



Denman Island Local Trust Committee Regular Meeting Addendum

Date: March 17, 2020
Time: 12:30 pm
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

		Pages
6. MINUTES	1:15 PM - 1:20 PM	
6.3 <i>Advisory Planning Commission Minutes dated February 25, 2020 (amended) - for receipt</i>		2 - 7
7. BUSINESS ARISING FROM MINUTES	1:20 PM - 1:50 PM	
7.3 <i>Denman Island Density Register - Staff Report - for decision</i>		8 - 16
8. APPLICATIONS AND REFERRALS	1:50 PM - 3:20 PM	
8.4 <i>DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report - for decision</i>		17 - 45



Minutes of the Denman Island Advisory Planning Commission

Date of Meeting: Tuesday, February 25, 2020

Location: Denman Island Activity Centre
1111 Northwest Road, Denman Island, BC

APC Members Present: Anne de Cosson
Tom Zawila
Edina Johnston, Secretary
Howard Stewart
George McRae
Jackie Hipwell, Deputy Chair

Staff Present: Sonia Zupanec, Island Planner (by Speakerphone)
Marnie Eggen, Island Planner (by Speakerphone)
Katherine Vogt, Recorder

Others Present: David Critchley, Local Trustee
Simon Palmer, Denman Housing Association
2 members from the local media/public

Regrets: Jack Forsyth

1. CALL TO ORDER

Planner Zupanec called the meeting to order at 1:05 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Denman Island Advisory Planning Commission Draft Minutes dated April 16, 2019

By general consent, the minutes were adopted.

4. BUSINESS ITEMS

4.1 Election of Chair, Deputy Chair and Secretary

Advisory Planning Commission Members (APC) discussed the possibility that absent member Jack Forsyth might be willing to take on the Chair role. Planner Zupanec noted that the role of Chair could be rotated.

DE-APC-2020-001

It was MOVED and SECONDED

that Edina Johnston be elected Secretary, that Jackie Hipwell be elected Deputy Chair, and that the election of Chair be postponed to the next meeting.

CARRIED

5. REFERRAL FROM DENMAN ISLAND LOCAL TRUST COMMITTEE

5.1 Review of Bylaw Amendment Application DE-RZ-2018.1 (Denman Housing Association) Proposed Bylaw Nos. 235 (OCP), 236 (LUB), 237 (OCP) and 238 (LUB)

Planner Zupanec spoke to the Referral Package and noted that:

- The Denman Island Local Trust Committee (LTC) requested it receive recommendations from the APC regarding water supply and the 4 proposed bylaws needed for the Denman Green affordable housing project.
- The LTC were expecting further information about potable water from Denman Housing Association (DHA) President, Simon Palmer, at the upcoming March 17, 2020 LTC meeting.
- Although the Ministry of Transportation and Infrastructure (MoTI) do not allow subdivisions based on rainwater, the LTC can waive the usual proof of water requirements because the LTC has elected to include proof of water requirements in the Denman Island Land Use Bylaw (LUB).
- Graham Lake is not presently considered to be a back-up potable water supply for the Denman Green project.
- The Islands Trust Freshwater Specialist comments on the DHA subdivision proposal were not yet available.

APC members commented that it was difficult to fully hear Planner Zupanec due to poor cell phone reception.

DHA President Simon Palmer was invited by APC members to speak on various aspects of the Denman Green proposal:

- A new water information package was very recently sent by DHA to planners, proposing a sole rainwater harvesting system to supply Denman Green by roof and solar array catchment of rain to be stored in tanks, treated, and then pumped into 6 individual buildings.
- As requested by the LTC, climate change effects were taken into consideration by DHA to ensure sufficient daily water supply even with the possibility that a 6 month no rain period might occur.

- The water package included a report written specifically for DHA's Denman Green project by water engineers from the University of British Columbia chapter of "Engineers For A Sustainable World," overseen by Professor Madjid Mohseni, an internationally respected water expert, who concluded that rain in the Denman area would be 10% less in the summer, but increased by 3% in the winter, resulting in a net yearly rainfall gain.
- There were two back-up options for the system, the first and preferred option being a further 2 months of rainwater in storage which could mitigate a full 8 months of no rain event.
- Total water tank area for Denman Green would comprise 0.6 of an acre, partly in ground.
- The second option is to accept an offer from a present Denman Housing Association board member to drill a well on their property and haul the water to Denman Green by tanker truck.
- After drilling a dry well on the Denman Green site, DHA consulted with specialists who could not recommend any good drilling sites on the parcel.
- There are water problems along the entire ridge. Other property owners have drilled wells below the ridge and pumped water up, but Denman Green does not have access to the lower land.
- Dozens of individuals on Denman have successfully used rainwater harvesting for many years.
- A common laundry facility would use non-potable water.
- All toilets would be fed with reused and treated shower and basin water.
- Composting toilets were rejected for being too high maintenance.
- 369 litres of water would be allowed per person.
- The Denman Green rectangular lot is 20 acres in size.
- The affordable housing cluster would be in the centre of the lot; the original proposal for a cluster of 10 buildings was considered by BC Housing to be too spread out.
- A second proposal reduced the number of buildings to 6: 4 fourplexes, 1 duplex, and 1 common use building with 2 units above it, making a total of 20 affordable housing units.
- There would be 1 bed units allowing for 1.5 person notional occupancy; 2 bed units allowing 3 person occupancy, and 3 bed units allowing 4 person occupancy.
- The remainder of the subject property will continue to be owned by Daniel Terry and would be allowed 5 densities.
- BC Housing will not contemplate small scale developments because it is uneconomical.

APC members noted or discussed the following:

- Traditional and modern water usage.
- Legal and other considerations for the back-up well are on offer.
- Ground water can come from a long distance and still be a highly stable source of water.

- Denman Green would be an experiment, and the future wellbeing of many individuals and families is concerning.
- A smaller scale experiment would be preferable.
- Opinions of outside agencies regarding water issues would be helpful for the APC in determining recommendations.
- Siting proposals for buildings for Denman Green.
- Bylaws being proposed for Denman Green.
- Density transfers between properties.

Trustee Critchley stated that APC discussions with outside agencies should be conducted within the APC meeting format to observe established protocols. He expressed disappointment with the present inadequate teleconferencing capabilities of long-distance meetings.

Planner Zupanec encouraged members of the APC to ask questions about any aspects of the Denman Green proposal.

APC members asked the following:

- The housing agreement incorporate the terms of a caretaker on site and would the property be considered private property.
 - Simon Palmer responded that it would be owned by the Denman Housing Association which was a registered charitable society.
- What does the Housing Agreement do?
 - Planner Zupanec explained that the Housing Agreement is a bylaw constructed by the Local Trust Committee with input from non-profit organizations and BC Housing, which is registered on title to inform rules of tenure and ongoing affordability.
- Would operational responsibilities be outside the scope of the Housing Agreement bylaw?
 - Planner Zupanec responded that it could be made a part of the Housing Agreement and that this issue would be a next step to consider after water and the current bylaw amendments.
- Why was the APC being asked to make recommendations when new information about the backup water system had not yet been presented to the LTC?
 - Planner Zupanec replied that the APC was getting a brief synopsis of the new water proposal being presented by DHA to the LTC at their March 17th meeting, but that the APC could provide their general level of support for a project relying solely on rainwater collection and respond to the bylaws while deferring their full recommendations until further information had been received.
 - APC members noted that information from the Islands Trust Freshwater Specialist would also be needed.
- Would the bylaw proposals around density transfers for Denman Green be considered a precedent?

