HOUSING ASSOCIATION	PROJECT NO.	18-13	
					FIGURE 3

EACH FIELD

LATERALS ALIGNED GENERALLY ALONG CONTOUR LINES AS SHOWN IN FIGURE 2

18 LATERALS OF 20 METRES EACH OF GRAVELLESS CHAMBERS WITH 1.2 METRE SEPARATION



	TITLE:	PLAN VIEW OF EACH DISPERSAL FIELD	DATE:	JAN. 18, 2019	
			DESIGN BY:	SMC	
	PROJECT:	PRELIMINARY WASTEWATER DESIGN DENMAN GREEN, DENMAN ISLAND	DRAWN BY:	SMC	
	CLIENT:	DENMAN HOUSING ASSOCIATION	SCALE:	NTS	
			PROJECT NO.:	18-13	FIGURE 4

Client:	Denman Housing Association								
Date of work:	10/31/18								
Location:	SW1/4 of Section 17, Denman Island								
Logged by:	SMC								
Lot #:		Testpit #:	1	Slope %:	5	Veg: Brush/firs			
Depth (cm)		Texture	Colour	Structure	CF%	Con	Roots	Mottles	Seepage
0	5	FOR DEB	BR	N	20	L	Y	N	N
5	45	LOSA	BR	N	30	L	TO 45	N	N
45		HARD	TAN	N	N	N	N	N	N
Comments: BEDROCK ENCOUNTERED AT 45 cm									

Lot #:		Testpit #:	2	Slope %:	3	Veg: Brush			
Depth (cm)		Texture	Colour	Structure	CF%	Con	Roots	Mottles	Seepage
0	5	FOR DEB	BR	N	20	L	Y	N	N
5	45	LOSA	BR	N	35	L	TO 45	N	N
45	60	FRAC BR	TAN	N	N	N	N	N	N

Comments: BEDROCK ENCOUNTERED AT 60 cm

Lot #:		Testpit #:	3	Slope %:	5	Veg: DOUGLAS FIR			
0	5	FOR DEB	BR	N	20	L	Y	N	N
5	70	LOSA	BR	N	30	L	TO 70	N	N
70+		HARD	TAN	N	N	N	N	N	N

Comments: BEDROCK ENCOUNTERED AT 70 cm

Lot #:		Testpit #:	4	Slope %:	2	Veg: Brush			
Depth (cm)		Texture	Colour	Structure	CF%	Con	Roots	Mottles	Seepage
0	5	FOR DEB	BR	N	5		Y	N	N
5	60	LOSA	TAN	N	35	L	TO 45	N	N

Comments: BEDROCK ENCOUNTERED AT 60 cm

LOSA= LOAMY SAND

FOR DEB= FOREST DEBRIS

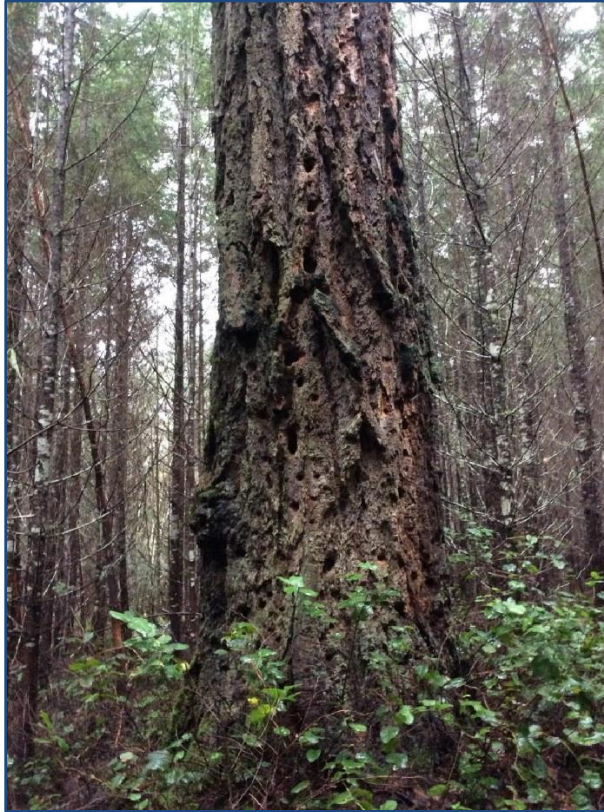
FRAC BR= FRACTURED BEDROCK

BR= BROWN

Baseline Inventory

PID 006-657-290

DENMAN ISLAND



January 2019

Prepared for:

Denman Housing Association

Prepared by:

C. Palmer, Technologist, and W. Fleenor, R.P. Bio.

Current Environmental Ltd.

558 England Avenue

Courtenay, BC V9N 2N3



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1 ACKNOWLEDGMENTS

Table 1. Project acknowledgements.

Name	Position/Affiliation	Professional Accreditation or subject expertise	Contribution
Warren Fleenor	Biologist, Current Environmental Ltd.	R.P. Bio (#1385)	Report author, QA/QC
Carly Palmer	Technologist, Current Environmental Ltd.	Environmental Technologist	Field data collection

2 PROPERTY INFORMATION

2.1 LEGAL DESCRIPTION

The property bears the PID: 006-657-290, legal description: the south west ¼ of section 17, Denman Island, Nanaimo District except that part in Plan 14174 VIP77481 and VIP87456.

2.2 PROPERTY SIZE AND SIZE OF PROPOSED SUBDIVISION

The existing lot is 29.45 hectares, and the size of the proposed subdivision is an 8.09 hectare parcel in the northeast corner of the lot (Figures 1 & 2).

2.3 PROPERTY ACCESS INFORMATION

The property is located on Denman Road, with the proposed 8.09 hectare subdivision being located in the northeast corner of the existing lot. The property can be accessed via Denman Road, across from 4770 Denman Road. Travelling from the ferry, follow Denman Road from the ferry dock, keeping right at the first intersection to stay on Denman Road. Follow Denman Road past Pickles Road. Approximately 650 m past Pickles Road is the logging road providing access to the property. The road is currently blocked by a log, but is accessible on foot.

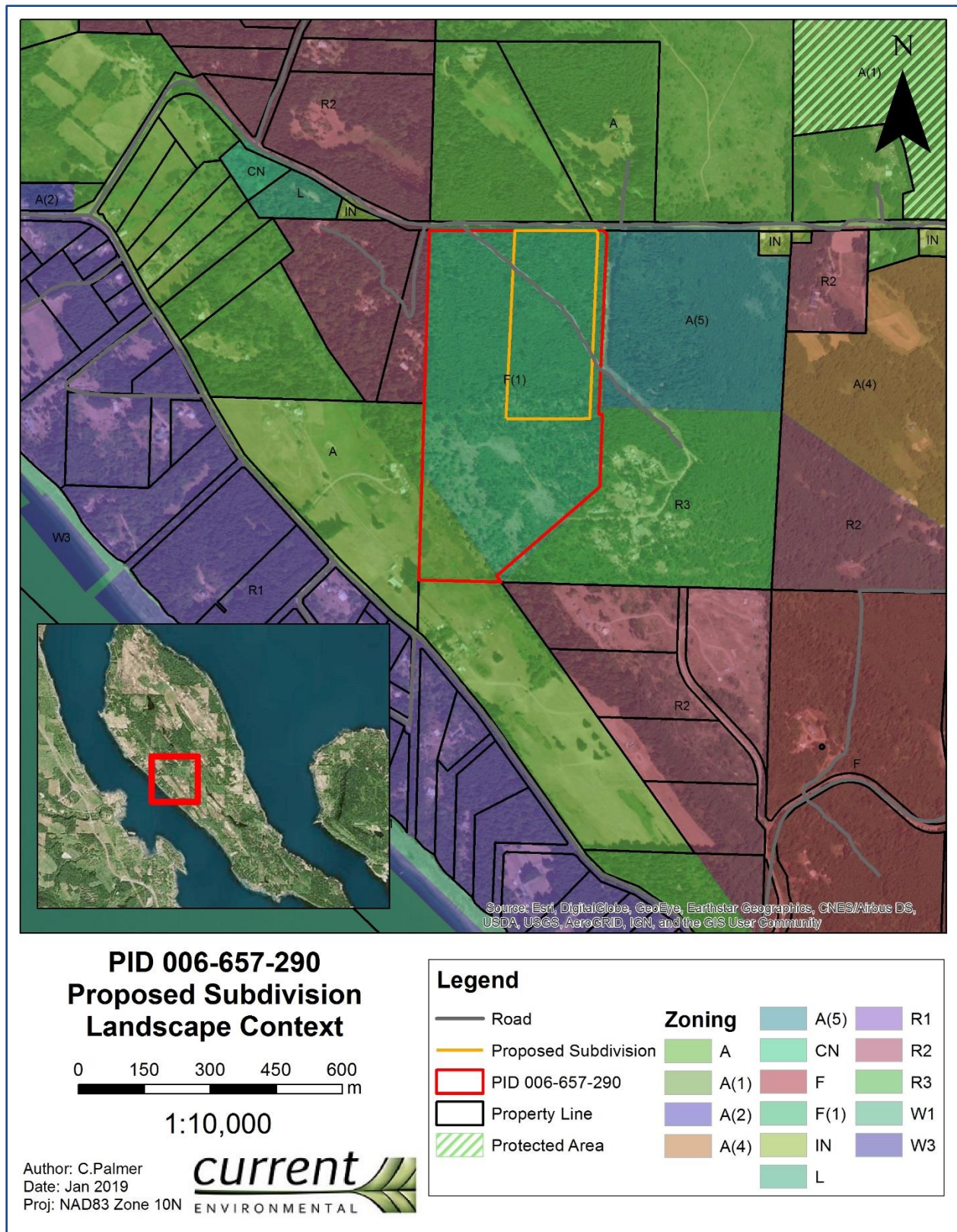


Figure 1. Map 1: Landscape context of PID 006-657-290 and proposed subdivision.

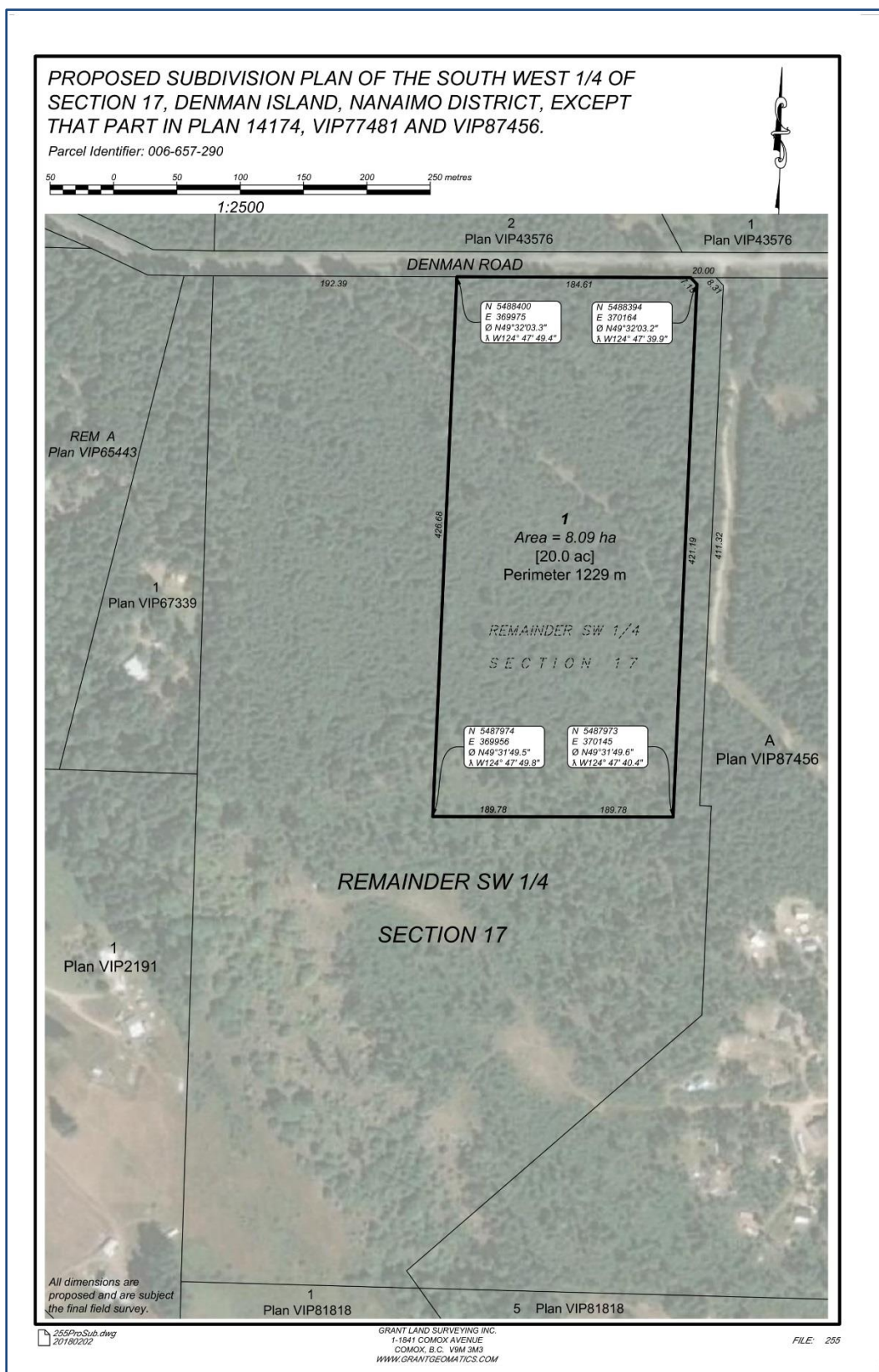


Figure 2. Surveyed plan of existing lot and proposed subdivision.

3 SIGNIFICANCE OF THE LAND AND NATURAL AMENITIES

3.1 GENERAL DESCRIPTION

The subject property is a large parcel of undeveloped, second growth coniferous forest. The lot has been historically logged, and the majority of the site replanted with Douglas-fir (*Pseudotsuga menziesii*). The existing stand is a homogenous young forest with a dense canopy and sparse understory. A small number of large veteran Douglas-firs remain on the property and are providing significant wildlife values. The land appears to be heavily used by Columbian black-tailed deer (*Odocoileus hemionus columbianus*), with scat, deer trails, and signs of browse observed throughout the property. The property has relatively straight, sloping topography with a northeast aspect. The majority of soils are the Hiller type (well-drained, coarse textured mineral soils), with a portion in the northeast corner belonging to the Royston type (poorly-drained, medium textured soils). The property is part of the De Courcy formation (Katnick & Mustard, 2001). The proposed area of subdivision is bisected by a logging road which is currently not in use. Other man-made features observed include mounds of mineral soil from previous excavations located along the road, and limited ditching to provide drainage, primarily for the road.

