



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: September 20, 2016
Time: 10:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER	10:30 AM - 10:35 AM
<i>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</i>	
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	10:35 AM - 10:50 AM
4. COMMUNITY INFORMATION MEETING - none	
5. PUBLIC HEARING - none	
6. MINUTES	10:50 AM - 11:00 AM
6.1 Local Trust Committee Minutes dated July 5, 2016 - for adoption	4 - 15
6.2 Section 26 Resolutions-Without-Meeting Report dated September 8, 2016	16 - 16
6.3 Advisory Planning Commission Minutes - none	
6.4 Marine Advisory Planning Commission Minutes - none	
7. BUSINESS ARISING FROM MINUTES	11:00 AM - 11:15 AM
7.1 Follow-up Action List dated September 8, 2016	17 - 18
8. DELEGATIONS - none	
9. CORRESPONDENCE	
(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
9.1 Letter dated August 30 2016 from Shelley McKeachie for ADMIS regarding Bayne Sound and Lambert Channel	19 - 19

10.	APPLICATIONS AND REFERRALS	11:15 AM - 12:00 PM
10.1	DE-TUP-2016.1 (Williams)	
10.1.1	Staff Report dated September 20, 2016	20 - 37
10.2	DE-DVP-2016.2 (BC Ferries - West Terminal) and DE-DVP-2016.3 (BC Ferries - East Terminal)	
10.2.1	Staff Reports dated September 20, 2016	38 - 55
10.3	DE-DVP-2016.1 (Lundberg - Citizen Design Build)	
10.3.1	Staff Report dated September 20, 2016	56 - 61
11.	LOCAL TRUST COMMITTEE PROJECTS	
12.	REPORTS	12:00 PM - 12:30 PM
12.1	Work Program Reports	
12.1.1	Top Priorities Report dated September 8, 2016	62 - 62
12.1.2	Projects List Report dated September 8, 2016	63 - 63
12.2	Applications Report dated September 8, 2016	64 - 70
12.3	Trustee and Local Expense Report dated July, 2016	71 - 71
12.4	Adopted Policies and Standing Resolutions - none	
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	
12.8	Electoral Area Director's Report	
12.9	Trust Fund Board Report - none	
13.	NEW BUSINESS	12:30 PM - 12:40 PM
13.1	Local Trust Committee Budget Request for 2017-2018	
13.1.1	Staff Report dated July 12, 2016	72 - 75
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for Tuesday, October 18, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC	
15.	TOWN HALL	12:40 PM - 12:50 PM

16. CLOSED MEETING

12:50 PM - 1:00 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(d) and (f) for the purpose of considering: Adoption of In-Camera Meeting Minutes dated July 5, 2016 and Bylaw Enforcement Advice and that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT

1:00 PM - 1:00 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: July 5, 2016
Location: Denman Seniors Hall
 1111 Northwest Rd, Denman Island, BC

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

Staff Present Rob Milne, Island Planner
 Marnie Eggen, Island Planner
 Vicky Bockman, Recorder

Others Present Approximately twenty (20) members of the public - am
 Approximately two (2) members of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:30 am. She welcomed the public and introduced herself, Trustees, staff and recorder. She acknowledged that the meeting was being held in traditional territory of the First Nations.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Add 6.3 Local Trust Committee Special Meeting Minutes dated June 25, 2016
- Add 6.4 Public Hearing Record dated June 25, 2016
- Renumber subsequent category 6 items accordingly
- Add 9.1 Letter dated May 26, 2016 from Jayne O'Reilly regarding Driving on the Beach
- Add 9.2 Email dated July 4, 2016 from Eileen O'Brien re: Application 3131 Jemima Road
- Add 9.3 Email dated July 3, 2016 from Dorrie Woodward re: DE-TUP-2016 (Lundberg)
- Add 9.4 Email dated July 3, 2016 from J. Thornton re: 3131 Jemima Road (Lundberg)
- Add 9.5 Email dated July 1, 2016 from Esther Muirhead re: DE-TUP-2016.1
- 10.1 Staff Report dated June 29, 2016 was received
- 10.2 Staff Report dated June 27, 2016 was received.

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Edi Johnston mentioned various practices and agreements used by the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) to restore and protect sensitive ecosystems, including making available to regional districts, parcels of Crown Land for social goals that benefit the public. She advised that Sponsored Crown Grants are available for this purpose by application and indicated that the Local Trust Committee (LTC) could make application for this. She noted that all of Denman Island's foreshore can be tenured and asked the LTC to consider taking advantage of these FLNRO programs to provide the community with dedicated beaches at Millard Road, Fillongley and Morning Beach. She provided her speaking notes for the record.

Harlene Holm objected that Temporary Use Permits (TUP) to enable secondary dwelling units reduce the number available for affordable housing and special needs uses within the permitted increase of five percent over the Official Community Plan (OCP) density cap. She did not support the TUP application on the agenda today for the LTC's consideration as it is not for affordable housing. She expressed concern that the TUP process for secondary dwellings does not include adequate oversight to manage densities available for affordable housing and special needs and is not subject to the agreements, restrictions and public process that apply to special needs and affordable housing projects. She provided her speaking notes for the record.

She asked if TUP applications are approved in an administrative manner without opportunity for public discussion.

A Trustee clarified that TUP applications are considered in regular LTC meetings which are a public forum.

Bill Engleson commented that his new book will be published this summer and he expressed his opinion that it will have implications for the Gulf Islands that LTCs might find helpful.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated May 16, 2016

By general consent the minutes were adopted.

6.2 Local Trust Committee Meeting Minutes dated May 17, 2016

By general consent the minutes were adopted.

6.3 Local Trust Committee Special Meeting Minutes dated June 25, 2016

By general consent the minutes were adopted.

6.4 Public Hearing Record dated June 25, 2016

The Public Hearing Record was received.

6.5 Section 26 Resolutions-Without-Meeting - none

6.6 Advisory Planning Commission Minutes - none

6.7 Marine Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated June 23, 2016

Planner Milne presented the Follow-up Action List and provided updates on activities.

He reported that staff contacted K'omoks First Nation regarding the proposed Community to Community forum, however, a response has not been received. Trustees acknowledged that this is a necessary component to secure funding for the initiative and discussed possible next steps.

DE-2016-041

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Chair to write to the K'omoks Chief and Council inviting their participation in a Community to Community forum.

CARRIED

Trustee Critchley advised that he has completed the first April 19, 2016 item and requested that it be removed from the List.

7.2 Agricultural Advisory Committee or Special Projects Advisory Planning Commission - Expressions of Interest - Verbal Update

Planner Milne reported that two expressions of interest have been received and the matter can be addressed in today's scheduled Closed Meeting.

8. DELEGATIONS - none

9. CORRESPONDENCE

The following correspondence was received:

9.1 Letter dated May 26, 2016 from Jayne O'Reilly regarding Driving on the Beach

9.2 Email dated July 4, 2016 from Eileen O'Brien re: Application 3131 Jemima Road

- 9.3 Email dated July 3, 2016 from Dorrie Woodward re: DE-TUP-2016.1 (Lundberg)
- 9.4 Email dated July 3, 2016 from J. Thornton re: 3131 Jemima Road (Lundberg)
- 9.5 Email dated July 1, 2016 from Esther Muirhead re: DE-TUP-2016.1

By general consent agenda items 10.1 and 10.2 were moved to follow item 12.1.2.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Denman Island Farm Plan Implementation

11.1.1 Staff Report dated May 18, 2016

Planner Milne presented the Staff Report, suggesting that the complex implementation process would benefit from the creation of an Agriculture Advisory Planning Commission (AAPC) or Special Projects Advisory Planning (SPAPC) Commission to facilitate community consultation and to prioritize the various actions identified. He advised that the advertisement for these members has not produced sufficient expressions of interest to form a committee and he solicited input from Trustees for next steps to move the project forward.

Trustees discussed approaches that might be considered to advance the initiative. They determined that the preferred strategy at this time would include continuing to solicit interest by approaching key individuals and the Hornby/Denman Growers and Producers Alliance, and focusing Trustee Busheikin's monthly article on the subject to enable the creation of an AAPC or SPAPC.

Trustee Milne noted that there are budgetary implications to consider if the project is significantly postponed that might include changing the focus of the budgeted expenditure to allow for a use of the funds for an alternative project.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated June 23, 2016

Received.

12.1.2 Projects List Report dated June 23, 2016

A Trustee commented that the activity: Land Use Bylaw definition of intensive agriculture; remove “and excluding feedlots” which is described as a Housekeeping Project has been on the list for a long time and inquired as to a possible time line for completion.

Planner Milne responded that the definition change should be attached at such time that a related matter is brought forward.

10. APPLICATIONS AND REFERRALS

10.1 **DE-DVP-2016.1 and DE-TUP-2016.1 (Lundberg - Citizen Design - 3131 Jemima Road)**

10.1.1 Staff Report dated June 29, 2016

Planner Eggen presented the Staff Report addressing the applications for a Development Variance Permit (DVP) and Temporary Use Permit (TUP) for a number of proposed buildings and structures with the following key points noted:

- She described the intent of the proposed variances including reducing the setback to Graham Lake from 60 metres to 40 metres and reducing the setback to a stream from 30 metres to 15 metres;
- She reported that should the proposal move forward, staff recommends that a registered, restrictive covenant be required to assure the proper operation of the sewage system and protection of the riparian areas;
- She noted that the TUP is requested for a secondary dwelling unit for relatives and is within the allowable five percent increase in densities stipulated for this purpose in the OCP policies; however it is sited within setbacks and requires approval of a DVP; and
- She pointed out that the proposal to vary the setbacks is not supported by the Graham Lake Improvement District Trustees (GLID) or the Vancouver Island Health Authority (VIHA) Officer.

The owners, applicant and the professional retained to complete a limited hydrogeological investigation and to design the wastewater system were in attendance. Trustees discussed the technical and historical information and asked questions for clarity.

Trustees expressed concern regarding the variances to the setbacks, acknowledging that the community established the large setbacks in recognition of Graham Lake’s value as a drinking water supply as well as its ecological and recreational values. They discussed the feasibility of alternatives to the proposal.

The applicant addressed the LTC with the following points noted:

- the unique constraints of this property deserves consideration on its own merits;
- using the proposed location in cleared areas minimizes impact and alteration to the land;
- the Type 3 filtration wastewater system exceeds requirements;
- the current septic system is outdated and doing harm;
- the proposed restrictive covenant for the septic system is supported;
- this proposal meets the spirit and intent of the bylaw and the science provided is reasonable; and
- careful consideration by the LTC was requested.

Chair Morrison opened the floor to public comments.

Jane Lighthall spoke regarding the TUP request for a secondary dwelling, noting that the community's desire to keep the island rural is reflected in the OCP. She pointed out that this is a large dwelling with its future uncertain after the six years of the TUP and possible renewal, and requested the LTC exercise caution out of respect for Graham Lake.

Dorrie Woodward expressed concerns that officials from GLID and VIHA do not support this proposal, that a system for discovery of any problem with the septic system is not developed which could negatively impact Graham Lake, and there has been no analysis of the area watershed as a whole.

The owners indicated their desire to work with the community, observed that the existing septic system is doing more harm than good because it is outdated, and expressed the belief that this proposal represents the best solution.

DE-2016-042**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee not approve the issuance of DE-DVP-2016.1.

Trustee Critchley spoke to the motion, expressing concern with the failing septic system, however confirming that the commitment to the Islands Trust's preserve and protect mandate requires careful consideration of Graham Lake. He expressed concerns that staff, VIHA and GLID have opposed the application, the large setbacks were established by the community with good reasons, and that approval of this application would have the potential to set a precedent.

Trustee Busheikin commented that in her view a new house with a new septic and a registered restrictive covenant without the guest dwelling in an area already developed is a reasonable proposal and that she would consider a setback of at least 45 metres from the lake. She noted that a thorough scientific review has been conducted on this application and observed that all variance requests are considered on a case-by-case basis, not setting a precedent.

Chair Morrison called the vote.

FAILED

Trustee Critchley in favour
Trustee Busheikin opposed
Chair Morrison opposed

Discussion ensued and the following points were noted:

- A Trustee noted that the VIHA Officer supported the proposal without the secondary residence;
- The septic would be slightly smaller if only providing for the principal dwelling; and
- The proposed home office was confirmed to be non-sewage producing although the permit is not worded in such a way as to prevent this in the future.

DE-2016-043**It was MOVED and SECONDED,**

that proposed DE-DVP-2016.1 (Lundberg) be amended so that in item 2. a) i) the number 40 is changed to 45.

CARRIED

Trustee Critchley opposed
Trustee Busheikin in favour
Chair Morrison in favour

By general consent the meeting was recessed at 12:33 pm and reconvened at 12:38 pm.

Discussion continued on the proposed DVP with the following noted:

- LTC members explained that they discussed the options for consideration of a revised proposal that does not allow for the guest cottage or the office and would require at least a 45 metre setback for the septic and provide for as small of a setback variance as possible;
- The owners and applicant appreciated the compromise and attempt to find a solution and stated that they can work with this suggested change; and
- Trustees advised that due to the technical nature of the changes, they will ask staff to make these changes and a decision can be made by Resolution Without Meeting after reviewing the revised proposal.

DE-2016-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back an amended version of DE-DVP-2016.1 without the proposed home office and the proposed guest house and with the proposed setback from Graham Lake increased as much as possible given the amended site plan.

CARRIED

10.2 DE-RZ-2015.1 (Pandesign) Density Transfer

10.2.1 Consideration of Next Steps - Bylaw Nos. 219 and 220

Planner Milne summarized the Staff Report dated June 27, 2016, providing a summary of the June 25, 2016 Public Hearing and submissions received relating to Bylaw Nos. 219 and 220. He noted that there were no comments received regarding the stated need to amend the bylaw to address the failure of the current map to include the balance of the property currently zoned R2 into the proposed R2(6) zoning designation.

Trustees considered next steps with the following noted:

- A Trustee proposed placing a condition on the property to prohibit secondary dwellings in this zone as a measure to address neighbours' concerns of increased density in this area;
- Henning Nielsen, one of the applicants, was in attendance and was asked to comment on the proposal. He opposed the suggested restriction and provided rationale for this position. He suggested a possible alternative of entering into a covenant to specify that one of the potential three lots cannot have a secondary dwelling; and
- Planner Milne outlined the process that would be involved with that approach and noted that TUP applications for secondary

dwelling are considered by the LTC which can approve or deny those applications, providing a level of oversight.

DE-2016-045

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015” be read a third time.

Chair Morrison asked if there was any further discussion on the motion.

Trustee Busheikin expressed her support for a covenant to restrict secondary dwellings on that property to mitigate the potential for overall increased impact.

Chair Morrison expressed her view that the TUP process for secondary dwellings provides for full examination, discussion and LTC consideration of applications.

The question was then called.

CARRIED

DE-2016-046

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2016-047

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be amended at second reading by deleting Appendix No. 2 and replacing it with a revised Appendix No. 2 which shows all of the portions of land legally described as Lot A, Section 12, Denman Island, Nanaimo District, Plan VIP88949 currently zoned as Rural Residential (R2) to be rezoned to Rural Residential 2(6), (R2(6))

CARRIED

DE-2016-048

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be read a second time as amended.

CARRIED

DE-2016-049

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 220, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015" be read a third time.

CARRIED

DE-2016-050

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 220, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015" be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

By general consent the meeting recessed at 1:08 pm and reconvened at 1:17 pm.

12.2 Applications Report dated June 23, 2016

Received.

12.3 Trustee and Local Expense Report dated May, 2016

Received.

12.4 Adopted Policies and Standing Resolutions - none

12.5 Local Trust Committee Webpage

There were no changes requested to the webpage.

12.6 Chair's Report

Chair Morrison reported that much of her Islands Trust work has been focused on Denman Island recently.

12.7 Trustee Reports

Trustee Busheikin reported that since the last meeting she attended the following events:

- The Islands Trust Housing Forum;
- The Denman Island Oceans Day event;
- A session at the K'omoks Band Aboriginal Day event; and
- A Ferry Advisory Committee meeting.

Trustee Critchley reported on his attendance at the following:

- The Islands Trust Housing Forum;
- The June Trust Council meeting;
- The Community Information Meeting regarding Bylaw Nos. 219 and 220;
- An Oil Spill Response workshop; and

- He provided an update regarding the South Sewer Project.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report dated May, 2016

Received.

13. NEW BUSINESS

13.1 Affordable Housing Reporting Requirements - for discussion

Trustee Critchley commented that there was a discussion during the Islands Trust Housing Forum concerning the significant administrative obligations of housing agreements. He inquired as to the process, the value of the statutory declaration requirement, and if the agreements are reviewed by the LTCs.

Trustees indicated their desire to review housing agreements as an added measure of oversight and Planner Milne stated that he would research the process to provide clarity on the matter.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, September 20, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular scheduled meeting date, time and location.

15. TOWN HALL

Edi Johnston commented that she is aware of a Letter of Understanding on Crown Land Administration within the Islands Trust area between the Ministry of Environment and Islands Trust that mentions an annual meeting to be held between senior officials at the beginning of the fiscal year to discuss initiatives and items of mutual concern. She asked if these meetings happened and noted that this would be a good forum for discussion of marine issues.

Trustees responded that this meeting was recently held and they advised that marine issues have been a topic of discussion.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

DE-2016-051

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)(a) and (d) for the purpose of considering Board of Variance Appointments and Adoption of *In-Camera* Meeting Minutes dated March 15, 2016 and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 1:35 pm.

16.2 Recall to Order

The meeting was recalled to order at 1:49 pm.