- Planner Zupanec responded that Denman Green would set a precedent for any future affordable housing proposals as new conditions would be added to the OCP.
- Clarification on transfers of density between land parcels.
 - Planner Zupanec explained that it involved removing permitted densities from the donor parcel being retained by Daniel Terry in order to increase densities on the receiver Denman Green parcel. The donor parcel could still be further subdivided into 5 parcels.

A member of the public noted that:

- The company 'Rainwater Collection', which advised Denman Green on rainwater collection and household needs, emphasized in one of their reports that it takes a very committed household to get by on 369 litres per day.
- The Islands Trust freshwater specialist's opinion on Denman Green may not be applicable if the project relies solely on rainwater because the specialist is a hydrogeologist.

DE-APC-2020-002

It was MOVED and SECONDED

that the Advisory Planning Commission recommends approval in principal of the bylaws pending the receipt of information regarding water concerns, to the satisfaction of the Advisory Planning Commission.

CARRIED

DE-APC-2020-003

It was MOVED and SECONDED

that the Advisory Planning Commission requests that the Denman Island Local Trust Committee re-refer all relevant information pertaining to application DE-RZ-2018.1 (Denman Housing Association) for a subsequent Advisory Planning Commission referral.

CARRIED

6. NEXT MEETING

Planner Zupanec anticipated that a March 24, 2020 Community Information Meeting would have to be postponed since the APC would have to meet again shortly after the March 17, 2020 DILTC meeting.

Planner Zupanec acknowledged that technical issues around remote planner input needed improvement and hoped better technology could be in place for future meetings or that planners could attend in person.

Planner Eggen informed APC members that a new referral package and subsequent meetings regarding the Denman Community Land Trust Association's application for seniors' affordable housing would be forthcoming.

7. ADJOURNMENT

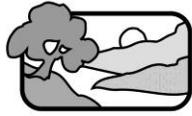
By general consent, the meeting was adjourned at 2:59 pm.

Jackie Hipwell, Deputy Chair

Certified Correct:

Katherine Vogt, Recorder

DRAFT



DATE OF MEETING: March 17, 2020
 TO: Denman Island Local Trust Committee
 FROM: Marnie Eggen, Island Planner
 COPY: Heather Kauer, Regional Planning Manager
 Northern Team
 SUBJECT: Denman Island Density Register Standing Resolution

RECOMMENDATION

1. That the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, 'Residential Density Bank' of the Denman Island Official Community Plan (OCP):

Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur:

- a. The Denman OCP 'Residential Density Bank' in Appendix D has last added or transferred to the bank on January 31, 2017 and has a cumulative total of residential densities of 14;
- b. The Denman OCP Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the OCP on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1.

The baseline density that was permitted by zoning at the time of adoption of the OCP was 994 densities based on the Subdivision Potential Map 2010. Five percent of 994 is 49 densities. Since adoption of the OCP on May 15, 2009 the following densities have been utilized:

Authorizing Bylaw/TUP	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining
BL 199 (OCP) BL 200 (LUB)	August 15, 2011	14	35
BL 204 (LUB)	September 24, 2013	1	34
DE-TUP-2016.2	March 31, 2017	1	33

REPORT SUMMARY

This report provides a draft standing resolution with respect to current available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘residential density bank’ of the Denman Island Official Community Plan (OCP) as requested by the LTC.

BACKGROUND

The LTC passed the following resolution at their July 4, 2019 LTC meeting:

DE-2019-064

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

CARRIED

ANALYSIS

Issues and Opportunities

Staff have developed the recommended standing resolution using the [Denman Subdivision Potential Map, October 2010](#) and by reviewing all adopted bylaw amendments and approved TUPs since adoption of the current Denman Official Community Plan Bylaw No. 185, 2009. A Chronology of Bylaw Amendments and TUPs can be found in Attachment 1 and OCP Bylaw Amendments Influencing Denman Density Policies can be found in Attachment 2. Through staff analysis and in consultation with senior staff, the identified ‘Cumulative Total of Residential Densities Remaining’ is accurate to the best of staff’s knowledge.

Rationale for Recommendation

Staff recommend the proposed standing resolution in order to satisfy the request of the LTC, resolution DE-2019-064. The staff recommendation is found on Page 1 of this report.

ALTERNATIVES

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

1. Request Changes to the Proposed Standing Resolution

The LTC may modify the proposed standing resolution should they choose.

NEXT STEPS

Should the LTC concur with staff’s recommendation, staff will add the resolution to the LTC’s Standing Resolutions.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	March 9, 2020
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Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 12, 2020
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Attachments:

1. Bylaw Amendment and TUP Chronology Since Adoption of Denman Official Community Plan Bylaw 185, May 2009.
2. OCP Bylaw Amendments Influencing Density Policies Since Adoption of Denman Official Community Plan Bylaw 185, May 2009.

ATTACHMENT # – 1: BYLAW AMENDMENT AND TUP CHRONOLOGY SINCE ADOPTION OF DENMAN OFFICIAL COMMUNITY PLAN BYLAW 185, MAY 2009

Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
Denman OCP Bylaw No. 185 (repealed Bylaw No. 60) Denman LUB Bylaw No. 186 (repealed Bylaw No. 148)	May 2009	OCP/LUB Assessment Project	n/a
187 (Fees Bylaw)	January 2009	n/a	n/a
188 (LUB)	March 2009 (prior to adoption of Bylaw No. 185)	n/a	n/a
189 (OCP) 190 (LUB)	April 2010	DE-RZ-2009.1 (The Point)	7 Densities Transferred between properties; No Density Increase
191 (OCP) 192 (LUB)	May 2010	DE-RZ-2009.2 (North Denman Lands)	31 Densities Transferred between properties; No Density Increase
193 (OCP) 194 (LUB)	August 2010	DE-RZ-2007.2 (Dharma Fellowship Society)	None (change to guest accommodation)
195 (LUB)	June 2011	Agriculturally Flooded Fields Project	None
196 (OCP) 197 (LUB)	August 2010	Green Cemetery	None
198 (OCP)	August 2010	Climate Change Policy Project	None
Subdivision potential map	Finalized October 2010	n/a	Estimate of 994 residential densities
BL 199 (OCP) BL 200 (LUB)	August 2011	OCP/LUB Targeted Review: <ul style="list-style-type: none"> • recognition of 'historic co-ops'/ additional legal non-conforming dwellings • 13 densities added to Density Bank from rezonings 	<ul style="list-style-type: none"> • Approved Density Increase using 5% Allotment: 14 • Density Added to the Residential Density Bank: 13
BL 201	Proceeded no further	n/a	n/a
BL 202	February 2012	Amend the DPA 4: Streams, Lakes and Wetlands boundary	n/a

Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
BL 203	April 2012 Repealed	APC Bylaw	n/a
BL 204 (LUB)	September 2013	DE-RZ-2011.1 (DCLTA - Affordable Housing)	<ul style="list-style-type: none"> • Approved Density Increase using 5% Allotment: 1
BL 205	September 2013	DCLTA Housing Agreement	n/a
BL 206 (OCP)	April 2014	DE-RZ-2011.1 (DCLTA – Affordable Housing)	n/a
BL 207 (LUB)	Proceeded no further	n/a	n/a
BL 208	# issued in error	n/a	n/a
BL 209	# issued in error	n/a	n/a
BL 210 (OCP)	November 2014	Secondary Suites Project	n/a
BL 211 (LUB)	November 2014	Secondary Suites Project	n/a
BL 212 (OCP)	May 2016	RAR Implementation	n/a
BL 213 (LUB)	May 2016	RAR Implementation	n/a
BL 214	# issued in error	n/a	n/a
BL 215	# issued in error	n/a	n/a
BL 216 (LUB)	January 2016	Home-based Guest Accommodation	n/a
BL 217	# issued in error	n/a	n/a
BL 218	# issued in error	n/a	n/a
BL 219 (OCP)	January 2017	DE-RZ-2015.1 (Pandesign)	<ul style="list-style-type: none"> • Density Added to the Residential Density Bank: 1
BL 220 (LUB)	January 2017	DE-RZ-2015.1 (Pandesign)	n/a
DE-TUP-2016.2	March 31, 2017	PID 000-876-283; Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384	<ul style="list-style-type: none"> • Approved Density Increase using 5% Allotment: 1
BL 221	November 2017	Fees Bylaw Amendment	n/a
BL 222 (OCP)	July 2018	RAR Map Amendment	n/a
BL 223 (LUB)	Proceeded no further	Intensive Agriculture Project	n/a
BL 224	May 2017	APC Bylaw	n/a
BL 225 (LUB)	June 2018	Driving on the Beach Project; prohibiting driving on the Beach	n/a

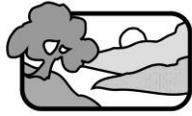
Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
BL 226	September 2017	Fees Bylaw Update: Fee decrease for Affordable Housing applications	n/a
BL 227	March 2018	Electronic Meetings	n/a
BL 228	On hold	Implementing Farm Plan Project	n/a
BL 229	On hold	Implementing Farm Plan Project	n/a
BL 230	October 2018	Fees Bylaw Update: Cannabis Liquor licencing	n/a
BL 231	June 2019	APC	n/a
BL 232	July 2019	BEN Bylaw	n/a

ATTACHMENT # 2: OCP BYLAW AMENDMENTS INFLUENCING DENSITY POLICIES SINCE ADOPTION OF DENMAN OFFICIAL COMMUNITY PLAN BYLAW 185, MAY 2009

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
<p>Denman OCP Bylaw No. 185 (repealed Bylaw No. 60) Adopted May 2009</p>	<p>E.1 Housing Policy 11 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, including secondary dwelling units pursuant to Policy 16 or site specific zoning amendment applications under Policy 29 of this Section.</p> <p>E.1 Housing Policy 16 Policy 16 The Local Trust Committee should consider zoning amendment applications for site-specific zoning to allow small secondary dwelling units or secondary suites on lots of two hectare or more that are in the Rural or Sustainable Resource designation provided proof of adequate water is provided.</p> <p>E.1 Housing Policy 29 The Local Trust Committee should consider zoning amendment applications to bring into conformity legal non-conforming dwelling units that were in existence and were deemed to be legal non-conforming on the date of adoption of this Plan provided that the applicant provides written proof, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction.</p> <p>Appendix C Density Transfer - Density transfer refers to two consecutive zoning amendments undertaken to protect a specified property by removing some or all of the development potential from one property and transferring that density to another property or to another portion of the same property. On Denman Island, the Local Trust Committee is willing to consider using density transfer to permit a land owner to give or sell land to a conservation organization, or dedicate land for park, without losing the subdivision potential of the property. There is no net increase in residential density because the residential density that is transferred simply replaces that of the lot given to the conservation agency or dedicated as park.</p> <p>Appendix D Density Bank - In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for a specified purpose. Donation of one or more densities takes place through a successful bylaw amendment application that records the densities in this Appendix. Utilisation of one or more densities requires a similar amending bylaw.</p> <p>Appendix D Density Bank - Policy 2 The Local Trust Committee may consider applications for transfer of banked densities providing the land receiving the densities will be used for affordable housing and a suitable mechanism is in place ensuring this use is maintained over time.</p>	<p>Densities in Bank: 0</p> <p>Use of 5% Allotment: 0</p>
<p>Bylaw No. 199 (OCP)</p>	<p>E.1. Housing Policy 29 replaced with the following: The Local Trust Committee should consider zoning amendment applications:</p>	<p>Densities added to Bank: 13</p>

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
	<ul style="list-style-type: none"> • to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; • to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and • to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District. <p>Appendix D Density Bank – the following was added to Policy 2: For the purpose of the density bank, affordable housing means adequate, suitable housing that is available to meet a continuum of needs including housing for the homeless and/or special needs; housing for those at risk of homelessness; housing with rental assistance; and entry level ownership opportunities.</p> <p>Appendix D Density Bank – the following Guideline was added: Guideline 9 Applications for transfer of banked densities for affordable housing must include details of the criteria for residents of the housing as well as demonstrate a need for the type of affordable housing on Denman Island.</p> <p>Appendix D Density Bank – the following densities were added to the bank: 13; as a result of rezoning to Conservation zone for the Inner Island Nature Reserve, Lindsay Dickson Nature Reserve, and Winter Wren Nature Reserve.</p>	Use of 5% Allotment: 14
BL 204	DE-RZ-2011.1 (DCLTA - Affordable Housing Project)	Densities added to Bank: 0 Use of 5% Allotment: 1
BL 210 (OCP)	<p>E.1. Housing Policy 10 was replaced with the following: In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.</p> <p>E.1 Housing Policy 11 was replaced with the following: 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.</p> <p>E.1 Housing Policy 13 was replaced with the following:</p>	Densities added to Bank: 0 Use of 5% Allotment: 0

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
	<p>In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.</p> <p>E.1 Housing new Policy 15 was inserted: 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.</p>	
219 (OCP)	DE-RZ-2015.1 (Pandesign)	Densities added to Bank: 0



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

DATE OF MEETING: March 17, 2020

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

SUBJECT: OCP and LUB Bylaw Amendments for Seniors Affordable Housing Development
Applicant/Agent: Harlene Holm for Bev Severn (Owner) and Denman Community Land Trust Association
Location: 3730 Denman Road, Denman Island (PID 009-708-537)

RECOMMENDATION

1. That the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent for application RZ-DE-2017.1 (DCLTA) allowing Islands Trust legal counsel to draft and/or review a restrictive covenant which would be registered on the land title applicable to the lands intended for the Denman Seniors Affordable Housing project and impose the following:
 - a. Require BC Energy Step Code Level 2 compliance for all new dwellings;
 - b. Require conditions related to the ALC exclusion with respect to the vegetative buffer and fencing plan;
 - c. Require mitigating measures regarding groundwater use as recommended by the Freshwater Specialist;
 - d. Require an integrated storm water management plan; and
 - e. Require a sewerage system maintenance plan.

2. That the Denman Island Local Trust Committee request staff to prepare draft bylaw amendment(s) in order to enable proposed Development Permit Area No. 8: Residential Density Increase to be applied to the subject property for application DE-RZ-2017.1.

REPORT SUMMARY

This staff report provides an analysis of the application of proposed Development Permit Area No. 8: Residential Density Increase to the subject property and proposes the contents of a restrictive covenant to be registered on the same. A summary of the agency and First Nations responses received to date regarding bylaw referrals for Bylaw Nos. 233 and 234 is also included in this report. Staff recommends drafting a restrictive covenant and entering into a cost recovery agreement for the legal drafting/review of the covenant, and also recommends that draft bylaw amendment(s) be prepared to apply proposed Development Permit Area No. 8 to the subject property.

BACKGROUND

The LTC passed the following resolutions at their January 21, 2020 business meeting:

DE-2020-002

It was MOVED and SECONDED,

that draft Bylaw No. 234 be amended as follows: that in Section 1.12 Table 2 Item 12, Common house be a permitted use in the R4 zone.

