

Regular Meeting Revised Agenda

Date: September 27, 2022
 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
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT**
 - 3.1. In-Camera Meeting of November 2, 2021 Minutes Adopted
4. **REPORTS** 10:35 AM - 10:50 AM
 - 4.1. Trustee Reports
 - 4.2. Chair's Report
 - 4.3. Electoral Area Director's Report
5. **DELEGATIONS - none**
6. **CLOSED MEETING - none**
7. **TOWN HALL - none**
8. **MINUTES** 11:30 AM - 11:35 AM
 - 8.1. Local Trust Committee Minutes dated July 19, 2022- for adoption 5 - 13
 - 8.2. Local Trust Committee Special Meeting Minutes dated July 27, 2022 - for adoption 14 - 18
 - 8.3. Section 26 Resolutions-Without-Meeting - none
9. **BUSINESS ARISING FROM MINUTES** 11:35 AM - 12:15 PM

9.1.	Follow-up Action List dated September 19, 2022	19 - 23
9.2.	Electronic Meeting Data and Options - Memorandum	24 - 26
9.3.	Model Cell Tower Strategy - Staff Report	27 - 28
9.4.	DAI Bylaw Status - verbal update	
10.	APPLICATIONS, REFERRALS AND BYLAWS	12:15 PM - 12:55 PM
10.1.	DE-RZ-2017.1 Denman Community Land Trust Association - Bylaw Nos. 233, 234 and 239 - Staff Report	29 - 91
10.2.	DE-DP-2022.2 (1265478 BC LTD Walsen - McElhanney) - Staff Report	92 - 136
----- BREAK 12:55 PM TO 1:25 PM -----		
11.	LOCAL TRUST COMMITTEE PROJECTS	1:25 PM - 2:00 PM
11.1.	Denman Island Farming Regulations Review Project - Staff Report	137 - 178
11.2.	<i>Denman Housing Review Project - verbal update</i>	
12.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
13.	NEW BUSINESS	2:00 PM - 2:10 PM
13.1.	Islands Trust Conservancy 3 Year Plan - Briefing	179 - 202
13.2.	Proposed Letter to Comox Valley Regional District regarding Trail from General Store to Community Hall to Increase Connectivity and Provide a Safer Pedestrian Experience - for discussion	
14.	REPORTS	2:10 PM - 2:20 PM
14.1.	Trust Conservancy Report - dated July 13, 2022	203 - 204
14.2.	Applications Report dated September 20, 2022	205 - 208
14.3.	Trustee and Local Expense Report dated July, 2022	209 - 209
14.4.	Adopted Policies and Standing Resolutions	210 - 214
14.5.	Local Trust Committee Webpage	
15.	WORK PROGRAM	2:20 PM - 2:30 AM
15.1.	Top Priorities Report dated September 20, 2022	215 - 215

16. INFORMATION ITEMS

2:30 PM - 2:40 PM

16.1. Sea Duck Atlas

<https://seaduckjv.org/science-resources/sea-duck-key-habitat-sites-atlas-narratives/>https://seaduckjv.org/atlas/pdf/narrative_site2_508.pdf

16.2. The Climate Projections Report for Islands Trust Area

<https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area-report-2020/>

16.3. Conservancy Current Campaigns

<https://islandstrust.bc.ca/conservancy/current-campaigns/>

16.4. 2022 Community Stewardship Awards

<https://islandstrust.bc.ca/programs/stewardship-awards/>

16.5. Conservancy Current Campaigns

<https://islandstrust.bc.ca/conservancy/current-campaigns/>

16.6. 2022 Local Election Information for Citizens

<https://islandstrust.bc.ca/about-us/governance/2022-local-election/>

16.7. September 2022 Islands Trust Council Quarterly Meeting Announced

<https://islandstrust.bc.ca/document/august-16-2022-september-2022-islands-trust->

16.8. BC Government News - Public Invited to Learn more about Proposed Treaty with K'omoks First Nation

<https://news.gov.bc.ca/releases/2022IRR0052-001296>**17. UPCOMING MEETINGS**

17.1. Next Regular Meeting Scheduled for Tuesday, November 8, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

18. CLOSED MEETING

2:40 PM - 2:55 PM

18.1. 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) (a), (d) and (i) for consideration of Appointment of Board of Variance Members, Adoption of In-Camera meeting Minutes dated July 19, 2022 and receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that the recorder and staff attend the meeting.

18.2. *Recall to Order - none*

19. **ADJOURNMENT**

2:55 PM - 2:55 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

- Date:** July 19, 2022
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC
- Members Present:** Sue Ellen Fast, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee
- Staff Present:** Sonja Zupanec, Island Planner
 Warren Dingman, Bylaw Compliance and Enforcement Manager
 Heather Kauer, Regional Planning Manager (via telephone)
 Vicky Bockman, Recorder
- Others Present:** None
1. **CALL TO ORDER**
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
 Chair Fast called the meeting to order at 10:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, introduced Trustees and staff, and announced that this meeting is being recorded for posting on the Islands Trust website.
 2. **APPROVAL OF AGENDA**
 By general consent the agenda was approved.
 3. **RISE AND REPORT - none**
 4. **REPORTS**
 - 4.1 **Trustee Reports**
 Trustee Busheikin reported that she attended the Baynes Sound Lambert Channel Ecosystem forum.
 Trustee Critchley provided a summary of meetings attended:
 - Baynes Sound Lambert Channel Ecosystem forum;
 - Trust Council-several actions were summarized; details can be found on the Islands Trust website;
 - Trust Programs Committee-considering Trust Policy Statement amendments.
 - 4.2 **Chair's Report**
 Chair Fast noted her attendance at the following:
 - Climate Leaders Institute program;

- Bowen Island Municipal Council;
- Trust Council;
- Executive Committee.

4.3 Electoral Area Director's Report - none

5. DELEGATIONS - none

6. TOWN HALL - none

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes dated May 30, 2022 - for adoption

By general consent the Special Meeting minutes dated May 30, 2022 were adopted.

7.2 Local Trust Committee Minutes dated May 31, 2022 - for adoption

The following amendment was considered:

- Page 5, fourth line, change "believes" to "said".

By general consent the minutes dated May 31, 2022 were adopted as amended.

7.3 Local Trust Committee Public Hearing Record dated May 30, 2022 - for receipt

By general consent the Public Hearing Record dated May 30, 2022 was received.

7.4 Section 26 Resolutions-Without-Meeting Report - none

7.5 Advisory Planning Commission Minutes dated June 14, 2022 - for receipt

Local Trust Committee (LTC) members noted a correction to be made:

- that "Hornby Island" be replaced with "Denman Island" in the heading and in item 3.1.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated July 11, 2022

Planner Zupanec reported that a presentation regarding K'ómoks First Nation Treaty negotiations is in the process of being scheduled.

8.2 Enforcement Policy on Unlawful Dwellings - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the staff report that responds to a request from the LTC to provide input on a suggested amendment to Standing Resolution No. 7 DE-2019-056/DE-021-015 proposed at the March LTC meeting. He provided an update on the current number of open files for unlawful dwellings on Denman Island and confirmed that Bylaw staff are not issuing eviction notices and further, it is not clear if Bylaw Compliance and Enforcement has the legislative authority to do so.

Trustees discussed possible amendments to standing resolutions regarding unlawful dwellings and the following points were noted:

- The Trust Council Bylaw Compliance and Enforcement Policy references education and mediation as a means to achieve voluntary compliance, and this might be pointed out as an approach to address misleading information circulating in the community regarding bylaw enforcement;
- Clarity regarding the legal authority of Bylaw staff to issue eviction orders for residential tenancies was considered to be necessary in order to understand options which may or may not be available to Bylaw Compliance staff;
- Including an end or review date in a standing resolution is optional; the resolution may be rescinded at any time;
- A report on current Denman Island Bylaw Compliance and Enforcement files was suggested;
- Consideration was given to rescinding the standing resolution that addresses bylaw enforcement of unlawful dwellings during the public health emergency declared for COVID-19 as this is no longer applicable.