3.2 RARE SPECIES AND COMMUNITIES

The BC Conservation Data Center was consulted regarding occurrences of rare species and ecosystems within the subject property as there are masked occurrences within the subject region. A representative from the CDC deemed that the precise locations of masked occurrences in the region were not necessary to include in this report (K. Stipek, personal communication, January 28, 2019). The closest mapped occurrences are of two butterfly species: Edith's checkerspot, *taylori* subspecies (*Euphydryas editha taylori*) and dun skipper (*Euphyes vestris*). These occurrences are located to the north and northeast of the subject property (Figure 3). Given that the habitat requirements for these two species were not observed on the site (host plant species, including *Carex* sp., *Veronica* sp., *Plantago* sp. and *Centaureum erythraea*), it is considered to be a low probability that significant numbers of these species would occur on the subject property.

Townsend's big-eared bat (*Corynorhinus townsendii*) is also known to occur on Denman Island. There are a number of large Douglas-fir trees that could be used as night roosts by this species, and therefore it has the potential to occur on the property, although preferred forage sites are riparian areas and open old-growth forests (BC Ministry of Environment, 2019); both of which are absent from the site.

The Islands Trust Sensitive Ecosystem Mapping (SEM) identifies a red-listed ecological community on the subject property, Douglas-fir – Lodgepole pine – Arbutus woodland (CDFmm/02). The SEM shows the community occurring in a small area (approximately 2,370 m²) on the northeast corner of the lot (Figure 4). During the field assessment, the small portion of this polygon located within the property did not appear to meet the criteria for this ecosystem type; the area has been largely impacted by the close proximity of Denman Rd and historic forest harvesting.

During the field assessment, three Ecosystems at Risk were identified on the subject property: Douglas-fir - Western hemlock/salal (CWHxm1/03), Douglas-fir/dull Oregon-grape (CDFmm/01) and Western

redcedar – Douglas-fir/Oregon beaked-moss (CDFmm/05). The current provincial listing for these communities is provided in Table 2 below.

Table 2. Species and Ecosystems at Risk within the subject property.

Ecological Community Name		Status		
English	Scientific	Provincial	BC List	Global
Douglas-fir - Arbutus	<i>Pseudotsuga menziesii</i> – <i>Arbutus menziesii</i>	S2 (2004)	Red	GNR
Douglas-fir - Western hemlock / salal Dry Maritime	<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i> Dry Maritime	S2S3 (2013)	Blue	G3G4
Douglas-fir/dull Oregon-grape	<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>	S1 (2018)	Red	G2
Western redcedar – Douglas-fir/Oregon beaked-moss	<i>Thuja plicata</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oreganum</i>	S1 (2013)	Red	GNR

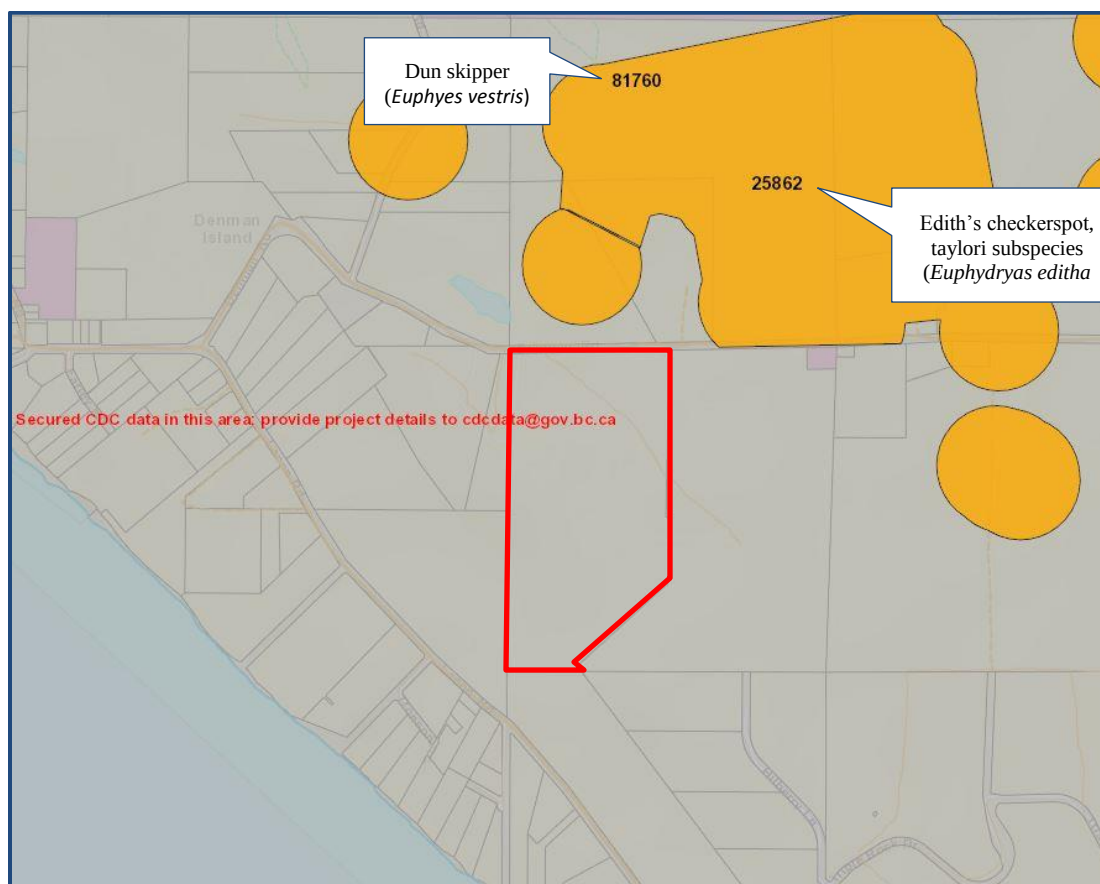


Figure 3. Species and Ecosystems at Risk in proximity to the subject property (outlined in red) recorded on the CDC iMap tool. Source: CDC iMap. URL: <http://maps.gov.bc.ca/ess/hm/cdc/>.



Figure 4. Previously mapped ecosystems at Risk identified on the subject property.

Source: Islands Trust MapIT. URL: <http://mapit.islandstrust.bc.ca/Html5Viewer/Index.html?configBase=http://mapit.islandstrust.bc.ca/Geocortex/Essentials/REST/sites/MapIT/viewers/MapIT/virtualdirectory/Resources/Config/Default&runworkflow=Startup&Proceed=Prop>

3.3 HYDROLOGICAL FEATURES

No significant hydrological features (i.e., watercourses, lakes, wetlands) are recorded on the subject property. A wetland feature is located immediately north of the subject property; it is identified as a seasonally-flooded agricultural field and is subject to the Riparian Areas Regulation (RAR). The 30 m Riparian Assessment Area (RAA), designated as Development Permit Area (DPA) No.4 within the Denman Island Official Community Plan (Bylaw No. 185), extends partially onto the northeast corner of the subject property. DPA 4 is fragmented by Denman Road (Figure 6).

No significant hydrological features were observed during the field inventory. Features were limited to a small, ephemeral pond and seasonally wetted depressions.

4 **CONDITIONS AT TIME OF DATA COLLECTION**

Table 3. Conditions at time of data collection.

Date	Activity	Conditions	Data Collector
January 18, 2019	Ecosystem inventory and mapping	Overcast, periods of light rain. Moderate winds. 6° C.	Carly Palmer

5 **REPORT METHODOLOGY**

5.1 EQUIPMENT

All surveys were conducted using the equipment listed below:

- GPS: iPad mini equipped with Avenza Maps 3.5.1
- Camera: iPad mini camera
- Compass: Suunto MC-2
- Clinometer: Suunto PM-5
- 30 m tape

5.2 METHODOLOGY

Pre-field work included an office-based analysis of current and historical aerial and satellite imagery and a review of other relevant digital mapping data, including:

- Sensitive Ecosystem Mapping (SEM);
- Terrestrial Ecosystem Mapping (TEM);
- Cadastral;
- Contours;
- Zoning and Land Use Designations;
- Agricultural Land Reserve locations;
- Critical Habitat mapping; and,
- Occurrence data for rare species and ecological communities (BC Conservation Data Centre).

Prior to conducting field work, candidate ecosystem polygons within the subject property were delineated using ArcMap 10.3.1. Ecosystem delineation was informed by examining current and historical satellite and aerial imagery, provincial soil survey maps, SEM and TEM maps, and site topography.

Ecosystem polygons were overlaid onto current satellite imagery to produce a georeferenced PDF. The PDF was then uploaded to Avenza mapping software to support field survey work.

Field assessment protocols followed methodology outlined in the *Standard for Terrestrial Ecosystem Mapping in British Columbia* (RIC, 1998). Ecosystem perimeters delineated using satellite imagery were verified in the field and updated to reflect current site conditions where necessary, with the goal of having each polygon represent a relatively homogenous ecosystem type.

One plot was surveyed per polygon, with data collected on forms adapted from provincial Ground Inspection Forms (FS212-2). Georeferenced photos were also taken at each plot location. Data collected at each plot location included:

- Vegetation lists
- Soil moisture and nutrient regime
- Slope aspect
- Structural stage
- Surface substrates and topography
- Site disturbance

Site series references are those described in *A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region* (Green and Klinka, 1994).

After field work was completed, forms and other data collected in the field were reviewed and collated. Polygon lines were revised in Arcmap where necessary. Polygon attributes were assigned to a database in Arcmap, and maps were created to display the different ecosystem types and other features present on the property.

6 LANDSCAPE CONTEXT

6.1 REGIONAL CONTEXT

The majority of PID 006-657-290 is currently zoned F(1) – Forestry, with a small portion in the southwest corner of the lot being zoned A – Agriculture and designated as Agricultural Land Reserve (ALR). The entire portion of the lot proposed for subdivision is currently zoned for forestry. The lots to the north and southeast are zoned A – Agriculture, the lot to the east is zoned A(5) – Agriculture zone variant 5, the lot to the northwest is zoned R2 – Rural Residential, and the lot to the southeast is zoned R3 – Community housing (Figure 1).

6.2 ECOLOGICAL CLASSIFICATIONS

The property is located within the Eastern Vancouver Island Ecoregion and within the Coastal Douglas-fir Moist Maritime (CDFmm) biogeoclimatic zone. This area lies in the rainshadow of the Vancouver Island and Olympic mountain ranges. Ecosystems within this zone are under significant pressure from development, and this zone is home to the highest number of at-risk species and ecosystems in BC.

Denman Island is located at the northwestern extent of the CDFmm zone; land on Vancouver Island to the west is within the Coastal Western Hemlock very dry maritime subzone eastern variant (CWHxm1). Being on the edge of the CDFmm biogeoclimatic zone, some ecosystem types within this area are more reflective of those commonly found in the CWHxm1 zone.

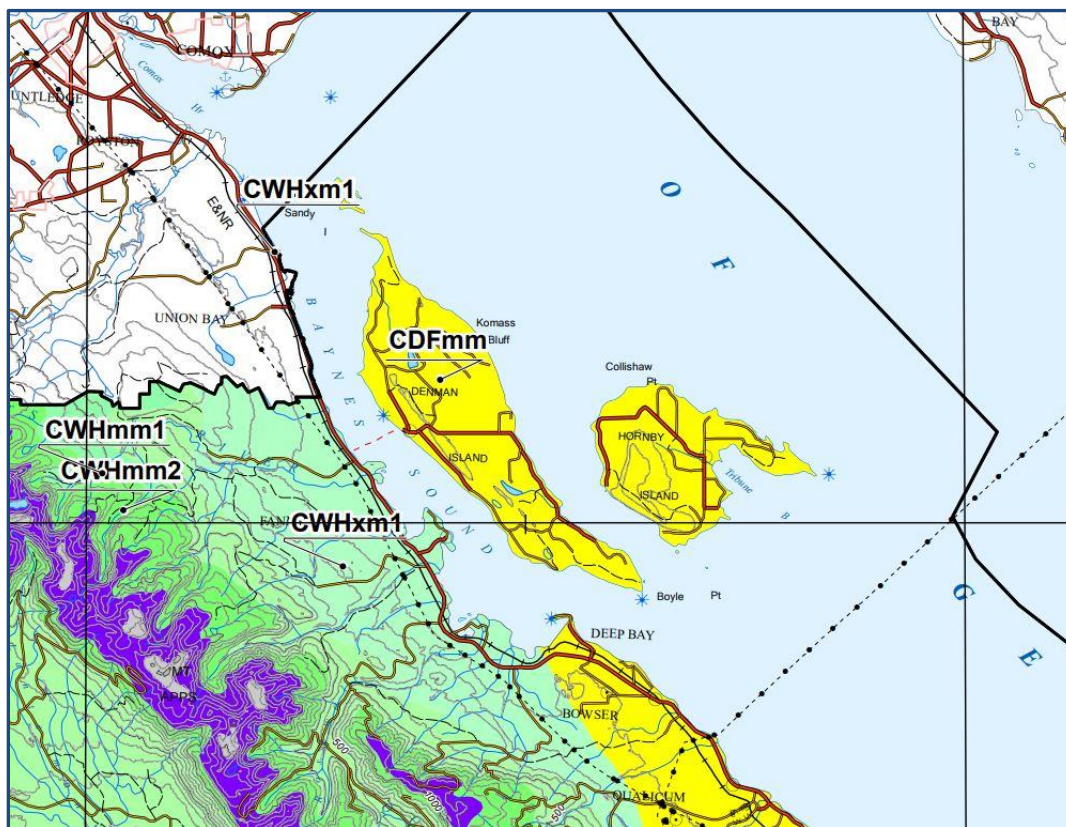


Figure 5. Biogeoclimatic zones and subzones of Denman Island and surrounding areas.

Source: ftp://ftp.for.gov.bc.ca/HRE/external/publish/becmaps/PaperMaps/field/DSI_SouthIslandResourceDistrict_SouthCoastRegion_field.pdf.

6.3 CLIMATE

The subject region is characterized by mild, rainy winters and warm, dry summers. Average daily minimum temperatures remain above 0° C (Meidinger & Pojar, 1991).