CARRIED

DE-2020-003

It was MOVED and SECONDED,

that draft Bylaw No. 234 be amended as follows: that in Section 1.14 Table 4 item 1, the maximum height of the R4 zone be changed from 12 metres to 9 metres.

CARRIED

DE-2020-004

It was MOVED and SECONDED,

that due to the issuance of Conditional Water License 500469 with associated investigation of Groundwater License Application 106290 by the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, the Islands Trust Area Water Assessment Toolkit Draft Terms of Reference is no longer applicable to Application DE-RZ-2017.1.

CARRIED

DE-2020-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee accept the Conditional Water License 500469 issued February 20, 2019 for this project as proof of adequate water.

A Trustee noted that this is a lower amount of water than the Land Use Bylaw subdivision requirement, however, the Conditional Water License is based on the actual amount of water needed there, which is significantly less than the Land Use Bylaw requirement.

CARRIED

DE-2020-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” as amended be read a first time.

CARRIED

DE-2020-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” as amended be read a first time.

CARRIED

DE-2020-008

It was MOVED and SECONDED,

that proposed Bylaw Nos. 233 and 234 as amended be referred to the following First Nations, Local Governments and agencies for comment:

- a. First Nations:

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

b. Local Governments and Agencies:

Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture, and the appropriate fire service.

CARRIED

DE-2020-009

It was MOVED and SECONDED,

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

CARRIED

Staff made changes to proposed Bylaw No. 234 as per the LTC resolutions and sent out Bylaw Nos. 233 and 234 (Attachment 1 and 2) to agencies and First Nations for comment. Responses received so far are discussed in the Analysis section below.

DE-2020-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to develop a draft housing agreement in consultation with the applicant/agent for application DE-RZ-2017.1 (Denman Community Land Trust Association) for Local Trust Committee consideration.

CARRIED

DE-2020-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent allowing Islands Trust legal counsel to review a draft housing agreement for application number RZ-DE-2017.1 (Denman Community Local Trust Area).

A Trustee inquired whether any precedent exists for this cost of developing a housing agreement being waived or contributed to by Islands Trust. Regional Planning Manager Kauer will research and report back.

CARRIED

Staff are working with the applicant/agent to prepare a draft Housing Agreement. Staff advise that the LTC is not able to waive the cost of the legal review of a housing agreement nor is there a mechanism for the Islands Trust to incur the cost. However, a housing agreement template was developed in consultation with Islands Trust legal team with the intent to eliminate or minimize the cost to applicants. Details of a project can simply be inserted into the agreement template, however, if the template needs to be modified in any way, legal review might be necessary for which a cost recovery agreement is required. See the Analysis section below for further discussion about the draft Housing Agreement.

DE-2020-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring forward, if possible, options for regulations permitting home occupations that do not involve increased traffic, increased water use, or increased noise for the proposed new R4 and R4 site-specific zoning.

A Trustee commented that Advisory Planning Commission review of this issue might be useful.

CARRIED

This item is anticipated to be reported back to the LTC at their next business meeting.

Trustees discussed the continuous monitoring and annual reporting of groundwater as recommended by Islands Trust Freshwater Specialist Shulba with the following noted:

- A Trustee expressed concern regarding the extra obligation of well data monitoring that would also benefit the Islands Trust and questioned whether it might be possible for the Islands Trust to fund a portion of it;
- Freshwater Specialist Shulba noted that a model exists for this possibility.

DE-2020-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Freshwater Specialist to prepare a draft Water Sustainability Project Charter.

CARRIED

This item is anticipated to be reported back to the LTC at a future meeting.

Staff reports and associated information for rezoning application DE-RZ-2017.1 (DCLTA) are available on the Islands Trust website under Denman Island, [Current Applications](#).

ANALYSIS

Staff have identified the following issues and opportunities for LTC consideration:

- DCLTA's Comments regarding draft Bylaw No. 234 and Proposed Development Permit Area No. 8
- Application of Proposed *Development Permit Area No. 8: Residential Density Increase* to Subject Property
- Housing Agreement
- Restrictive Covenant

Issues and Opportunities

DCLTA's Comments regarding R4(2) zoning and Proposed Development Permit Area No. 8: Residential Density Increase

Since the last LTC meeting held January 21, 2020, the Denman Community Land Trust Association (DCLTA) have provided comments to staff about the proposed R4(2) zoning (site specific zone for the DCLTA's Seniors Affordable

Housing project) and the proposed Development Permit Area No. 8 that is recommended by staff to be applied to the subject property. Their comments are summarized below along with staff’s recommendations.

Table 1: DCLTA’s Comments on Proposed R4(2) zoning

DCLTA’s Comments on proposed R4(2) zoning	Reflected in Proposed Bylaw Amendment No. 234 (LUB)	Staff’s Recommendations
<ul style="list-style-type: none"> Inclusion of definition in LUB using existing “Dwelling Unit, affordable housing” and a new definition of “seniors” 	Yes, a new definition “seniors affordable housing dwelling unit” as proposed by applicant is already included in proposed Bylaw No. 234.	No change.
<ul style="list-style-type: none"> Remove Home Occupations as a permitted use from the R4(2) zone 	Yes. Home Occupations are not permitted in the R4(2) zone.	Continue to prohibit Home Occupations in the R4(2) zone.
<ul style="list-style-type: none"> Create a new and separate zone for the seniors affordable housing project instead of the proposed R4(2) zone. 	No.	Staff recommend no change because the R4(2) zone allows for the seniors affordable housing project as presented.
<ul style="list-style-type: none"> A common house is not envisioned as a part of the project. 	Yes. A common house is not a permitted building in the R4(2) zone. It is a building permitted in the R4 zone as requested by the LTC.	No change.

Table 2: DCLTA’s Comments on Proposed Development Permit Area No. 8 Residential Density Increase

DCLTA’s Comments on proposed Development Permit Area No. 8: Residential Density Increase	Staff’s Comments
<ul style="list-style-type: none"> Concern about cost of meeting Guideline 1 (Biological inventory) and Guideline 2 (subdivision layout to incorporate lot clustering, vegetative buffers, no-build areas). 	Guideline would be applicable unless the LTC determines that there are bona fide reasons why the guideline should not be applied to its fullest extent.
<ul style="list-style-type: none"> Concern that Guideline 8 (15 m wide vegetative buffer) would have a negative impact on project. 	Guideline would be applicable unless the LTC determines that there are bona fide reasons why the guideline should not be applied to its fullest extent (i.e. proposed 3 metre buffer is already confirmed to be acceptable to ALC)

Application of Proposed *Development Permit Area No. 8: Residential Density Increase* to the Subject Property

A set of bylaw amendments (proposed Bylaw Nos. 237 and 238, Attachment 3) have been developed to enable DPA No. 8, which are currently proposed to be applied to application DE-RZ-2018.1. The proposed bylaws were given 1st reading at the last LTC meeting and were referred to agencies and First Nations. A summary of those responses are included in the associated staff report included in this agenda package.

Staff recommend applying DPA No. 8 to the subject property for this rezoning application because it would address ITPS policies 4.4.2 and 4.4.3, and Denman OCP Freshwater, Climate Change, and Water Management policies (see *Attachment #8 - Policies* of staff report, dated January 21, 2020 for references to each applicable policy and staff’s recommendations). If applied to the subject property, a Development Permit application would be required at the time of subdivision, land alteration or construction.

Staff recommend that the LTC request staff to prepare bylaw amendments in order to enable DPA No. 8 to be applied to application DE-RZ-2017.1. Staff recommend a text and map amendment to proposed Bylaw No. 237 (DPA designation, OCP) that will serve to include the subject property within the designated DPA. No changes are recommended to proposed Bylaw No. 238 (Guidelines, LUB). Staff recommend that the LTC consider application of the DPA to the subject property at this time so that these bylaw amendments may advance in time to be considered by the LTC prior to an upcoming Community Information Meeting for this application.