DE-2022-070

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a report on the legal authority of staff to issue eviction orders for residential tenancies.

CARRIED

DE-2022-071

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee, having reviewed Standing Resolution DE-2021-015, resolves that the Standing Resolution not be amended.

During discussion, a Trustee supported removal of the statement that it will be reviewed in one year's time for clarity.

FAILED

**Trustee Busheikin Opposed
Trustee Critchley Opposed**

DE-2022-072

It was MOVED and SECONDED,

that Standing Resolution No. 7 DE-2019-056/DE-2021-015 regarding bylaw enforcement against unlawful dwellings be amended by removing the sentence "This Standing Resolution will be reviewed in one year's time".

CARRIED

DE-2022-073

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Bylaw Compliance and Enforcement Manager to report to the Denman Island Local Trust Committee about current or open files early in the next term.

CARRIED

DE-2022-074

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind Standing Resolution No. 9 DE-IC-2021-002.

CARRIED

DE-2022-075

It was MOVED and SECONDED,

that Standing Resolution No. 7 DE-2019-056/DE-021-015 be amended by adding at the end:

“And that site inspections for the purpose of gathering information and communication with property owners will continue;

And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities”.

CARRIED

By general consent the meeting was recessed at 11:24 am and reconvened at 11:32 am.

9. APPLICATIONS, REFERRALS AND BYLAWS

9.1 DE-DP-2022.1 (MacDonald) - Staff Report

Planner Zupanec presented the staff report that asks the LTC to consider a Development Permit (DP) application for the construction of a single family dwelling and a veterinary clinic located within the Development Permit Area No. 5 – Village (DPA 5).

Discussion on the application followed:

- A Trustee expressed concern that noise associated with current or future use of the commercial property might create the possibility of conflict with close residential neighbouring properties, and inquired if conditions can be set for soundproofing or other measures to mitigate potential concerns;
- Staff advised that this type of development permit can only set conditions relating to form and character while zoning applications can set conditions on types of uses that can be more specific;
- The zoning bylaw does not explicitly identify veterinary clinics as a permitted use, however staff have interpreted this use to be permitted in the zone within one of the general categories of permitted uses; the current owner was sent a confirmation letter in 2020 from the Islands Trust prior to the purchase of the property stating that the zoning permitted residential use and commercial uses that would include veterinary use.

DE-2022-076

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2022.1 for LOT C, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 10674 (PID 005-242-193).

Trustee Critchley stated that there is no disrespect intended toward the applicant, however expressed concern with possible future issues that could arise without conditions being placed on the commercial use. He would like to obtain a legal opinion to confirm that this Development Permit application is for a permitted use and if the Local Trust Committee is not obliged to issue it, then would be in favour of consideration of a rezoning application in order to set conditions to ensure a peaceful neighbourhood.

Trustee Busheikin commented that staff have analyzed the definition of commercial activity and ascertained that this fits within the definition; the question of whether the plans satisfy the

requirements of the Development Permit Area is what is before the Local Trust Committee for consideration, and the Guidelines for DPA 5 appear to be satisfied.

CARRIED

Trustee Critchley Opposed

Planner Zupanec commented that planning staff can discuss the concerns expressed by the Trustee regarding noise with the applicant.

9.2 Denman Island Proposed Fees Bylaw No. 245 - for consideration of Adoption - Report

DE-2022-077

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 245, cited as "Denman Island Local Trust Committee Fees Bylaw, 2022", be adopted.

CARRIED

Trustee Busheikin stated that she voted in favour of this resolution in support of the collaborative work; however still thinks that some of these fees are too high and she is not comfortable with the degree that individual applicants are being asked to pay for permitting that should be covered by the tax base. She noted that it works against accessibility and affordability and she would be cautious about any further increases.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Projects List - Staff Report

Regional Planning Manager Kauer introduced the staff report that asks the LTC to consider any changes to the Top Priorities and Projects List prior to the end of the current term, confirm endorsement of the 2023/2024 budget case for the Housing Review project, and presents a reorganization by category of the Projects List.

Trustees' discussion included the following:

- The status of the Model Cell Tower Strategy was uncertain and Trustees considered that review of the strategy would be helpful to inform a decision regarding its placement on the Work Program;
- The status of the Development Approval Information Bylaw was uncertain; its completion is required to finalize the Development Procedure Bylaw No. 71;
- The topic of travel trailers may be removed from the Projects List as it is included in the Housing Review Top Priority; and the topic of floor area limitation could be added to the Housing Review In Scope category;
- There has been no interest in the Ocean Loop Geo-Exchange Systems potential project;
- Additional support for community engagement in Phase 2 of the OCP and LUB Housing Review was considered and an increase to the Budget Funding Request Short-Form Business Case was suggested;
- Staff will correct the name of the Denman OCP and LUB Housing Review to remove "and Short Term Rentals" in the Budget Funding Request Short-Form Business Case and elsewhere that it may appear.

DE-2022-078**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the Denman Island Housing Review Project Charter by adding to “In Scope” the bullet point “Regulations to limit the gross floor area of a dwelling or dwellings”.

CARRIED**DE-2022-079****It was MOVED and SECONDED,**

that the Recommended Local Trust Committee Project List (Attachment 2) be amended by removing Ocean Loop Geo Exchange Systems, Floor Area and Travel Trailers from the Land Use Bylaw Amendments Category.

CARRIED**DE-2022-080****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee add to the Recommended LTC Project List under Category 3 Official Community Plan & Land Use Bylaw Amendments “Forest Eco System Protection” and that the Activity include “Implement the Coastal Douglas Fir and Associated Eco Systems Protection Tool Kit” and “Consider measure to protect Garry Oak Ecosystems”.

CARRIED**DE-2022-081****It was MOVED and SECONDED,**

that the Recommended Local Trust Committee Project List be amended to add “Freshwater Strategy” to Category 3, and that the Activity include “Incorporate into land use planning”.

CARRIED**DE-2022-082****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring the Model Cell Tower Strategy to the next Denman Island Local Trust Committee meeting.

CARRIED**DE-2022-083****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring a status report on the Development Approval Information Bylaw to the next Denman Island Local Trust Committee meeting.

CARRIED**DE-2022-084****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the “Top Priorities List” and “Projects List” as amended on July 19, 2022 for further consideration by the incoming Local Trust Committee.

CARRIED

DE-2022-085**It was MOVED and SECONDED,**

that the Budget Funding Request Short-Form Business Case for the Denman Official Community Plan and Land Use Bylaw Housing Project be amended by changing the number \$2,000 for development of communication and educational info/Community Information Meeting(s) Public Hearing to \$12,000.

CARRIED**DE-2022-086****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the Business Case dated July 6, 2021 for the Denman Housing Review project for fiscal year 2023/24 as amended, and request that staff forward it to the Director of Administrative Services.

CARRIED**10.2 Denman Housing Regulations Review Project - verbal update**

Planner Zupanec reported that selection of the consultant to oversee the engagement is near completion. She provided an estimated time line for the process and suggested that the Advisory Planning Commission work with the planner and consultant in an informal manner starting in August, 2022 to develop an engagement plan for LTC consideration in the fall. Public engagement will take place in the fall/winter with a final report of recommendations provided to the LTC in March, 2023.

DE-2022-087**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to advise the members of the Advisory Planning Commission that the Denman Housing Review Project is commencing and that the Local Trust Committee encourages the voluntary participation of Advisory Planning Commission members in 1-3 working group meetings to assist the consultant and staff in the development of an engagement plan and review of draft housing recommendations to the Local Trust Committee between August 2022-March 2023.