16.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC:

- adopted minutes from the *In Camera* meeting of March 15, 2016;
- appointed Jack Woodward, Sheila Ray and Dr. Laurie Jackson to the Board of Variance; and
- requested staff to write to Agriculture Advisory Planning Commission or Special Projects Advisory Planning Commission applicants thanking them for their interest and advising them that their applications will be retained and considered as a minimum number of applications continues to be pursued.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:50 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder

Resolutions Without Meeting

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2016-09	In Favour	"That the Denman Island Local Trust Committee provide a letter in support of the application for funding by Denman Community Land Trust Association (DCLTA) to the Real Estate Foundation of British Columbia; such letter to be signed by the Chair and be substantially in the form of the letter provided by this Committee to CMHC Affordable Housing Unit dated November 5, 2015, supporting the application of DCLTA for funding, and specifically noting that this letter of support does not guarantee support for any future application."	29-Aug-2016

Follow Up Action Report

Denman Island

20-Jan-2015

Activity	Responsibility	Target Date	Status
that staff work on the Housekeeping Project as their time permits	Rob Milne		On Going

15-Mar-2016

Activity	Responsibility	Target Date	Status
Staff to make all reasonable efforts to utilize the budget money for Riparian Areas Regulation remaining in the Local Trust Committees account for the purpose of mapping the stream located on the Schmidt-Schweda property referred to in their correspondence.	Rob Milne		Done

19-Apr-2016

Activity	Responsibility	Target Date	Status
Monitor Regional District of Nanaimo Electoral Area H Official Community Plan Review and report to LTC about pertinent issues and opportunities to participate	Rob Milne		On Going
1. To organize a CIM with presentations on eelgrass beds and forage fish habitat and if possible a presentation from the BC Shellfish Growers Association and the Komoks First Nation on aquaculture practices and future plans.	Rob Milne David Critchley Laura Busheikin Ann Kjerulf	05-Jul-2016	On Going
2. Staff to contact Komoks FN in regard to participation in CIM			
3. Staff to engage a facilitator for aquaculture CIM if required			

Follow Up Action Report

05-Jul-2016

Activity	Responsibility	Target Date	Status
Chair to send a letter to Komoks First Nation regarding UBCM Community to Community (C2C) funding opportunity.	Rob Milne Susan Morrison		Done
Staff to send email to applicants for Agriculture Advisory Commission positions that process has been placed on hold pending determination of community interest in the Farm Plan implementation project.	Rob Milne		Done
Approval of DE-TUP-2016.1 (Lundberg) declined. Staff to prepare recommendations for approval of DE-DVP-2016.1 (Lundberg) which excludes proposed office and secondary dwelling and includes a reduced setback for the proposed septic field, for consideration by RWM.	Marnie Eggen		On Going
Application RZ-DE-2015.1 (Pandesign) Bylaw Nos. 219 & 220 received third readings; staff to forward the bylaws to the Executive Committee for consideration.	Becky McErlean Rob Milne		Done
Staff to inquire into the processing of Schedule B submissions for affordable housing projects pursuant to housing agreements.	Rob Milne		On Going
Add Cicero Slough Creek to DPA 4 as a RAR applicable minor stream.	Rob Milne		On Going

From: Shelley McKeachie <shelleymckeachie@gmail.com>
Date: August 30, 2016 at 8:27:47 PM PDT
To: Laura Busheikin <lbusheikin@islandstrust.bc.ca>, David Critchley
<dcritchley@islandstrust.bc.ca>, Susan Ann Morrison <smorrison@islandstrust.bc.ca>

Subject: Importance of Baynes Sound & Lambert Channel

Hello Trustees,

I've just spent further time clarifying and validating the ecological importance of Baynes Sound (BS). Although we know all the facts listed below about its ecological properties and the services it provides, I wasn't sure if it was accurate to assert that it is the most ecologically important marine area on the BC coast or in the Strait of Georgia.

I reread the DFO Canadian Science Advisory Secretariat (CSAS) Research Document, 2001 - Phase 0 Review of the Environmental Impacts of Intertidal Shellfish Aquaculture in BS. This document gives a comprehensive review of the unique qualities and ecological properties and services of BS.

http://www.dfo-mpo.gc.ca/csas-sccs/publications/resdocs-docrech/2001/2001_125-eng.html

I also spoke with Dr. Leah Bendell and she has confirmed that it is completely accurate that BS is the most ecologically important marine ecosystem in the Strait of Georgia. I wanted to pass this along to you so that you can be confident in your discussions as you work for the protection of Denman Island foreshore and waters.

Baynes Sound:

- is designated an Ecologically and Biologically Significant Area (EBSA) by DFO. **It is the only EBSA in BC that meets all four criteria for this designation.** http://www.dfo-mpo.gc.ca/csas-sccs/Publications/SAR-AS/2012/2012_075-eng.html
- has international status as an Important Bird Area (IBA) and **is designated the most important wetland complex on Vancouver Island** by two of the foremost conservation agencies, the Pacific Estuary Conservation Program (PECP) and the Pacific Coast Joint Venture (PCJV). It ranks second only to the Fraser River estuary and provides critical habitat for migratory birds and waterfowl.
- **combined with Lambert Channel (LC), is the most important herring spawning & nursery region on the BC coast** (determined by 80 yrs of DFO data) and possibly the entire Pacific Coast. BS also acts as a nursery for all the herring larvae spawned there, as well as, the Lambert Channel herring larvae that migrate around into the sound. The larvae mature in the shallow and protected waters of BS until they are ready to make their way out into open waters.
- **provides important habitat for spawning forage fish**, other than herring, such as the Pacific Sand Lance and Surf Smelt. Forage fish are key food in the diet of BC salmon and comprise over 70% and 50% of the prey captured by Chinook and Coho salmon respectively. Forage fish are also a major fishery playing a significant economic role in coastal communities.
- has a minimum of 23 creeks and rivers draining into it, **15 of which are salmonid bearing and provides spawning and rearing habitat for juvenile salmon.**

I hope you find this helpful and that you've all had a fun and relaxing summer.

Best regards,

Shelley McKeachie on behalf of ADIMS

File No.: DE-TUP-2016.2
(WILLIAMS)

MEETING DATE: August 5, 2016
TO: Denman Island Local Trust Committee
FROM: Teresa Ritemann, Planner 1
Northern Office
SUBJECT: Temporary Use Permit for a secondary dwelling unit
Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384; PID 000-876-283

RECOMMENDATION

That the Denman Island Local Trust Committee approve Temporary Use Permit DE-TUP-2016.2 for a period of three (3) years from date of issuance, including the conditions that form part of the proposed permit, subject to the following conditions being met prior to issuance by the Deputy Secretary:

- a) that written confirmation be provided to the Islands Trust from an "Authorized Person" as per the *Sewerage System Regulation* that the proposed secondary dwelling will be connected to an approved sewerage system; and
- b) that written confirmation be provided to the Islands Trust by the Graham Lake Improvement District that the community water system has sufficient capacity for the temporary, secondary dwelling.

REPORT SUMMARY

The proposed Temporary Use Permit (TUP) would accommodate a new 68 sq. m. (732 sq. ft.) secondary dwelling on the subject property, for the residential use of the owners' elderly family member. Without a TUP, a secondary dwelling unit would not otherwise be permitted under Denman Island Land Use Bylaw No.186, 2008.

BACKGROUND

Bylaw No. 211 amended Denman Island Land Use Bylaw No. 186 and was intended to address the use of temporary secondary dwelling units through the creation of "Area 2", whereby:

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

The Local Trust Committee may issue a temporary use permit that allows activities to take place under the conditions specified in the permit, including the posting of a security as a guarantee of performance and to ensure compliance with the terms of the permit.

Under a TUP, the specified uses may be carried out for a period of up to three years and the permit may be renewed only once for up to three more years. Issuance of a TUP should not be interpreted as support for a future rezoning application.

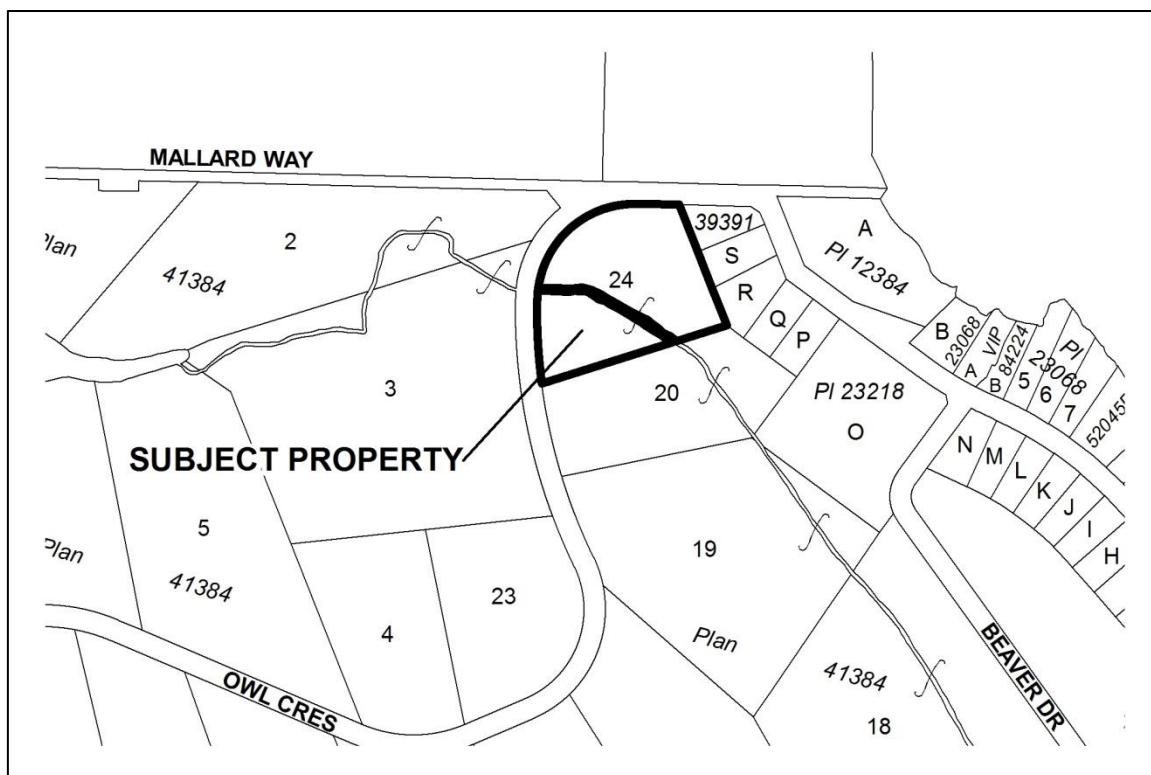
The applicant has applied for the TUP for the following reasons: *"In 2015 my Father passed away, and since then my Mother has found the Lower Mainland increasingly busy and would like to move closer to*

myself and Christine and enjoy a less stressful life. The intention is for her to remain living here for the remainder of her life.”

The applicant has indicated that, after an anticipated temporary use period of six years, the building would not be removed, but rather its use would be altered for use as an accessory building, or perhaps as rental accommodation under a new or amended TUP.

The location of the subject property is shown in Figure 1 below.

Figure 1. Subject Property Map



ANALYSIS

Policy/Regulatory:

The Denman Island Official Community Plan (OCP) contains a Guiding Objective “To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community” and additional housing objectives intended to ensure a range of housing types and options to support community diversity and island seniors, in particular, while being sensitive to the overall density of the island and the environment.

The OCP also includes three key policies guiding TUP applications for secondary dwellings including:

- Housing Policy 10: *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;*

- Housing Policy 11: *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; and*
- Housing Policy 15: *The Local Trust Committee may approve secondary dwelling units on lands within the “Rural” and “Sustainable Resources” designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.*

For the applicant to obtain a TUP, the property must comply with the Land Use Bylaw (LUB) requirements for the R2 – Rural Residential Zone in addition to the TUP Guidelines set out in the OCP. The proposed temporary use is generally compliant with the TUP guidelines with two exceptions:

- An “Authorized Person” has yet to confirm that sewage will be handled appropriately; and
- Sufficient capacity is yet to be confirmed by the Graham Lake Improvement District (GLID). The applicant has contacted the GLID which indicated no concerns with a second drinking water supply for the property; however, GLID was unable to confirm that there will be an adequate supply of potable water for the proposed secondary dwelling unit, “as the term is too broad and undefined and is further subject to other connections on [the] property being used.”

See attachments 4 and 5 for details on the site context and a review of the TUP guidelines.

A TUP has been drafted which incorporates conditions in response to ensure compliance with the TUP guidelines (attachment 2).

Issues and Opportunities:

The recent changes to the OCP and LUB that allow, in certain zones, secondary suites out right and secondary dwelling units with a TUP, are a result of the community’s interest in addressing housing needs and flexibility in dwelling types on Denman Island. The proposed secondary dwelling unit is only the second TUP application for this type of use to be considered by the LTC, and as the first application was not approved, it is within the allowable five percent increase stipulated for this purpose as per OCP Housing Policy 11. The purpose of the proposed secondary dwelling unit is to provide housing for a senior to live with her family (residents of Denman Island), which is consistent with the intent of the housing objectives and policies with respect to TUPs for secondary dwelling units.

Consultation:

In accordance with the *Local Government Act*, statutory notice of the proposed variances will be provided to all owners and tenants in occupation of properties as shown on the assessment roll within 100 metres of the subject property’s boundaries on September 9, 2016. The *Local Government Act* requires the public notice to be:

- published in a newspaper at least 3 days and not more than 14 days before the adoption of the resolution to issue the permit; and
- mailed or otherwise delivered at least 10 days before the adoption of the resolution to issue the permit.

See attachments 1 and 2 for copies of the proposed temporary use permit and the public notice sent to adjacent property owners. At the time of writing this report, staff had received no comments or submissions regarding the application. Any public correspondence received will be presented at the September 20, 2016 LTC regular business meeting. Community information meetings are not required for TUP applications.

Rationale for Recommendation:

Staff is recommending issuance of the TUP, subject to two conditions being met, as outlined in the recommendation on page 1 of the staff report. The recommendation is based on the following:

- The proposed temporary use is consistent with the intent of the OCP policies guiding TUP applications and, excepting use, requirements of the LUB for the R2 – Rural Residential zone.
- The location for the proposed secondary dwelling is not in a Development Permit Area, and is in an area previously cleared for residential use, which minimizes impact and alteration to the land;
- The applicant is proposing a secondary dwelling that is less than the maximum floor area permitted and is located nearer to the principal residence than it is required to be; and
- As this is a residential use, garbage pick-up and recycling is available to the property through Denman Island Residents Association's Waste Management Committee, which is funded by the Comox Valley Regional District through property taxation. Generation of garbage/recycling/food waste of one additional resident is considered negligible and within the capacity of the system.

ALTERNATIVES

1. The Denman Island Local Trust Committee may deny issuance of the permit. If the Local Trust Committee selects this alternative, it should provide reasons for denial.
2. The Denman Island Local Trust Committee may request further information or clarification be provided, including confirmation of appropriate sewage management and potable water capacity, prior to making a decision.

NEXT STEPS

Should the LTC decide to approve the TUP, sewage management and potable water capacity should be confirmed. Once these conditions have been satisfied, the permit would be issued by the Deputy Secretary.

Submitted By:	Teresa Ritemann Planner 1	August 5, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	August 8, 2016

ATTACHMENTS

1. Public Notice for Temporary Use Permit
2. Draft Temporary Use Permit (including the Site Plans)
3. Copy of 2005 Authorization to Operate a Sewage Disposal System
4. Site Context
5. TUP Guidelines Checklist

CC: Ann Kjerulf, Regional Planning Manager
Rob Milne, Island Planner

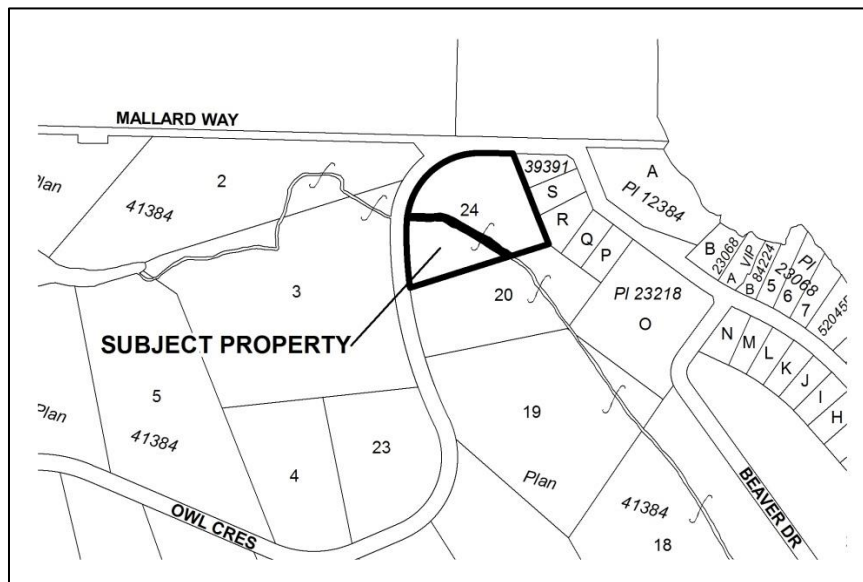


**NOTICE
DENMAN ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
DE-TUP-2016.2 (WILLIAMS)**

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution allowing the issuance of a Temporary Use Permit, pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384 (PID 000-876-283), 8900 Owl Crescent.

The purpose of this Temporary Use Permit is to allow a “secondary dwelling unit” on the subject property. The establishment of the temporary use would be subject to a number of conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Denman Island Local Trust Committee to have it renewed once for up to an additional three years.

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



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing **September 9, 2016** and continuing up to and including **September 19, 2016**.

For the convenience of the public only, and not to satisfy Section 494(1)(a) of the *Local Government Act*, a copy of the proposed Permit may be inspected at the Denman Island General Store notice board located at 1069 North West Road, Denman Island, BC, and the Marcus Isbister Old School Centre notice board located at 5901 Denman Road, Denman Island, BC. Also, attached for your convenience, is a copy of the proposed Permit.