Housing Agreement

Staff are awaiting information from the applicant/agent with respect to the specific terms for the seniors affordable housing project, such as the rental rates and qualified occupants, in order to prepare a draft housing agreement. Once the information is provided, staff will review, discuss with applicant/agent and move forward with a cost recovery agreement should one be required.

Restrictive Covenant

Staff are recommending that the LTC enter into a restrictive covenant with the owners of the lands intended for seniors affordable housing for the purposes of addressing policies in the Islands Trust Policy Statement (ITPS) and the Denman Island Official Community Plan as identified in *Attachment #8 – Policies* in staff report dated January 21, 2020. Below is a summary of the recommended imposed restrictions to include in the covenant, the relevant policies, and potential covenant language (Table 3). Staff are recommending that the LTC enter into a cost recovery agreement with the applicant/agent which will allow Islands Trust legal counsel to draft and/or review the covenant which would be registered on the land title applicable to the parcel intended for the seniors affordable housing project.

Pending advancement of a Denman Water Sustainability Project, staff recommend moving forward with requiring in a covenant, mitigating measures regarding groundwater use as recommended by the Freshwater Specialist in their referral response. Should the project advance and address these identified mitigating measures, this item can be removed from the draft covenant.

Table 3: Recommended Restrictions to Include in Covenant

Recommended Restrictions to be imposed in the Covenant applicable to the parcel intended for the Seniors Affordable Housing Project	ITPS and Denman OCP policies addressed with Covenant	Recommended Language to be Included in the Covenant
<ul style="list-style-type: none"> Require Energy Step Code Level 2 compliance for all new dwellings. Draft amendments (OCP) add policy that multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction by way of amenity zoning or restrictive covenant. 	<p>ITPS: 3.1.5</p> <p>DE OCP: C.4 Climate Change Policies: 2, 4; E.1 Housing Policy 26</p>	<ul style="list-style-type: none"> To obtain Energy Step Code Level 2 compliance for all new multi-family dwellings; To provide proof of Step Code compliance provided to the LTC or designate at the expense of the land owner prior to occupancy.

<ul style="list-style-type: none"> Require conditions related to the ALC exclusion in order to ensure conditions are satisfied. 	<p>ITPS: 3.3.2, 4.1.6</p> <p>DE OCP: C.2 Freshwater Policy 2; E.1 Housing Policies 21, 24</p>	<ul style="list-style-type: none"> To prepare and attach the ALC approved vegetative buffer and fencing plan between the area of the parcel approved for exclusion and adjacent agricultural lands as per ALC approval for exclusion.
<ul style="list-style-type: none"> Require mitigating measures regarding groundwater use as recommended by the Freshwater Specialist. 	<p>ITPS: 4.4.2, 4.4.3</p> <p>DE OCP: D.3 Water Management Policy 6</p>	<ul style="list-style-type: none"> Require the installation of a datalogger device to record stable, predictable, and repeatable groundwater observations on a consistent basis that will assist with preventing saltwater intrusion and provide reporting on groundwater levels, groundwater temperature, groundwater electrical-conductivity.
<ul style="list-style-type: none"> Require a storm water management plan to be prepared, executed and maintained in order to ensure proper management of storm water during the life of the housing facility. 	<p>DE OCP: C.2 Freshwater Policy 7; D4. Waste Management Policy 1</p>	<ul style="list-style-type: none"> To have a professional engineer prepare an Integrated Storm Water Management Plan to be attached; the purpose of the plan is to slow and reduce the rate of discharge of water and sediment entering any watercourse or ditch. To have the professional engineer prepare a maintenance manual to be attached, containing measures and steps to be taken by the owner to maintain the storm water works.
<ul style="list-style-type: none"> Require sewerage system maintenance plan in order to ensure proper maintenance and monitoring in respect of the size of system required to service 8 dwellings and the proposed 3 m set back to lot lines. Adjacent uses being agriculture, residential, and school. 	<p>DE OCP: E.1 Housing Policy 23</p>	<ul style="list-style-type: none"> To have a professional engineer prepare a Maintenance Plan and 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.

Consultation

Agency and First Nation Referral Responses to Date

At the time of report writing, the following referral responses were received from agencies and First Nations and have been posted to the [applications webpage](#):

Agency/First Nation	Response to Bylaw Referral	Recommended Action
We Wai Kai Nation	No comment at this time.	None.
Cowichan Tribes	Interests unaffected.	None.
Halalt First Nation	No Comments.	None.

Island Health	Approval recommended subject to Islands Trust providing the applicant with information regarding Island Health Subdivision Standards at the time of subdivision with respect to min. lot size and suitable conditions for a sewage disposal system, along with advising them that they will need to be compliant with Sewerage System Regulation and the Drinking Water Protection Act/Regulation.	None. Response forwarded to applicant.
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Community Information Meeting

Staff continue to recommend that a community information meeting for application DE-RZ-2017.1 (DCLTA) and proposed Bylaw Nos. 233 and 234 be scheduled following the close of the bylaw referral period (April 15th) and following consideration by the Local Trust Committee of drafts of the housing agreement, covenant, and bylaw amendments for the DPA.

Rationale for Recommendation

Staff is recommending that a restrictive covenant be drafted along with entering into a cost recovery agreement for the covenant’s legal drafting/review and recommending that bylaw amendments be drafted to apply proposed DPA No. 8 to the subject property in order to advance these important elements of the rezoning application in tandem with proposed Bylaw Nos. 233 and 234. The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

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

1. Request Further Information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Staff advise that depending on the request for more information, it may have an impact on the advancement of the rezoning application. Recommended wording for the resolution is as follows:

That the Denman Local Trust Committee request [insert information requested and rationale].

2. Defer Consideration

The LTC may defer consideration regarding the preparations of draft bylaw amendment(s) in order to enable proposed Development Permit Area No. 8 and/or regarding entering into a cost recovery agreement with the applicant to begin drafting a restrictive covenant. Staff advise that deferment may have an impact on the advancement of the rezoning application. Recommended wording for the resolution is as follows:

That the Denman Local Trust Committee defer consideration of [insert item, rationale for deferment, potential timing on future consideration].