CARRIED**11. CORRESPONDENCE - none**

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

12. NEW BUSINESS

By general consent item 12.1 Hybrid and Digital Meetings was added to the agenda.

12.1 Hybrid and Digital Meetings

Trustees discussed the benefits that might be achieved by holding LTC meetings in a fully hybrid manner. They noted that poor internet connectivity in the meeting location currently limits the ability to hold such meetings and proposed that investigation of the potential cost savings might inform a decision in this matter.

A resolution requesting staff to research options for enhancing Wi-Fi at the Denman Activity Centre was passed at the May LTC meeting; staff will follow up on this issue.

DE-2022-088

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring a brief report on cost savings on hybrid and digital meetings to the next Local Trust committee meeting.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated May, 2022

Received

13.2 Applications Report dated July 11, 2022

Planner Zupanec reported that the Denman Green project has been forwarded for Ministerial approval and that Denman Housing Association is working with the province to finalize the license for ground water in the meantime.

There was no new information on the Pepper Lane project; staff continue to await the applicant's direction to advance to next steps.

13.3 Trustee and Local Expense Report dated May, 2022

Received

13.4 Adopted Policies and Standing Resolutions

Received and discussed at agenda item 8.2.

13.5 Local Trust Committee Webpage

There were no additions or changes requested.

14. WORK PROGRAM

14.1 Top Priorities Report dated July 11, 2022

Received

14.2 Projects List Report dated July 11, 2022

Received and discussed at agenda item 10.1.

15. INFORMATION ITEMS

15.1 The Climate Projections Report for Islands Trust Area

<https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area-report-2020/>

Received

15.2 2022 Community Stewardship Awards

Received

15.3 Conservancy Current Campaigns

<https://islandtrust.bc.ca/conservancy/current-campaigns/>

Received

15.4 Resources for Candidates in 2022 Local Election

<https://islandtrust.bc.ca/about-us/governance/2022-local-election/#1655569833235-b0159421-d58a>

Received

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Tuesday, September 27, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

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

17. CLOSED MEETING

17.1 Motion to Close the Meeting

DE-2022-089

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) for the purpose of adoption of In-Camera Meeting minutes dated November 2, 2021 and that the recorder and staff attend the meeting.

CARRIED

The meeting closed at 1:19 pm.

17.2 Recall to Order

By general consent the meeting was recalled to order at 1:20 pm.

18. ADJOURNMENT

By general consent the meeting was adjourned at 1:20 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Denman Island Local Trust Committee Minutes of Special Meeting

Date: July 27, 2022
Location: Electronic Meeting

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

Staff Present: Marlis McCargar, Island Planner
Sonja Zupanec, Island Planner
Vicky Bockman, Recorder

Others Present: Ione Smith, Upland Agricultural Consulting
There were no members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 2:00 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, introduced Trustees, staff and recorder, and advised that this special meeting is being live streamed and recorded for posting to the Islands Trust website.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

4.1 DFO Shellfish Aquaculture Management Advisory Committee

A Trustee inquired as to the absence of a Town Hall in this meeting and in response, it was noted that the Question and Answer session at 3.2 was included to create an opportunity for community members to participate in this meeting regarding the Farm Regulations Review Project. Trustees recognized the importance of community input on this project and encouraged opportunities for engagement.

By general consent the agenda was approved as amended.

3. DENMAN ISLAND FARMING REGULATION REVIEW PROJECT

3.1 Presentation by Ione Smith - Upland Consulting Ltd.

Ione Smith conducted a presentation on the Denman Island Farm Regulations Review Engagement Summary and Key Directions. The report is available on the Islands Trust website for viewing and includes information on:

- Project objectives – to enhance and preserve farming activities through bylaw updates;

- Engagement - presentations to Advisory Planning Commission, Local Trust Committee (LTC), Growers and Producers Alliance; interviews, community mail-out Questionnaire, Community Information Meeting;
- Definition of Agriculture;
- Definition of Intensive Agriculture;
- R1/R2 Intensive Agriculture Restrictions;
- Secondary Dwellings in Agricultural Land Reserve (ALR);
- Agri-Tourism Accommodations in ALR properties with farm tax status;
- Setbacks from Watercourses – Water issues are out of scope for this project; recommending topic be revisited with future Development Permit Areas updates;
- Next Steps – Consultant to receive feedback from LTC and community members on recommended changes, make final revisions, and present proposed Farm Bylaw to LTC.

3.2 Question and Answer Session

Trustees presented questions and engaged with Planners and Consultant Ione Smith in discussion that included the following:

- There was community support for additional water/septic or equivalent requirements for secondary dwellings on ALR properties and agri-tourism accommodations. What mechanism would trigger the need to provide this information and what would satisfy the requirements?
 - Staff can report back to the LTC with recommendations for specific mechanisms to consider, and to satisfy the condition for adequate water and septic capacity in those cases.
- While acknowledging the importance of secondary income for farmers, concern was expressed that permitting agri-tourism without adequate regulation might increase the number of tourists to an undesirable level and have a negative impact on neighbours.
 - What are the setback requirements for agri-tourism platform accommodations?
 - How would the 5% lot coverage restriction be calculated and applied for tents that could be scattered throughout the property?
 - Can the Agricultural Land Commission (ALC) policy wording that specifically outlines the criteria and categories for agri-tourism activities be integrated into the bylaws?
 - Can the Siting and Use Permit (SUP) policy be changed to include commercial tenting associated with agri-tourism camping?
 - Can the length of stay be limited to less than 30 days?
 - Only farms in the ALR with farm tax status would be eligible to conduct permitted agri-tourism activity.

The community survey indicated that the community does not generally support Temporary Use Permits (TUPs), however it is an option the LTC can consider to control the type of development that is occurring and regulate water and septic for agri-tourism accommodation.

It is within the jurisdiction of local governments to regulate setbacks, restrict the number or type of accommodations, or length of stay as desired; however it was advised that length of stay would be difficult to enforce.

Staff can bring options and analysis to the September LTC meeting of how the SUP procedure might be changed to capture and follow up on information that might need to be submitted for agri-tourism accommodation.

- Support was expressed for permitting intensive agriculture on R1/R2 properties more than 2.0 ha (5 acres). The current definition of intensive agriculture includes the text: “the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry...”.
 - Would this restrict an individual with a flock of chickens on a 1-2 acre property from farm gate sale of eggs? Continuation of this type of small scale usage was supported.
 - “Confining” chickens is a common practice to protect them from predators; would this then be considered commercial?
 - The LTC has the flexibility to remove the word “commercial” from the Intensive Agriculture definition; it is the term “confined” that differentiates intensive agriculture. Staff can explore approaches that would continue to permit farm gate egg sales on R1/R2 properties.
- Definition of agri-tourism accommodation in Schedule 1 section 1.3 Part 1 ii should be corrected to state “agri-tourism accommodation means agri-tourism accommodation as defined by the Agricultural Land Reserve Use Regulation”.
- If TUPs for agri-tourism accommodation are not required if compliant with the ALR regulations and Denman Island bylaws and are removed from Land Use Bylaw (LUB) Table 3 1.23 Part 5 Area 3 and Guidelines, where will this information be moved to in the LUB?
 - Depending on LTC direction, staff might suggest the information be incorporated into the Zone Table and would bring back recommendations at a future meeting.
- Would it be possible to require that secondary dwellings in the ALR be restricted to housing for immediate family members, farm workers or rental housing only or include affordability restrictions?
 - It is not possible that zoning can require that rent be affordable without using housing agreements which are cumbersome. It might be possible to include rental housing as a permitted use, however, it would be difficult to enforce.