Inquiries or comments should be directed to Teresa Rittmann, Planner 1 at 250-247-2200, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by fax 250-247-7514; or by email to: trittmann@islandstrust.bc.ca, before **4:00 p.m., September 19, 2016**. The Denman Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., September 20, 2016**, at the Denman Seniors Centre, located at 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

**Becky McErlean
Deputy Secretary**

PROPOSED

 Islands Trust	DENMAN ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT DE-TUP-2016.2 (WILLIAMS)
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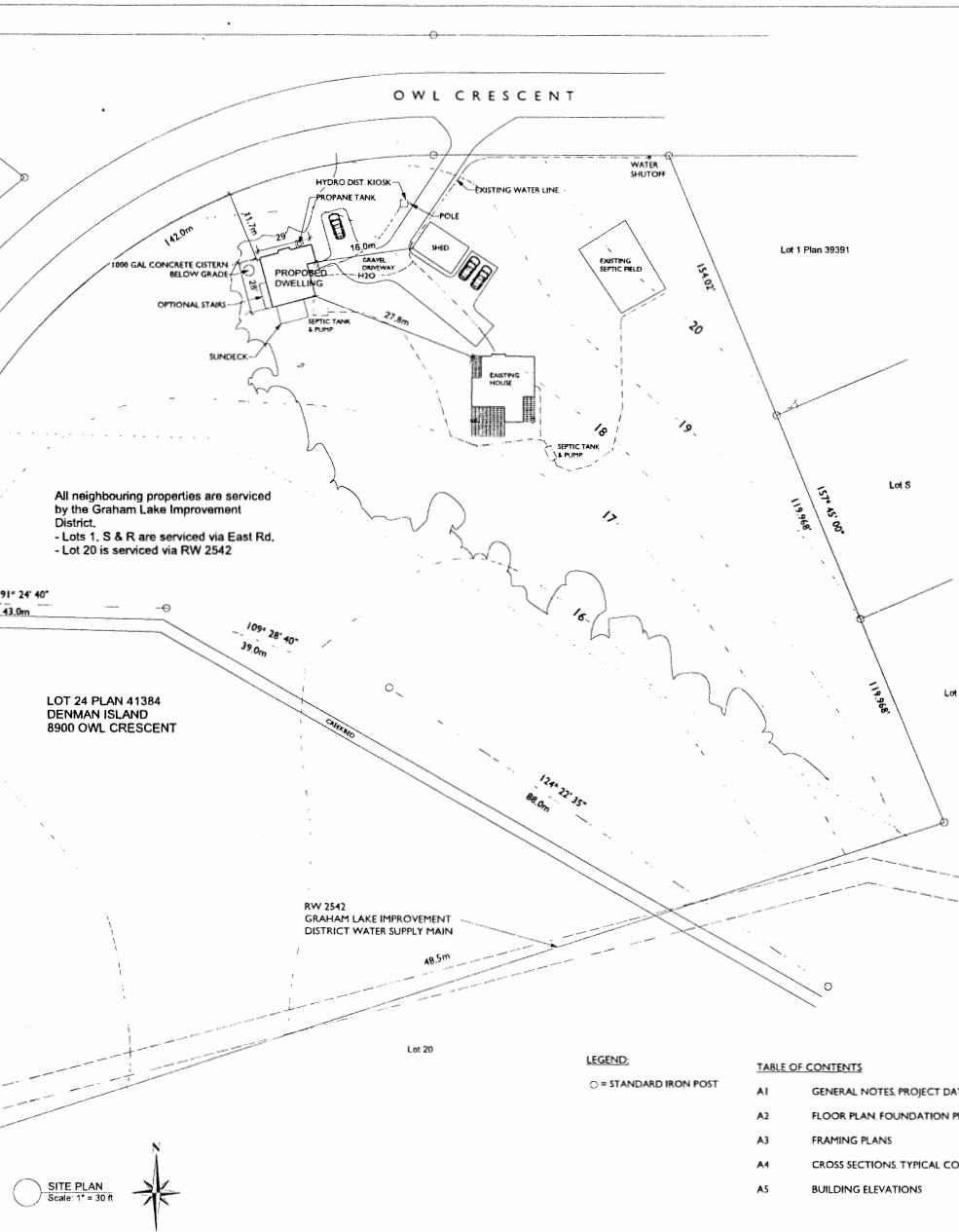
To: **Craig Williams**

1. This Permit applies to the land described below:
PID 000-876-283
Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384
2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting a secondary dwelling unit on the above described land, and is subject to the following conditions:
 - a) the maximum floor area of the secondary dwelling unit shall not be more than 68 square metres (732 square feet);
 - b) the secondary dwelling unit shall not be located more than 27.8 metres (91.2 feet) from the principal residence;
 - c) the secondary dwelling unit shall be connected to an approved sewerage system;
 - d) the secondary dwelling unit shall include a rainwater catchment and storage system for a capacity of at least 1,000 gallons;
 - e) potable water shall be supplied by making a connection off the existing water line on the property, as approved by the Graham Lake Improvement District;
 - f) the owner must provide parking for a minimum of one vehicle for the secondary dwelling unit;
 - g) the holder of the Permit will be held accountable for any violation of the conditions of this Permit; AND
 - h) conditions a) through f) apply to the proposed secondary dwelling unit, septic tank and pump, and water cistern as shown on Schedules "A1", "A2.1", "A2.2" and "A2.3" attached to and forming part of this permit.
3. This Permit expires three years from date of issuance.
4. This is not a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____.

Deputy Secretary, Islands Trust

Date Issued



PROJECT DATA:

PROJECT DESCRIPTION: 70m² Coach House

CIVIC ADDRESS: 8900 Owl Crescent, Denman Island BC

LEGAL DESCRIPTION: Lot 24, Denman Island, Plan 41384

SITE AREA: 1.9804 (213284 SF)

SITE COVERAGE: EX: 156 m² (78%) PROPOSED: 240m² (1.2%)COACH HOUSE FLOOR AREA: 68.0m² (732.0 SF)COACH HOUSE SETBACKS:
TO MAIN HOUSE: 27.8m
TO FRONT P.L.: 11.7m
TO WOODSHED: 16.0m

COACH HOUSE HEIGHT: 5.36m from average grade

CONSTRUCTION NOTES

1. THESE CUSTOM HOME PLANS HAVE BEEN DESIGNED AND DRAFTED IN ACCORDANCE WITH THE BRITISH COLUMBIA BUILDING CODE AND SHOULD REFLECT SNOW, WIND, FROST PROTECTION (500mm) AND SEISMIC CONDITIONS AT THE BUILDING LOCALE WHERE MINOR CHANGES ARE REQUIRED TO COMPLY WITH LOCAL CODES AND CONDITIONS. THESE CAN BE NOTED DIRECTLY ON THE BLUEPRINTS. MORE EXTENSIVE MODIFICATIONS SHOULD BE UNDERTAKEN BY A REGISTERED DESIGN PROFESSIONAL OR CAN BE PROVIDED BY JOHN GOWER DESIGN.

2. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS ON DIFFERENT DRAWINGS AND ON THE BUILDING SITE BEFORE COMMENCING CONSTRUCTION.

3. EVERY EFFORT IS MADE TO ENSURE CONSISTENCY BETWEEN ALL DRAWINGS IN THIS PLAN SET; HOWEVER IN THE EVENT OF A DISCREPANCY BETWEEN SCALED DIMENSIONS AND THOSE NOTED ON THE DRAWINGS THE LATTER SHALL TAKE PRECEDENCE.

4. INSPECTION AND/OR SUPERVISION OF CONSTRUCTION IS NOT PROVIDED BY JOHN GOWER DESIGN. IT IS THE RESPONSIBILITY OF THE BUILDING OWNER AND/OR BUILDER TO ENSURE CONSTRUCTION COMPLIES WITH APPLICABLE BUILDING CODES AND BYLAWS AND CONFORMS TO ACCEPTABLE PRACTICES.

5. ALL FOOTINGS TO BEAR ON UNDISTURBED NATIVE SOIL OR ENGINEERED COMPACTED DRAIN ROCK FILL. A MINIMUM OF 500mm BELOW GRADE. ASSUMED SOIL BEARING 1500 PSF.

6. CONCRETE FOOTINGS AND FOUNDATIONS TO BE MINIMUM 25mPa AT 28 DAYS. SLABS TO BE MINIMUM 30mPa AT 28 DAYS.

7. LUMBER SPECIES AND GRADES TO BE AS FOLLOWS:
ROOF: ENGINEERED FLAT-BOTTOM AND RAISED CEILING TRUSSES,
BLOCKING BRIDGING AND MISC.: DOUGLAS FIR OR HEMLOCK #1 & BETTER.
STUDS: STUD GRADE.
SILLS, SLEEPERS AND PLATES IN CONTACT WITH CONCRETE: S-P-F W/ 60% MOISTURE BARRIER BELOW.
EXPOSED BEAM: 6X8 #1 D.FIR.
POSTS: 6X6 #1 D.FIR.

8. SOLID BLOCKING REQUIRED BETWEEN TRUSSES AND JOISTS AT BEARING WALLS.

9. LEDGERS AND FOUNDATION SILL PLATES SHALL BE BOLTED TO CONCRETE WITH ANCHOR BOLTS OF SIZE AND MINIMUM SPACING SHOWN ON DRAWINGS.

10. NAILING SCHEDULE FOR FRAMING TO CONFORM TO NATIONAL STANDARDS.

11. MINIMUM 3/4" CONTINUOUS AIRSPACE TO BE MAINTAINED BETWEEN TOP OF ROOF INSULATION AND UNDERSIDE OF ROOF SHEATHING. ROOF CAVITY TO VENT AT MIN 1:150.

12. CONTINUOUS LAYER OF UV-RESISTANT POLYETHYLENE VAPOUR BARRIER TO BE INSTALLED ON THE WARM SIDE OF INSULATION IN WALLS AND CEILINGS.

13. ALL WINDOWS ARE TO MEET BCBC 2012 AND THE CSA A440.0 REQUIREMENTS FOR SHGC, U-FACTORS, STRUCTURAL WATER PENETRATION AND AIRTIGHTNESS PERFORMANCE REQUIREMENTS, AND SHALL BEAR LEGIBLE SEALS/LABELS.

14. BEDROOM EGRESS: PROVIDE MINIMUM NET CLEAR OPENING OF 0.32 METERS SQUARED AND NO DIMENSION LESS THAN 380mm. MAXIMUM HEIGHT OF WINDOW FROM SUBFLOOR TO FINISHED WINDOW SILL TO BE 1100mm (VERIFY ON PLANS).

15. ALL CERAMIC WALL TILE INSTALLED IN AREAS PRONE TO WATER AND/OR PHYSICAL IMPACT TO BE UNDERLAIN WITH 1/2" REINFORCED CONCRETE BACKER BOARD.

16. CONTRACTOR TO VERIFY FRAMING WITH HEATING AND PLUMBING CONTRACTORS TO ENSURE PROPER INSTALLATION OF DUCTING AND PLUMBING.

17. SMOKE DETECTORS SHOULD BE CONNECTED TO THE RESIDENCE POWER SOURCE (110V).

18. EXTERIOR DIMENSIONS ARE TO EXTERIOR OF SHEATHING AND/OR FACE OF ICF FORMWORK U.N.O. INTERIOR DIMENSIONS ARE TO FACE OR CENTRE OF STUD U.N.O.

TABLE OF CONTENTS

A1	GENERAL NOTES, PROJECT DATA, SITE PLAN
A2	FLOOR PLAN, FOUNDATION PLAN & DETAILS
A3	FRAMING PLANS
A4	CROSS SECTIONS, TYPICAL CONSTRUCTION
A5	BUILDING ELEVATIONS

MARGARET WILLIAMS HOUSE
8900 Owl Crescent, Denman Island BCJOHN
GOWER
DESIGNCustom design services
Site development planning

scale	as noted
area	Spring 2016
drawn	JGS / JS
checked	JGS
approved	APR 13, 2016
reference	per 70
date	per 70
drawing number	A1

Note: All measurements and dimensions are given in metric units. All dimensions are to be taken from the face of the work unless otherwise specified.

FOUNDATION PLAN
Scale: 1/4" = 1'-0"

PERIMETER DRAIN
TO DAYLIGHT ON NORTH

TO SEPTIC SYSTEM

6" CAST IN PLACE
8" X 8" CONC. UPTAKE
2X2X1X6" PAD

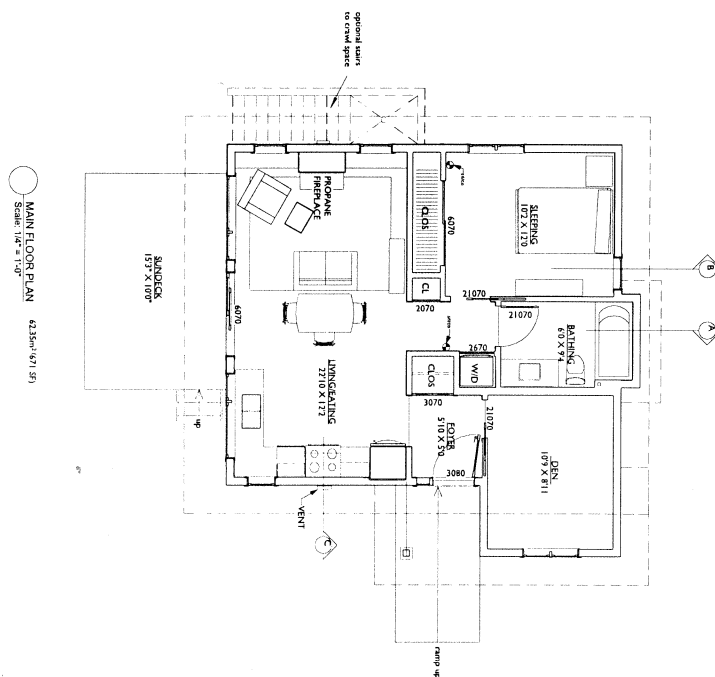
3" CONCRETE FLOOR SLAB
6" X 8" MOD. INSULATED BURTER
2" LIGHT BARS CONT.
1" X 6" STAIN F.T.C.
6" UPTAKE ON 16" X 8" STAIN F.T.C.

16'-4" 11'-10 1/2" 28'-0" 27'-0"

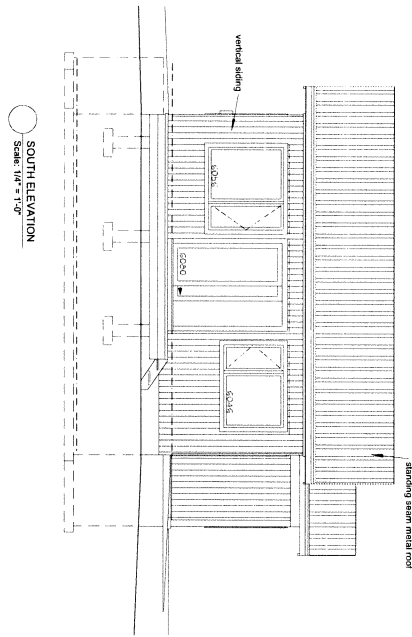
8'-7 1/2" 3'-4" 10'-0" 4'-0" 4'-0" 15'-3"

1'-4" 4'-0" 10'-0" 16'-4" 27'-0"

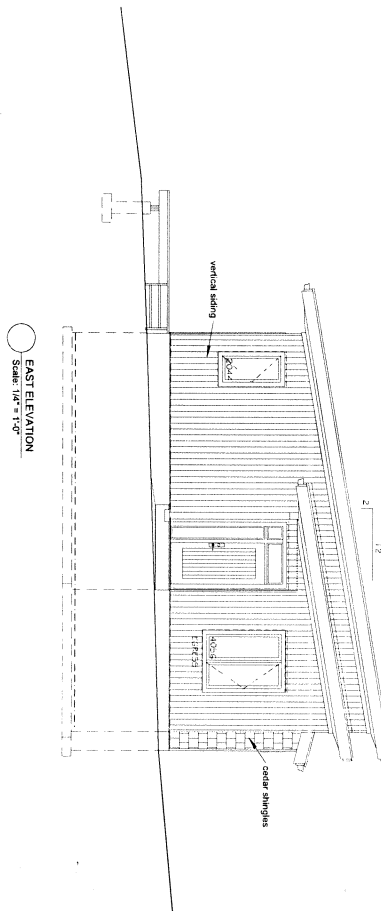
CAMERAPACE
HT 180 BY OWNER



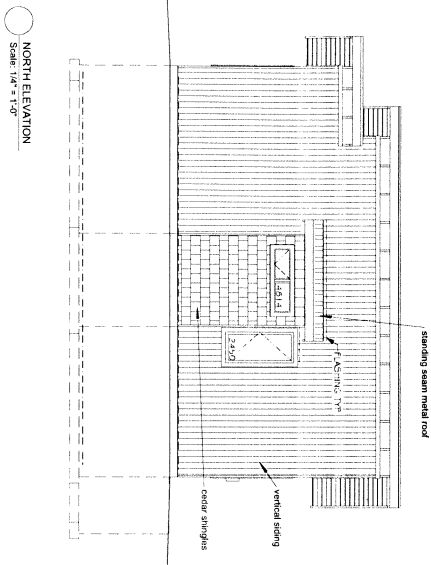
Schedule "A2.2"



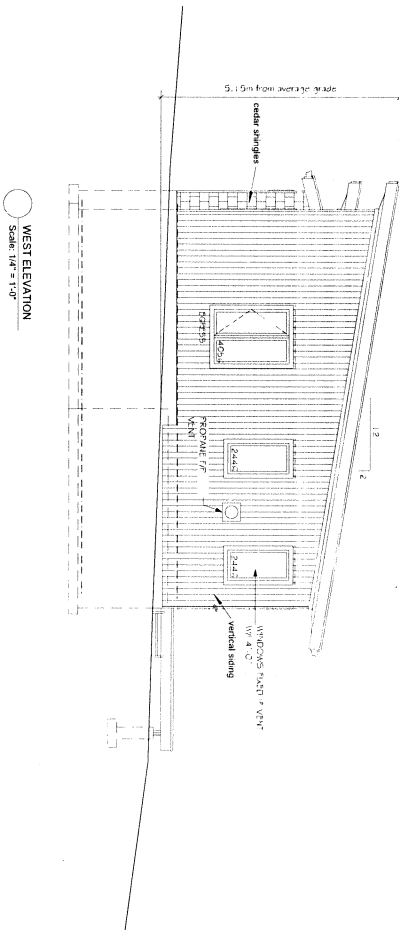
SOUTH ELEVATION
Scale: 1/4" = 1'-0"



EAST ELEVATION
Scale: 1/4" = 1'-0"



NORTH ELEVATION
Scale: 1/4" = 1'-0"