Projected changes to the climate of the region include an overall annual increase in precipitation, with increased rainfall in the winter months and decreased rainfall in the summer. Annual temperatures are expected to increase in the region, and annual snowfall is expected to decrease (Pacific Climate Impacts Consortium, 2018).

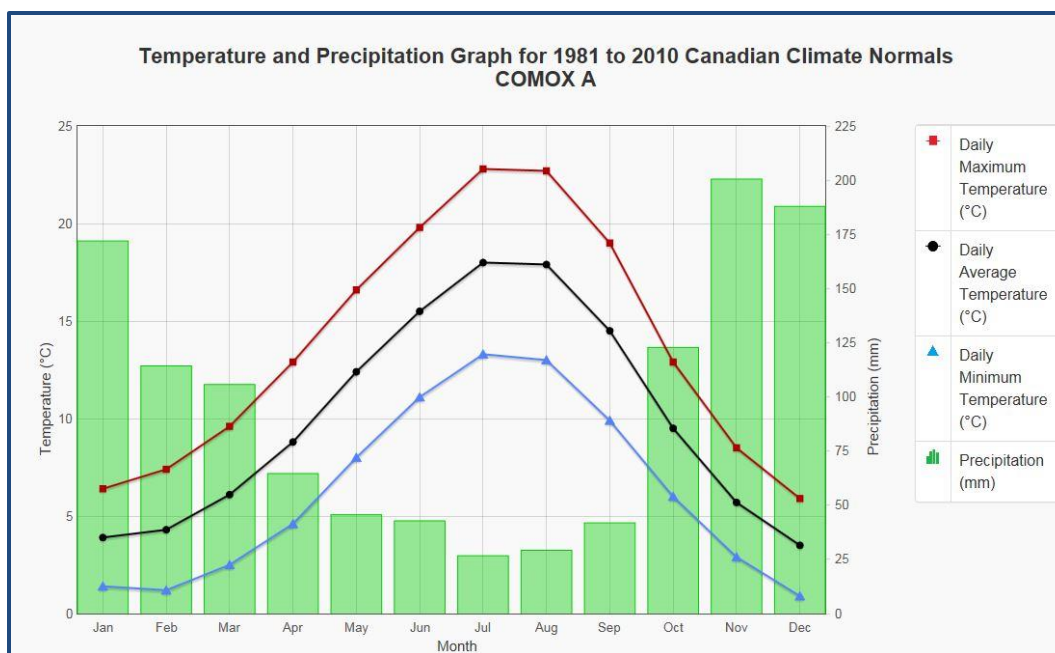


Figure 6. 1981 to 2010 Climate Normals for Comox Weather Station. Obtained from:
http://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?stnID=155&autofwd=1

7 SITE HISTORY

7.1 FIRST NATIONS USE

Denman Island is within the territories of the Coast Salish and Kwakwaka'wakw groups, including the K'ómoks, Pentlatch, Sliammon, and Qualicum peoples. Denman was used as a summer village site. Although there are no recorded archaeological sites on the subject property, it is likely that the site would have been used for some type of resource harvesting (e.g., Western redcedar bark).

7.2 POST-COLONIZATION USE

Given its slope and nutrient-poor soils, it is unlikely that the site was ever used for agriculture. There is no evidence of historical development, and it appears that the primary land use within the subject property post-colonization was forestry.

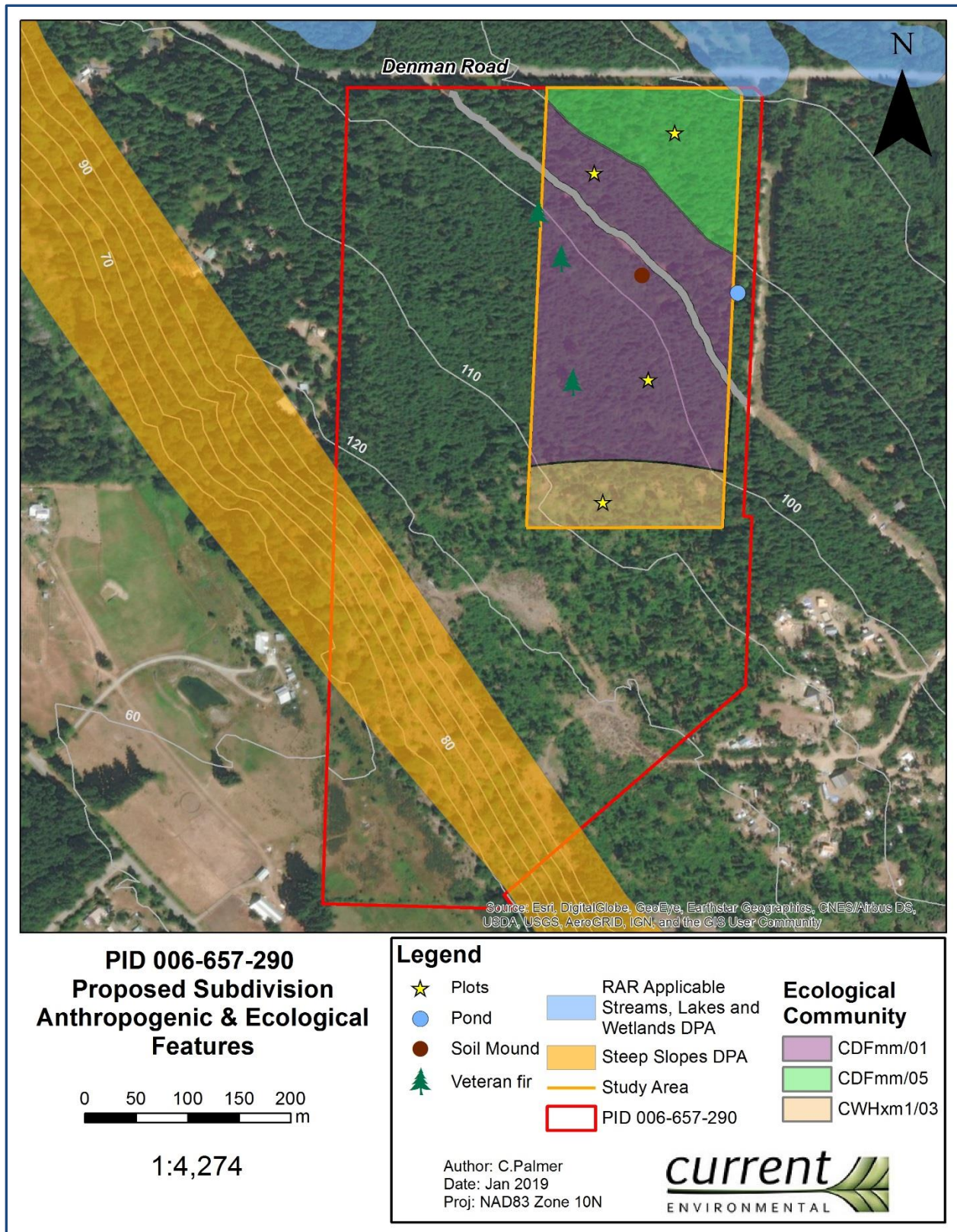


Figure 7. Map 2 - Anthropogenic and Natural Features on the subject property.

8 ANTHROPOGENIC FEATURES

8.1 BUILDINGS AND STRUCTURES

There are currently no buildings or structures on the subject property.

8.2 LAND MODIFICATIONS

Table 4. Land modification observed on the subject property.

Anthropogenic Feature	Description	Condition	Photopoint Location
Road	Gravel road, likely a historic logging road. Currently not in use. Ditches run along either side.	4 m average cleared width	P1, Map 3
Mounded mineral soil	Large mounds of mineral soil, likely created during road and ditch construction.	Surface covered with weedy species	P3, Map 3

8.3 ARCHAEOLOGICAL SITES

There are no recorded archaeological sites on the subject property. The closest recorded site is approximately 500 m to the southwest at the end of the Tronson Road right-of-way on the shoreline (Baseline Archaeology, personal communication, January 28, 2019).

9 INVENTORY BY ECOLOGICAL COMMUNITY

Table 5. Ecological inventory summary form, Polygon 1.

Polygon ID	1							
Ecological Community	Douglas-fir – Western hemlock/salal (<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i>)							
Classification	CWHxm1/03							
Structural Stage	Young forest							
Status (BC List)	Blue							
Photopoint(s)	P9 – P12							
Ecological Community Description	Second-growth coniferous forest with an open canopy of Western hemlock (<i>Tsuga heterophylla</i>) and Western redcedar (<i>Thuja plicata</i>). Understory dominated by salal (<i>Gaultheria shallon</i>) and Western hemlock, with some Douglas-fir regeneration. Patches of dull Oregon-grape (<i>Mahonia nervosa</i>) and some Scotch broom (<i>Cytisus scoparius</i>) individuals observed outside of the plot area. Small patches of moss and lichens present where salal cover is absent. Bracken fern present in open areas.							
Disturbance Notes	Historically logged as evidenced by Douglas-fir stumps. Does not appear to have been replanted. Signs of heavy use by Columbian black-tailed deer.							
Anticipated Change/Succession	Deer grazing and climate change may limit recruitment of Western redcedar. Douglas-fir is likely to re-establish as dominant canopy species if left undisturbed.							
Wildlife Observations	- Northern Pacific tree frog (<i>Pseudacris regilla</i>) – auditory observation - Red squirrel (<i>Tamiasciurus hudsonicus</i>) – auditory observation - Common raven (<i>Corvus corax</i>) – auditory observation - Columbian black-tailed deer – indirect observation (browse, scat)							
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Tsuga heterophylla</i> (Western hemlock)	5	1	15	30				
<i>Thuja plicata</i> (Western redcedar)	3	3						
<i>Pseudotsuga menziesii</i> (Douglas-fir)			5	5				
<i>Vaccinium parvifolium</i> (red huckleberry)				1				
<i>Gaultheria shallon</i> (salal)				50				
<i>Arbutus menziesii</i> (Arbutus)				<1				
<i>Linnaea borealis</i> (twinflower)					1			
<i>Pteridium aquilinum</i> (bracken fern)					1			
<i>Polystichum munitum</i> (sword fern)					<1			
<i>Cladonia macilenta</i> (Lipstick cladonia)						<1		
<i>Polytrichum juniperinum</i> (Juniper haircap moss)						<1		
<i>Rhytidiadelphus loreus</i> (Lanky moss)						<1		
<i>Eurynchium oreganum</i> (Oregon beaked-moss)						<1		

Table 6. Ecological inventory summary form, Polygon 2.

Polygon ID	2							
Ecological Community	Douglas-fir/dull Oregon-grape							
Classification	CDFmm/01							
Structural Stage	Young forest							
Status (BC List)	Red							
Photopoint(s)	P13 – P16							
Ecological Community Description	Second-growth Douglas-fir plantation. Even-aged stand located mid-slope. Dense canopy with shaded, sparse understory of dull Oregon-grape, salal and sword fern (<i>Polystichum munitum</i>). Located mid-slope on well-drained, coarse, nutrient poor soils.							
Disturbance Notes	Historically logged and replanted with Douglas-fir.							
Anticipated Change/Succession	The dense Douglas-fir canopy is limiting recruitment of understory species, resulting in a relatively low diversity of plant species. Diversity will likely improve as canopy trees die back, becoming more reflective of the typical species assemblage for this site series. Deer browse may restrict recruitment of some species, particularly arbutus and Western redcedar.							
Wildlife Observations								
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	60							
<i>Vaccinium parvifolium</i> (red huckleberry)				<1				
<i>Gaultheria shallon</i> (salal)				3				
<i>Arbutus menziesii</i> (Arbutus)								
<i>Linnaea borealis</i> (twinflower)								
<i>Mahonia nervosa</i> (dull Oregon-grape)				5				
<i>Polystichum munitum</i> (sword fern)					2			
<i>Eurynchium oregonum</i> (Oregon beaked moss)						15		
<i>Hylocomium splendens</i> (step moss)						5		

Table 7. Ecological inventory summary form, Polygon 3.

Polygon ID	3							
Ecological Community	Western redcedar-Douglas-fir/Oregon beaked-moss							
Classification	CDFmm/05							
Structural Stage	Young forest							
Status (BC List)	Red							
Photopoint(s)	P17 – P20							
Ecological Community Description	Second-growth Douglas-fir plantation. Even-aged stand located at the toe of an escarpment. Dense canopy with shaded, sparse understory of sword fern, dull Oregon-grape, and red huckleberry (<i>Vaccinium parvifolium</i>). Nutrient-poor moist soils.							
Disturbance Notes	Historically logged and replanted with Douglas-fir. Western redcedar stumps scattered throughout the site.							
Anticipated Change/Succession	The dense Douglas-fir canopy is limiting recruitment of understory species, resulting in a relatively low diversity of plant species. Some Western redcedar are present in the understory, and will likely become codominant in the canopy. Deer browse may restrict recruitment of Western redcedar.							
Wildlife Observations	Large thatch ant (<i>Formica</i> sp.) mound observed outside of plot							
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	60							
<i>Thuja plicata</i> (Western redcedar)		1	3	1				
<i>Vaccinium parvifolium</i> (red huckleberry)				<1				
<i>Mahonia nervosa</i> (dull Oregon-grape)				7				
<i>Polystichum munitum</i> (sword fern)					3			
(Oregon beaked moss)						15		
(step moss)						7		

Table 8. Ecological inventory summary form, Polygon 4.