3.3 Staff Report - for decision

DE-2022-090

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request staff to prepare revised draft bylaws for consideration of second reading at a subsequent meeting including the following:

- Limiting options for agri-tourism accommodation to no more than four tents or RV sites and no more than one cabin per property and including sufficient setbacks for those uses;

- Creating regulations to allow seasonal egg sales on R1 and R2 lots over 1ha not in the Agricultural Land Reserve, while prohibiting the keeping of roosters on these lots;
- Limiting the maximum size of a principal dwelling unit in Agricultural Land Reserve land to 410 metres² unless it contains a secondary suite in which case maximum size would be 500 metres².

Trustee Busheikin spoke to the motion, noting that these amendments are put forth after discussion, and community input will be heard; the second bullet is directed at maintaining the island's rural nature; and the third bullet addresses increasing impacts on the island while assigning square footage requirements that are larger than the average Canadian home.

Trustee Critchley supports advancement of this amendment and looks forward to community engagement on these issues that will inform next steps.

CARRIED

DE-2022-091

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for satisfying requirements around septic and water for secondary dwellings and agri-tourism accommodations.

CARRIED

DE-2022-092

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for minimizing the impact of agri-tourism accommodation.

Trustee Busheikin spoke to the motion. In conversations with farmers, she has heard that they do not want farmland to be alienated by agri-tourism; and possible approaches to mitigate impact might include clustering, contiguous accommodations, setbacks, or siting near the main dwelling.

CARRIED

4. NEW BUSINESS

4.1 DFO Shellfish Aquaculture Management Advisory Committee

Trustee Critchley advised that he has received an invitation from Fisheries and Oceans Canada to apply to join their committee, Shellfish Aquaculture Management Advisory Committee.

DE-2022-093

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee nominate Trustee David Critchley as a representative to sit on the Shellfish Aquaculture Management Advisory Committee of Fisheries and Oceans Canada, and that Trustee Laura Busheikin be the alternate representative in case of his inability to attend any meeting, and that Trustee Busheikin sign any nomination forms necessary.

CARRIED

5. **ADJOURNMENT**

By general consent the meeting was adjourned at 4:34 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

DRAFT

Follow Up Action Report

Denman Island

08-Sep-2020

Activity	Responsibility	Dates	Status
1 Staff to bring back a staff report for LTC consideration regarding DE-SUP-2020.3 and the landowner's request to build in the covenanted area identified in Archaeological Covenant CA7485176.	Stephen Baugh		In Progress

02-Nov-2021

Activity	Responsibility	Dates	Status
1 Defer consideration of BL TC 183 until the completion of Trust Council formal consultation process.	Becky McErlean		In Progress

22-Mar-2022

Activity	Responsibility	Dates	Status
1 LTC request for staff to assist Trustee Busheikin in reviewing proposed changes to the wording of Standing Resolution #7 (see March 22 minutes) for future LTC consideration.	David Marlor Warren Dingman		Completed

19-Jul-2022

Activity	Responsibility	Dates	Status
1 Staff to prepare a report on the legal authority to issue eviction orders for residential tenancies. Bylaw Enforcement Manager to report to the DE LTC early in 2023 on current or open Bylaw Enforcement files.	Warren Dingman		In Progress

Follow Up Action Report

Denman Island

19-Jul-2022

Activity	Responsibility	Dates	Status
2 Amend standing resolution DE 2019-56/2021-015 (#7) regarding bylaw enforcement against unlawful dwellings by removing the sentence "This standing resolution will be reviewed in one years time" and by adding at the end "and that site inspections for the purposes of gathering information..." (see July 19 minutes for complete text. Rescind standing resolution #9, 2021-002	Penny Hawley		Completed
3 DP-2022.1 Issued. Advise applicant of the LTC discussion regarding voluntary noise abatement measures for the new vet clinic.	Becky McErlean Marlis McCargar		Completed
4 Fees Bylaw No. 245 Adopted.	Becky McErlean Heather Kauer		Completed
5 Amend Housing Regulations Review Project Charter by adding in-scope "regulations to limit the gross floor area of a dwelling or dwellings"	Sonja Zupanec		Completed

Follow Up Action Report

Denman Island

19-Jul-2022

Activity	Responsibility	Dates	Status
6 Amend the LTC draft project list Attachment #2 amendments category by removing 'ocean loop geexchange systems', 'floor area' and 'travel trailers'. Add to category 3 'forest ecosystem protection and that the activity include 'implement coastal douglas fir and associated ecosystem protection toolkit and consider measures to protect garry oak ecosystems. Add freshwater strategy to category 3. See minutes for details.	Heather Kauer		Completed
7 Staff to bring forward model cell tower strategy to September meeting.	Sonja Zupanec		Completed
8 Report back to LTC on status of DAI bylaw.	Sonja Zupanec		Completed
9 Endorse top priorities and projects as amended. Amend short form business case for Denman Housing Project by correcting title of project; change budget from \$2000 to \$12,000.	Heather Kauer		Completed
10 LTC requesting staff to review wifi capabilities on Denman and options for IT to support improvements to meeting room upgrade to support electronic meetings. Report back to LTC and provide brief analysis of potential cost savings of electronic meetings when considering costs of staff travel/time.	Heather Kauer		In Progress

Follow Up Action Report

Denman Island

19-Jul-2022

Activity	Responsibility	Dates	Status
11 Staff to contact DE APC members to advise them that the Housing project is commencing and that the LTC is encouraging voluntary participation of APC members in 1-3 working group meetings to assist the consultant and staff in the development of an engagement plan and review of draft housing recommendations (Aug 2022-March 2023)	Sonja Zupanec		Completed

27-Jul-2022

Activity	Responsibility	Dates	Status
1 request staff to prepare revised draft bylaw No. 229 for 2nd reading at a subsequent meeting that includes: ·limiting options for agri-tourism accommodation to no more than 4 tent or RV sites and no more than 1 cabin per property and includes sufficient setbacks for those uses ·creating regulations to allow seasonal egg sales on R1/R2 lots over 1ha, not in the ALR, while prohibiting the keeping of roosters on these lots ·limiting the max size of principal dwelling units in ALR land to 410m2 unless it contains a secondary suite (max 500m2)	Marlis McCargar	Target: 27-Sep-2022	Completed
2 request staff to bring back options and analysis for satisfying requirements around septic and water for secondary dwellings and agri-tourism accommodation related to the Farm Plan Reg Review.	Marlis McCargar	Target: 27-Sep-2022	Completed



Follow Up Action Report

MEMORANDUM

File No.: 6500-02 Project Planning

DATE OF MEETING: September 27, 2022
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Electronic Meetings and Staff Time

PURPOSE

The purpose of this memorandum is:

- To respond to the LTCs request for information regarding providing wifi and staff time for LTC meetings

Staff Time

At their July 19, 2022 meeting, the LTC passed the following resolution:

DE-2022-088

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring a brief report on cost savings on hybrid and digital meetings to the next Local Trust committee meeting.

CARRIED

Staff have created the following table that depicts the differences in staffing costs for in-person and electronic meetings. These costs include overtime salary, mileage, per diem meal costs, and ferries and are shown on a per meeting basis. Annual subtotals assume 41 regular LTC meetings per year in the northern office of Islands Trust. Costs for special meetings held in-person would be in addition to those shown.

Additional costs not capture by this table include overtime for administrative or technical staff that may be administering electronic meetings and licensing for electronic meeting software.