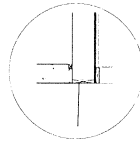
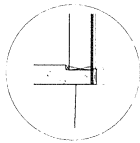
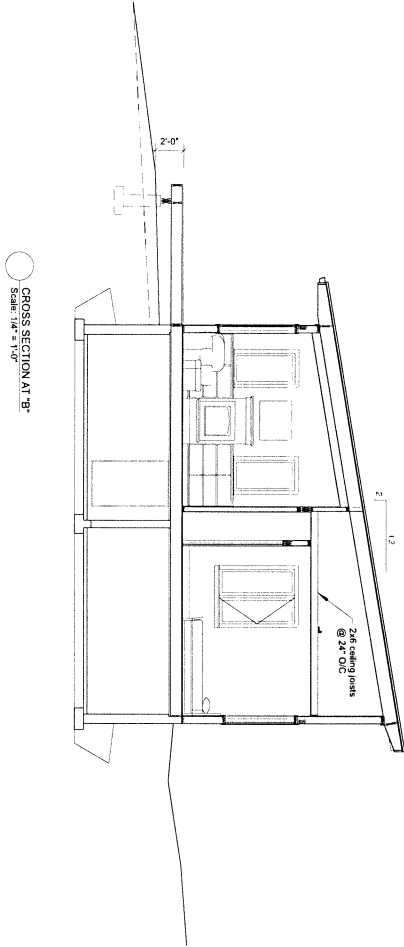
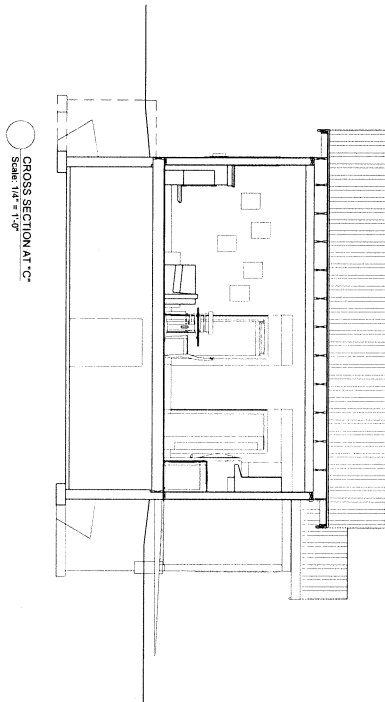
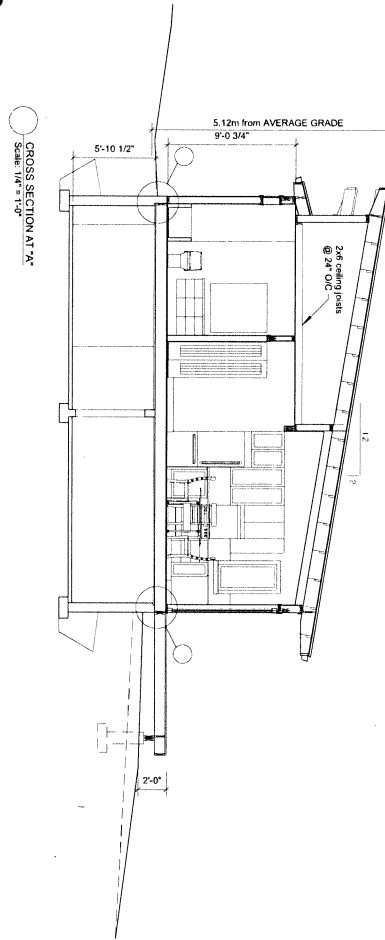
WEST ELEVATION
Scale: 1/4" = 1'-0"

MARGARET WILLIAMS HOUSE
8900 Owl Crescent, Denman Island BC

JOHN GOWER DESIGN
3073-2488 Cowichan Ave.
Victoria, BC V8N 3K3
Tel: 250.877.8300
info@gowerdesign.com

DATE	2014.03.11
DESIGN	JG
CONSTRUCTION	JG
CLIENT	Margaret Williams
PROJECT	1st Floor Plan
SCALE	1/4" = 1'-0"
DRAWING	A2

Schedule "A2.3"





19/05

AUTHORIZATION TO OPERATE A SEWAGE DISPOSAL SYSTEM

FOLIO NUMBER: 711-07118-365 DATE OF APPLICATION (Y/M/D): 2005/02/07 NAME OF OWNER: Craig Williams NAME OF CONTRACTOR: John Kirk

LEGAL DESCRIPTION OF LOT

Lot 24 Sec 9 Plan 41384

STREET ADDRESS / GENERAL LOCATION

8900 Owl Crescent Denman Island

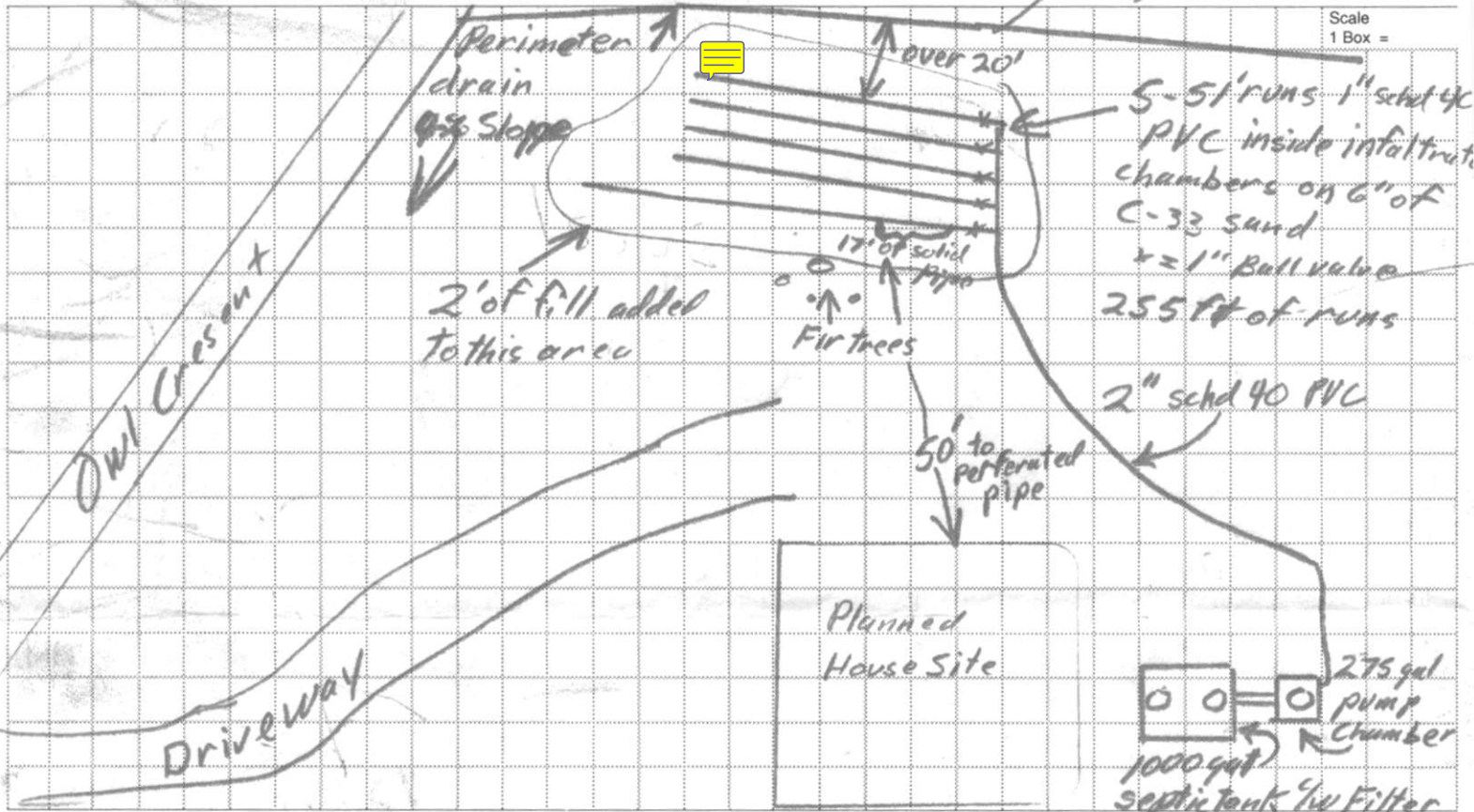
INSTALLED AS PER REGULATIONS

☒ Yes ☐ No

SIGNATURE OF OWNER / APPLICANT

John Kirk

AS BUILT DIAGRAM : to be completed by the contractor or applicant



The Ministry of Health does not guarantee the useable life of the sewage disposal system. The life of the system is affected by the use and maintenance it receives. Pump out the septic tank every 2-3 years. For servicing of package treatment plants, consult your local service agent. For service guarantees, consult your local sewage disposal contractor. If the system needs repair or modification, a new permit is required.

If the system is not authorized for backfilling and if corrections are required, a re-inspection fee of \$100 must be paid for each time the Public Health Inspector checks to see that the faults have been corrected.

DATE BACKFILL / USE AUTHORIZED

May 11, 2005

SUBJECT TO THE FOLLOWING CONDITIONS:

1) BACKFILL TRENCHES AND COVER FILL WITH 4" TO 6" TOPSOIL 2) SUB OR SUB FILL WITH GRASS 3) REGULAR MAINTENANCE OF SEPTIC TANK IS REQUIRED - PUMP OUT SEPTICS EVERY 3 YEARS. 4) CHECK: Clean Effluent Filter yearly 5) NO GARAGE TANKS 6) PROTECT DISPOSAL FROM PHYSICAL DAMAGE AND SOIL COMPACTION 7) FINAL INSPECTION DOES NOT INCLUDE ELEVATION

SIGNATURE PUBLIC HEALTH INSPECTOR / EHO:

FOR PUBLIC HEALTH INSPECTOR / EHO USE ONLY

	APPROVED	REJECTED	NOT APPLICABLE		APPROVED	REJECTED	NOT APPLICABLE
septic tank	☒	☐	☐	curtain drain	☐	☐	☒
package treatment plant	☐	☐	☒	interceptor drains	☐	☐	☒
other (e.g. lagoon, holding tank) specify:				pump	☒	☐	☐
field laterals	☒	☐	☐	drain rock	☐	☐	☒
distribution box	☐	☐	☒	set back distances	☒	☐	☐
siphon	☐	☐	☒	fill	☒	☐	☐

**LOCATION**

Legal Description	Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384
PID	PID 000-876-283
Civic Address	8900 Owl Crescent, Denman Island

LAND USE

Current Land Use	R2 – Rural Residential
Surrounding Land Use	The subject property is located at 8900 Owl Crescent on Denman Island in the R2 (Rural Residential) zone, and is approximately 2 hectares (4.942 acres) in size. The easternmost third of the property has been cleared for residential use (figure 3), where there are a number of existing buildings and structures including the primary residence, septic tanks & pumps, a septic field, cistern, water line, propane tank, as well as a shed. Road to the west and north, residential properties to the east and south; irregular in shape, and bisected by a stream, as shown in figure 1 below.

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2005.2	Single family residence, garage and hobby woodwork shop. Home office for computer consulting, programming and technical support.
DE-SUP-2011.16	Single Family Dwelling and Garage/workshop

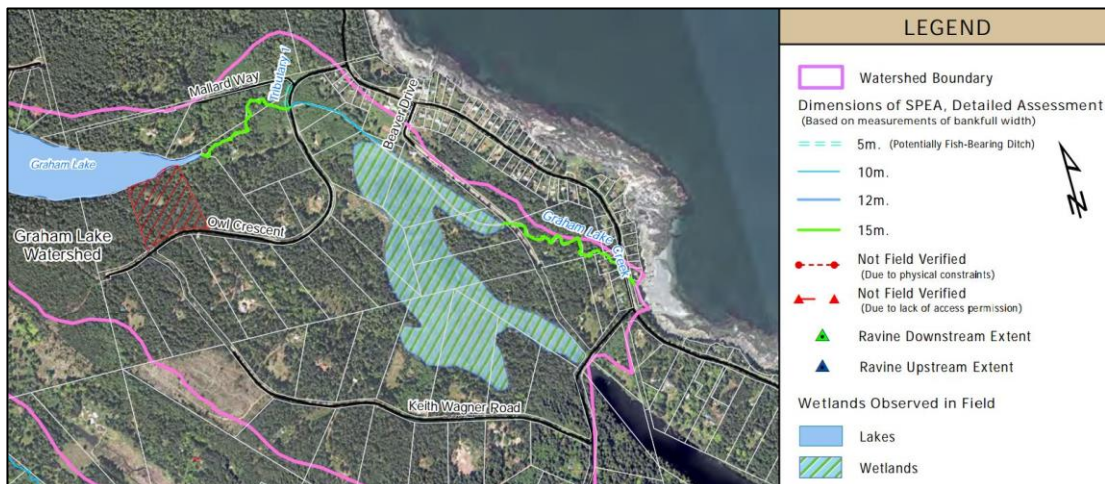
POLICY/REGULATORY

Denman Island Official Community Plan, No. 185	OCP Designation: R – Rural <u>Development Permit Area:</u> According to Schedule E, Map 2 in the OCP, the location of the proposed secondary dwelling appears to be within Development Permit Area 4 – Major Streams. However, this appears to be incorrect. The applicant has indicated that the current location of the stream and ditch bisects their property, which is confirmed by the 2014 Madrone Report on the Graham Lake Watershed¹ (see figure 2 below). Given this information, staff are satisfied that the proposed location of the secondary dwelling is indeed greater than 30 metres from the present natural boundary of the stream.
--	--

¹ See p.38 <http://islandstrust.bc.ca/media/264775/January-21-2014-Madrone-Environmental-Stream-Mapping-Report.pdf>



Figure 2: Excerpt from the 2014 Madrone Report on the Graham Lake Watershed



The subject property generally slopes downhill from the creek. Although OCP mapping designates a portion of the property within Development Permit Area 4 – Major Streams (figure 4), which requires a minimum setback distance of 30 metres, staff are satisfied that this proposal does not require a Development Permit as the proposed dwelling site is more than 80 m from the stream.

Figure 3: Aerial Photo of Subject Property





Figure 4: OCP Development Permit Area 4 – Major Streams Map



The Denman Island Official Community Plan, No. 185 contains the following objectives and policies related to housing on the island.

Section E.1 - Housing

Guiding Objective

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

Housing – Objectives

Objective 1: To ensure that **housing options are sensitive** to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island.

Objective 2: To ensure **housing options preserve human diversity in the community**.

Objective 3: To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing **flexibility for a range of dwelling types**.

Objective 4: To support the establishment of affordable housing, rental opportunities and special needs housing and provide the **opportunity for Island seniors to remain in the community, especially in their own or their families' homes**.



	Housing Policy 10: 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. Housing Policy 11: The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section. Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy. Housing Policy 15: The Local Trust Committee may approve secondary dwelling units on lands within the “Rural” and “Sustainable Resources” designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.
Denman Island Land Use Bylaw, No. 186	The subject property is zoned R2 – Rural Residential in the Denman Island Land Use Bylaw No. 186. For the applicant to obtain a TUP, the property must comply with zoning and the following objective and guidelines apply. This TUP application has been reviewed for adherence with the guidelines (see attachment 5): Area 2: The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource). Objective: To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan. Guidelines: (See Attachment 5 for TUP Guidelines Checklist)
Other Regulations	<u>Islands Trust Policy Statement</u> The following Islands Trust Policy Statements pertain to this TUP application. 3.3 Freshwater and Wetland Ecosystems and Riparian Zones <i>Directive Policy</i> • 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. 5.2 Growth and Development <i>Directive Policies</i> • 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. • 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards. 5.8 Health and Well-being <i>Directive Policies</i> • 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.
Covenants	Right of Way (C16350) held by the Graham Lake Improvement District = n/a
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Fund	Lindsay Dickson Nature Reserve (Trust Fund Property) to the north.
Regional Conservation Strategy	Map 7 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is medium for this property.
Sensitive Ecosystems	A small part of the eastern portion property is mapped as having a young forest (Coastal Douglas-fir) ecosystem present.
Hazard Areas	None mapped.
Archaeological Sites	According to Remote Access to Archaeological Data (RAAD), there are no archaeological sites on or within 50 metres of the subject property.
Climate Change Adaptation and Mitigation	There are no anticipated significant impacts on greenhouse gas emissions that would result from this TUP application.
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a



TEMPORARY USE PERMIT GUIDELINES, AREA 2, FOR A SECONDARY DWELLING UNIT

Guideline	Complies?	Planner Comments
Guideline 1: Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.		
Zoning of Subject Property	yes	Subject property is zoned “R2” = OK
Guideline 2: Compliance with the requirements of the “Secondary Suites and Dwelling Units” regulations of Part 2, “General Regulations” is a condition of approval*		
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6 a) Not have a floor area in excess of 140 sq. m (1506.9 sq. ft)	yes	Proposed floor area = 68 sq. m (732 sq. ft) = OK *Condition included in permit.
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6. b) not be located more than 60 metres (196.8 ft) from the principal residence unless otherwise approved by the LTC as a condition of the permit.	yes	Proposed distance = 27.8 m (91.2 ft) = OK *Condition included in permit.
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6. c) Be connected to an approved sewerage system.	TBD	Applicant notes that original septic system, installed and approved in 2005 (attachment 3), was sized for a 3 bedroom house, although a two bedroom house was built. They are confident that the system can be expanded to accommodate the additional secondary dwelling unit (1 bedroom + den) *Condition included in permit.
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6. d) Include a rainwater catchment and storage system for a capacity of at least 1,000 gallons unless otherwise approved by the LTC as a condition of the permit.	yes	Applicant has confirmed that the 1,000 gallon concrete cistern below grade, as shown on proposed site plan, is intended to be used for the storage of collected rainwater for the secondary dwelling unit. *Condition included in permit.
2.1.7 A written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water prior to the issuance of permits to allow the use.	n/a	n/a (Regulation 2.1.8 applies in this case)



2.1.8 Where water is supplied to a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.	TBD	*Condition included in permit.
2.1.9 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary dwelling unit.	n/a	n/a (Regulation 2.1.8 applies in this case)
Guideline 3: Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.		
Potentially refer application to APC	n/a	Staff have not identified a need to refer to the APC.
Guideline 4: Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.		
Other agency approvals?	n/a	No approvals from other agencies are required.
Guideline 5: The general conditions for issuing a Temporary Use Permit are as follows:		
a) Adequate off-road parking should be provided (Land Use Bylaw subsection 2.5.16 – automobile parking space requirements for residential use: residential • one per one single family • one per one cabin or accessory)	yes	Applicant confirmed that the proposed plan indicates two parking spaces to be used by the existing house and one dedicated parking space for the proposed secondary dwelling unit = OK . *Condition included in permit.
b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee	yes	As this is a residential use, garbage pick-up and recycling is available to the property through Denman Island Residents Association's Waste Management Committee = OK .
c) Water supply should be addressed so as to not create negative impacts upon existing common water sources	yes	See comments under regulation 2.1.8 above.
d) Other requirements that the Local Trust Committee may consider appropriate	Subject to LTC consideration	Any other requirements that the LTC consider appropriate should be considered as a condition of permit.