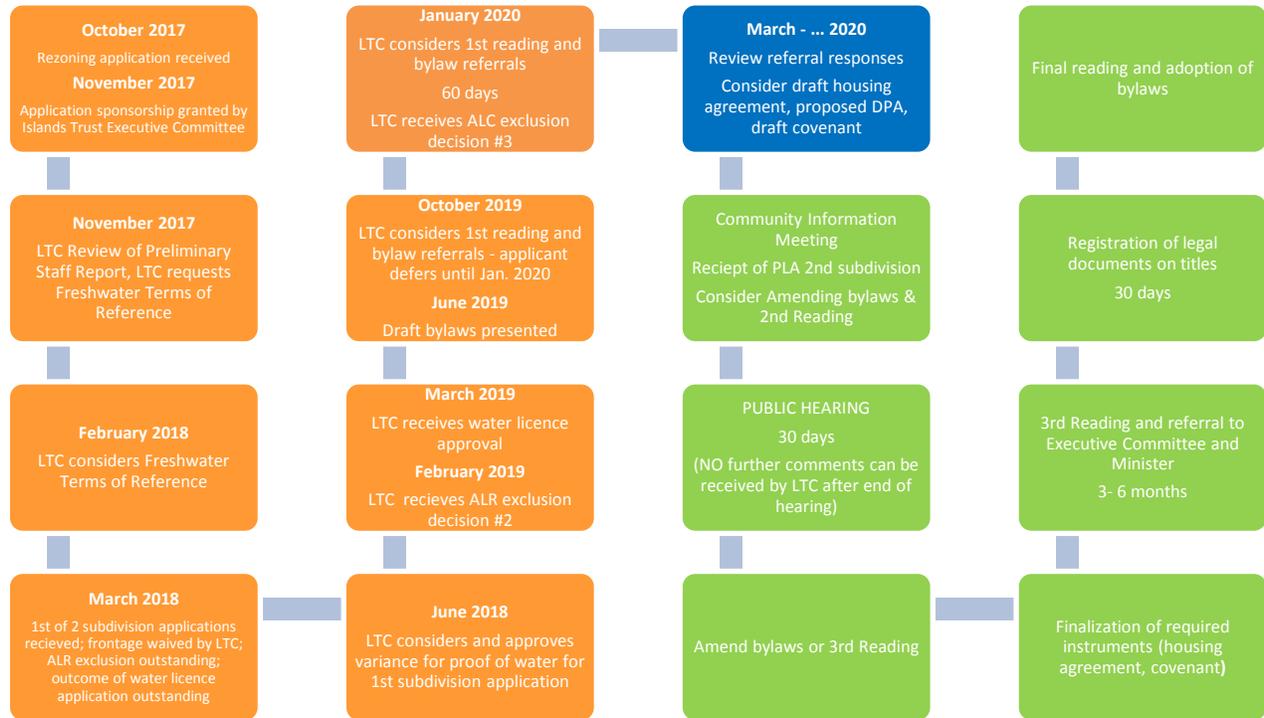
NEXT STEPS

Should the LTC concur with the staff recommendations, staff will move forward with drafting bylaw amendments that would apply proposed DPA No: 8 to the subject property and will begin the process to enter into a cost

recovery agreement with the applicant/agent and begin drafting the restrictive covenant. Staff will continue to work with the applicant/agent to prepare a draft housing agreement.

Application Process Steps and Timing

The following timeline outlines the rezoning application process milestones to date along with next steps and approximate timing which may assist in managing applicant and community expectations in how an OCP and LUB amendment application such as this, is processed. Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing.



Submitted By:	Marnie Eggen, RPP, MCIP, Island Planner	March 9, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 9, 2020

ATTACHMENTS

1. Proposed Bylaw No. 233 (OCP), 1st Reading, January 21, 2020
2. Proposed Bylaw No. 234 (LUB), 1st Reading, January 21, 2020
3. Proposed Bylaw Nos. 237 and 238, 1st Reading, January 21, 2020

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:
"Objective 5 To protect and enhance the supply and quality of rental housing for low income households."
 - 1.2. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: "except for lots created for the purpose of allowing multi-family affordable housing."
 - 1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 3 is amended by replacing it in its entirety with the following:

"Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares."
 - 1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, is amended by adding the following new Policy 4 after Policy 3 and renumbering subsequent Policies chronologically:

"Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing."
 - 1.5. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:
"In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:
 - The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
 - Multi-family affordable housing through the completion of a successful rezoning application."
 - 1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing "Policy 29" to "Policy 30".
 - 1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by adding "28, 29, or" after the word "Policy" and before the number "30."
 - 1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 27 is replaced in its entirety with the following:
"Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new

construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.”

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

DENMAN ISLAND LOCAL TRUST COMMITTEE

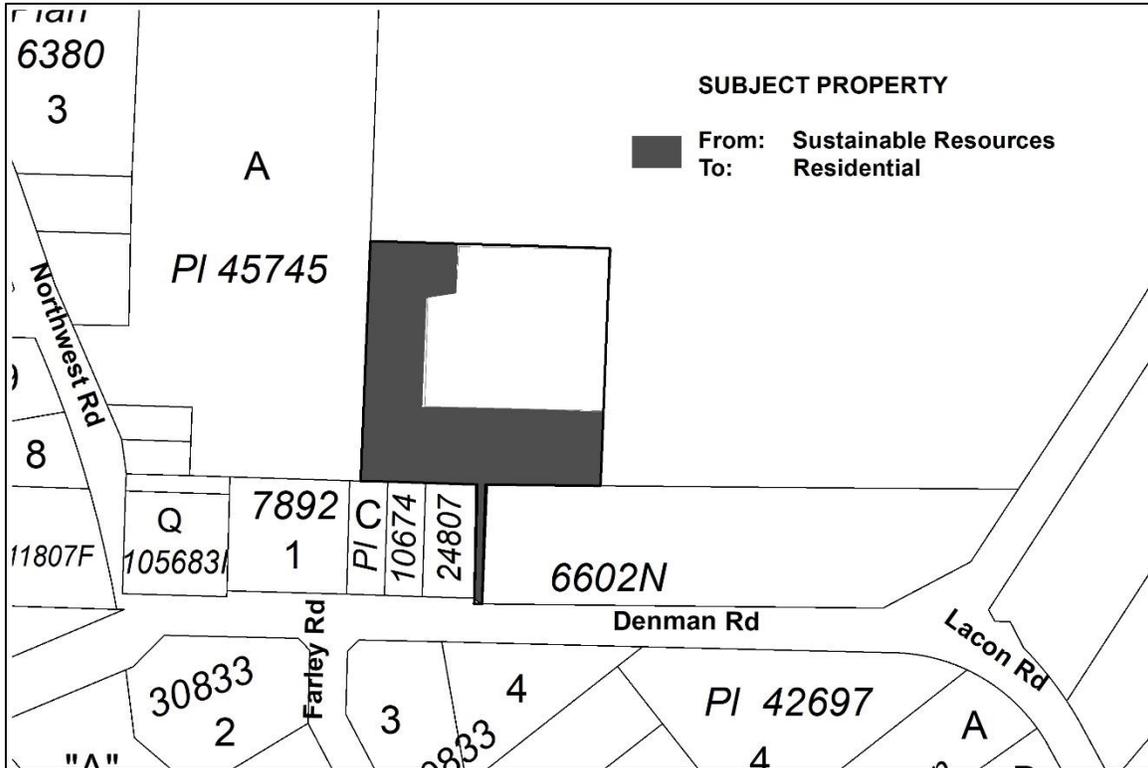
BYLAW NO. 233

Schedule "2"

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

Plan No. 1 – CONCEPTUAL PLAN ONLY

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



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

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

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

READ A FIRST TIME THIS 21ST DAY OF JANUARY , 2020

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20____

READ A SECOND TIME THIS _____ DAY OF _____ , 20____

READ A THIRD TIME THIS _____ DAY OF _____ , 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ , 20____

ADOPTED THIS _____ DAY OF _____ , 20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234**

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."
 - 1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

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

dwelling unit, seniors affordable housing means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement.