Activity	Island Planner		Minute-Taker		Total	
	In-person meeting	Elec. Meeting	In-person Meeting	Elec. Meeting	In-Person	Elec.
Meeting attendance	\$135	\$135	\$73.80	\$73.80	\$208.80	\$208.80
Non-overtime travel hours to and from meeting (Home to DE Return)	\$270	\$0	\$49.20	\$0	\$319.2	\$0
Overtime for travel outside of normal work hours	\$135	\$0	\$0	\$0	\$135	\$0
Mileage	\$108.24	\$0	\$26.73	\$0	\$135	\$0
Ferries	\$36	\$0	Carpool	\$0	\$36	\$0
Per Diem	\$27.50	\$0	\$0	\$0	\$27.50	\$0
Subtotal staffing costs not including regular salary:	\$306.74	\$0	\$75.93	\$0	\$382.67	\$0
Annual Subtotal not including regular salary:	\$12,576	\$0	\$3,113	\$0	\$15,689	\$0
Total staffing cost for one LTC meeting:	\$711.74	\$135	\$149.73	\$73.80	\$861.47	\$208.80
Annual Total:	\$29,181	\$5,535	\$6,139	\$3,026	\$32,207	\$8,561
Annual northern office staff hours spent travelling for LTC meetings instead of doing other work:					328	0

WIFI

The LTC asked staff to report back on options for upgrading wifi bandwidth on-island. The following options were considered:

Option 1: Islands Trust pays for on-going, upgraded internet service for each of the venues used for LTC meetings.

Islands Trust could, in theory, pay for increased internet speeds for each of the venues used for LTC meetings. This would mean an on-going contract with internet providers on each island for internet that would be available for any users of the venue throughout the year. This option isn't really feasible given Islands Trust budgets and procurement regulations that would prevent the organization from using tax revenues to benefit other organizations.

Option 2: Starlink

There is a mobile, satellite-linked internet service called Starlink that may be available to Islands Trust and is being explored as an option by Information Services staff. This service costs \$170 per month on an on-going basis. It also includes a one-time equipment charge of \$759 per unit.

Option 3: Wait for fibre-optic.

The LTC has the option of continuing to hold in-person meetings with a Planner in attendance until installation of fibre-optic lines are completed and Island venues connect to these lines.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	September 13, 2022
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ATTACHMENTS

1. None

File No.:

Consultation for
Communication Towers

DATE OF MEETING: September 13, 2022
TO: Denman Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Local Planning Services
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Consultation requirements for communication towers

RECOMMENDATION

1. That the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” prepared by the Local Planning Committee of the Islands Trust, as the Denman Island Local Trust Committee strategy to assess any future potential tower proposals in the Denman Local Trust Area.

REPORT SUMMARY

The purpose of this report is for the Denman Island Local Trust Committee (LTC) to consider adopting the model consultation process, outlined in the 2018 “Model Strategy for Antenna Systems” for the assessment of, and outlining the public consultation requirements for, any potential tower proposal in the Denman Trust Area.

Analysis

The Islands Trust’s Local Planning Committee [Model Strategy for Antenna Systems and Consultation Protocol](#) was prepared by a consultant in 2018 under contract with Islands Trust. The model strategy was developed to reduce the workload for individual LTC’s in establishing local trust area specific guidelines. The report provides a model consultation program, land use siting criteria, and model official community plan policies. The report also presents a literature review and summary of background materials that were reviewed as part of the report’s creation. Jeff Stanhope from the federal Ministry of Innovation, Science and Economic Development Canada (ISED) was interviewed and also provided comments on the draft antenna strategy and consultation protocol. No red flags were raised regarding consistency with the LPC protocol and the Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03). Input was also gathered from telecommunication cell service providers (Telus, Shaw, and Rogers). The LTC can adopt the model strategy or modify it for the Local Trust Area.

Rationale for Recommendation

Staff support the adopting of this strategy as presented as it addresses consultation requirements; applicant led consultation; federal requirements and several other considerations when reviewing a potential tower application.

ALTERNATIVES

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

1. Receive for information

The LTC may receive the report for information.

2. Initiate an LTC project to refine the model strategy for the Denman Local Trust Area.

The LTC may initiate a new project to develop a strategy specific to the Denman Local Trust Area and request staff time and financial resources for the fiscal year.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	September 13, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 15, 2022

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

DATE OF MEETING: September 27, 2022

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Rezoning Application for Seniors Affordable Housing Development
Owner/Applicant: Bev Severn (Owner) and Doug Olstead (Agent/Applicant)
Location: 3730 Denman Road, Denman Island (PID 009-708-537)

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No.1, 2019”, Schedule 2, Plan No. 1 be amended by removing the following text: “CONCEPTUAL PLAN ONLY Final Plan to be inserted prior to bylaw adoption, subject to receipt of Preliminary Layout Approval of future 2-3 lot subdivision”.
2. That Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No.1, 2019”, be adopted as amended.
3. That Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No.1, 2019”, be amended by removing the following text: “CONCEPTUAL PLAN ONLY Final Plan to be inserted prior to bylaw adoption, subject to receipt of Preliminary Layout Approval of future 2-3 lot subdivision”.
4. That Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No.1, 2019”, be adopted as amended.
5. That Denman Island Local Trust Committee Bylaw No. 239 cited as “Denman Island Housing Agreement Bylaw No. 239, 2020”, be adopted.
6. That the Denman Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owners of (LOT A SECTION 18 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP68031, PID 031-102-026) and designate any two members of the Local Trust Committee to sign the covenant [DE-RZ-2017.1, 3730 Denman Road].

REPORT SUMMARY

The Denman Community Land Trust Association (DCLTA) has indicated they are ready for the Local Trust Committee (LTC) to consider Proposed Bylaws Nos. 233 (OCP) 234 (LUB) and 239 (Housing Agreement) for adoption. Staff are requesting the LTC to make administrative amendments to Bylaw Nos. 233 and 234 which do not change the use, density or relevant content of either proposed bylaw.

BACKGROUND

Proposed Bylaw 233 (OCP) was approved by the Minister of Municipal Affairs and Housing on March 9, 2022. The LTC was advised at that time that the DCLTA had requested the LTC not consider adoption of the bylaws until the DCLTA Board was ready to move forward. Planning staff received confirmation in September 2022 that the DCLTA Board was ready to proceed with finalizing their application.

Both Bylaw Nos. 233 (OCP) and 234 (LUB) contain placeholder text in the map schedules found in Plan No. 1 which can now be removed prior to final adoption. The wording of the draft resolution can be found on Page 1 of this staff report.

NEXT STEPS

Should the LTC concur with the staff recommendations the restrictive covenant and housing agreement will both be registered on the title of the new subject property concurrent with the deposit of the plan of subdivision. The applicant is obtaining final approvals from the Agricultural Land Commission and Ministry of Transportation and Infrastructure to ensure their conditions are satisfied.

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	September 14, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 15, 2022

ATTACHMENTS

1. Proposed Bylaw No. 233 (OCP)
2. Proposed Bylaw No. 234 (LUB)
3. Proposed Bylaw No. 239 (Housing Agreement)
4. Restrictive Covenant

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 233**

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is amended as shown on Schedules “1”, “2”, and “3” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019”.

READ A FIRST TIME THIS	3 RD	DAY OF	NOVEMBER	, 2020
PUBLIC HEARING HELD THIS	15 TH	DAY OF	MARCH	, 2021
READ A SECOND TIME THIS	16 TH	DAY OF	MARCH	, 2021
READ A THIRD TIME THIS	16 TH	DAY OF	MARCH	, 2021
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	14 TH	DAY OF	APRIL	, 2021
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS	9 TH	DAY OF	MARCH	, 2022
ADOPTED THIS	_____	DAY OF		, 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:
 - 1.2. "Objective 5 To protect and enhance the supply and quality of rental housing for low income households."
 - 1.3. 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."
 - 1.4. 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."
 - 1.5. 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 subject to Agricultural Land Commission approval."
 - 1.6. 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."
 - 1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing "Policy 29" to "Policy 30".
 - 1.8. 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."
 - 1.9. 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.”