File Nos.: DE-DVP-2016.2 (BC FERRIES WEST TERMINAL)
and DE-DVP-2016.3 (BC FERRIES EAST TERMINAL)

DATE OF MEETING: September 20, 2016

TO: Denman Island Local Trust Committee

FROM: Teresa Ritemann, Planner 1
Northern Office

SUBJECT: Development Variance Permit applications:
DE-DVP-2016.2 (BC FERRIES WEST) – 3661 Denman Rd, Denman Island; PID 025-709-801
DE-DVP-2016.3 (BC FERRIES EAST) – Gravelly Bay, Denman Island; PID 025-709-798

RECOMMENDATION

That the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2016.2.

That the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2016.3.

REPORT SUMMARY

Through current partner applications DE-SUP-2016.5 and DE-SUP-2016.6, the applicant (BC Ferries) is proposing to replace and upgrade the existing terminal buildings (waiting room/washroom) and sewage disposal field. Proposed modifications include: construction of a new terminal building on each site, with a passenger waiting room, covered exterior waiting space, accessible washrooms, janitor's closet, electrical/utility room, storage room, and an employee area to support terminal functions. New buildings will feature a slab-on-grade foundation, wood-frame construction, and a shed roof; new sidewalks and landscaping are also proposed. In order to accommodate siting of the terminal buildings and septic disposal fields within the minimum setback from the natural boundary of the sea, variances to Denman Island Land Use Bylaw No. 186, 2008, s. 2.3.3 are required. The proposed use of the subject properties as ferry terminals will not change.

Staff note that while both applications have been dealt with in one staff report, each application should be considered separately and any resolution passed by the Local Trust Committee (LTC) should be specific to one application.

BACKGROUND

The DVP applications are a result of current Siting and Use Permit applications for the same properties, for which replacement ferry terminal waiting rooms and associated sewage disposal fields are planned for upgrades. The subject properties are located at 3661 Denman Road (Denman West Terminal), and at Gravelly Bay (Denman East Terminal) on Denman Island, as shown in Figures 1 & 2, and are presently used as ferry terminals each comprised of marine structures, an upland vehicle holding compound, a passenger waiting building, and utility structures. Both properties are located on fill in the W2 – Marine Services zone, and are bordered by ocean on all sides, except for their upland access points from public roadways (Denman Road and Gravelly Road).

Figure 1: Subject Property Map (Denman West Terminal)

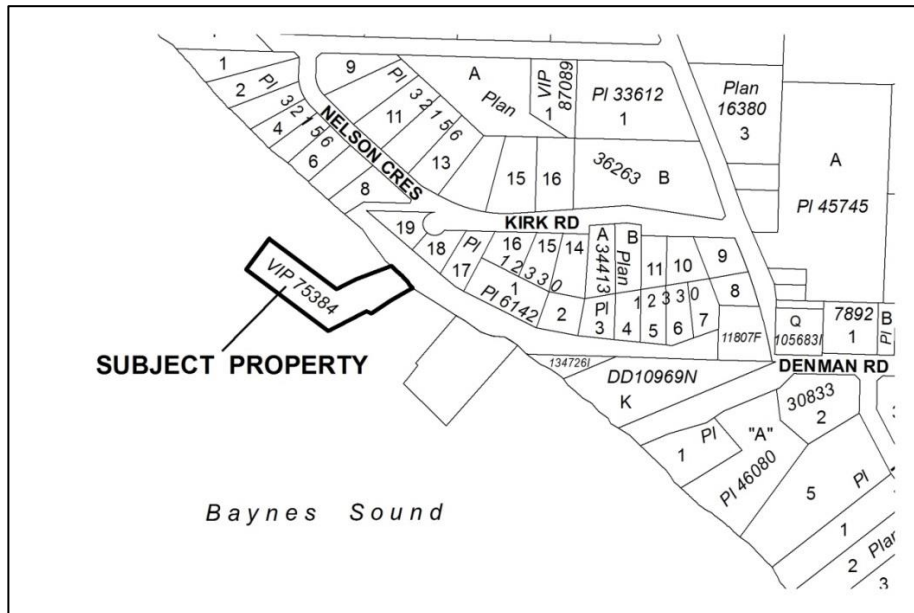
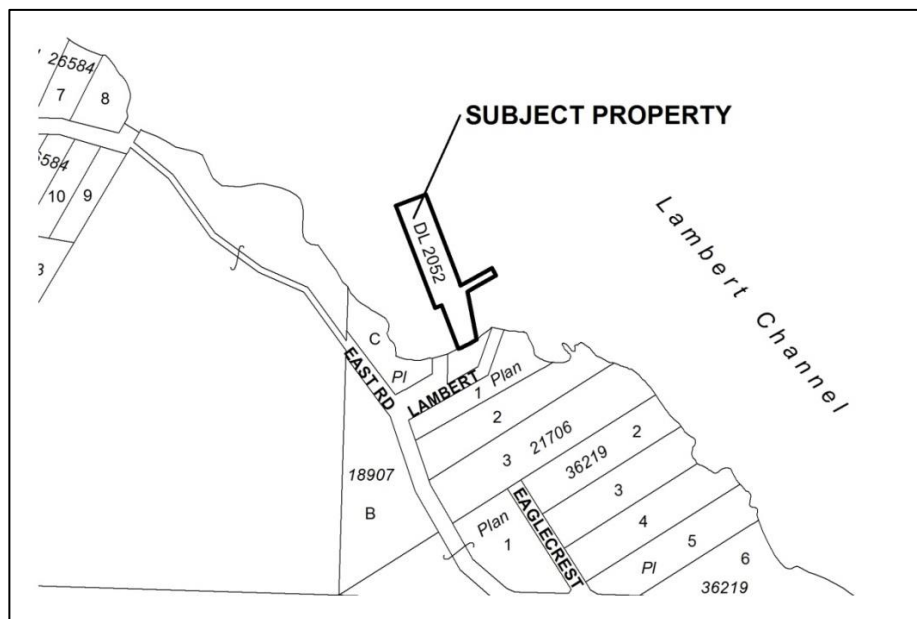


Figure 2: Subject Property Map (Denman East Terminal)



The applicant has provided the following rationale for their DVP applications:

1. The existing terminal buildings and sewage disposal fields have reached the end of their serviceable lives. In order to continue providing customers with waiting rooms and washrooms, BC Ferries plans to replace these assets beginning Fall 2016;
2. The extent of the properties do not allow for the siting of the buildings and sewage disposal fields to meet setback requirements from the natural boundary of the sea in the Denman Island Land Use Bylaw:

- a. Siting of the new waiting room buildings are dictated by available land for construction, proximity to the ramp, and accessibility to the public.
- b. Siting of the sewage disposal fields are dictated by the professional opinions of the Engineer of Record and the Registered Onsite Wastewater Practitioner (ROWP). The proposed locations have been approved by Island Health and present an improvement in environmental protection compared to the existing sewage disposal fields (see attachment 9)
- c. There will be no new net impacts to the surrounding lands.

ANALYSIS

Policy/Regulatory:

Relevant policies, regulations, and site context information were reviewed for the partner Siting and Use Permit applications (see attachments 3 and 7). The most significant regulation identified was the setback from the natural boundary of the sea, resulting in the need for these DVP applications to ensure compliance with the LUB. Planning staff identified the need for the applicant to apply to vary the following subsection of the Denman Island Land Use Bylaw No. 186, 2008, in order to permit the minimum setbacks, as proposed in Table 1 below.

Subsection 2.3.3 Setbacks and Elevations from the Sea: “The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:

- **30.0 metres for a sewage disposal field or alternate sewerage system;**
- 30.0 metres for buildings and structures associated with intensive agriculture or used to accommodate domesticated animal other than household pets;
- 5.0 metres for a boathouse; and
- **15.0 metres for all other buildings and structures”**

Table 1: Proposed Setbacks from the Natural Boundary of the Sea

	Terminal Building	Sewage Disposal Field
Denman West Terminal	9.2 m	5.0 m
Denman East Terminal	4.8 m	5.6 m

Relevant statements within the Denman Island Official Community Plan No. 185, 2008 include:

C.3 – The Marine Environment:

- Policy 18: The areas designated Water in this Plan are designated to protect the natural environment and sensitive ecosystems, while allowing for recreational and transportation activities that support the Denman community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that new uses do not harm sensitive natural habitat features and systems, and preserving the rural nature of the local trust area. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Water designation.

D.2 – Transportation and Utilities

- Objective 10: To maintain the ferry service that follows, rather than precedes, community needs
- Objective 11: To achieve ferry service that encourages carpooling, public transport, and non-automotive land transportation

In consideration of the above, staff are of the opinion that the proposed variances are consistent with the OCP and no further information is required from the applicant to support their DVP applications.

Issues and Opportunities:

BC Ferries provides an essential transportation service to Denman Island residents and visitors. Provision of modern facilities support this service and further benefit both public and environmental health.

Consultation:

No Community Information Meeting is required or recommended for these applications. Public notification of the proposed variances will be distributed to neighbouring property owners on September 9, 2016, in advance of the September 20, 2016 Denman Island Local Trust Committee meeting, in accordance with statutory requirements (see attachments 1 and 5). At the time of writing this report, staff had received no submissions from neighbouring property owners or tenants regarding the application.

Rationale for Recommendation:

Ferry terminals are essential facilities on the island, and upgrades and improvements, including the fixing of a failing septic system, would be beneficial in supporting public water access, environmental health objectives and policies of the Denman Island OCP. Island Health has approved the proposed locations of the sewage disposal fields nearer to the natural boundary of the sea than the setback regulation in the LUB (see attachments 4 and 8). Due to site constraints, the location of the terminal building within the setback from the natural boundary of the sea is also unavoidable. Thus, planning staff support granting these variance requests.

ALTERNATIVES

1. The Denman Island Local Trust Committee may deny any or all of the variances. If the Local Trust Committee selects this alternative, it should provide reasons for denial.
2. The Denman Island Local Trust Committee may request further information or clarification be provided prior to making a decision.

Submitted By:	Teresa Ritemann Planner 1	August 11, 2016
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	August 12, 2016

ATTACHMENTS

1. Copy of Public Notice for DE-DVP-2016.2
2. Copy of Proposed Permit (Including "Schedule A" - Site Plan) for DE-DVP-2016.2
3. Site Context for DE-DVP-2016.2
4. Record of Sewerage System for DE-DVP-2016.2 (Denman West)
5. Copy of Public Notice for DE-DVP-2016.3
6. Copy of Proposed Permit (Including "Schedule A" - Site Plan) for DE-DVP-2016.3
7. Site Context for DE-DVP-2016.3
8. Record of Sewerage System for DE-DVP-2016.3 (Denman East)
9. Copy of professional opinions of the Engineer of Record and the Registered Onsite Wastewater Practitioner (ROWP)

CC: Ann Kjerulf, Regional Planning Manager
Rob Milne, Island Planner



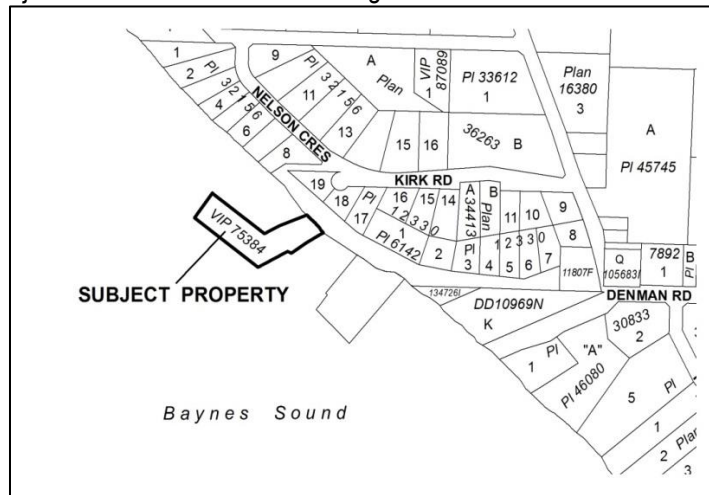
NOTICE
DE-DVP-2016.2 (BC FERRIES – DENMAN WEST)
DENMAN ISLAND LOCAL TRUST COMMITTEE

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 subsections of the *Denman Island Land Use Bylaw No. 186, 2008*, in general terms as follows:

The minimum setback from the natural boundary of the sea would be reduced to permit the location of a replacement ferry terminal building and sewage disposal field.

The property is legally described as: PID 025-709-801: District Lot 2053, Nanaimo District, Plan VIP75384

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 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing **September 9, 2016 and continuing up to and including September 19, 2016**. 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 Teresa Rittemann, Planner 1, at 250-247-2200; 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 Island, BC V0R 1X3
Fax: 250-247-7514 **Email:** trittermann@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 10:30 am, Tuesday, September 20, 2016, at the Denman Seniors 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 also be available for public review.

Becky McErlean
Deputy Secretary

PROPOSED



DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2016.2 (BC FERRIES – DENMAN WEST)

TO: BC Transportation Financing Authority.

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

PID 025-709-801

District Lot 2053, Nanaimo District, Plan VIP75384

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw No. 186, 2008* is varied as follows:

PART 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, Subsection Setbacks from Elevations from the Sea 2.3.3 “The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence or access stairway is:

- 30.0 metres for a sewage disposal field or alternate sewerage system;
 - a) Is varied in order to permit the location of a replacement sewage disposal field within a minimum of 5.0 metres from the natural boundary of the sea;
- 15.0 metres for all other buildings and structures;
 - b) Is varied in order to permit the location of a replacement ferry terminal building within a minimum of 9.2 metres from the natural boundary of the sea;

3. All buildings, structures and other improvements shall be consistent with Schedule “A” which is attached to and forms part of this permit. 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, 2008*, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

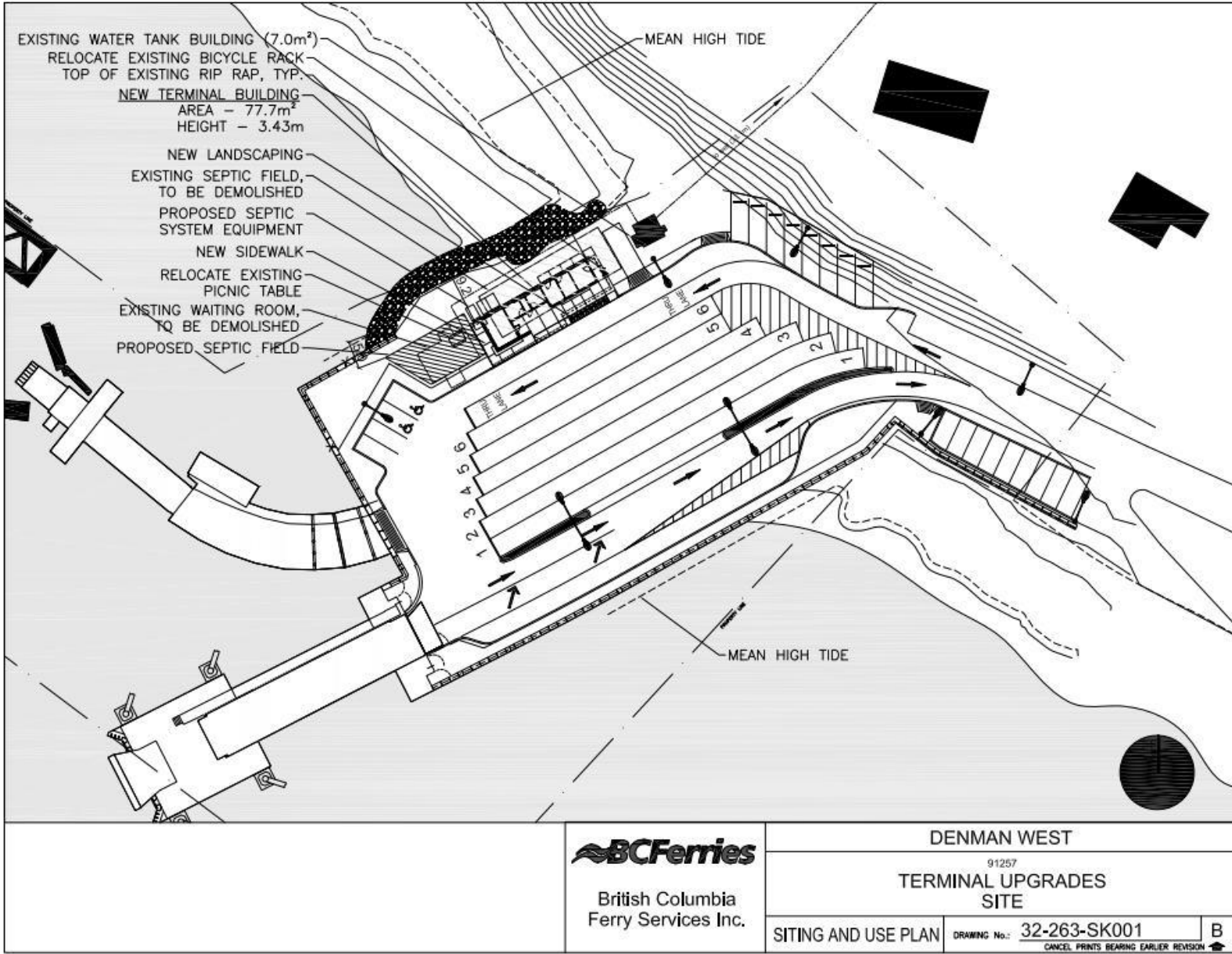
**AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 2016.**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF 2018,
THIS PERMIT AUTOMATICALLY LAPSES.**

Schedule "A" – Site Plan





ATTACHMENT 3 – SITE CONTEXT

File No.: DE-DVP-2016.2 (BC FERRIES WEST TERMINAL)

LOCATION

Legal Description	District Lot 2053, Nanaimo District, Plan VIP75384
PID	025-709-801
Civic Address	3661 Denman Road, Denman Island

LAND USE

Current Land Use	Ferry Terminal
Surrounding Land Use	Bordered by ocean on all sides, except for its upland access point off of Denman Road to the northeast. Upland zoning is residential.