Polygon ID	4							
Ecological Community	Douglas-fir/dull Oregon-grape							
Classification	CDFmm/01							
Structural Stage	Young forest							
Status (BC List)	Red							
Photopoint(s)	P21 – P24							
Ecological Community Description	Second-growth Douglas-fir plantation with some arbutus and Western redcedar regeneration. Understory dominated by salal, with patches of sword fern and dull Oregon-grape.							
Disturbance Notes	Historically logged and replanted with Douglas-fir. Located immediately downslope of a logging road.							
Anticipated Change/Succession	Continued recruitment of arbutus is expected, although deer browse may be a limiting factor. Western redcedar appears to be in decline on the site, possibly due to drought.							
Wildlife Observations								
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	40							
<i>Arbutus menziesii</i> (Arbutus)		2	1					Some dead/dying Arbutus within the plot
<i>Thuja plicata</i> (Western redcedar)		2	5					Many of the cedar within the plot are dead/dying
<i>Vaccinium parvifolium</i> (red huckleberry)				1				
<i>Gaultheria shallon</i> (salal)				15				
<i>Mahonia nervosa</i> (dull Oregon-grape)				5				
<i>Polystichum munitum</i> (sword fern)					2			
<i>Eurhynchium oregonum</i> (Oregon beaked moss)						5		
<i>Hylocomium splendens</i> (step moss)						20		

10 **MAPS**

Map 1 – Landscape context map – pg. 2

Map 2 – Anthropogenic and natural features map – pg. 11

Map 3 – Photopoint map – pg. 20

11 PHOTOS**Table 9. List of photopoints.**

Photo Point	Location (UTM Coordinates)	Direction	Photographer	Date (YYYY-MM-DD)	Description
Anthropogenic Features as noted on Map 2					
P1	370146, 5488120	317°	Carly Palmer	2019-01-18	Gravel logging road. Approximately 4 m cleared width.
P2	370079, 5488220	186°	Carly Palmer	2019-01-18	Plastic tree protector at the base of a Douglas-fir.
P3	370067, 5488217	200°	Carly Palmer	2019-01-18	Mineral soil mound.
Natural features as noted on Map 2					
P4	370042, 5488213				Deer scat found on trail.
P5	370042, 5488213	60°	Carly Palmer	2019-01-18	Animal trail – likely deer.
P6	369989, 5488234	170°	Carly Palmer	2019-01-18	Veteran Douglas-fir. Approximately 1.8 m DBH.
P7	369989, 5488234	170°	Carly Palmer	2019-01-18	Veteran Douglas-fir. Approximately 1.8 m DBH.
P8	369989, 5488234	20°	Carly Palmer	2019-01-18	Wildlife cavities in Veteran Douglas-fir
P9	370029, 5487997	0°	Carly Palmer	2019-01-18	Plot 1 representative photo.
P10	370029, 5487997	90°	Carly Palmer	2019-01-18	Plot 1 representative photo.
P11	370029, 5487997	180°	Carly Palmer	2019-01-18	Plot 1 representative photo.
P12	370029, 5487997	270°	Carly Palmer	2019-01-18	Plot 1 representative photo.
P13	370073, 5488116	0°	Carly Palmer	2019-01-18	Plot 2 representative photo.
P14	370073, 5488116	90°	Carly Palmer	2019-01-18	Plot 2 representative photo.
P15	370073, 5488116	180°	Carly Palmer	2019-01-18	Plot 2 representative photo.
P16	370073, 5488116	270°	Carly Palmer	2019-01-18	Plot 2 representative photo.
P17	370099, 5488356	0°	Carly Palmer	2019-01-18	Plot 3 representative photo.
P18	370099, 5488356	90°	Carly Palmer	2019-01-18	Plot 3 representative photo.
P19	370099, 5488356	180°	Carly Palmer	2019-01-18	Plot 3 representative photo.

P20	370099, 5488356	270°	Carly Palmer	2019-01-18	Plot 3 representative photo.
P21	370021, 5488317	0°	Carly Palmer	2019-01-18	Plot 4 representative photo.
P22	370021, 5488317	90°	Carly Palmer	2019-01-18	Plot 4 representative photo.
P23	370021, 5488317	180°	Carly Palmer	2019-01-18	Plot 4 representative photo.
P24	370021, 5488317	270°	Carly Palmer	2019-01-18	Plot 4 representative photo.
P25	369966, 5488277	120°	Carly Palmer	2019-01-18	Veteran Douglas-fir. Approximately 1.7 m DBH.
P26	370000, 5488113	275°	Carly Palmer	2019-01-18	Veteran Douglas-fir. Approximately 1.2 m DBH.
P27	370160, 5488201	103°	Carly Palmer	2019-01-18	Ephemeral pond.
P28	370083, 5488140	n/a	Carly Palmer	2019-01-18	Evidence of squirrel use – fir cone scales.
P29	370138, 5488287	20°	Carly Palmer	2019-01-18	Large thatch ant (<i>Formica</i> sp.) mound.
P30	370058, 5488349	210°	Carly Palmer	2019-01-18	Escarpment running through the northeast corner of the property.

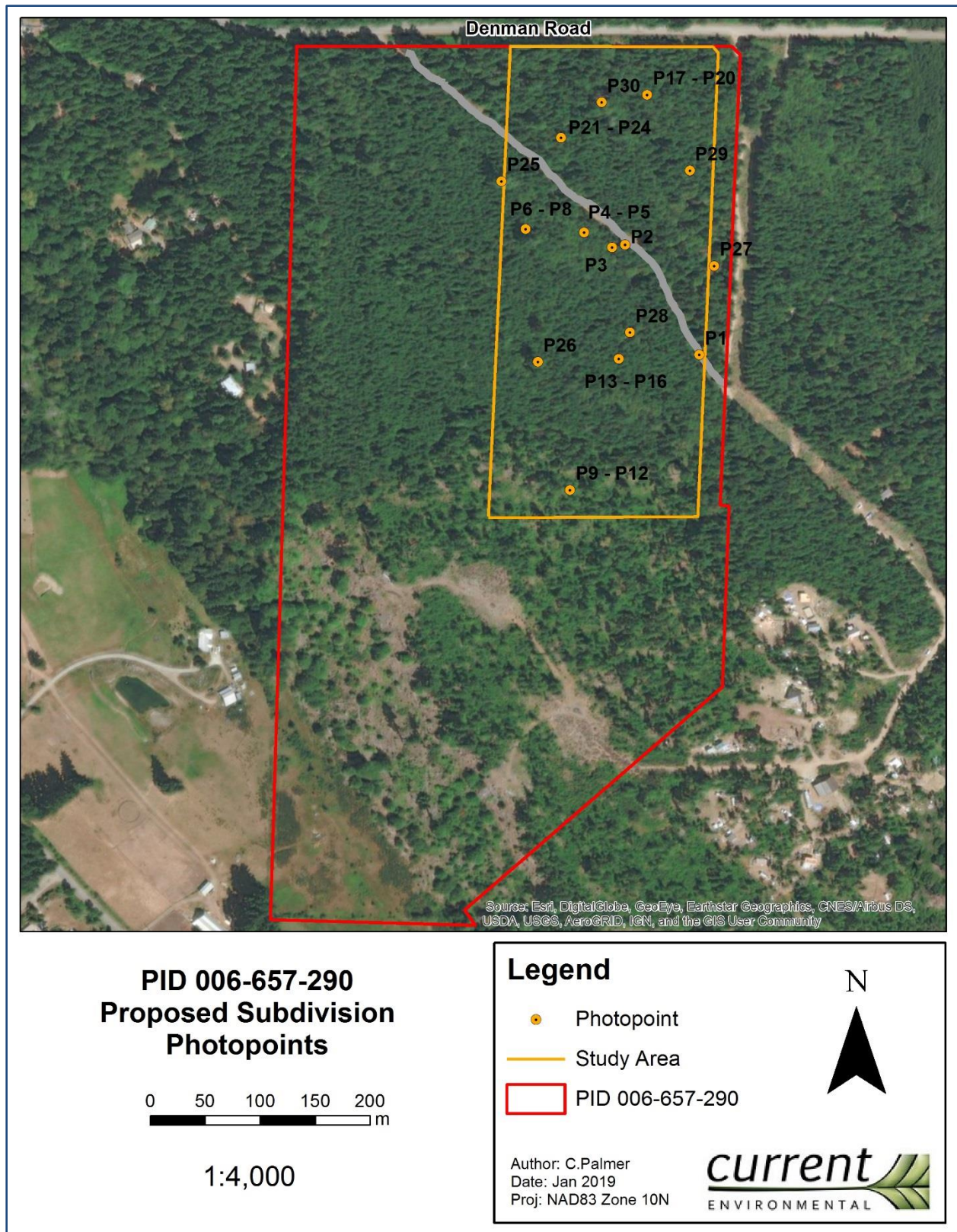


Figure 8. Map 3: Photopoints taken during the assessment.

12 CONCLUSION

Ecosystems on the subject property have a relatively low species diversity due to the history of logging and reforestation. Focal ecosystems observed during the assessment include:

- Douglas-fir – Western hemlock/salal: A provincially blue-listed forest ecosystem.
- Douglas-fir/dull Oregon-grape: A provincially red-listed forest ecosystem
- Wester redcedar – Douglas-fir/Oregon beaked-moss: A provincially red-listed forest ecosystem

There is currently no legislated protection for Species or Ecosystems at Risk on private land, and therefore these ecosystems are afforded no legal protection.

A Riparian Assessment Area (RAA) was identified in a small portion of the northeast corner of the subject property. The RAA is currently bisected by Denman Road, and therefore the portion on the subject property is not a functional riparian buffer for the wetland (located north of Denman Road). A Riparian Areas Regulation (RAR) Assessment was not conducted as a part of this inventory, however should development be proposed within the RAA a full RAR assessment may be required.

Other notable ecological features include several veteran Douglas-fir trees which are providing significant wildlife values (perching, nesting and forage habitat). The site also appears to be heavily used by Columbian black-tailed deer.

13 DISCLAIMER

This report was prepared exclusively for the Denman Housing Association by Current Environmental Ltd. The quality of information, conclusions and estimates contained herein is consistent with the level of effort expended and is based on: i) information available at the time of preparation; ii) data collected by the authors and/or supplied by outside sources; and iii) the assumptions, conditions and qualifications set forth in this report. This report is intended to be used by the Denman Housing Association only, subject to the terms and conditions of its contract or understanding with Current Environmental Ltd. Other use or reliance on this report by any third party is at that party's sole risk.

We trust this assessment has satisfied your requirements. Please contact the undersigned if you have any queries.



Warren Fleenor, R.P.Bio.

& Carly Palmer, Dipl. Tech.

14 **WORKS CITED**

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February 12th, 2019

Simon Palmer

Denman Housing Association

3720 East Road, Denman Island, B.C V0R 1T0

RE: Feasibility of rainwater self-sufficiency for the proposed Denman Green affordable housing rental units

This study is to verify the feasibility of using rainwater as the sole water source for the proposed 20 residential units with an estimated maximum population of 49 people on a 20 Acre site located on Denman Island, BC.

After reviewing the material and proposed plans it is our professional opinion that it is feasible to design a system with sufficiently large water catchment areas and storage capacity to satisfy 100% of the indoor potable water demand for this affordable housing project.

To support this conclusion the following addresses four key questions:

1. What is a reasonable assumption of potable water for indoor use per capita?
2. What amount of roof/collection area will be large enough to supply sufficient water to meet these levels of demand?
3. Will the RWH system provide safe, high quality water with a minimum of maintenance?
4. How will the system meet demand as climate change projections signal longer dry summers & shorter but wetter winters?

Indoor Potable Water Demand

The experience and research of the Rainwater Connection indicates that indoor water demand has been declining over the past 15 years. This is due to an increased awareness of water conservation among the general population; a rise in water rates in many jurisdictions and a consequent higher commitment to spend more for water conserving fixtures - as well as the increased efficiency of these fixtures.

User rates in some municipalities are estimated to have fallen to as low as 163L (36 imp gal [IG]) per capita. In households that are heavily committed to water conservation, and are living in newly constructed houses, per capita use has fallen to a range of 114-136 L per person per day (25-30 imp. gal).

Public Water Systems

Cities and Districts with water conservation programs report significantly reduced indoor water demand in existing households.

The Regional District of Nanaimo (RDN) water services reported that water use in single family homes in 7 of the Water Districts they operate had declined 31% from 2004 to 2017. Since 2011, winter water use (from Sept-April) averaged 424 litres (93 IG) per day per connection (plus or minus seven percent). Assuming 2.4 persons per connection or household the estimated per capita winter water use would be 176L or 39 IG per person per day – and this includes system leaks; some winter outdoor use, and a number of older homes without modern water conserving fixtures.

Source: 2018 Water Conservation Evaluation in RDNWSA's

The City of Guelph in Ontario (another leader in water conservation incentives) estimate 2017 average water use for all of their low, medium and high-density housing units at 163L (36 IG) per person per day – and that is total indoor and outdoor demand.

The City of Guelph has estimated that water efficient households using rainwater for all of their toilet and outdoor water requirements could consume as little as 112L (25gal)/person/day.

Source: City of Guelph, Water Conservation Efficiency Strategy, 2009 (sourced from American water Works Association, Region of Durham)

Water Consumption in Rainwater Collecting Households

Information compiled by the Rainwater Connection from more than 100 client households relying on rainwater for their daily indoor water supply testifies to lower water use levels than the general population. In addition to a heightened sense of water conservation in rainwater dependent households, the high cost of water storage facilities provides a financial incentive to spend more on reducing demand through purchasing the most efficient water saving fixtures.

On average, Rainwater Connection clients use a demand figure of 136L (30 IG) when deciding upon a comfortable amount of storage to see them through the dry summers. Most report that they were intentionally conservative in their estimates and that their actual indoor water use was significantly lower. Those with disciplined water conserving habits and “high end” water saving appliances report demand levels closer to 118L (26 IG) per person per day.

Typical Indoor Water Uses

Technological advances in water conserving devices are a major contributor to the lower water demand figures - especially for newly built homes.

The proportion of different water uses in a home has changed as the efficiency of different fixtures has changed. This study uses proportion figures from a *Consumer Reports* study in the US because it included leaks which many other studies ignore. The 14% loss due to leaks in existing homes has been reduced to 4% to better represent new construction.

Water consumption in a house is broken down into 5 categories.

Toilets	28%
Laundry	25%
Bath/shower	21%
Faucets	22% (Includes kitchen sinks, drinking, dishwashers & cleaning)
Leaks	4%

Toilets:

Low flow dual flush toilets use 3 or 6 litres (0.65 - 1.3 gal) of water per flush. The new standard for some single flush vacuum assist toilets (e.g. Gerber) is 5.0L (1.1 gal) per flush.

Laundry:

In general, the new Top load washers use 135-182 L (30-40 gal) per load. The new Front Load washers use between 45-110 L (10-24 gal.) per load depending on brand and cycle (e.g. dual rinse).

ENERGY STAR states that on average, an ENERGY STAR certified washer uses 13 gallons of water per load, compared to the 23 gallons used by a standard machine.

A recent publication by Consumer Reports reported that “As a group, front-loaders are the most water-efficient washing machines in our tests, scoring a Very Good or an Excellent in this test. The Whirlpool WFW85HEFW, \$810, scored an Excellent, using 7 gallons to wash our test load, and did a very good job cleaning.”