- 1.10. 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

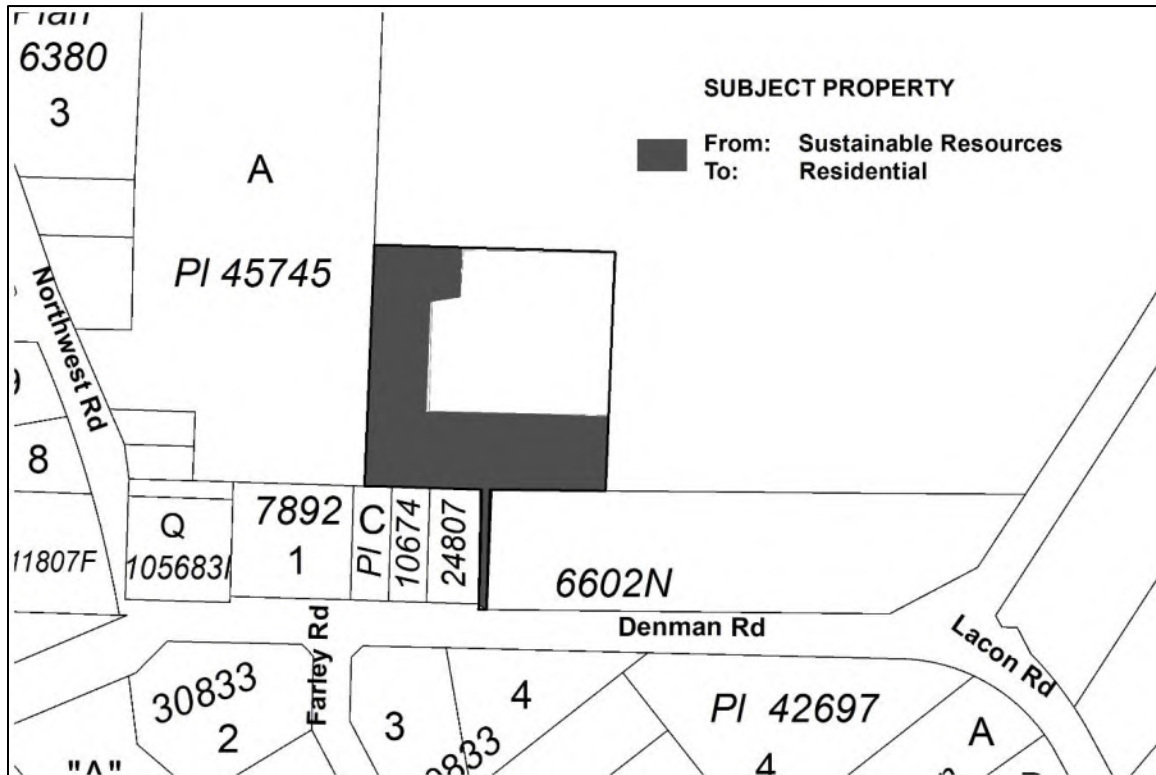
BYLAW NO. 233

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 Lot A Section 18 Denman Island Nanaimo District Plan EPP68031 (PID 031-102-026) 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 receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



**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 19TH DAY OF JANUARY , 2021

PUBLIC HEARING HELD THIS 15TH DAY OF MARCH , 2021

READ A SECOND TIME THIS 16TH DAY OF MARCH , 2021

READ A THIRD TIME THIS 16TH DAY OF MARCH , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

14TH DAY OF APRIL , 2021

ADOPTED THIS _____ DAY OF _____ , 202x

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 GENERAL REGULATIONS, 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 Rental 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 Rental Housing (R4)'" after the word "accommodation".
 - 1.5 PART 2 GENERAL REGULATIONS, Section 2.4 **Home Occupation Regulations, Permitted Home Occupation Uses** is amended by adding the following new regulations 3 and 4 after regulation 2 and by making such consequential numbering alterations to effect this change:

"3 Despite regulation 2 of this section, the following uses, and no others are permitted as home occupations in the R4 zone:

 - general business offices
 - professional offices, excluding health services
 - artist or artisan studios"

4 Notwithstanding 2.4 regulation 3 of this section, the following is prohibited in the R4 zone:

- on site purchase of any products or services
- on site attendance of clientele or customers
- creation of noise which disturbs persons"

- 1.6 PART 2 GENERAL REGULATIONS, Section 2.4 **Home Occupation Regulations, Number of Employees** is amended by adding the following new regulation 17 after regulation 16 and by making such consequential numbering alterations to effect this change:

"Despite regulation 16 of this section, no non-resident employees are permitted in the R4 zone."

- 1.7 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"

- 1.8 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"

- 1.9 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"

- 1.10 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding "Affordable Rental Housing (R4)" after "(R3)".

- 1.11 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".

- 1.12 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, **Residential Zones** is amended by adding "Affordable Rental Housing R4".

- 1.13 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

1.14 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			✓	✓

1.15 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
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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

1.16 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
	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

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

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

1.18 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	

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

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

1.20 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)	- Despite line 7 of Table 1 of this Section, the following is not permitted: - the keeping of chickens or other livestock; - the sale of agricultural and horticultural products, including their storage, processing and direct marketing; - 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. - Despite line 12 of Table 2 of this Section, a Common House is not permitted. - Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. - Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.

- 6 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house
 - from the front lot line is 7.5 m
 - from the rear or side lot line is 3 m
 - from the exterior side lot line is 3 m
- 7 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.
- 8 Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m.
- 9 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 65 m².
- 10 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.7 hectares.
- 11 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.
- 12 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.

1.21 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

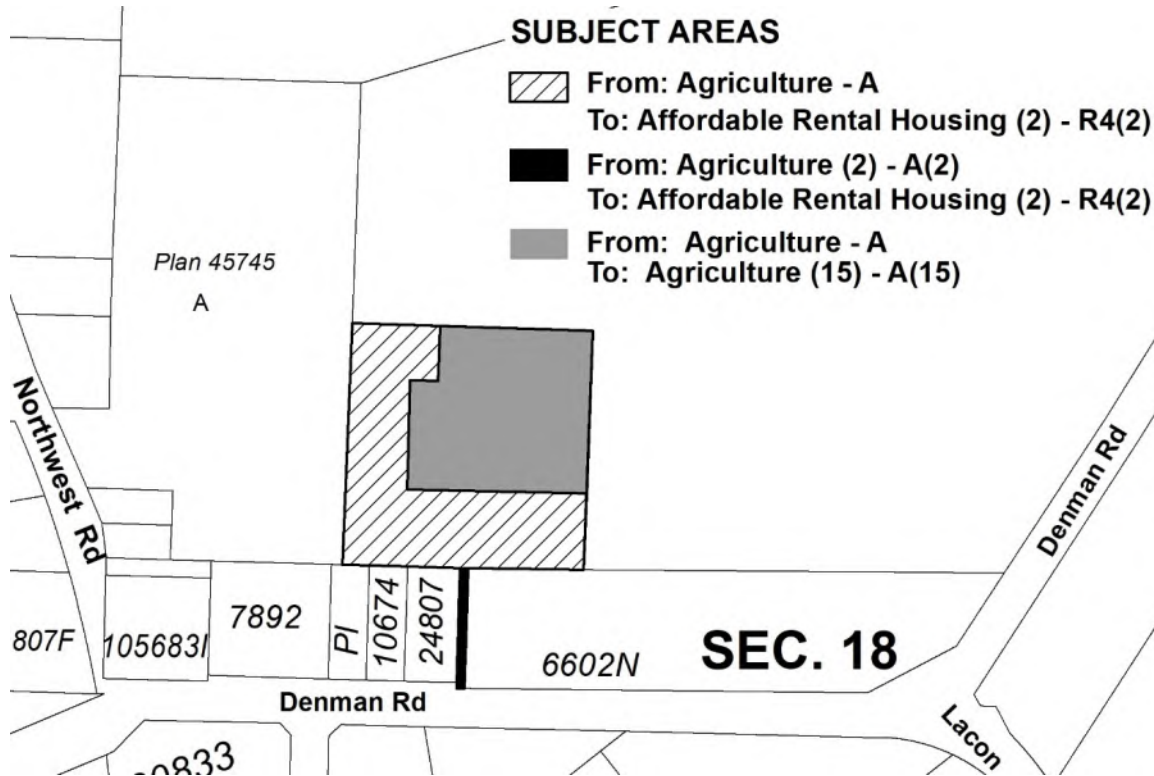
The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
A(15)	1 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 Lot A Section 18 Denman Island Nanaimo District Plan EPP68031 (PID 031-102-026) 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

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



**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 239**

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*;

AND WHEREAS Section 483 of the *Local Government Act* and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Denman Island Local Trust Committee wishes to enter into a Housing Agreement;

NOW THEREFORE the Denman Island Local Trust Committee enacts in open meeting assembled as follows:

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 239, 2020”.