HISTORICAL ACTIVITY

File No.	Purpose
DE-RZ-2007.4	Applicant withdrew their application
DE-SUP-2014.2	Terminal Modifications
DE-SUP-2016.5	Partner application for the siting of a new terminal building and septic field etc.

POLICY/REGULATORY

Official Community Plan Designations	OCP Designation: W – Water DP Area? No. Relevant Denman Island Official Community Plan No. 185, 2008 sections: C.3 – The Marine Environment: Objective 5 To ensure that use of the foreshore or offshore water does not result in loss or damage to the natural environment Objective 6 To minimise any negative impacts either of marine uses on adjacent upland or of upland uses on the marine area Policy 14: All buildings and structures located on adjacent upland should have setbacks sufficient to protect the foreshore and coastal marine environment. Policy 18 The areas designated Water in this Plan are designated to protect the natural environment and sensitive ecosystems, while allowing for recreational and transportation activities that support the Denman community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that new uses do not harm sensitive natural habitat features and systems, and preserving the rural nature of the local trust area. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Water designation. D.2 – Transportation and Utilities Objective 10 To maintain the ferry service that follows, rather than precedes, community needs Objective 11 To achieve ferry service that encourages carpooling, public transport, and non-automotive land transportation
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Land Use Bylaw	W2 – Marine Services In addition to the W2 regulations, the following are relevant subsections of the Denman Island Land Use Bylaw No. 186, 2008: 2.3.2: Setbacks from Streams, Lakes, and Wetlands: “The minimum setback from the natural boundary of a stream, lake, or wetland • for buildings and structures, except for a fence, sewage disposal field or alternate sewerage system, is 15.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres • for a sewage disposal field or alternate sewerage system is 30.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres”
Other Regulations	None.
Covenants	n/a (Lease between BC Transportation Financing Authority and BC Ferry Corp)
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Fund	None.
Regional Conservation Strategy	Map 7 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is low for this property.
Species at Risk	None mapped.
Sensitive Ecosystems	None mapped.
Hazard Areas	n/a
Archaeological Sites	None mapped.
Climate Change Adaptation and Mitigation	There are no anticipated significant impacts on greenhouse gas emissions that would result from this variance request.
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	Patches of forage fish and eel grass habitats are marked on or near the property. Proposed development is upland, therefore no proposed changes affecting shoreline.



RECORD OF SEWERAGE SYSTEM

Filing # (OFFICE USE ONLY)

C016/102

1. Property Information	☐ New Construction		☐ Alteration		☒ Repair		☐ Amendment – Original Filing #				
	Tax Assessment Roll # 771-23113.950					PID # 025-709-801					
	Legal Description (Plan, Lot, District Lot, Block Numbers) PL VIP 75394 DL 2053 LNDDS										
	Street (Civic) Address or General Location Denman W. Ferry Terminal					City Denman Island					
2. Owner Information	Name of Legal Owner British Columbia Ferry Services Inc.				Mailing Address 500 - 1321 Blanshard Street						
	Phone 250-978-1420		City Victoria BC		Prov BC		Postal Code V8W 0B7				
3. Authorized Person Information	Name of Authorized Person John Rowse				Mailing Address 44121-2947 Tillicum Rd						
	Phone 250-590-2514		City Victoria		Prov BC		Postal Code V9A7K1				
	Registration # OW0762		Email johnrowse@gmail.com								
4. Structure Information	Sewerage System Will Serve: ☐ Single Family Dwelling ☒ Other Structure (specify) Terminal Washroom ☐ Other Dwelling (specify) _____										
	The sewerage system is designed for an estimated minimum daily domestic sewage flow of (check one) ☒ Less than or equal to 9,100 litres ☐ More than 9,100 litres but less than 22,700 litres										
5. Site Information	Depth of native soil to seasonal high water table or restrictive layer (cm) 90cm				Information respecting the type, depth and porosity of the soil is attached ☒ Yes ☐ No						
	GPS Location of System (decimal degrees) Latitude 50.109773 Longitude -125.053815										
	Horizontal Accuracy (m) ³ _____				☒ Recreational GPS ☐ Differential GPS						
6. Drinking Water Protection	Will the sewerage system be located less than 30 m from a well? ☐ Yes ☒ No										
	If yes, attach a professional's report and specify the intended distance _____ (m)										
	Distance of proposed sewerage system to the closest body of surface water 4.2 _____ (m)										
7. System Information	Sewerage treatment method ☐ Type 1 ☒ Type 2 ☐ Type 3										
8. Legal or Regulatory Considerations	☒ Construction of the proposed sewerage system will not conflict with legal instruments registered on the property.				Is this filing submitted as the result of an order from the Health Authority? ☐ Yes (attach a copy of the order) ☒ No						
9. Plot Plan and Specifications	Plot Plan (to scale) and specifications are attached ☒ Yes ☐ No										
	☒ The plans and specifications are consistent with Standard Practice Source of Standard Practice: ☒ Ministry of Health Standard Practice Manual ☐ Other										
10. Authorized Person's Signature	Signature John Rowse				OFFICE USE ONLY						
	Digitally signed by John Rowse DN: cn=John Rowse, o=ca, email=johnrowse@gmail.com, c=CA Date: 2016.07.01 07:26:15 -0700				Filing Accepted Date July 12/16						
VANCOUVER ISLAND HEALTH AUTHORITY FILING ACCEPTED JUL 12 2016 This Filing Does Not Constitute Approval for Further Subdivision				June 30, 2016				Receipt Number 208303			

POSTED

JUL 11 2016



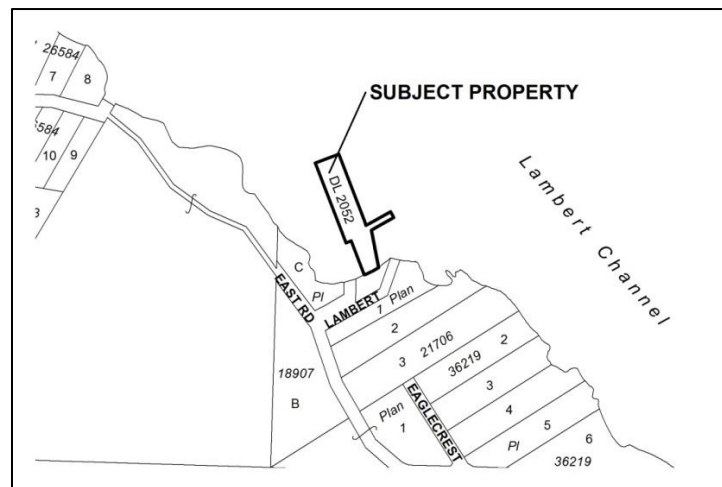
NOTICE
DE-DVP-2016.3 (BC FERRIES – DENMAN EAST)
DENMAN ISLAND LOCAL TRUST COMMITTEE

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 subsections of the *Denman Island Land Use Bylaw No. 186, 2008*, in general terms, as follows:

The minimum setback from the natural boundary of the sea would be reduced to permit the location of a replacement ferry terminal building and sewage disposal field.

The property is legally described as: PID 025-709-798: District Lot 2052, Nanaimo District, Plan VIP75383

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 am and 4:00 pm, Monday to Friday inclusive, excluding Statutory Holidays, commencing **September 9, 2016 and continuing up to and including September 19, 2016**. Also, attached for your convenience, is a copy of the proposed Permit.

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Fax: 250-247-7514 **Email:** trittermann@islandstrust.bc.ca

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All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

PROPOSED



DENMAN ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT VARIANCE PERMIT

DE-DVP-2016.3 (BC FERRIES – DENMAN EAST)

TO: BC Transportation Financing Authority

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

PID 025-709-798

District Lot 2052, Nanaimo District, Plan VIP75383

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw No. 186, 2008* is varied as follows:

PART 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, Subsection Setbacks from Elevations from the Sea 2.3.3 “The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence or access stairway is:

- 30.0 metres for a sewage disposal field or alternate sewerage system;
 - a) Is varied in order to permit the location of a replacement sewage disposal field within a minimum of 5.6 metres from the natural boundary of the sea;
- 15.0 metres for all other buildings and structures;
 - b) Is varied in order to permit the location of a replacement ferry terminal building within a minimum of 4.8 metres from the natural boundary of the sea;

3. All buildings, structures and other improvements shall be consistent with Schedule “A” which is attached to and forms part of this permit. 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, 2008*, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

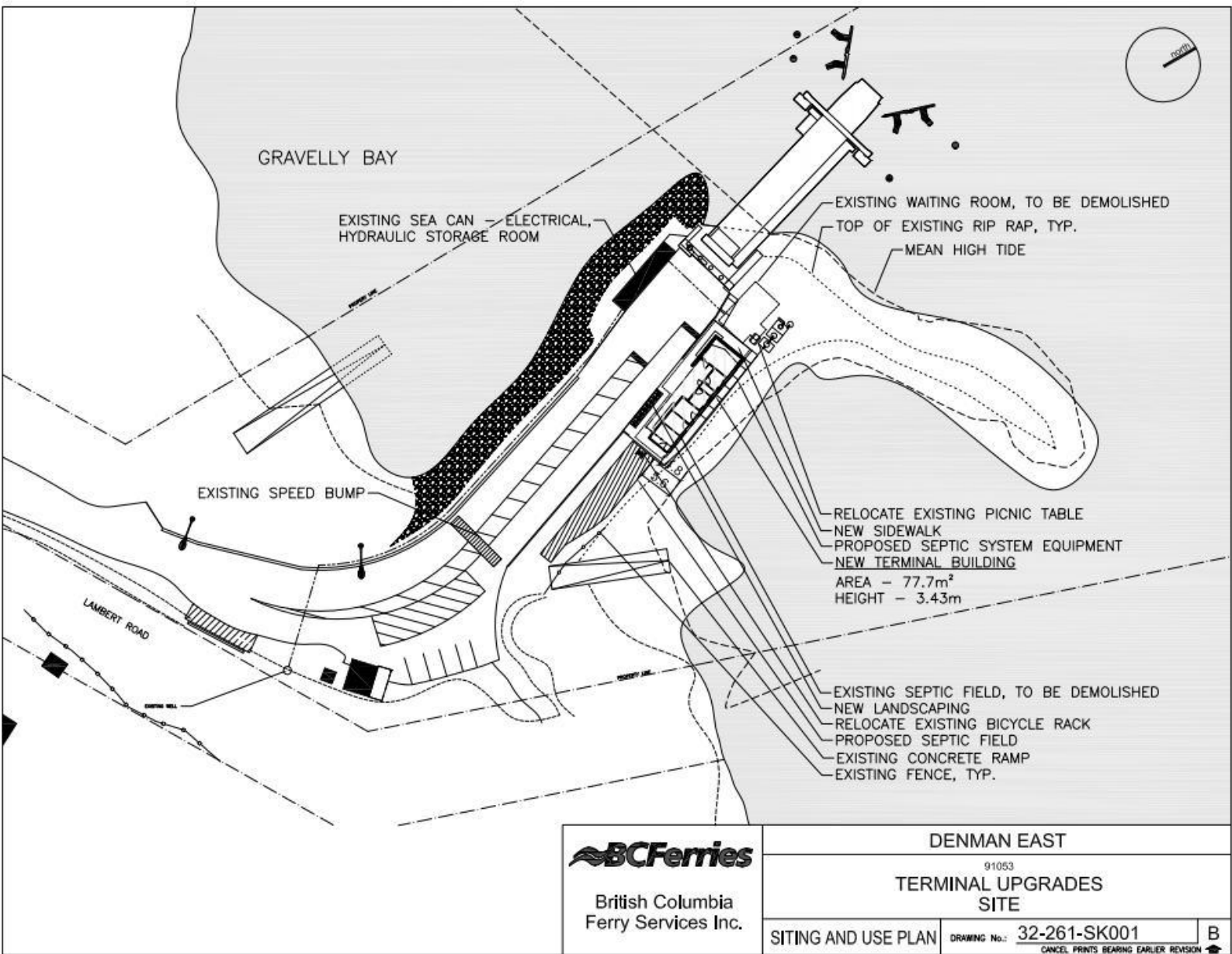
**AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF ____, 2016.**

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF 2018,
THIS PERMIT AUTOMATICALLY LAPSES.**

Schedule "A" - Site Plan



**LOCATION**

Legal Description	District Lot 2052, Nanaimo District, Plan VIP75383
PID	025-709-798
Civic Address	Gravelly Bay, Lambert Road, Denman Island

LAND USE

Current Land Use	Ferry Terminal
Surrounding Land Use	Bordered by ocean on all sides, except for its upland access point off of Lambert Road to the southeast. Upland zoning is residential.

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2016.6	Partner application for the siting of a new terminal building and septic field etc.

POLICY/REGULATORY

Official Community Plan Designations	OCP Designation: W – Water DP Area? No. Relevant Denman Island Official Community Plan No. 185, 2008 sections: C.3 – The Marine Environment: Objective 5 To ensure that use of the foreshore or offshore water does not result in loss or damage to the natural environment Objective 6 To minimise any negative impacts either of marine uses on adjacent upland or of upland uses on the marine area Policy 14: All buildings and structures located on adjacent upland should have setbacks sufficient to protect the foreshore and coastal marine environment. Policy 18 The areas designated Water in this Plan are designated to protect the natural environment and sensitive ecosystems, while allowing for recreational and transportation activities that support the Denman community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that new uses do not harm sensitive natural habitat features and systems, and preserving the rural nature of the local trust area. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Water designation. D.2 – Transportation and Utilities Objective 10 To maintain the ferry service that follows, rather than precedes, community needs Objective 11 To achieve ferry service that encourages carpooling, public transport, and non-automotive land transportation
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Land Use Bylaw	W2 – Marine Services In addition to the W2 regulations, the following are relevant subsections of the Denman Island Land Use Bylaw No. 186, 2008: 2.3.2: Setbacks from Streams, Lakes, and Wetlands: “The minimum setback from the natural boundary of a stream, lake, or wetland • for buildings and structures, except for a fence, sewage disposal field or alternate sewerage system, is 15.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres • for a sewage disposal field or alternate sewerage system is 30.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres”
Other Regulations	None.
Covenants	n/a (Lease between BC Transportation Financing Authority and BC Ferry Corp)
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Fund	None.
Regional Conservation Strategy	Map 7 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is medium for this property.
Species at Risk	None mapped.
Sensitive Ecosystems	Cliff ecosystem mapped.
Hazard Areas	n/a
Archaeological Sites	None mapped.
Climate Change Adaptation and Mitigation	There are no anticipated significant impacts on greenhouse gas emissions that would result from this variance request.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Patches of forage fish and some eel grass habitats are mapped near the property. Proposed development is upland, therefore no proposed changes affecting shoreline.



RECORD OF SEWERAGE SYSTEM

Filing # (OFFICE USE ONLY)

C016/104

1. Property Information	☐ New Construction		☐ Alteration		☒ Repair		☐ Amendment - Original Filing #	
	Tax Assessment Roll # 771-27113.150					PID # 009-704-175		
	Legal Description (Plan, Lot, District Lot, Block Numbers) Sec. 2 LNDDST 32							
	Street (Civic) Address or General Location Denman E. Ferry Terminal					City Denman Island		
2. Owner Information	Name of Legal Owner British Columbia Ferry Services Inc.					Mailing Address 500 - 1321 Blanshard Street		
	Phone 250-978-1420		City Victoria BC		Prov BC		Postal Code V8W 0B7	
3. Authorized Person Information	Name of Authorized Person John Rowse					Mailing Address 44121-2947 Tillicum Rd		
	Phone 250-590-2514		City Victoria		Prov BC		Postal Code V9A7K1	
	Registration # OW0762		Email johnrowse@gmail.com					
4. Structure Information	Sewerage System Will Serve:							
	☐ Single Family Dwelling ☒ Other Structure (specify) <u>Terminal Washroom</u> ☐ Other Dwelling (specify) _____ The sewerage system is designed for an estimated minimum daily domestic sewage flow of (check one) ☒ Less than or equal to 9,100 litres ☐ More than 9,100 litres but less than 22,700 litres							
5. Site Information	Depth of native soil to seasonal high water table or restrictive layer (cm) 90cm					Information respecting the type, depth and porosity of the soil is attached ☒ Yes ☐ No		
	GPS Location of System (decimal degrees) Latitude <u>49.494501</u> Longitude <u>-124.708829</u>							
	Horizontal Accuracy (m) <u>3</u>					☒ Recreational GPS ☐ Differential GPS		
6. Drinking Water Protection	Will the sewerage system be located less than 30 m from a well? ☐ Yes ☒ No							
	If yes, attach a professional's report and specify the intended distance _____ (m) Distance of proposed sewerage system to the closest body of surface water <u>4.2</u> (m)							
7. System Information	Sewerage treatment method ☐ Type 1 ☒ Type 2 ☐ Type 3							
8. Legal or Regulatory Considerations	☒ Construction of the proposed sewerage system will not conflict with legal instruments registered on the property.					Is this filing submitted as the result of an order from the Health Authority? ☐ Yes (attach a copy of the order) ☒ No		
9. Plot Plan and Specifications	Plot Plan (to scale) and specifications are attached ☒ Yes ☐ No							
	☒ The plans and specifications are consistent with Standard Practice Source of Standard Practice: ☒ Ministry of Health Standard Practice Manual ☐ Other							
10. Authorized Person's Signature	Signature John Rowse					OFFICE USE ONLY		
	Digitally signed by John Rowse DN: cn=John Rowse, o=, ou, email=johnrowse@gmail.com, c=CA Date: 2016.07.01 07:26:15 -07'00'					Filing Accepted Date <u>July 12/16</u>		

VANCOUVER ISLAND HEALTH AUTHORITY
FILING ACCEPTED

June 30, 2016

JUL 12 2016

Revised August 2015
This Filing Does Not Constitute
Approval for Further Subdivision

POSTED

JUL 11 2016

Receipt Number

208303

June 30, 2016

MCSL File #: 2221-48968 (2.0)

Island Health
200 – 1100 Island Highway
Campbell River, BC V9W 8C6

Re: Proposed Septic Systems at Three (3) BC Ferries Terminals on Denman & Hornby Islands – Rationale for Horizontal Setback Reduction to Marine Environment

To Whom it May Concern,

McElhanney Consulting Services Ltd. (MCSL) has recently completed design of new septic systems for the three (3) BC Ferries terminals located on Denman & Hornby Islands: Denman West, Denman East & Hornby terminals. Enclosed please find a *Record of Sewerage System* form completed for each of these terminals.