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

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit;"
 - 1.3 PART 2 ADMINISTRATION, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Housing (R4) Zone'." after the word "Bylaw".
 - 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Affordable Housing (R4).'" after the word "accommodation".
 - 1.5 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:
 - "one per one single family residential use"
 And replacing it with:
 - "one per one single family residential dwelling unit"
 - 1.6 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:
 - "two per dwelling unit in a multi-family dwelling"

- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:
 - “one per dwelling unit in a multi-family dwelling”
- 1.8 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding “Affordable Housing (R4)” after “(R3)”.
- 1.9 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing “R3 zone” and replacing with “R3 and R4 zones”.
- 1.10 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, **Residential Zones** is amended by adding “Affordable Housing R4”.
- 1.11 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 1 – Permitted Uses is deleted in its entirety and replaced with:

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

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

Table 2 - Permitted Buildings and Structures		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	

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

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

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

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

Table 4 – Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	9.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m

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	<ul style="list-style-type: none"> used exclusively for agriculture 	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

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

Table 5 - Setbacks		R1	R2	R3	R4
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply					
1	Minimum setback of buildings or structures, except for a fence, pump/utility house or pit privy				
	<ul style="list-style-type: none"> from the front lot line 	7.5 m	7.5 m	30.0 m	10.0 m
	<ul style="list-style-type: none"> from the rear or side lot line 	3.0 m	3.0 m	30.0 m	10.0 m
	<ul style="list-style-type: none"> from the exterior side lot line 	4.5 m	4.5 m	30.0 m	10.0 m
2	Minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except domestic chicken coops	8.0 m	8.0 m	30.0 m	30.0 m
3	Minimum setback from all lot lines for domestic chicken coops	3.0 m	3.0 m	30.0 m	10.0 m

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

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

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

Table 7 - Subdivision		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	

2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha
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1.18 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new R4(2) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

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

Site Specific Zoning Code	Site Specific Regulations
R4(2)	<ol style="list-style-type: none"> 1 Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance. 2 Despite line 12 of Table 2 of this Section, a Common House is not permitted. 3 Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. 4 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%. 5 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house <ul style="list-style-type: none"> • from the front lot line is 7.5 m • from the rear or side lot line is 3 m • from the exterior side lot line is 3 m 6 Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m. 7 Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m. 8 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 60 m². 9 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares. 10 Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit. 11 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

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

Table 8 - Site Specific Regulations

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

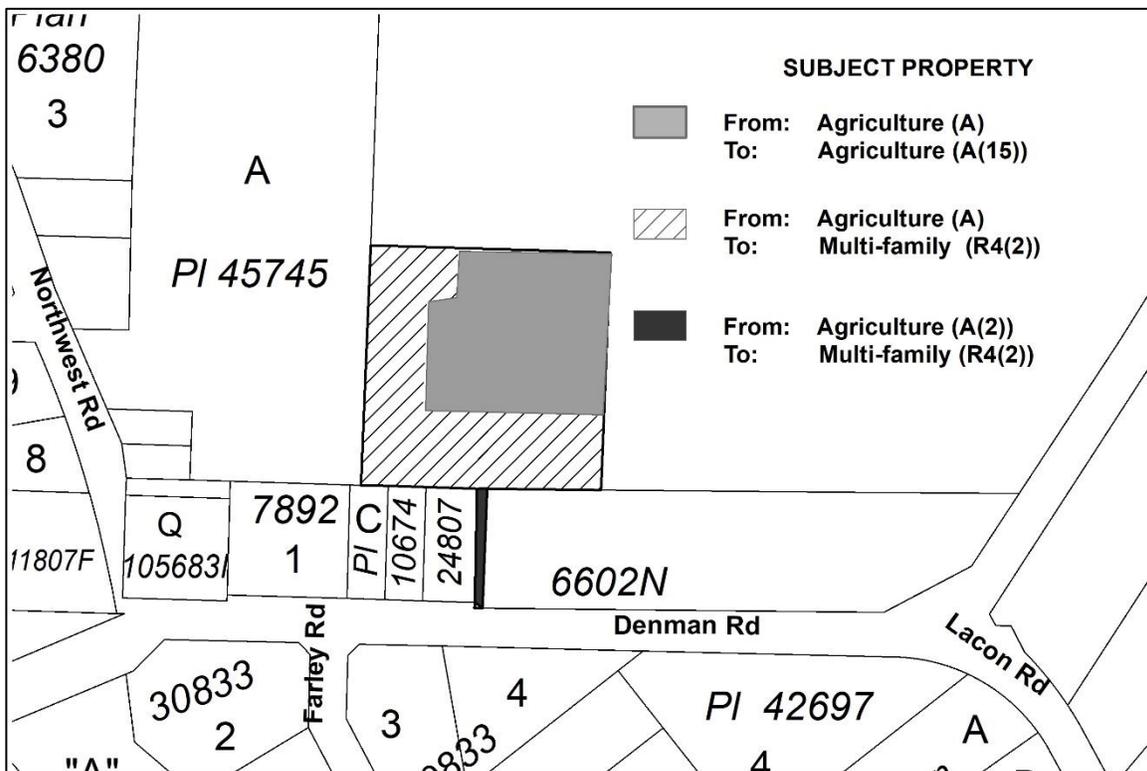
Site Specific Zoning Code Site Specific Regulations

A(15) 12 Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

2. Schedule "B" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 2.1. Schedule "B" – North Sheet is amended by changing the name "North Sheet" to "North Map".
 - 2.2. Schedule "B" – South Sheet is amended by changing the name "South Sheet" to "South Map".
 - 2.3. Schedule "B" – North Map, is amended by changing the zoning classification of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 186 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

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



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

Schedule "1"

1. Schedule "B" – **PERMITS AND PLAN ADMINISTRATION** of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:

1.1 **PART F – DEVELOPMENT PERMIT AREAS**, is amended by replacing all references to specific sections of the *Local Government Act* with the correct section citations.

1.2 **PART F – DEVELOPMENT PERMIT AREAS**, is amended by adding the following new section after "Development Permit Area No. 7: Light Industrial":

"DEVELOPMENT PERMIT AREA NO. 8: RESIDENTIAL DENSITY INCREASE

Category

The area indicated on Schedule E as Development Permit Area No. 8: Residential Density Increase, is designated according to Sections 488(1)(a)(c)(h)(i) and (j) of the *Local Government Act* for the protection of the natural environment, protection of farmland and promotion of energy, water conservation and greenhouse gas emission reduction. Development approval information in the form of reports from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below.

Area

Development Permit Area No. 8: Residential Density Increase currently applies to only one site in the planning area as shown on Schedule E (PID 006-657-290).

Justification

The Local Trust Committee can approve a density transfer application or density bank withdrawal subject to conditions in the Official Community Plan. Either option can result in the intensification of rural residential uses on a specific parcel and increase the number of dwellings and people on that parcel. Such parcels are to be designated as part of this DPA so that all subsequent development is informed by guidelines that improve and protect local biodiversity and enhance subdivision design, site layout and landscaping to mitigate impacts on the natural environment, air shed and watershed. The BC Agricultural Land Commission has acknowledged that the development of lands adjoining the Agricultural Land Reserve (ALR) may compromise the agricultural use of the ALR and increase the potential for land use conflicts. The incorporation of vegetated buffers between parcels benefiting from a density transfer or density bank withdrawal and the Agricultural Land Reserve boundaries, is expected to promote greater compatibility between uses while protecting agricultural potential from rural development.

Objectives:

The objectives of Development Permit Area No. 8 are:

1. To ensure that protection of the natural environment and habitats are prioritized.
2. To ensure a high level of design and quality of construction of all future development.
3. To support innovation in energy and water conservation and reduction of greenhouse gas emissions.
4. To provide adequate buffering along the Agricultural Land Reserve boundaries.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 8 – Residential Density Increase are in the Denman Island Land Use Bylaw.