2. Any two Trustees of the Denman Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with Denman Community Land Trust Association.

READ A FIRST TIME THIS 3RD DAY OF NOVEMBER , 2020

READ A SECOND TIME THIS 7TH DAY OF SEPTEMBER , 2021

READ A THIRD TIME THIS 7TH DAY OF SEPTEMBER , 2021

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

6TH DAY OF OCTOBER , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

Housing Agreement and Section 219 Covenant

THIS AGREEMENT DATED FOR REFERENCE THE ____ DAY OF ____, 20__ is BETWEEN:

Denman Community Land Trust Association a society incorporated under the laws of the province of British Columbia and having its office at 3771 East Road, Denman Island, B.C. V0R 1T0

(the "Owner");

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, having an office at 2 Floor, 1627 Fort Street, Victoria, B.C., V8R 1H8

(the "Trust Committee")

WHEREAS:

- A. The Owner is the registered owner of the lands situated at _____ Denman Road on Denman Island British Columbia and legally described as:

[Insert Legal Description of Lands]

(the "Lands");

- B. The Lands have been rezoned by the Denman Island Local Trust Committee by means of Denman Island Land Use Bylaw 2008 Amendment No. 1, 2019 and Denman Island Official Community Plan, 2008, Amendment No. 1, 2019 has been put in place to permit the development of a seniors' affordable housing project;
- C. The Owner intends to rent the units in the housing project, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants;
- D. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of Dwelling Units located on those lands;
- E. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;

- F. The Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement; and
- G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the Owner (the receipt of which is acknowledged by the owner), and in consideration of the promises exchanged below, the Trust Committee and the Owner agree, as covenants granted by the Owner to the Trust Committee under Section 219 of the Land Title Act, and as a housing agreement between the Owner and the Trust Committee under Section 483 of the Local Government Act, as follows:

a. **Definitions** – In this Agreement:

“Affordable Dwelling Unit” means a deed restricted or rent controlled Dwelling Unit that is designated as an Affordable Dwelling Unit by this Agreement and is available to Seniors on an affordable basis as set out in this agreement;

“Annual Household Income” means the gross income, as shown on line 150 of their preceding year’s T1 General Income Tax and Benefit returns or an equivalent document produced by the Canada Revenue Agency, of all Qualified Occupants of an Affordable Dwelling Unit combined;

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

“Family Member” means a person under the age of 65 years old who lives with and is related to the Tenant through blood or marriage including a person with whom the Tenant is living in a marriage-like relationship;

“Qualified Occupant” means a Senior or Family Member who meets the eligibility criteria for occupancy as set out in Schedule B;

“Residential Tenancy Act” means the most recent version of the British Columbia Residential Tenancy Act;

“Senior” means a person 65 years of age or older;

“Schedule B” means that Schedule B annexed hereto or any variation thereof made by the Owner that does not contradict any of the terms in the balance of this Agreement;

“Tenant” means a Senior who has entered into a Tenancy Agreement;

“Tenancy Agreement” means an agreement between a landlord and a tenant respecting possession of an Affordable Dwelling Unit, use of common areas and services and facilities, and includes a licence to occupy an Affordable Dwelling Unit.

- b. **Agreement over the Lands** – Pursuant to section 219 of the Land Title Act and section 483 of the Local Government Act, the Owner covenants and agrees that:
- i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any permit issued for the Lands by the Local Trust Committee and this Agreement;
 - ii. it will design and construct not less than eight Dwelling Units on the Lands provided that construction may, at the sole discretion of the Owner, proceed in stages;
 - iii. all Dwelling Units located on the Lands will be used only as Affordable Dwelling Units pursuant to the terms of this Agreement;
 - iv. it will maintain the Affordable Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands; and
 - v. the Affordable Dwelling Units will only be used and occupied by Qualified Occupants as a permanent, principal, and sole residence pursuant to a Tenancy Agreement.
- c. **Affordable rental housing eligibility** – The Owner covenants and agrees that Affordable Dwelling Units will only be occupied in accordance with the following criteria:
- i. the Owner will only select Tenants in accordance with the Tenant Selection Procedure set out in Schedule B;
 - ii. prior to entering into a Tenancy Agreement, the Owner will ensure that each Qualified Occupant who will reside in an Affordable Dwelling Unit meets the applicable criteria set out in Schedule B;
 - iii. the Affordable Dwelling Units will only be occupied by Qualified Occupants whose Annual Household Income has not, in any of the previous three years, exceeded 160% of the most recently published before tax Low Income Cut-offs, for rural areas and with a family size that corresponds with the number of Qualified Occupants residing in an Affordable Dwelling Unit, as determined and published from time to time by Statistics Canada or its successor in function. If Statistics Canada discontinues the publication of the Low Income Cutoff, the Owner may substitute a similar monetary amount based upon available statistical information (adjusted to economic circumstances on Denman Island) which estimates the minimum income required to meet basic living needs and which, for example, may include reference to the CMHC Core Needs Income Threshold.;
 - iv. an Affordable Dwelling Unit will not have more than two total occupants, and if the Affordable Dwelling Unit has two occupants, the composition of the occupants shall be:
 - 1) two Seniors related through blood or marriage or that have a marriage-like relationship; or
 - 2) one Senior and one Family Member.

v. only Seniors shall be parties to an Affordable Dwelling Unit's Tenancy Agreement, that is, a Family Member shall not be a Tenant; and

vi. a Tenancy Agreement for an Affordable Dwelling Unit will identify each Qualified Occupant who will be residing in an Affordable Dwelling Unit.

d. **Tenancy** – The Owner covenants and agrees to:

i. include in every Tenancy Agreement for an Affordable Dwelling Unit a term:

- 1) requiring the Tenant and each permitted occupant of the Affordable Dwelling Unit to comply with this Agreement;
- 2) entitling the Owner to terminate the Tenancy Agreement if the Tenant or a permitted occupant of the Affordable Dwelling Unit fail to comply with this Agreement;
- 3) entitling the Owner to terminate the Tenancy Agreement if the Affordable Dwelling Unit is made available as a short-term vacation rental; and
- 4) entitling the Owner to terminate the Tenancy Agreement if the Affordable Dwelling Unit is occupied by a person or persons other than the Qualified Occupants identified in the Tenancy Agreement;

ii. not consent to the subletting of an Affordable Dwelling Unit or an assignment of a Tenancy Agreement governing an Affordable Dwelling Unit;

iii. deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Dwelling Unit within 10 days of any request to do so; and

iv. specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Unit, and provide to each Tenant, upon their request, a copy of this Agreement.

e. **Rental rates** - The Owner covenants and agrees that it will:

i. not charge any Tenant a rent for an Affordable Dwelling Unit, exclusive of utilities, that on an annual basis is greater than 30% of the Annual Household Income of all Qualified Occupants of the Affordable Dwelling Unit, provided 'rent' does not include any sums received by way of institutional rent subsidy or rent assistance available from time to time; and

ii. not require a Tenant under a Tenancy Agreement to pay any extra charges or fees for use of septic services or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges. For metered water, each Affordable Dwelling Unit located on the Lands will be allocated a share of the usage permitted under a

water licence issued by the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development. A Tenant will be required to pay a penalty if their consumption exceeds their allocation.