The proposed works involve the complete removal of the existing septic systems, and replacement with new treatment equipment and septic fields. Based on previous inspections and information provided by BC Ferries Operations staff, the existing systems are failing and no longer provide proper treatment of effluent.

Due to site constraints, the horizontal setback from the septic field to the marine environment has been reduced from the 15 meters recommended in Table II-19 of the *Sewerage System Standard Practice Manual (SSPM)*, version 3 to a minimum of 4.2 meters horizontal from the estimated Mean High Tide level. The size and location of the BC Ferries properties at each terminal are such that there is no suitable location that would meet all of the horizontal / vertical setback requirements as set out in the SSPM. It should be noted that each of the three BC Ferries terminals has well water supply, but the proposed septic fields each significantly exceed the minimum 30m horizontal setback from the wells.

The proposed septic systems are designed as Type II systems, but will provide "Type 2 10/10 effluent" (as per Section III- 4.2.2.3.(a) of the SSPM) and are expected to have a low fecal coliform density due to the high urine content typically characteristic of effluent from a public facility with short-term, transient users. The Type II treatment combined with micro-dosing within the sand media in the field will provide the necessary control of nutrients and fecal coliforms to prevent migration into the surrounding environment. Phosphorous attenuation will also be achieved due to the sufficient dispersal area, conservative Hydraulic Loading Rate (HLR), and large vertical separation to the water table (greater than 1m). These design elements, in combination with an ongoing maintenance program by BC Ferries Operations staff, will ensure a long-lasting system that will perform well at each of these ferry terminals.

1307 Shoppers Row	Tel 250 287 7799
Campbell River BC	Fax 855 407 3895
Canada V9W 2C9	mcelhanney.com



Page 2

Our File: 2221-48968

We believe the proposed works have been designed adequately such that the reduced setback to the marine environment poses little to no risk of human exposure to pathogens, or environmental risk. The proposed works will also significantly improve the treatment of effluent compared to the existing septic systems.

For further details regarding the design of the septic systems at each location, please refer to the attached detailed design drawings.

Please contact the undersigned should you have any questions or concerns regarding this letter, or the accompanying design drawings and "Record of Sewerage System" forms.

Sincerely,

McELHANNEY CONSULTING SERVICES
LTD.



Eric Heel, P.Eng.

JOHN ROWSE STRATEGIC CONSULTING
LTD.

John Rowse, R.O.W.P.

Encl.



File No.: DE-DVP-2016.1 & DE-TUP-2016.1

(Citizen Design Build Inc.)

DATE OF MEETING: September 20, 2016

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Planner 2

SUBJECT: **Development Variance Permit & Temporary Use Permit – PID: 000-980-820; Lot 3, Section 13, Denman Island, Nanaimo District, Plan 38716**

Applicant: Citizen Design Build Inc.

Location: 3131 Jemima Road, Denman Island

RECOMMENDATIONS

1. **THAT** the Denman Island Local Trust Committee approve Development Variance Permit application TH-DVP-2016.1 conditional upon registration of a restrictive covenant, that is granted to the Denman Island Local Trust Committee in priority to all financial charges and that is delivered in a form satisfactory to the Denman Island Local Trust Committee, and that stipulates the following:
 - a. No removal of vegetation and no soil disturbance between the septic field and Graham Lake as recommended by H2O Environmental Ltd. and Aqua-Tex Scientific Consulting Ltd.;
 - b. That the proposed sewerage system is designed, installed and appropriately maintained and monitored according to a 'Maintenance Plan' prepared in accordance BC Sewerage System Regulation and the Sewerage System Standard Practice Manual; and
 - c. That the proposed construction and future use of the property is in accordance with the report, *"3131 Jemima Road Denman Island Development Permit Report: Streams, Lakes and Wetlands,"* prepared by Aqua-Tex Scientific Consulting Ltd., dated March 17, 2016.
2. **THAT** the Denman Island Local Trust Committee request staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant for property PID: 000-980-820; Lot 3, Section 13, Denman Island, Nanaimo District in respect of Development Variance Permit TH-DVP-2016.1.
3. **THAT** the Denman Island Local Trust Committee request staff to request that Aqua-Tex Scientific Consulting Ltd. submit the report, *"3131 Jemima Road Denman Island Development Permit Report: Streams, Lakes and Wetlands,"* dated March 17, 2016 to the Provincial Ministry as per section 4(2) (b) of the *Riparian Areas Regulation*.
4. **THAT** the Denman Island Local Trust Committee deny Temporary Use Permit application DE-TUP-2016.1.

REPORT SUMMARY

The purpose of the report is to bring forward a revised, proposed Development Variance Permit (DVP) for Local Trust Committee (LTC) consideration that does not include a proposed guest house and home office, and includes a proposed variance to the setback from Graham Lake that is increased as much as possible, as previously requested by the LTC. Should the LTC deny the request for a variance for the guest home, staff recommend that the LTC also resolve to deny the Temporary Use Permit (TUP).

Should the LTC approve the revised DVP, staff continue to recommend that assurances with regard to the proper operation of the sewerage system and protection of the riparian areas be required by way of a restrictive covenant that is registered prior to the issuance of the DVP.

BACKGROUND

The LTC passed the following resolutions at the July 5, 2016 business meeting:

DE-2016-043

It was MOVED and SECONDED, that proposed DE-DVP-2016.1 (Lundberg) be amended so that in item 2. a) i) the number 40 is changed to 45.

CARRIED

DE-2016-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back an amended version of DE-DVP-2016.1 without the proposed home office and the proposed guest house and with the proposed setback from Graham Lake increased as much as possible given the amended site plan.

CARRIED

Please see the previous staff report dated June 29, 2016 for details on the application and professional reports.

Consultation:

A copy of the DVP and associated notice were sent to adjacent property owners (see Attachments for proposed permits and notices). At the time this staff report was prepared, no comments were received. Any comments received will be presented at the September 20, 2016 LTC regular business meeting.

Submitted By:	Marnie Eggen, Planner 2	September 2, 2016
Concurrence:	Ann Kjerulf, Regional Planning Manager	September 6, 2016

ATTACHMENTS

1. Revised (proposed) Development Variance Permit: DE-DVP-2016.1
2. Notice

PROPOSED



Islands Trust

**DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2016.1 (LUNDBERG)**

TO: 1018128 BC LTD (LUNDBERG)

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

PID: 000-980-820

Lot 3, Section 13, Denman Island, Nanaimo District, Plan 38716

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Island Land Use Bylaw No. 186* is varied as follows:

a) Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations; Subsection 2.3.2 "Setbacks from Streams, Lakes, and Wetlands" is varied as follows:

i) the setback to Graham Lake is varied from 60 metres to 47 metres to allow a single family dwelling and sewage disposal field;

AND

ii) the setback to a stream is varied from 30 metres to 18 metres to allow a sewage disposal field;

AND

b) Such reductions apply only to the proposed single family dwelling and sewerage disposal field as shown on Schedules "A1" and "A2," attached to and forming part of this permit.

3. All buildings and structures shall be consistent with Schedules "A1" and "A2" which are attached to and form part of this permit. 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 Denman Island Local Trust Committee 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 ____ DAY OF ____.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF _____, 2018, THIS PERMIT AUTOMATICALLY LAPSES.

Schedule "A1"

CITIZEN
THINK. DESIGN. BUILD.

Citizen Design Build Inc.
2788 Marine Dr.
Victoria, BC V8A 2S4
250.590.3960
www.citizenbuilding.ca

CLIENT
Quinn Lundberg

PROJECT ADDRESS
3131 Jemima Road
Denman Island, BC

APPLICATION
DVP & SUP

DESCRIPTION
Proposed Site Plan

ISSUE
July 12, 2016

DRAWN BY
SH

A1

Scope for Development Variance Permit
Dylew 2.3 General Setback Regulations (2) Streams, Lakes & Wetlands
Variance requested for:
• Siting of Proposed SFD within 60m of Graham lake
47m min. setback as per LTC
• Siting of sewage disposal field within 60m of Graham Lake and 30m of a stream
47m min. setback from Graham lake to buildings & septic as per LTC
18m min. setback from stream to septic as per LTC

Scope for Siting & Use Permit
• Proposed SFD to replace existing
• Proposed accessory building: workshop
• Proposed septic system
• Proposed water well

Sensitive areas noted on the Property
DP Area No.4: Graham Lake
30m min. setback to be maintained, No proposed development

DP Area No.4: Minor Stream
10m min. setback to be maintained, No proposed development
* Note: IsL Trust mapping is not consistent with covenant or stream boundary

Steep Slope Development Permit Area No. 2: Graham Ridge
No proposed development along steep slope or above embankment

Sensitive Ecosystem Mature Forest- Tertiary Class
No proposed development in this area
* Environmental impact assessment confirmed no sensitive features in this area

Required Setbacks
Building Setbacks R-2 Zone
Front: 147m
Rear: 7.5m min.
Side: 4m
Interior Sides: 8.0m North
79m South
3m min.

Existing Buildings- GFA & Heights
Main house- 1300 sq.ft.
6.1m
Shed- 728 sq.ft.
4.6m

Proposed Buildings- GFA & Heights
Main house
3474 sq.ft. (322.7m²) includes roofed patio
Avg. grade 55.6m
Height 8.8m (9m max)

Workshop
768 sq.ft.
Avg. grade 55.5m
Height 4.8m (6m max)

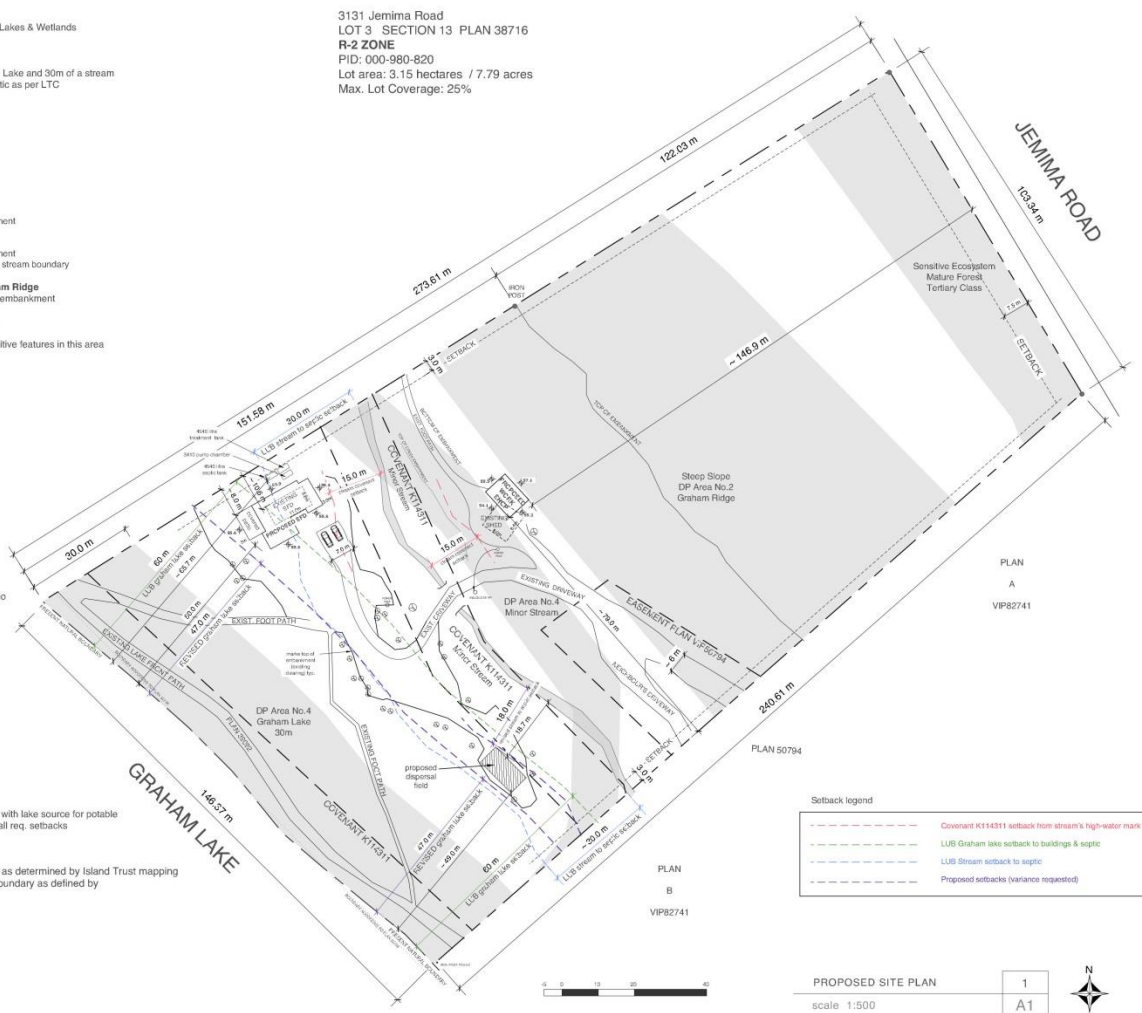
Lot Coverage: 0.97%

Parking
2 parking spaces provided at main house
Parking available at main turnaround

Potable Water
• Existing water license with the province of BC for domestic supply from Graham lake.
• Proposed drilled water well to be used in conjunction with lake source for potable water supply. Location to be in conformance with all req. setbacks

Notes
• Shaded area denotes Development Permit Areas as determined by Island Trust mapping
• Outline of stream shown is the high water mark boundary as defined by a registered QEP and BCLS

3131 Jemima Road
LOT 3 SECTION 13 PLAN 38716
R-2 ZONE
PID: 000-980-820
Lot area: 3.15 hectares / 7.79 acres
Max. Lot Coverage: 25%



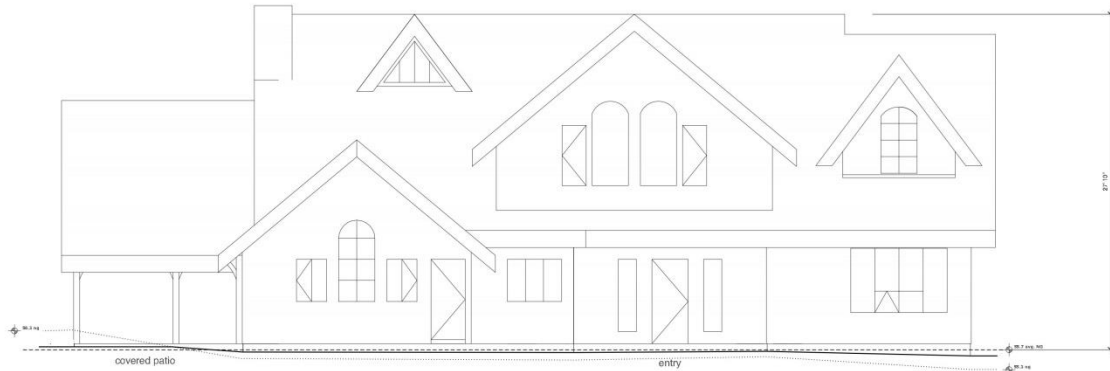
Setback legend

- Coverment K114311 setback from stream's high-water mark
- LUB Graham lake setback to buildings & septic
- LUB Stream setback to septic
- Proposed setbacks (variance requested)

PROPOSED SITE PLAN
scale 1:500

1
A1

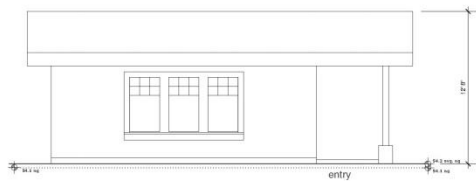




Principle Residence- South Elevation

1
A2

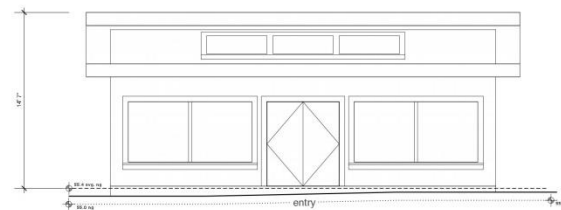
scale 1/4" = 1'-0"



Home Office- North Elevation

2
A2

scale 1/4" = 1'-0"



Workshop- West Elevation

3
A2

scale 1/4" = 1'-0"

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2130 Marine Dr.
Victoria, BC V8A 2S4
250.590.3960
www.citizenbuilding.ca

CLIENT

Quinn Lundberg

PROJECT ADDRESS

3131 Jemima Road
Denman Island, BC

APPLICATION

DVP & SUP

DESCRIPTION

Building Elevations

ISSUE
March 15, 2016

DRAWN BY
SH

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A2

Schedule "A2"



NOTICE

DENMAN ISLAND LOCAL TRUST COMMITTEE

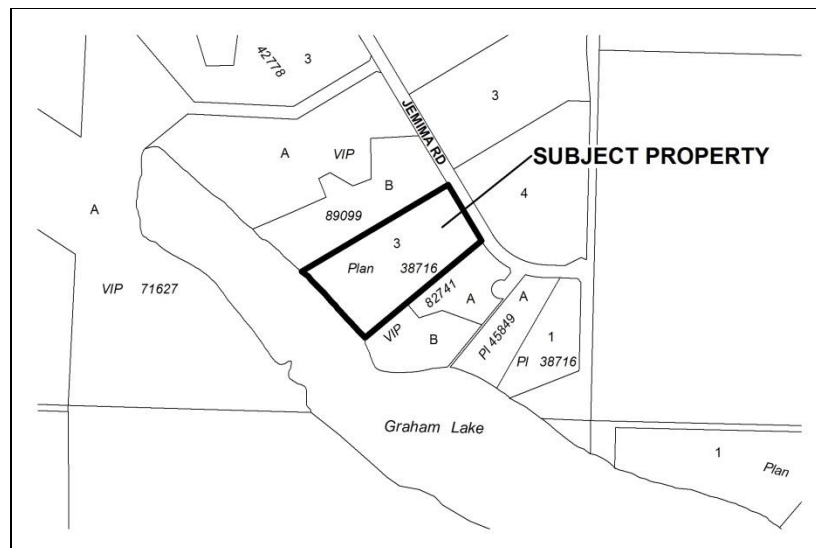
DE-DVP-2016.1

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 Section 2.3, Subsection 2.3.2 of the *Denman Island Land Use Bylaw No. 186, 2008* at its Regular Business Meeting to be held at 10:30 am on **September 20, 2016** at the Denman Island Seniors Hall, 1111 Northwest Road, Denman Island, BC.