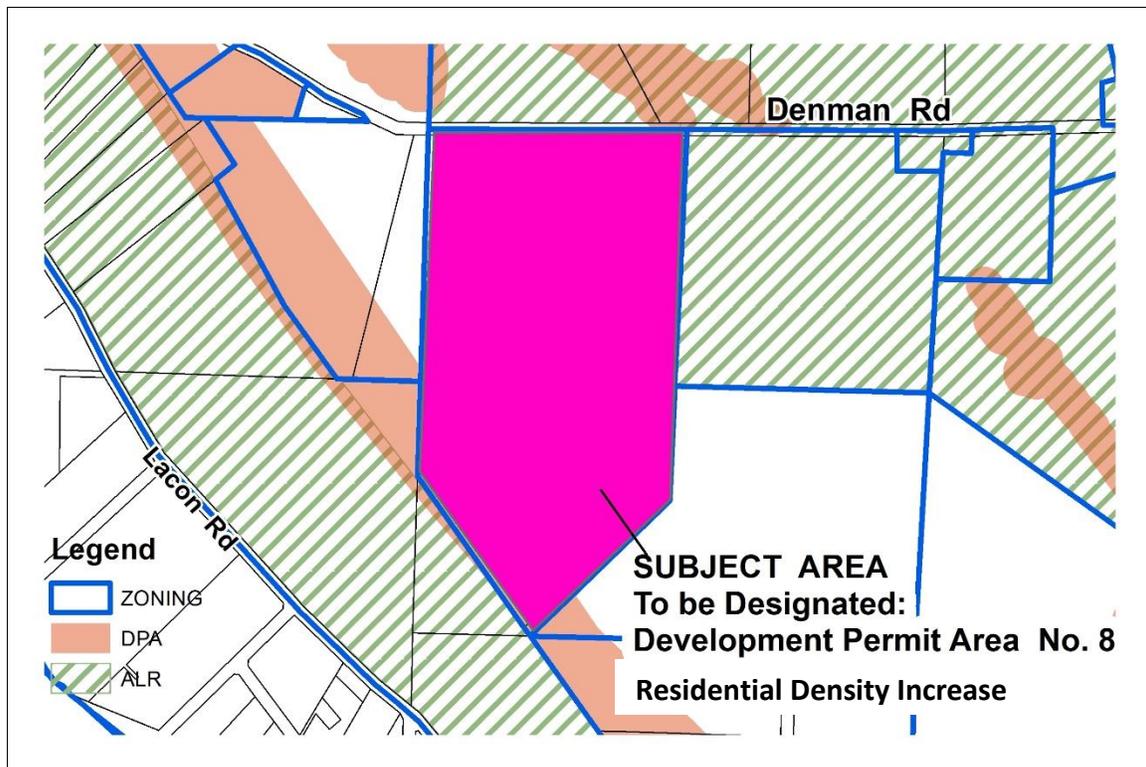
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

Schedule "2"

1. **Schedule "E" – Map 2 North and Map 2 South – Development Permit Areas** of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" are amended by designating a new Development Permit Area "Development Permit Area No. 8 – Density Transfer – Residential" on those lands described as THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN 14174, VIP77481 AND VIP87456 (PID 006-657-290) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "E" of Bylaw No. 185 as are required to effect this change.

Plan No. 1



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 238

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. That the Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is amended as shown on Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019”.

READ A FIRST TIME THIS	21 ST	DAY OF	JANUARY	, 2020
READ A SECOND TIME THIS	xx	DAY OF		, 202x
PUBLIC HEARING HELD THIS	xx	DAY OF		, 202x
READ A THIRD TIME THIS	xx	DAY OF		, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF		, 202x
ADOPTED THIS	xx	DAY OF		, 202x

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 238

Schedule "1"

1. Schedule "A" – Land Use Bylaw of the Denman Island Local Trust Committee Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008" is amended as follows:

- 1.1 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following text before Section 4.1:

"Use of the word "should" in a guideline does not indicate that compliance is at the option of the applicant. Rather, that compliance to the guideline will be required as a condition of issuance of a development permit, unless the Local Trust Committee determines there are bona fide reasons why the guideline should not be applied to its fullest extent. Use of the term "encourage" indicates that compliance with a guideline may, at the discretion of the Local Trust Committee, be required as a condition of the issuance of the development permit."

- 1.2 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following new Development Permit Area after section 4.7 "Development Permit Area No.7: Light Industrial - Guidelines":

"4.8 Development Permit Area No. 8: Residential Density Increase - Guidelines

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must meet any other applicable local, provincial or federal requirements:

- a) Subdivision application that results in the consolidation of one or more lots;
- b) The placement of impermanent structures such as benches, tables and garden ornaments;
- c) The proposed alteration of an existing building or structure for purposes of maintenance and repair, any alteration of the interior of a building or structure, any addition of exterior features to a building or structure that does not require an additional alteration of the land or any construction that is not subject to a requirement for a siting and use permit;
- d) The construction of a small accessory building or structure that is less than 10 m² in size.
- e) Restoration or enhancement of a vegetated buffer zone as directed by a qualified environmental professional;
- f) Emergencies: Procedures to prevent, control or reduce flooding, erosion or other immediate threats to life or property;
- g) Cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property, as indicated in a report by an arborist certified in B.C.;
- h) Yard and garden maintenance within an existing landscaped area.

Protection of the Natural Environment and Biodiversity

Guideline 1 Before any land clearing takes place, and before development design begins, an application for a development permit requires a biological site inventory prepared by a qualified professional biologist together with other professionals of different and relevant expertise, as the project warrants. The biological site inventory should be in

accordance with the most current edition of the terms of reference in the “*Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*” or equivalent terms of reference approved by the Local Trust Committee. Additional conditions should be included in a development permit to incorporate recommendations within the biophysical inventory.

- Guideline 2 Subdivision layout should protect sensitive ecosystems and contiguous tracts of habitat through the use of lot clustering; vegetated buffers adjacent to sensitive ecosystems and habitats; pre-designation of no-build areas in areas with high ecological value or potential for regeneration; and pre-designation of building sites in areas with reduced ecological value. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of natural vegetation in identified areas.
- Guideline 3 The provision of shared driveways should be considered as a condition of a permit.
- Guideline 4 Areas of slope 30% or greater should remain free of development including land clearing, except in accordance with any conditions contained in the Permit.
- Guideline 5 Following ‘dark sky principles’, all exterior lighting should be directed and/or shielded to illuminate the ground only, to prevent light pollution.
- Guideline 6 Previously disturbed or degraded sites should be re-vegetated using plant materials indigenous to the coastal Douglas-fir biogeoclimatic zone.

Protection of Farmland

- Guideline 7 Subdivision design should minimize the impacts that may occur between farm and non-farm uses on adjacent lands in the Agricultural Land Reserve.
- Guideline 8 A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an Agricultural Land Reserve Boundary. Mature trees and existing vegetation should be preserved and where possible integrated with any new landscaping. The buffer should generally be designed and landscaped in accordance with the British Columbia ‘*Guide to Edge Planning*’ or any subsequent editions. The buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of vegetation in identified areas.
- Guideline 9 New buildings and structures, except for fencing should not be situated within the 15 metre vegetated buffer area.

Promotion of Energy, Water Conservation and Greenhouse Gas Emission Reduction

- Guideline 10 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed building design measures to be incorporated in the proposed development of new buildings to address the following approaches:
- a) Passive design strategies;
 - b) Reduction in a building’s energy and water consumption;
 - c) Improved occupant thermal comfort;
 - d) Improved indoor air quality;

- e) Utilization of locally or regionally sourced building materials;
- f) Opportunities for the distribution of natural daylight into a building's interior spaces to reduce the energy consumption of electric lighting;
- g) Capture and re-use of rainwater for domestic use and irrigation;
- h) Incorporation of universal access design principles.

Upon completion of construction the applicant is required to provide the Local Trust Committee with a written report prepared by a qualified professional confirming compliance with the stated requirements of this guideline.