(<https://www.consumerreports.org/washing-machines/yes-your-washing-machine-is-using-enough-water/>)

Some of the most efficient machines have built-in water recycling capabilities; storing the rinse water from the previous load to supply wash water in the subsequent load, and using less than 2.5 gallons per pound (9.5 L) of fabric..

HE washers with impellers are designed to provide a thorough clean with less water. The most efficient washers that are used in many commercial coin laundries use only 19L (4.2 gal) per cu ft of capacity.

Bath/Shower:

The new standard of water saving showerheads is 7.4 L (1.6 gal) per minute.

Premium version showerheads advertise rates as low as 5.7 L (1.25 gal) per minute - reducing the water used in a 6-minute shower to 34L (7.5 gal).

On demand water heaters and adapters to hot water tanks reduce the amount of cold water that is wasted at the beginning of a shower.

Faucets:

Flow regulators have reduced water use to 6.5L (1.4 gal) per min

Faucet Aerators reduce that to 4.5 L (1.0 gal) per minute.

Modern dishwashers use less water than hand washing – many as low as 25 L (5.5 gal) per load.

Conclusions: indoor water demand

Data shows that a reasonable demand figure for a water conserving household is 136L/person/day or 30 Imperial gallons. This figure assumes virtually no loss from water leaks due to water metering and follow up monitoring. It also assumes an equal monthly demand assuming that days away from home are offset by days with visitors. It does not include water for any outdoor use such as cleaning which will be supplied by a proposed lined pond.

The 30 IG per capita daily use will be reduced by 25% (34L or 7.5IG) as the common laundry building will have its own dedicated water catchment system from the roof of the 840 SQ' common building & 4000 SQ' Solar array.

This would reduce the per capita use of potable water to 102L or 22.5 IG.

The total of 30 IG/person/day will also be reduced by a further 28% as composting toilets will be utilized. **Net water demand per capita, after deductions for the common laundry facility (with separate water source) and composting/incinerating toilets mentioned above, is therefore a reduction of 53% which equals a total net use of 64L or 14.1 IG/person/day.**

Roof collection area required.

The next step in determining the feasibility of rainwater self-sufficiency is to compare water demand to supply - i.e. the amount of rainwater that can be collected during the winter months and stored for use throughout the year. Given our wet winters and dry summers a monthly water balance table is used to determine if the water storage tanks can fill up during the winter rains and retain sufficient water to meet household demand during the dry summer months.

Monthly water balance tables based on 14.1 IG/person/day were run for Denman Green. These tables include 1- bed, 2-bed & 3-bed rental units plus a common laundry building that has an additional Solar array catchment area.

The tables attached are based on:

- Average precipitation data from the nearby weather Station (11 years of data)
- A rain collection efficiency reflecting relatively high catchment rates associated with metal roofs, but low catchment in March and April when the collection

system is shut down during pollen season, and the system components cleaned when the pollen has stopped.

- Cistern sizing to store the maximum volume collected, thus providing a buffer to meet day to day fluctuations in use as well as predicted longer drier summers and more intense wetter winters - see below
- An equal monthly demand that assumes that days away from the home are offset by days with visitors.
- It should be noted that additional collection & storage elements can be added in future years as required.

➤

In summary:

The water balance tables clearly show that with the use of composting toilets and a common laundry the potable water needs of the individual 1, 2 and 3 bed units can be met from their own roof catchment areas, stored in their own dedicated cisterns before being treated by a Point of Entry system in each dwelling.

Future climate change projections and allowances required for exceeding 120 days water storage

(Reference CRD climate study 2017)

Projections indicate that our region will experience a modest increase in total annual precipitation of 5% by the 2050s, the increase in precipitation will be distributed unevenly over the seasons.

In our region, most precipitation occurs during the winter months, and this will continue to occur in the future. The largest percentage increase in rainfall will occur in the fall season, increasing 11% by the 2050s. This precipitation is expected during increasingly extreme events, with about 31% more precipitation on very wet days and 68% more on extremely wet days.

Winter and spring precipitation are both projected to increase as well.

Summer, already our region's driest season, is projected to experience a precipitation decline of 8% in the 2020's to 18% by the 2050s.

Dry spells are a measure of the number of consecutive days where daily precipitation is less than 1 mm. The past average longest period of consecutive days without rain (under 1 mm) in our region is 25 days. Dry spells on average are expected to increase to 30 days by the 2050s.

Summary of Climate Change for Nanaimo in the 2020s

Climate Variable	Season	Projected Change from 1961-1990 Baseline	
		Ensemble Median	Range (10th to 90th percentile)
Mean Temperature (°C)	Annual	+0.9 °C	+0.4 °C to +1.3 °C
Precipitation (%)	Annual	+3%	-2% to +7%
	Summer	-8%	-19% to +9%
	Winter	+2%	-3% to +9%
Snowfall* (%)	Winter	-24%	-46% to -5%
	Spring	-31%	-62% to -6%
Growing Degree Days* (degree days)	Annual	+228 degree days	+108 to +321 degree days
Heating Degree Days* (degree days)	Annual	-316 degree days	-441 to -148 degree days
Frost-Free Days* (days)	Annual	+10 days	+4 to +16 days

Summary of Climate Change for Nanaimo in the 2050s

Climate Variable	Season	Projected Change from 1961-1990 Baseline	
		Ensemble Median	Range (10th to 90th percentile)
Mean Temperature (°C)	Annual	+1.6 °C	+1.0 °C to +2.4 °C
Precipitation (%)	Annual	+6%	-2% to +12%
	Summer	-18%	-28% to +1%
	Winter	+5%	-4% to +15%
Snowfall* (%)	Winter	-39%	-59% to -21%
	Spring	-54%	-72% to -18%

Growing Degree Days* (degree days)	Annual	+422 degree days	+244 to +622 degree days
Heating Degree Days* (degree days)	Annual	-547 degree days	-774 to -324 degree days
Frost-Free Days* (days)	Annual	+17 days	+11 to +25 days

Reference tables: plan2adapt, Pacific Climate Impact Consortium (PCIC)

When sizing a cistern for each rental unit, the water balance tables show that no rainfall will be collected between June, July and August. This has been done to illustrate that the cistern size that is chosen will supply the projected demand through current dry periods and allow for future extended dry periods.

Assurances of Quality Water

In a residential development such as the Denman Green affordable housing project it is straightforward to put procedures and practices in place that assure a safe quality of water - both during construction and as the systems are maintained over time. These are not new or untested procedures.

The rain harvest system will adhere to the same design, building and maintenance standards that the Rainwater Connection has incorporated into hundreds of potable roof-to-tap water systems over the past 18 years. Many of these required an Engineer's seal to certify that the potable water would meet the Canadian Drinking Water Standards. The characteristics of these systems can be summarized as follows:

- All materials used are CSA or NSF 61 approved for potable water use. This includes collection piping, tank (cistern) interior, pumps/float switches etc.
- A Water safety plan (WSP) is provided that is site specific.
- All piping and components such as overflows are sized to meet the plumbing code hydraulic loads, and are vector proofed.
- All electrical components conform with the appropriate standards for electrical installations close to or within water (e.g. float switches and power supply grounding for pumps).
- The roof top rainwater is filtered to remove all particles larger than 500 microns before it enters the cistern. This is the internationally recognized standard to ensure the stored water will remain fresh for extended periods of storage. This begins with surgical stainless-steel mesh gutter covers and pre-storage filters.
- A First Flush Diverter (FFD) is used to reject a minimum of the first 0.5mm of each rain event to reduce the concentrations of air borne toxins dissolved in the water and tannins from gutter debris.
- Water Purification Equipment is provided at the Point of Entry to provide two barriers of protection from bacteria, cysts (giardia) and viruses. This is a higher

standard than provided by many public water utilities. Class A UV units will be installed that will include an alarm and solenoid to shut the water off when servicing is required.

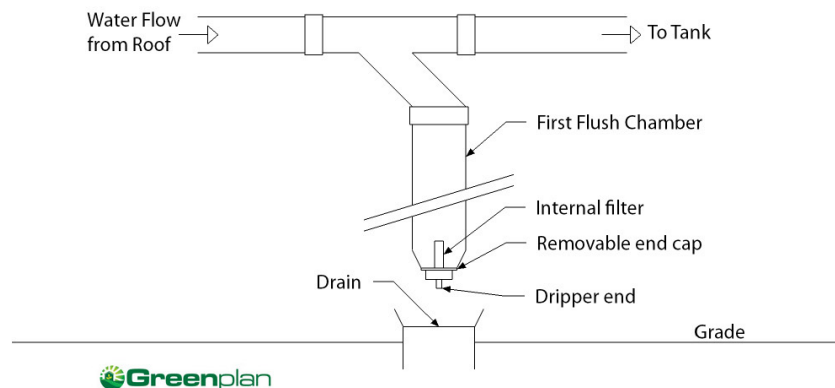
- All water safety plans will be reviewed by an Engineer before the start of construction, and at completion.
- As-built photos and alterations to the Building Plan are provided.
- A 15 - 20 Page Owner's Operation and Maintenance Manual is prepared for the owner including as-built photos, system description, detailed operation/maintenance instructions and a Maintenance Checklist.
- A tour with owner and the maintenance person responsible for the on-going maintenance and cleaning is carried out.
- Help is provided to undertake a water sample for testing prior to use of the water system. The testing is done by a qualified lab and includes test parameters similar to the standard drinking water analysis for BC. This includes bacteria, TDS, UVT, PH, turbidity, and a standard metals scan.
- The Owner's Manual emphasizes the maintenance required of the water disinfection equipment and the frequency of on-going water testing.

The overseeing of ongoing maintenance by the dedicated caretaker further strengthens the assurance of a reliable high quality potable water supply.

For example:

- ✓ Establishment of caretaker management & budgets for the provision of regular cleaning and maintenance of RWH system components (from roof and gutter cleaning to water disinfection equipment)
- ✓ Capital replacement budgets for equipment
- ✓ Monitoring of metered water volumes to help inform the owners of their water use, and to check for any system leaks
- ✓ Water quality testing at predetermined intervals

First flush diverters



The purpose of a first flush diverter (FFD) is to collect and reject the first water running off the roof in a rain event. This type of device has been shown to remove up to 80% of the airborne pollutants that collect on the roof and become dissolved or suspended in the water running off the roof. This first flush of water through the gutters also removes much of the discoloration and acidity from contact with cedar, arbutus and fir needle debris.

The first flush diverter has no mechanical or moving parts. This passive type of first flush diverter is a pipe connected to the underside of the catchment or collection pipe and running to a drainage area. The first water from the catchment pipes simply falls by gravity into the FFD pipe. When this FFD pipe is full, the water in the catchment pipe flows past the entrance into the first flush diverter pipe, and on through the remainder of the catchment and transport piping to the final gravity filter device and into the cistern.

Point of Entry Filtration and Disinfection



Class A UV water systems are designed to inactivate and/or remove microorganisms, including bacteria, viruses, *Cryptosporidium* oocysts and *Giardia* cysts from contaminated water. Class A UV systems are intended to be installed on visually clear (not colored, cloudy or turbid) water.

UV dosage is the measurement of energy delivered by UV water systems, typically measured in mJ/cm^2 . The more dosage provided, the more energy delivered to any microorganisms present in the treated water. At a certain threshold, this energy becomes sufficient to inactivate any microorganisms present.

NSF/ANSI Standard 55 requires that **Class A UV** systems deliver a high enough UV dose at **254 nm ($40 \text{ mJ}/\text{cm}^2$)** to inactivate the pathogenic microorganisms that could be responsible for spreading disease through contamination of drinking water.

NSF/ANSI 55 also requires that **Class A UV** systems have alarm and/or fail-safe design elements incorporated into them. Specifically, Class A systems must include a UV sensor since a visible sensor is not sufficient according to the Standard.

The UV sensor must be connected to an alarm, which provides visual and audible indication that the system is not performing and/or terminates the discharge of treated water. The Standard also includes a test to ensure that the UV sensor and alarm perform properly in low-dosage conditions.

Because UV dosage is inversely proportional to flow rate through the system, **NSF/ANSI 55** requires that UV systems include automatic, fixed flow-rate controls to prevent excessive flow over the manufacturer's recommended operating pressure range. The Standard requires that the flow rate of the system be evaluated over the manufacturer's operating pressure range and up to at least 100 psi (690 kPa), and that the Standard testing for UV dosage must be conducted at the highest flow rate achieved by the system.

Summary Conclusion:

Rainwater harvesting systems are used worldwide and across Canada providing safe potable water, reliably, year-round.

The system proposed for the individual dwellings on Denman Green is simply an extrapolation of the hundreds of individual collection, storage and Point of Entry treatment systems that Rainwater Connection has designed and installed over the past 18 years.

The Denman Green system benefits from being new construction throughout, on a site with the capacity to expand collection & storage as needed and with a dedicated caretaker performing water testing & maintenance to a prescribed schedule.

Matt Nowell

Owner

Rainwater Connection. (info@rainwaterconnection.com)

Matt started his career within the water industry as an irrigation technician and installer more than 19 years ago, later becoming a certified irrigation designer and cross connection control specialist (backflow prevention) with IIABC & BCWWA. Recognizing the importance of water conservation and water use efficiency, it was a natural choice to focus on rain water harvesting system design & construction.

By completing a level 200 ARCSA course in 2009 and later gaining certification as a RWH designer in 2014 with both ARCSA and CANARM, Matt has gained hands on experience with the design and construction of potable and non-potable systems within the gulf island region since 2012.