In general terms, the purpose of the proposed Permit is 1) to authorize the reduction of the setback to Graham Lake from 60 metres to 47 metres to allow a single family dwelling and sewage disposal field and 2) to authorize the reduction of the setback to a stream from 30 metres to 18 metres to allow a sewage disposal field.

The proposed permit is legally described as Lot 3, Section 13, Denman Island, Nanaimo District, Plan 38716 (PID: 000-980-820)

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



A copy of the proposed Permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, between the hours of 8:30 am to 4:00 pm, Monday to Friday inclusive, excluding statutory holidays, commencing **September 9, 2016** and continuing up to and including **September 19, 2016**.

Also, attached for your convenience, is a copy of the proposed Permit.

Enquiries or comments should be directed to Marnie Eggen, Planner 2 at (250) 247-2210, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 247-7514; or by email to: meggen@islandstrust.bc.ca, before **4:00 p.m., September 19, 2016**. The Denman Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., September 20, 2016**, at the Denman Island Seniors Hall, located at 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will also be available for public review.

Becky McErlean
Deputy Secretary

Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Relationship building with Komoks First Nation	April 19, 2016: LTC to seek UBCM funding for a Community to Community (C2C) Forum		Rob Milne Mike Richards	
2	Denman Island Farm Plan Implementation	Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods.		Rob Milne	
3	Marine Issues	April 19, 2016: LTC to continue stakeholder consultation to discuss beach/driving access to aquaculture facilities	03-Mar-2015	Laura Busheikin Rob Milne David Critchley	

Projects

Denman Island

Description	Activity	R/Initiated
A Protected Area Network on Denman Island		15-Mar-2011
Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	15-Aug-2011
Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	15-Aug-2011
Regulation limiting the gross floor area of a dwelling		25-Oct-2011
Regulations to promote greenhouse gas emissions reduction.		25-Oct-2011
Review and Update of Development Procedures Bylaw No. 71		11-Dec-2012
DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	22-Oct-2013
Review of LUB in consideration of the new Federal Marihuana for Medical Purposes Regulation	Review the Staff Report dated April 28, 2014.	15-Jul-2014
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
Downtown Village Neighbourhood Planning	The plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; and addressing of water and septic concerns.	26-May-2015
Review effectiveness of Secondary Suites and Cottages bylaw.		12-Jan-2016
Review regulatory mechanisms for supporting affordable, attainable and seniors housing		19-Apr-2016



Islands Trust

Print Date: September 8, 2016

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2015.1	Denman Community Land Trust Association Planner: Rob Milne	17-Dec-2015	PID: 009-708-537 Severn - 3730 Denman Road Exclusion of 1.6ha in the ALR
Planning Status			
Status Date: 24-Jul-2016 Pending decision from ALC.			

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Stoneman, Daniel/Debra Planner: Courtney Simpson	31-Aug-2006	The use of presently cleared areas within the Komas Bluff permit area for agricultural use.
Planning Status			
Status Date: 04-Apr-2011 No change: waiting for info from applicant.			
Status Date: 04-Feb-2010 No change			
Status Date: 01-May-2009 No change			

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella Planner: Marnie Eggen	21-Mar-2011	For barn sited within DP #1: Komas Bluff
Planning Status			
Status Date: 29-Jul-2013 File passed on to Bylaw enforcement			

Applications

Status Date: 05-Oct-2012

Letter sent to applicant re: further info required

Status Date: 01-Nov-2011

Awaiting info from applicant

File Number	Applicant Name	Date Received	Purpose
DE-DP-2013.1	Stoneman, Daniel & Debra	17-Jun-2013	
Planner: Courtney Simpson			
Planning Status			
Status Date: 16-Jul-2013			
Staff report to July 16 LTC meeting. LTC resolved to not issue permit but to amend 1999 development permit.			
Status Date: 16-Jul-2013			
Staff preparing development permit amendment			
Status Date: 24-Jun-2013			
Planner Reviewing File			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella	13-May-2011	Barn on property line
Planner: Marnie Eggen			
Planning Status			
Status Date: 29-Jul-2013			
no change; file passed on to bylaw enforcement			
Status Date: 09-Nov-2012			
BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment			
Status Date: 05-Oct-2012			
Letter sent to applicant requesting further information otherwise issue will be transfered over to bylaw enforcement			

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

**Applications**

DE-DVP-2016.1 Citizen Design Build 21-Mar-2016 variance to setbacks from Streams, Lakes and Wetlands
 Inc. 40m from Graham Lake to buildings and structures and sewage disposal field
 15m from stream to sewage disposal field

Planner: Marnie Eggen

Planning Status

Status Date: 04-May-2016

Planner reviewing

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2016.2	BC FERRY SERVICES INC	25-Jul-2016	PID: 025-709-801 3661 Denman Road, Denman Island. Construction of new waiting room at west BC Ferry dock.

Planner: Teresa Rittemann

Planning Status

Status Date: 01-Sep-2016

Planner completed staff report. To appear on agenda for LTC consideration 20-Sept-2016

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2016.3	BC FERRY SERVICES INC	25-Jul-2016	PIDs: 009-704-221 and 025-709-798 Gravelly Bay, Lambert Road, Denman Island East. Construction of new waiting room at East BC Ferry dock.

Planner: Teresa Rittemann

Planning Status

Status Date: 01-Sep-2016

Planner completed staff report. To appear on agenda for LTC consideration 20-Sept-2016

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2015.1	Neilsen, Henning	12-Jan-1900	To change Land Use Designation of a portion of the subject property from Residential to Conservation/recreation and that portion to be transferred to Islands Trust Fund - remainder to be used for residential

Planner: Rob Milne

Planning Status

Applications

Status Date: 08-Sep-2016

Amending OCP Bylaw referred to MCSCD for review and approval.

Status Date: 21-Apr-2015

LTC consideration of staff report. Resolution for staff to prepare draft bylaws for May 26, 2015 LTC meeting.

Siting and use Permit

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

Planner: Courtney Simpson

Planning Status

Status Date: 08-Jan-2009

On hold pending outcome of court case

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: 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

Status Date: 20-Jan-2011

Applicant submitted partial application

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

Planner: Rob Milne

Planning Status

Applications

Status Date: 03-Nov-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.3	Citizen Design Build Inc.	21-Mar-2016	1 proposed Single Family Dwelling to replace existing 1 Home office 1 Workshop to replace existing shed 1 Temporary Use Secondary Dwelling (Guest House)

Planner: Marnie Eggen

Planning Status

Status Date: 04-May-2016

On hold until LTC consideration of DVP and TUP applications

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.5	BC FERRY SERVICES INC	23-Jun-2016	PID: 025-709-801 3661 Denman Road, Denman Island Construction of new waiting room at west BC Ferry dock.

Planner: Teresa Ritemann

Planning Status

Status Date: 01-Sep-2016

Waiting for LTC decision on related DVP

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.6	BC FERRY SERVICES INC	23-Jun-2016	PIDs: 009-704-221 and 025-709-798 Gravelly Bay, Lambert Road, Denman Island East. Construction of new waiting room at East BC Ferry dock.

Planner: Teresa Ritemann

Planning Status

Status Date: 01-Sep-2016

Waiting for LTC decision on related DVP

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2016.9	JENNINGS, LYNDSEY	17-Aug-2016	PID: 000-125-946 2491 Piercy Road, Denman. Garage workshop roof replacement and roof extension for storage.

Planner: Teresa Ritemann

Planning Status

Applications

Status Date: 29-Aug-2016

File assigned to Planner TR. Planner completed review and gave to Planning Team Assistant to issue permit and close file.

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: 01-Sep-2016

No change in status

Status Date: 15-Mar-2016

Associated DP application was approved at the regular LTC meeting. Planner waiting for updated site plan from applicant before revising referral report to MOTI

Status Date: 06-Jan-2016

Applicant has submitted a DP application. Staff conducted site visit on 5-Jan. Staff Report to be written and aim to appear on 15-Mar LTC agenda.

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

Planner: Rob Milne

Planning Status

Status Date:

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2016.1	Citizen Design Build Inc.	21-Mar-2016	for secondary dwelling for potential accommodation for the owner's relatives currently residing on Denman. Designed with to suit special needs housing.

Planner: Marnie Eggen

Applications

Planning Status

Status Date: 04-May-2016

Planner reviewing

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2016.2	WILLIAMS, CRAIG	01-Jun-2016	PID: 000-876-283 Constructing a one bedroom & den cabin. Civic address: 8900 Owl Crescent.

Planner: Teresa Ritemann

Planning Status

Status Date: 01-Sep-2016

Planner completed staff report. To appear on agenda for LTC consideration 20-Sept-2016

Status Date: 14-Jun-2016

More information requested via email to applicant

Status Date: 10-Jun-2016

Planner is reviewing application.

Islands Trust
LTC EXP SUMMARY REPORT F2017
Invoices posted to Month ending July 2016

615 Denman	Invoices posted to Month ending July 2016	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	541.77	208.23
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	1,405.95	3,094.05
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	378.10	221.90
65220-615	LTC - Local Exp - Communications	500.00	7.27	492.73
65230-615	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>6,100.00</u>	<u>1,791.32</u>	<u>4,308.68</u>
Projects				
73001-615-4011	Denman Agriculture Plan	6,500.00	0.00	6,500.00
73001-615-4062	Denman First Nations Relations	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>

DATE OF MEETING: July 12, 2016

TO: Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Thetis Island Local Trust Committee
Executive Committee Acting as a Local Trust Committee (**Ballenas-Winchelsea Islands**)

FROM: Ann Kjerulf, Regional Planning Manager

SUBJECT: 2017-18 Local Trust Committee Budgets

RECOMMENDATION

1. That the (*insert name of local trust committee*) approve and forward the draft 2017-18 budget submission to Financial Planning Committee as presented (*or as revised, noting requested changes*).

REPORT SUMMARY

Each Local Trust Committee (LTC) is asked to consider its anticipated workplan and corresponding project budget requirements for the 2017-18 fiscal year, and to forward budget requests, via LTC resolution, to Financial Planning Committee (FPC). Proposed LTC expense budgets have been prepared by Administrative Services based on historical spending and Local Trust Area (LTA) assessed values (Attachment 1). Staff have prepared proposed project budgets for consideration of LTCs based on current and anticipated workplan priorities (Attachment 2).

BACKGROUND

Islands Trust fiscal budget preparation generally begins early in the current fiscal year. Local Planning Services (LPS) staff have been asked to forward budget request for LTCs to be considered initially by FPC in October 2016, and eventually for adoption by Islands Trust Council in March 2017.

Proposed LTC budgets are broken into two key categories: LTC expenses and LTC projects. LTC expense budgets include anticipated expenses related to meeting administration, communications, and special projects. LTC expense budgets, prepared by Corporate Administration, reflect historical (actual) spending by LTCs and are intended to be proportionate to assessed values for LTAs. Project budgets support LTC work plan priorities through the fiscal year.

Key criteria for LTC project budget consideration include the following:

- Supports work that is a provincial requirement;
- Supports an activity identified in the Islands Trust Council Strategic Plan;
- Supports work that is a continuation of a current OCP/LUB program; and
- Supports recently adopted OCP policies.

Budget Process Timeline:

The timeline for the budget process is as follows:

June 2016	LPS (Northern, Southern and Salt Spring) units develop budget estimates for LTCs;
July – Sept. 2016	LTCs review and approve project budget requests at LTC meetings;
Aug. 24, 2016	FPC reviews draft budget principles;
Oct. 7, 2016	Senior management staff finalize budget recommendations to FPC;
Oct. 19, 2016	FPC reviews draft budget and considers changes;
Nov. 16, 2016	FPC approves draft budget and budget principles to be submitted to Trust Council;
Dec. 6, 2016	Trust Council reviews and endorses draft budget; approves public consultation process;
Jan. 2017	Public consultation on draft budget; LTCs consider special tax requisition to fund additional operations;
Feb. 2017	LTCs proposing special tax requisition hold public consultation meetings; Executive Committee and FPC review proposed budget;
Mar. 2017	Trust Council considers and approves budget, and budget bylaws; Budget bylaws forwarded to the Minister;

ANALYSIS

LTC budget requests should support anticipated 2017-18 workplan priorities. Preliminary project requests have been drafted based on all Top Priority work program items which are currently anticipated to commence in or carry over to the next fiscal year. Items from the Projects List which staff anticipate commencing in the coming year and requiring dedicated funding are also included. These requests are preliminary recommendations and may subsequently be revised by LTCs. However, attention should be paid to the noted budget process timeline.

When reviewing the draft project budget requests, LTCs may wish to consider the following:

- Projects planned for the current (2016-17) fiscal year which are not completed should be considered as new projects for the 2017-18 fiscal year with resources allocated to support that work;
- For projects that would begin in 2017-18, LTCs should consider the necessary resources; for instance, a new project may involve in-house staff only or could necessitate external consultant expertise;
- LTCs should review their Projects List to identify projects that may be prioritized in 2017-18;
- LTCs may wish to review their long-term 2014-18 goals in determining priorities for completion in 2017-18, the last full fiscal year prior to the next election.
- LTCs whose bylaws are not yet compliant with the Provincial *Riparian Areas Regulation* (RAR) or those wishing to make RAR-related amendments should consider RAR budget requests for 2017-18;
- LTCs which anticipate receiving grant funding from the Union of BC Municipalities to hold Community to Community (C2C) Forums with First Nations should note that grant funding is matched dollar for dollar by the local government and, as a result, should include a First Nations project budget line item.
- LTCs are generally encouraged to include a budget line item for First Nations Relationship Building.

Staff have prepared project budget requests for Northern LTCs taking these factors into consideration.

Submitted By:	Ann Kjerulf, Regional Planning Manager	July 12, 2016
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ATTACHMENTS

1. Proposed LTC Expense Budgets for 2017-18
2. Proposed LTC Project Budgets for 2017-18

ATTACHMENT 1: PROPOSED LTC EXPENSE BUDGETS FOR 2017-18

Total 2017-18

	615-Denman	620-Gabriola	625-Galiano	630-Gambie	635-Hornby	640-Lasqueti	645-Mayne	650-N.Pende	655-Salt Sprin	660-Saturna	665-S.Pender	670-Thetis	EC as LTC	
population	1095	4050	1258	313	1074	359	1112	1996	9780	359	236	372		22004
	5%	18%	6%	1%	5%	2%	5%	9%	44%	2%	1%	2%		
LTC EXPENSES **														
LTC Meeting Expenses	4,500	4,750	5,500	4,750	2,750	1,250	1,500	4,000	7,000	2,500	2,000	1,000		41,500
APC Meeting Expenses	600	600	500	500	500	500	500	600	1,500	500	500	500		7,300
Communications	500	1,250	500	1,000	1,000	1,000	1,000	500	1,250	300	300	1,000		9,600
Special Projects	500	1,000	500	500	500	500	500	500	1,000	500	500	500	500	7,500
SUB-TOTAL EXPENSES	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
Program	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	6,100	7,600	7,000	6,750	4,750	3,250	3,500	5,600	10,750	3,800	3,300	3,000	500	65,900
	9%	12%	11%	10%	7%	5%	5%	8%	16%	6%	5%	5%		

ATTACHMENT 2: PROPOSED LTC PROJECT BUDGETS FOR 2017-18 (DRAFT JULY 12, 2016)

LTC	Project	Cost	Notes	Provincial Requirement	Supports Strategic Plan	Continues OCP/LUB work	Supports OCP policies
Denman	First Nation Relationship building	\$1,000	Potential protocol agreement with K'omoks		x		
	Denman Farm Plan Implementation	\$3,500					
	Targeted OCP/LUB Amendments	\$1,500	Potential for RAR or housing-related amendments		x		
Gabriola	Housing Options Review	\$2,500	For discussion July 21		x		x
	Housing Needs Assessment	\$15,000	For discussion July 21		x		x
	First Nations Relationship Building	\$1,000	Potential protocol agreement implementation with Snuneymux'w		x		
Gambier	Gambier Island OCP Targeted Review	\$5,000			x		
	DAI Bylaws	\$1,500			x		
	Keats Island Foreshore Protection	\$8,000			x		
	First Nations Relationship Building	\$500	Continuation of St'a'pas working group				
Hornby	First Nation Relationship building	\$500	Potential C2C with K'omoks		x		
	Ford Family Orchard heritage protection	\$500					x
	Develop a TOR for APC review of vacation home rentals	\$1,000					x
Lasqueti	Targeted OCP/LUB Review	\$5,000			x		
	First Nations Relationship Building	\$1,000	Potential protocol agreement with Qualicum		x		
Thetis	RAR Implementation	\$1,500		x	x		
	Targeted OCP/LUB Review and Maintenance	\$3,000			x	x	
	First Nations Relationship Building	\$500			x		
Ballenas-Winchelsea	First Nations Relationship Building	\$500	Potential C2C with Nanoose		x		
	Crown Islet Advocacy	\$500			x		x