Bob Burgess

Contract Advisor to

The Rainwater Connection

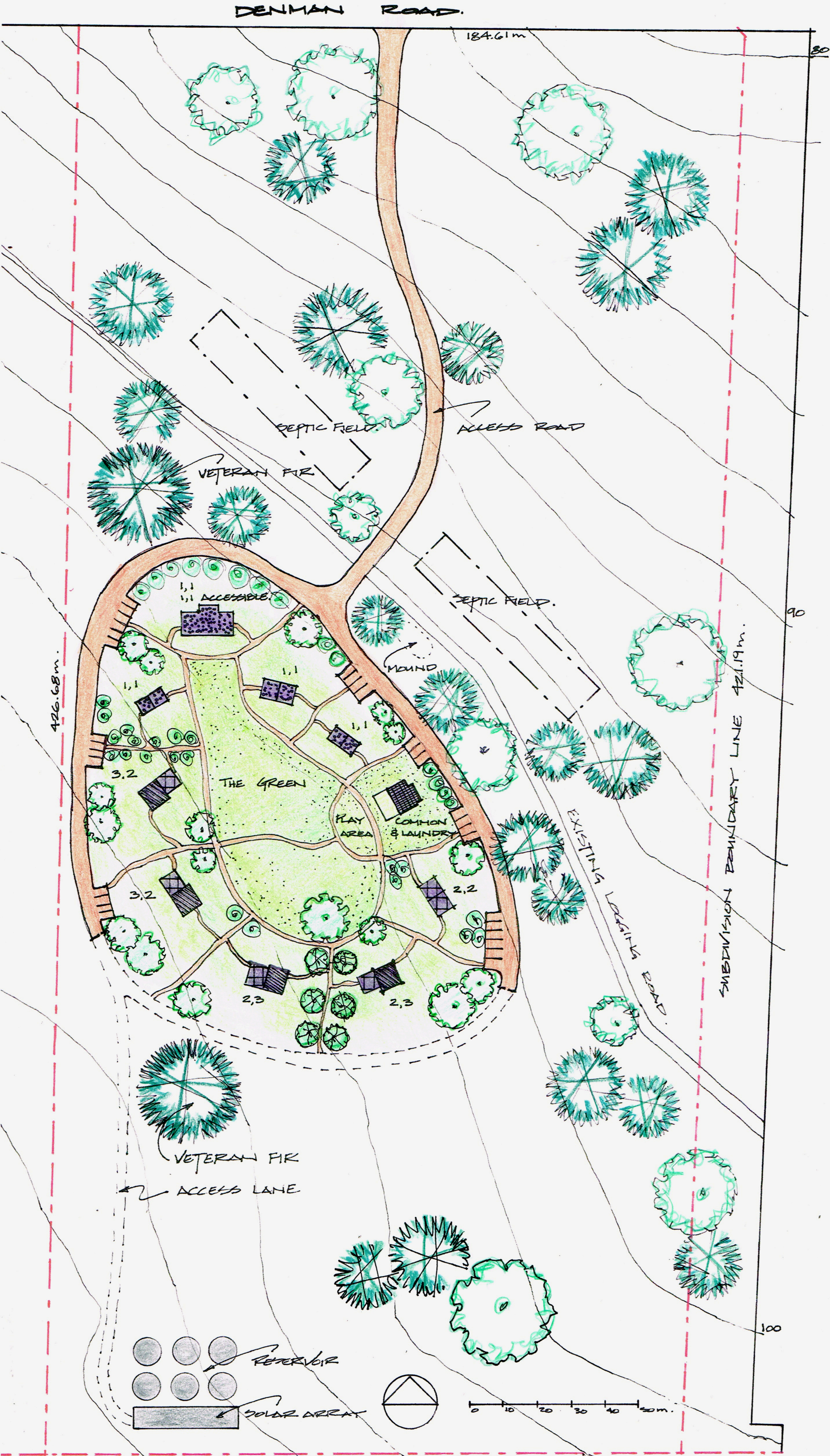
In 2001, Bob Burgess put his 30 years-experience in Community Planning and Housing consulting, and residential/commercial development into a new company he named Rainwater Connection.

The Gulf islands Rainwater Connection Ltd. designed installed and/or consulted on almost a thousand rainwater projects over the years. Many of these provided potable water for residences. Clients included homeowners, residential and commercial developers, architects and local governments.

Bob's home and office on Thetis Island ran entirely on rainwater which provided a hands-on respect for system maintenance and reliable easy to care for water cleaning devices.

The Rainwater Connection has consulted to government and the development community on the potential for using rainwater in a variety of applications. Projects include feasibility studies for the GVRD and the Islands Trust, and demonstrations projects in Vancouver, Tofino and Salt Spring Island. In 2012 he was the principle writer for the "Rainwater Harvesting Guide" for the Regional District of Nanaimo.

The Company has now been sold but Bob continues to advise the new owner on some rainwater harvesting projects.



DENMAN GREEN.
AFFORDABLE COMMUNITY HOUSING.

RONAN DESIGN.
250.335.0168

CONCEPT SITE PLAN.
FEB. 10, 2019.

Denman Housing Association
Registered Charity #84680 0936 RR0001

To: DILTC Meeting – March 7 2019

Re: DE-RZ-2018.1

Request for Consideration of & Approval to Advance the Application

On behalf of this Association, the Denman Island community and, most of all, those in need of affordable, decent housing we request your direction at this March 7 2019 meeting that this Application proceed to Early Referral and to whatever further steps in the OCP/LUB amendment process may be taken at this time.

We believe the Reports submitted for this meeting satisfy in full Trustees requirements as expressed in their Resolution of November 20 2018 and that, as we have been advised, none other are required at this time in respect of this Application.

As we have said several times before, this Application follows six years of strenuous efforts to meet a need that has been recognized for at least twenty years more. It follows the unique confluence of a generous donor and willing recipient with this affordable housing project and its future tenants being the beneficiary.

That said this project is only possible with the continuing multi-million dollar support of BC Housing, in which respect timing is most important.

We are confident that Trustees appreciate the many factors involved in moving forward expeditiously and so making Denman Green a reality

Simon Palmer for Denman Housing Association



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

DATE OF MEETING: March 7, 2019
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
COPY: Marnie Eggen, Island Planner
SUBJECT: Rezoning Application for Seniors Affordable Housing
Applicant: Denman
Location: 3730 Denman Road, Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee refer application DE-RZ-2017.1 (DCLTA), including staff reports and associated technical reports, to the Advisory Planning Commission for comment and request that the applicant, planning staff and one trustee attend the meeting.
2. 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 m³/day to serve 8 dwelling units.
3. That the Denman Island Local Trust Committee request staff to provide the following prior to further consideration of application DE-RZ-2017.1 (DCLTA):
 - a. Confirmation that the Provincial Approving Officer can approve the registration of a plan of subdivision for two lots with a potential maximum density of 9 dwelling units, if the proof of water requirements in the Denman Island Land Use Bylaw No. 186 have been partially or completely waived by the Local Trust Committee; and
 - b. Analysis and/or confirmation that there are sufficient density reserves using Denman Island Official Community Plan's Housing Policies, Use and Density Policy 11, and that there are sufficient reserves to draw seven densities to satisfy the rezoning proposal (DE-RZ-2017.1).

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider the above-noted opportunities to determine the viability of the 8-unit affordable seniors housing development proposed by the Denman Community Land Trust Association (DCLTA) at 3730 Denman Road in light of the recent conditional water license issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).

Referrals to the Advisory Planning Commission (APC) and Island Health may assist in evaluating the the proposed development and likelihood of a successful rezoning application. Confirmation that the Provincial Approving Officer is able to authorize a subdivision, where proof of water requirements of the Denman Island Land Use

Bylaw (LUB) have been varied and where the proposed subdivision does not otherwise meet rural subdivision standards, is necessary prior to the project advancing as the volume of water granted under the FLNRORD license is significantly less than the amount required by the Denman Island Land Use Bylaw (LUB). Lastly, the availability of density reserves to satisfy the rezoning proposal should be confirmed to determine what adjustments, if any, are needed to amend the Denman Island Official Community Plan (OCP) and density provisions.

BACKGROUND

Subject Property

The subject property is located at 3730 Denman Road as shown in Figures 1 and 2.

Figure 1: Subject Property

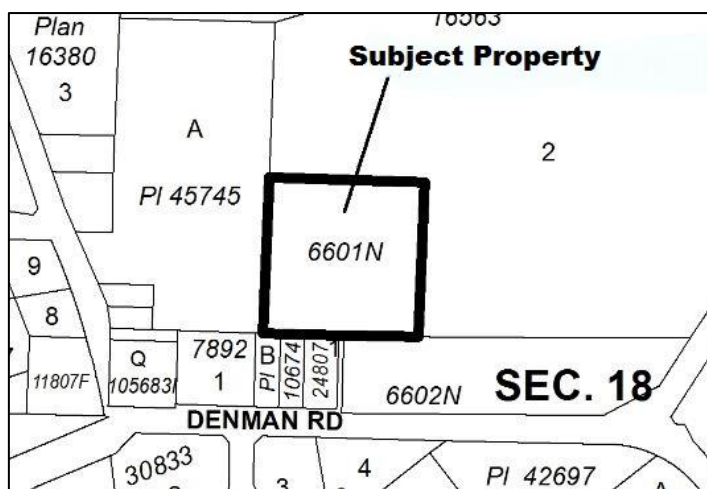
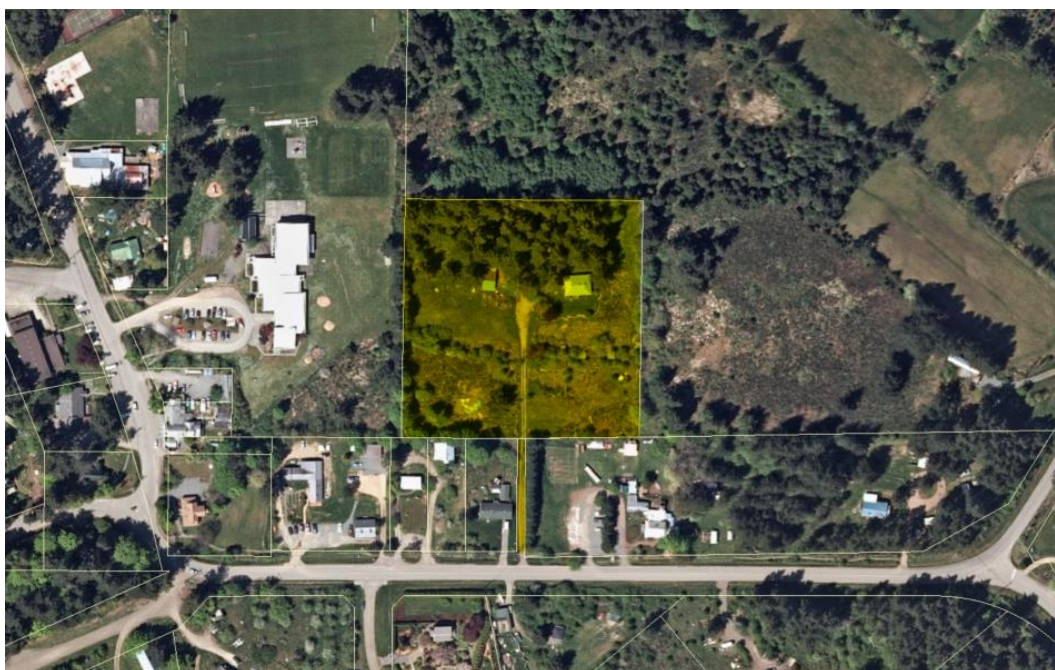


Figure 2: Aerial Photo



Staff reports were previously provided to the LTC on the following dates:

- November 14, 2017;
- February 6, 2018;
- March 6, 2018;
- October 9, 2018;
- February 7, 2019;

Staff reports and associated information for rezoning application DE-RZ-2017.1 (DCLTA) are available on the Islands Trust website:

www.islandstrust.bc.ca/islands/local-trust-areas/denman/current-applications/current-application-documents/.

At the February 7, 2019 meeting, staff advised the LTC that the applicant was waiting for a decision on the FLNRORD water license application and for Agricultural Land Commission (ALC) approval of a proposed vegetative buffer and fencing plan prior to settling the draft (Hydrogeological Assessment) Terms of Reference as per the February 6, 2018 resolution:

DE-2018-003

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**

A conditional water license was issued by FLNRORD to Beverly Severn, the owner of the subject property, on February 20, 2019. FLNRORD provided a copy of the license and decision letter to the Islands Trust on February 25, 2019 (see attachments). This new information is critical to further consideration and evaluation of the rezoning proposal.

ANALYSIS

Issues and Opportunities

Draft Terms of Reference – Water Quality and Quantity

Staff noted at the February 7, 2019 meeting that the Terms of Reference are intended to confirm what information remains to be provided by the applicant in order to meet the intent of the Islands Trust Policy Statement and Denman Island Official Community Plan in regards to providing adequate quality and quantity of water for the proposed use and its effect of its use on surrounding water resources.

Given the timing of receipt of the FLNRORD water license documents, staff have had insufficient time to evaluate the draft Terms of Reference in relation to the information provided to date regarding water quality and quantity. As such, this issue (and prior LTC resolution 2018-003) remains unresolved. However, it is possible to comment on the various agency requirements, which the applicant is obligated to satisfy, with respect to the quality and quantity of groundwater.

Water Sustainability Act

As the proposed multi-family use is non-domestic, a water license is required to divert ground water under the *Water Sustainability Act*. The conditional license that has been granted limits the amount of water that may be extracted under the license to 3.68 m³/day; requires the applicant to make beneficial use of the license prior to December 31, 2023; and requires monitoring, in order to avoid adverse impacts on the quality and quantity of water in aquifers and streams. Section 58 of the WSA specifically prohibits a well to be operated in a manner

that would cause or be likely to cause intrusion of saline groundwater, sea water or contaminated water into an aquifer or stream, or adverse impacts on existing uses. With regard to s. 58, the decision letter provided by FLNRORD noted the following:

Through the adjudication of your water licence application, it was identified that your well may be at risk of salt water intrusion due to the physiography (low hydraulic gradient and proximity to the ocean), historical water quality data indicating potential saline groundwater encountered near this site, and potential cumulative impacts of pumping from a high density of wells in the Denman Island village area.

Drinking Water Protection Act/Regulation

Under the Drinking Water Protection legislation, the applicant is required to secure construction and operating permits for a water supply system from the Drinking Water Officer (either the Medical Health Officer or their designate) responsible for Denman Island.

The following was noted in the March 6, 2018 staff report to the LTC:

Staff contacted Island Health regarding the recommendations of H2O Environmental with respect to wastewater treatment for the proposed affordable housing project (see previous Staff Report for H2O reports). The Environmental Health Officer expressed concern regarding the proposed treatment facility on a lot that is smaller (under 1 ha) than allowed by Island Health policies. Staff suggest that subsequent to receipt of the water assessment as requested in the TOR above, that Island Health be among the agencies to receive an early referral.

Islands Trust Policy Statement

Bylaws adopted by LTC must have the prior approval of the Islands Trust Executive Committee. Executive Committee approval is contingent on confirmation that the proposed bylaws are consistent with the Islands Trust Policy Statement (ITPS), including policies applicable to groundwater:

- 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*

Staff are concerned with the advancement of the project in light of the conditional water license issued by FLNRORD, as the volume of water available to be extracted from the ground is less than that required under the current LUB (discussion to follow). FLNRORD's decision letter and conditional license also note the risk of saltwater intrusion, saline groundwater near the subject property, and potential cumulative impacts. These comments do not provide staff with sufficient confidence to support the development of bylaws as it would be very difficult to recommend that the LTC find such bylaws to be consistent with the ITPS. Should the LTC wish to advance to the bylaw development phase, it should have sufficient confidence that the bylaws are consistent with ITPS policies.

LTC Bylaws

The Denman Island OCP and LUB contain policies and regulations applicable to water. Through an OCP amendment, the LTC can confirm or establish its policies respecting groundwater protection and extraction. The current LUB may be amended to accommodate increased density and reduced standards for proof of potable

water at the time of subdivision, provided such amendments are consistent with the OCP or the OCP is also amended. The current standard set by the LUB is as follows:

9 *In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit.*

Based on the LUB standard, the volume of potable water required to serve the proposed development (8 units + 1 existing dwelling) would be 108,000 l/day (10.8 m³/day) or 9000 l/day 9 m³/day) in cisterns. The volume of water authorized for extraction by the FLNRORD conditional license is 3.68 m³/day – which is approximately one third of the volume of water required by the LUB. Staff note that the wording in the LUB regarding “each permitted principal residential dwelling” was likely intended to apply to single residential dwellings as opposed to multi-unit dwellings.

Through the rezoning process, amending bylaws may be drafted for the DCLTA project to reduce or waive this standard for the proposed 8-unit affordable housing development; however, a viable water supply plan is needed as per the *Drinking Water Protection Act* to ensure that housing occupants have sufficient potable water to support their living requirements (i.e. drinking, cooking, bathing, washing). Greywater (non-potable water) may be used for flushing toilets or watering gardens.

The DCLTA may have an interest in allocating rainwater for potable use. However, at the current time this option is legally only available to single (non-multi-family) dwelling units.

Density Bank

On November 14, 2017 Staff recommended “that the LTC request staff to review, confirm and report back on the use of Denman Island Official Community Plan’s Housing – Policies, Use and Density Policy 11 and whether there is sufficient reserve to draw seven densities to satisfy the rezoning proposal (DE-RZ-2017.1).” At the time the request was made, the DCLTA proposal was the only affordable housing proposal under consideration. At the current time, the LTC is also considering a 20-unit affordable housing proposal with a similar request to utilize “densities” from the Denman Island OCP’s density bank.

Consultation

In advance of consideration of bylaw development, staff recommend that the LTC refer application DE-RZ-2017.1 (DCLTA) to the Advisory Planning Committee (APC) for consideration. Staff note that the applicant has previously undertaken community consultation; however, this consultation occurred in advance of technical reports being prepared, staff reports, issuance of a conditional water license by FLNRORD, and the ALC’s decision (discussed in the February 7, 2019 memorandum). Staff are available to present the proposal and respond to questions from the APC to aid in their consideration of the referral. Similarly, it would be beneficial for the applicant to attend the APC meeting to present their development concept and respond to questions from the APC.

Rationale for Recommendations

Staff recommends the LTC refer the Staff report dated March 7, 2019 to the APC and to Island Health. Staff also recommends the LTC request an analysis and confirmation that additional densities can be accounted for by existing OCP policies. The Approving Officer of MOTI should be requested to confirm that they can approve the registration of a subdivision where the proof of water requirements have been partially or completely waived by the LTC. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. Proceed no further.

Based on concerns noted in the report in relation to the quantity and quality of groundwater, the LTC may deem the application to be inconsistent with Islands Trust Policy Statement 4.4.2 and proceed no further with the following resolution:

"That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2017.1 (DCLTA) as the proposal would require a waiver of proof of potable water requirements for subdivision in the Denman Island Land Use bylaw and would be inconsistent with Islands Trust Policy Statement 4.4.2, which requires that 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."

2. Request that the applicant amend their proposal.

The LTC may wish to request that the applicant amend their proposal by reducing the number of proposed dwelling units in order to achieve consistency with the current LUB:

"That the Denman Island Local Trust Committee request that the applicant amend application DE-RZ-2017.1 (DCLTA) in order to comply with the proof of water requirements of the Denman Island Land Use Bylaw."

NEXT STEPS

Should the LTC concur with staff recommendations, staff will proceed with the noted referrals to the APC and Island Health and also follow-up with the Provincial Approving Officer regarding potential subdivision, and determine whether or not there are sufficient density reserves using Denman Island Official Community Plan's Housing Policies, Use and Density Policy 11, to draw 19 new densities.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 5, 2019
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ATTACHMENTS

1. FLNRORD Decision Letter, License and License Plan, dated February 20, 2019
2. FLNRORD Conditional Water License, dated February 20, 2019



February 20, 2019

File: 20006290
vFCBC Tracking No.: 100241700

Beverley Gail Severn
3730 Denman Road
Denman Island BC V0R 1T0

Dear Beverley Severn:

Re: Water Licence Application 106290

The investigation of the above application has been completed. Enclosed is a copy of Conditional Water Licence 500469.

Please read the documents carefully. Any error(s) in these documents should be brought to the attention of this office as soon as possible.

It is my understanding that the Denman Community Land Trust Association (DCLTA) intends to take over the water licence upon subdivision and sale of a portion of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, except that part in Plan 24807 to service the proposed affordable senior's housing development. Once subdivision is complete, the licensee must apply to apportion the water licence in whole to the new lot.

Please note that Section 58 of the *Water Sustainability Act* requires that a well must not be operated in a manner that causes saltwater intrusion and has significant adverse impacts on a well, aquifer or hydraulically connected stream. Through the adjudication of your water licence application, it was identified that your well may be at risk of salt water intrusion due to the physiography (low hydraulic gradient and proximity to the ocean), historical water quality data indicating potential saline groundwater encountered near this site, and potential cumulative impacts of pumping from a high density of wells in the Denman Island village area. To prevent saltwater intrusion from occurring, the operation of groundwater well WTN 113477 should follow best management practices for prevention of saltwater intrusion, which can be found at https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-wells/saltwaterintrusion_factsheet_fnro_web.pdf.

Please note the following requirements as specified in Conditional Water Licence 500469:

1. The licensee must collect water quality samples for saltwater intrusion indicator parameters including chloride, specific electrical conductivity and total dissolved solids from WTN 113477 at a minimum of once annually for the first three years of regular operation of the well. Sampling must take place during the driest time of the year, follow standard procedures for purging and sampling, and be submitted to an accredited laboratory for analysis.

Page 1 of 3

2. Following the first three years of sampling, the licensee must collect water quality samples for saltwater intrusion indicator parameters as specified above at a minimum of once every five years.
3. Water quality sample results must be compared to the following operational objectives:
 - i. Chloride: ≤ 150 mg/l;
 - ii. Specific electrical conductivity: ≤ 1000 μ S/cm; and
 - iii. Total dissolved solids: ≤ 700 mg/L;
4. If any of the above operational objectives are exceeded, the licensee must notify the West Coast Regional Water Manager within 30 days of receiving the water quality sample analysis results.
5. The licensee must also install a flow measuring device to measure flow diverted from the well prior to treatment of the water. Records of flow must be retained for inspection by the Water Manager upon request.

To protect the quality and safety of our groundwater resources all wells and associated works related to a groundwater diversion, storage and use must comply with the *Water Sustainability Act* and Groundwater Protection Regulation which requires water wells in British Columbia to be properly constructed, maintained, and, at the end of their service, deactivated and decommissioned. For more information on well owner requirements under the Groundwater Protection Regulation please visit <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/groundwater-wells>.

You are advised that the *Drinking Water Protection Act* and the Drinking Water Protection Regulation under that Act govern the construction, installation, alteration, extension and operation of joint works that form part of a domestic water system supplying more than one single-family residence or any facility or establishment where the public consumes water. It is the responsibility of the licensee to comply with the Act and Regulations noted above. Your local Regional Health Authority will be able to assist you.

You should be aware all archaeological sites are protected under the *Heritage Conservation Act*. Archaeological sites may exist that have not been identified or documented. Please note it is an offence to alter, damage, dig in or excavate an archaeological site, except if authorized by a permit issued under the *Heritage Conservation Act*. If an archaeological site or potential archaeological material is encountered at any time, all activities must cease and you must contact the Archaeology Branch at 250 953-3334 for direction.

Please note the following:

- 1) Water licences do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.

Please contact FrontCounter BC to assist you with notifications and any applications required if:

- a) there is any change in your mailing address;
- b) you sell the land to which the licence is appurtenant;
- c) you propose to subdivide the land to which the licence is appurtenant; or
- d) you propose to alter the works authorized under the licence.

In order for you to keep your water licence in good standing, the following must be observed:

- a) continued beneficial use of water, as authorized under your licence;
- b) payment of annual rentals;
- c) compliance with the terms of your licence; and
- d) compliance with the terms of the *Water Sustainability Act*.

One of the obligations of a water licence is the payment of annual rentals and fees to the Crown for the authorization to exercise the rights granted under the licence. Failure to pay water rental invoices by a specified date may result in late-payment penalties, collection action or cancellation of the licence. Any questions in regards to invoices, statements or billing procedures should be directed to the Water Revenue Unit at 1 800 361-8866. Callers from the Victoria area should dial 250 387-9445.

The *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board website at: <http://www.eab.gov.bc.ca/>. A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the Board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9, eabinfo@gov.bc.ca; (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25.00, payable to the Minister of Finance.

If you have any questions or concerns, please contact Cali Melnechenko, Water Officer, by phone 250 751-7117 or email cali.melnechenko@gov.bc.ca.

Yours truly,



Darryl Slater
Water Manager

cc: Harlene Holm (DCLTA) – ananke9@icloud.com
Jamie Dubyna (Islands Trust) – jdubyna@islandstrust.bc.ca



Province of British Columbia

Water Sustainability Act

CONDITIONAL WATER LICENCE

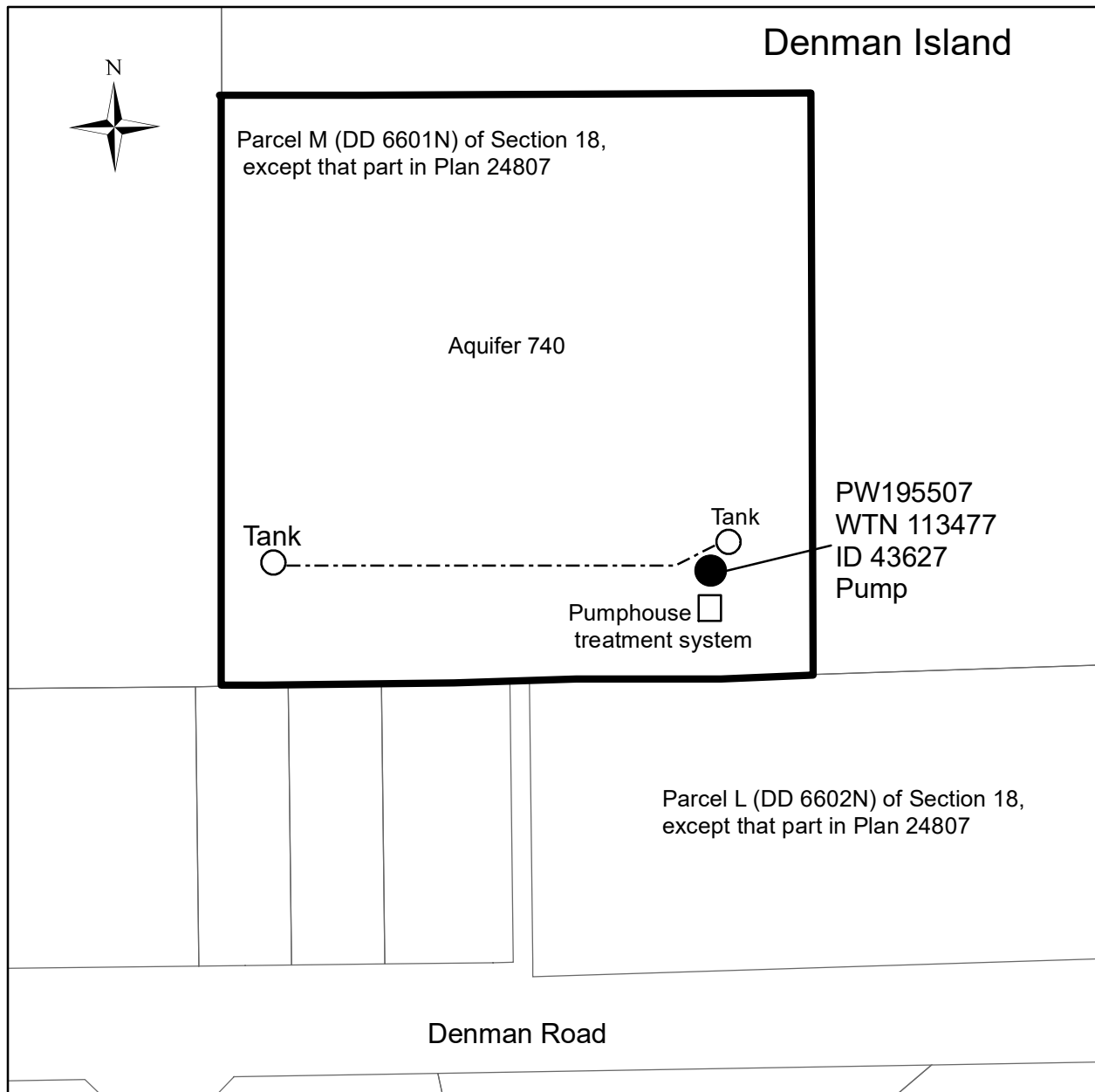
The owner of the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 740.
- b) The point of well diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is March 5, 2018.
- d) The purpose for which this licence is issued is industrial (commercial enterprise).
- e) The maximum quantity of water which may be diverted for industrial (commercial enterprise) purpose is 3.68 cubic metres per day.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, except that part in Plan 24807.
- h) The authorized works are pipe, pumphouse, treatment system, pump, two tanks and well which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2023. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The licensee shall install a flow measuring device to the satisfaction of the Water Manager under the *Water Sustainability Act*.
- k) The licensee shall retain flow meter records for inspection upon request by the Water Manager under the *Water Sustainability Act*.
- l) The licensee must collect water quality samples to be analyzed by an accredited laboratory for parameters indicative of salt water intrusion, including chloride, specific electrical conductivity and total dissolved solids, annually, during the driest time of the year, for three consecutive years following commencement of regular operation of the well and at a minimum of once every five years thereafter or as otherwise specified by the Water Manager.

- m) The licensee shall maintain records of water quality analysis results for inspection upon request by the Water Manager. The water quality analysis results shall be compared to operational water quality objectives as specified by the Water Manager. If any operational objectives are exceeded, the licensee shall notify the Water Manager in writing within 30 days of the occurrence.

A handwritten signature in dark ink, appearing to read "Darryl Slater". The signature is fluid and cursive, with a large, stylized "S" at the end.

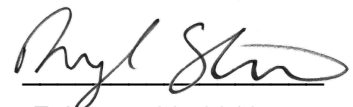
Darryl Slater
Water Manager



WATER DISTRICT:
PRECINCT:
LAND DISTRICT:

Nanaimo
Courtenay
Nanaimo

Signature:



Date:

February 20, 2019

LEGEND:

Scale: 1:1,424
Point of Diversion: ●
Map Number: 92.F.056.2.4
Pipe: -----

C.L.: 500469
FILE: 20006290

The boundaries of the land to which this licence is appurtenant are shown thus: _____



DATE OF MEETING: March 7, 2019
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Advisory Planning Commission Appointments

RECOMMENDATION

1. That the Denman Island Local Trust Committee request that staff advertise for expressions of interest for the Denman Island Advisory Planning Commission.
2. That the Denman Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission Bylaw for Local Trust Committee consideration at a subsequent meeting.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider recruitment for its Advisory Planning Commission (APC). The committee may have up to nine members and currently has nine members with terms expiring May 1, 2019. Formal citizen representation on advisory planning commissions adds value and transparency to planning processes.

ANALYSIS

Islands Trust Policy Statement:

A guiding principle of the Islands Trust Policy Statement is that *“open, consultative public participation is vital to effective decision making for the Trust Area.”* Moreover, Commitments of Trust Council include:

- 5.8.1 Trust Council holds that public participation should be part of the decision-making processes of all levels of government
- 5.8.2 It is the position of Trust Council that local trust committees and island municipalities should, in establishing their official community plans and regulatory bylaws, provide opportunities for public input.
- 5.8.3 Trust Council holds that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the object of the Islands Trust.

LTCs have a responsibility to ensure that members of the public can participate in planning processes, yet they have the freedom to determine the framework best suited to a particular Local Trust Area.

Local Government Act and Bylaw 91

The authority to establish advisory planning commissions is granted to LTCs through the *Islands Trust Act* and section 461(2) of the *Local Government Act*.

461 (2) *A board may, by bylaw, establish an advisory planning commission for one or more electoral areas or portions of an electoral area to advise the board, or a regional district director representing the electoral*

area, on all matters referred to the commission by the board or by that director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under this Part.

Advisory planning commissions are intended to advise LTCs specifically on land use matters including Official Community Plans, and proposed bylaws or permits that may be issued under Part 14 (e.g. zoning bylaw amendments or temporary use permits).

Pursuant to section 461, the Denman Island LTC has adopted Bylaw No. 224 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2017”, which identifies member composition, terms and roles, and rules for arranging, advertising and conducting commission meetings (Attachment 1).

Since the adoption of Bylaw No. 224, the wording of Advisory Planning Commission bylaws for LTCs has been modified slightly primarily to reflect the handling of minutes following APC meetings. For this reason, staff recommend that the bylaw be updated.

Consultation

Openings for APC members could be advertised through the Island Grapevine, Islands Trust website, and trustee networks. The LTC could consider expressions of interest at their next business meeting.

NEXT STEPS

Should the LTC pass the recommended resolutions (page 1), staff will proceed with advertising and bring forward expressions of interest and a draft bylaw to the next LTC business meeting.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	March 5, 2019
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ATTACHMENTS

1. Bylaw No. 224

DENMAN ISLAND TRUST COMMITTEE
BYLAW NO. 224

A BYLAW TO ESTABLISH ADVISORY PLANNING COMMISSIONS FOR THE DENMAN ISLAND LOCAL TRUST AREA PURSUANT TO THE *LOCAL GOVERNMENT ACT* AND THE *ISLANDS TRUST ACT*

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

1. Establishment

- a) The Denman Island Local Trust Committee may appoint one or more Advisory Planning Commissions to advise the Local Trust Committee on all matters referred by the Local Trust Committee respecting land use, the preparation and adoption of an official community plan or a proposed bylaw or permit that may be enacted or issued under Part 14 of the *Local Government Act*.

2. Appointment of Members

- a) The Local Trust Committee may, by resolution, appoint up to nine members to an Advisory Planning Commission (APC) to serve concurrent two year terms.
- b) At least two thirds of APC members must be residents of the Local Trust Area.
- c) The Local Trust Committee may, by resolution, remove a member of an APC at any time.
- d) If a member is removed or resigns from an APC, the Local Trust Committee may, by resolution, appoint a new member to serve the balance of the term of the appointment.

3. Roles

- a) The APC members must, from among the members, elect a Chairperson, a Deputy Chairperson, and a Secretary, during the first meeting after their appointment.
- b) The Chairperson will:
 - i) Receive referrals from the Local Trust Committee and, in response, determine when and where meetings will be held;
 - ii) Ensure that meetings are conducted in accordance with the requirements of this Bylaw and the *Local Government Act*;
 - iii) Sign meeting minutes to certify that they are true and correct following approval by the APC.
 - iv) Record a member's declaration of conflict of interest or potential conflict of interest, once a member has declared it;
 - v) In the absence of the Secretary, act in the role of Secretary or appoint another member of the APC to act in the role of Secretary.

- c) The Deputy Chairperson will:
 - i) Undertake the duties listed in 3b) above, in the Chairperson's absence.
- d) The Secretary will:
 - i) Assist the Chairperson, as needed, to arrange meetings;
 - ii) Ensure that public notice is posted or public advertisements are placed in advance of APC meetings;
 - iii) Except where the Islands Trust has retained a professional minute taker to support the APC, record and maintain legible minutes of all APC meetings; forward copies of draft minutes to the Islands Trust office; ensure minutes are approved by the APC at a subsequent meeting; and provide copies of adopted minutes to the public upon request;
 - iv) Inform the Local Trust Committee of the resignation of any APC member, within thirty (30) days of the resignation.

4. Referrals

- a) An APC will receive referrals on matters respecting land use, community planning or proposed bylaws and permits under Part 14 of the *Local Government Act*, which are referred directly to the Commission by the Local Trust Committee.
- b) A meeting on any particular referral must be held not more than 40 days after the date of receipt of that referral unless the Local Trust Committee has requested a response by an earlier specified date.
- c) Although the recommendations must be received by the Local Trust Committee, the Local Trust Committee is not bound by the recommendations.

5. Notice of Meeting

- a) An employee of the Islands Trust must provide documentation associated with any referral from the Local Trust Committee to all members of the APC.
- b) The Secretary must send a notice of meeting including a description of all referrals to be discussed to each member at least five (5) calendar days prior to the meeting.
- c) The Secretary must ensure an applicant is notified of the date, time and place of the meeting at which his or her application or proposal will be discussed at least five (5) calendar days prior to the meeting.
- d) The Secretary must ensure the Local Trustees and the employee of the Islands Trust noted in 5a) are notified of each meeting at least five (5) calendar days prior to the day of the meeting.
- e) The Secretary must post a notice of the date, time, and place of any regular APC meeting at least five (5) calendar days prior to the meeting on a bulletin board on Denman Island that is accessible to the public; such bulletin board to be the same as is used by the Local Trust Committee for the posting of any scheduled Local Trust Committee meeting.

6. Conduct of Meeting

- a) All deliberations of the APC must take place in a meeting, and all meetings must be held in a public facility and must be open to the public.
- b) A quorum is the lessor of three members or 50 % of those appointed.
- c) The Chairperson is to convene the meeting and may adjourn the meeting from time to time.
- d) If the APC is considering an amendment to an Official Community Plan or a bylaw, or the issue of a permit, the applicant for the amendment or permit is entitled to attend the meeting and to be heard.



Islands Trust

Print Date: February 27, 2019

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: 21-Feb-2019

Applicant submitted building floor plans with dimensions and specifics of proposed cidery operation.

Status Date: 20-Feb-2019

Building floor plans submitted by applicant. Does not include dimensions.

Status Date: 19-Feb-2019

Planner requested floor plan for mixed use building with measurements/dimensions.

Development Permit

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

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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**Applications**

DE-DVP-2011.1 Day, Ella 13-May-2011 Barn on property line

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

no change; file passed on to bylaw enforcement

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2018.2	Newcombe, Wayne	20-Nov-2018	PID: 000-120-251 Applying for variance to bring property into compliance with bylaws. Civic address: 2993 Nelson Crescent, Denman island, BC.

Planner: Ian Cox

Planning Status

Status Date: 28-Jan-2019

Slated for March 7th meeting agenda. Statutory notification to be sent the week of February 19th, 2019.

Status Date: 30-Nov-2018

Applicant states 'proposed garage' shown on site plan not to be included in DVP application.

Status Date: 29-Nov-2018

Initial file review, Planner Cox

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planner: Marnie Eggen

Planning Status

Applications

Status Date: 06-Nov-2018

Staff continuing to consult with FLNRORD and DCLTA water licencing

Status Date: 19-Jun-2018

Staff consulting with Ministry on TOR and DCLTA licensing.

Status Date: 05-Mar-2018

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

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association (Snyder & Terry) Planner: Marnie Eggen	01-Oct-2018	PIDs: 009-704-523 (Snyder) and 006-657-290 (Terry) Rezoning to change number of allowed dwellings
Planning Status			

Status Date: 24-Oct-2018

Executive Committee approved sponsorship application

Status Date: 22-Oct-2018

Planner reviewing

Status Date: 10-Oct-2018

EC sponsorship application received.

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD One 26 foot high barn.
Planner: Marnie Eggen			
Planning Status			

Status Date: 25-Sep-2018

No change in status.

Applications

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

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

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

Status Date: 03-Nov-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.19	Friesen Family	05-Nov-2018	PID: 028-740-645 Building new primary residence and accessory building for farm workers Civic address: 4010 / 4150 Denman Road, Denman Island, BC
Planner: Bronwyn Sawyer			
Planning Status			

Status Date: 25-Jan-2019

Request made by property owner to withdraw application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.20	Grant, ROBERT	21-Nov-2018	PID: 000-211-320 Building boathouse/garage Civic address: 8105 Komas Road, Denman Island, BC
Planner: Ian Cox			
Planning Status			

Status Date: 25-Feb-2019

Permit finalized, to PTA and LC for approval and issuance.

Status Date: 01-Feb-2019

Receive QEP report stating proposed development outside DP area.

Applications

Status Date: 28-Jan-2019

Awaiting QEP report.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.2	Taylor, Kimberly	23-Jan-2019	PID: 028-639-952 Building SFD. Civic address: 4220 Danes Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 26-Feb-2019

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

Status Date: 13-Feb-2019

Applicant submitted revised floor plan for proposed dwelling unit, plans for an accessory building (workshop), and a revised site plan that includes all proposed buildings.

Status Date: 05-Feb-2019

Planner reviewing application.

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: Teresa Rittemann

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.



Applications

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY Planner:	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
Planning Status			
Status Date: 24-Oct-2018 Update email sent to MOTI and copied to applicant to notify that Planner TR is leaving IT and to correspond through general email until another Planner is assigned.			
Status Date: 27-Aug-2018 Revised referral response sent to MOTI and copied to Denman LTC and applicant.			
Status Date: 23-Aug-2018 Updated plan of proposed subdivision received from MOTI.			
File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying 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			

Applications

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: 26-Feb-2019

Planner to submit LSR regarding drafting, reviewing and registration of covenant, at the request of the applicant.

Status Date: 13-Feb-2019

Applicant submitted Summary for Wastewater and Water Supply Conditions report by H2O Environmental Ltd., dated February 11, 2019, to satisfy conditions 4 and 5 of the subdivision referral.

Status Date: 15-Nov-2018

Planner completed review and sent referral report to MOTI with conditions of PLA including requirement of covenant in accordance with Regulation 1.2.4 and Subsection 2.8.22 of the Land Use Bylaw.

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

MOTI referral sent. Awaiting fulfillment of conditions and PLA.

Status Date: 28-Jan-2019

Planner to provide referral response by end of January.

Applications

Status Date: 04-Jan-2019

MOTI tech confirm will still accept response. Appliant provided additional info regarding updated plan, covenant, etc.

Islands Trust
 LTC EXP SUMMARY REPORT F2019
 Invoices posted to Month ending January 2019

615 Denman	Invoices posted to Month ending January 2019	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	405.44	344.56
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	1,678.56	2,821.44
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	385.71	214.29
65220-615	LTC - Local Exp - Communications	250.00	102.64	147.36
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>5,850.00</u>	<u>2,166.91</u>	<u>3,683.09</u>
Projects				
73001-615-4011	Denman Farm Plan	5,500.00	3,243.85	2,256.15
73001-615-4062	Denman First Nations Relations	2,500.00	3,570.94	-1,070.94
TOTAL Project Expenses		<u>8,000.00</u>	<u>6,814.79</u>	<u>1,185.21</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island". Trustee Critchley spoke to the motion summarizing the background that has led to this resolution and confirmed that Bylaw Enforcement staff will be making efforts to work with unlawful operations to bring them into compliance. Trustee Busheikin confirmed her support for the standing resolution having spoken to many constituents voicing concerns regarding Short-term Vacation Rentals on Denman Island since the last meeting. The question on the motion was then called.
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 unlawful STVRs	That the Denman Island Local Trust Committee adopt the following standing 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.

Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)		Sonja Zupanec Marnie Eggen	
2	Temporary Use Permits	To support the development of Temporary Use Permits for short-term vacation rentals and other uses	09-Oct-2018	Miles Drew Ann Kjerulf	
3	Cannabis Land Use Regulation	Review of land use regulations with respect to cannabis production and retail sales.	20-Nov-2018	Ann Kjerulf	

**Projects****Denman Island**

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

Projects

Denman Island

Description	Activity	R/Initiated
Incorporate the Regional Conservation Plan into land use planning.	To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)	07-Aug-2018
Facilitating affordable, attainable and seniors housing.	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
Coastal Douglas-fir protection	Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Island Trust Tool Kit (2018).	07-Feb-2019