- f. **Order to Comply** - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the owner by the Trust Committee.
- g. **Statutory Declaration from Owner** – The Owner shall deliver to the Trust Committee by the end of June of each year, a completed statutory declaration, substantially in the form attached as Schedule A sworn by the Owner, in relation to the Units. The Owner irrevocably authorizes the Trust Committee to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.
- h. **Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the Residential Tenancy Act and subject to the concurrent delivery of such a notice to the Society.
- i. **No Transfer** – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the Society Act, having as its objective the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization.
- j. **Society Standing** – The Owner must maintain its standing as a society under the Society Act, and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.
- k. **Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the owner of this Agreement, in view of the public interest in restricting the occupancy of the Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee's Land Use Bylaw, as amended from time to time.
- l. **Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- m. **Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other

person for whom the Owner is at law responsible, including breaches of this Agreement.

- n. **Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
- o. **Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- p. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.
- q. **No Waiver** – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.
- r. **Arbitration** – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the Commercial Arbitration Act of British Columbia.
- s. **Notice on Title** – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the Land Title Act and a housing agreement under Section 483 of the Local Government Act, and agrees that the Owner will register a notice of this housing agreement against title to the Lands.
- t. **Covenant Runs with the Land** – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the Land Title Act in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
- u. **Limitation on Owner's Obligations** – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

- v. **Amendment and Termination** – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.
- w. **Notices** – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.
- x. **Enurement** – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.
- y. **Remedies Cumulative** – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
- z. **Severability** – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- aa. **Joint and Several** – In the case of more than one owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
- bb. **Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
- cc. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
- dd. **Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.
- ee. **Time of Essence** – Time is of the essence in this Agreement.

ff. **Further Assurances** – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.

gg. **Priority** – The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.

hh. **Deed and Contract** – By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

ii. **Interpretation** – In this Agreement:

i. the word "enactment" has the meaning given in the Interpretation Act on the reference date of this Agreement;

ii. reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

iii. reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part 1 of the Land Title Act Form C to which this Agreement is attached and which forms part of this Agreement.

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SCHEDULE "A"

OWNER'S STATUTORY DECLARATION

CANADA, PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT WITH THE DENMAN ISLAND LOCAL
TRUST COMMITTEE ("Housing Agreement")

I, _____, Denman Island, BC, declare that:

1. I am the _____ [director, officer, employee] of the Denman Community Land Trust Association, the Owner of the land known as Pepper Lane, Denman Road, Denman Island, legally described as: *[Insert Legal Description of Lands]* (the "Lands").
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement.
3. I make this declaration to the best of my personal knowledge.
4. This declaration is made pursuant to the Housing Agreement registered against the Lands.
5. For the period from _____ to _____, the Affordable Dwelling Units were used only by Qualified Occupants meeting all eligibility requirements of the Housing Agreement, including, without limitation, the restrictions on Annual Household Income.
6. At no time during the last year were any of the Affordable Dwelling Units used as a short-term vacation rental or sublet.
7. The rental amounts charged for the Affordable Dwelling Units were in compliance with the Housing Agreement.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at _____, British Columbia, this _____ day of _____, 20____.

A Commissioner for taking Affidavits
Columbia

Signature of person making declaration in British

SCHEDULE B

DENMAN COMMUNITY LAND TRUST ASSOCIATION TENANT SELECTION PROCEDURE FOR PEPPER LANE

1. A vacancy for an Affordable Dwelling Unit at Pepper Lane shall be advertised by Denman Community Land Trust Association (“the Owner”) in at least two editions of one or more publications circulated on Denman Island.
2. Only Seniors, that is, persons 65 years of age and over (to a maximum of 2 such persons) may apply for an Affordable Dwelling Unit. Seniors of all ethnicities and races including but not limited to all on-reserve and off-reserve, status and non-status, and self-identifying indigenous, Inuit and Metis people, as outlined in Calls for Justice #4.1 of the “Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and 231 Calls for Justice” (June, 2019) may become “tenants” upon entering into a tenancy agreement.
3. Where the applicant consists of only 1 Senior, 1 additional person who is under 65 years of age and related to the Senior (a “Family Member”) may occupy an Affordable Dwelling Unit, but a Family Member may not enter into a tenancy agreement for, or become a tenant of, an Affordable Dwelling Unit. However, where a tenancy agreement comes to an end due to the Tenant’s death or voluntary surrender of that agreement, any Family Member who then meets all the age, income, asset and other requirements herein will be offered the opportunity to enter into a new lease for that Affordable Dwelling unit on similar terms
4. Quiet, friendly pets weighing less than 30 pounds may be allowed at Pepper Lane if specifically approved in writing by a tenant selection committee which in exercising its discretion shall take into account, among other things, the number and kind of pets already in residence.
5. Smoking is prohibited inside all Affordable Housing Units. Tenants may smoke outside at Pepper Lane provided the smell cannot be detected in or nearby any of the other Affordable Housing Units.
6. Applicants must meet the following financial requirements:
 - i) the combined gross annual income of the applicant(s) and any Family Member for the previous three years must not exceed 160% of the Before Tax Low Income Cutoff for Rural Areas for 1 or 2 persons, as applicable, as determined by Statistics Canada* or its successor agency;
 - ii) the aggregate household assets of the applicant(s) must not exceed \$60,000. Similarly, the aggregate household assets of the Family Member must not exceed \$60,000 (These limits shall be adjusted annually beginning in 2021 based on the Consumer Price Index rate of inflation for Victoria as calculated by Statistics Canada). Assets included for valuation are: cash, funds on deposit, stocks, bonds, term deposits, annuities, mutual funds, equity in a business or real estate, RRSPs and RRIFs. Assets excluded for valuation are: personal jewelry, furniture, a vehicle for personal use, bursaries and scholarships, and trade tools for employment.

7. Applicants shall obtain from the Owner such application form as it may prescribe from time to time and in returning the completed form to the Owner shall include verification of the financial information above required, including:

- i) copies of the 3 most recent years' Notice of Assessment from Canada Revenue Agency;
- ii) a statement of assets included for valuation as detailed in section 6 ii) above.

8. Applicants who meet these financial qualifications shall be referred to a tenant selection committee which shall be composed of not less than five people appointed by the directors of the society. The committee members need not be affiliated with the Owner but must be residents of Denman Island who have been such for not less than three years. Where possible, the committee will include two members nominated by two other charitable societies on Denman Island (one nominee per society) and a retired or practicing physician. Committee members must not be related to, or close friends with, any of the people who are then applying for a tenancy.

9. The committee shall screen applicant(s) and any Family Member to determine those who meet the following mandatory requirements:

- i) Subject to section 13 below, the applicant(s) must have been primarily resident on Denman Island for at least the two years preceding the consideration of the application;
- ii) the applicant(s) must have provided satisfactory references to establish that they would be responsible Tenant(s), i.e. would pay rent promptly, cause no damage, and create no nuisance; and
- iii) any Family Member must provide satisfactory references to establish that they would be a responsible occupant i.e. would cause no damage and create no nuisance.

10. From the qualified applicants, the committee will select the Tenant(s) after due consideration of the following criteria:

- i) Subject to section 13 below, the length of the applicant's and any Family Member's connection to Denman Island;
- ii) Subject to section 13 below, the contribution of the applicant and any Family Member to Denman Island through paid or volunteer work;
- iii) the degree of unsuitability of the applicant's present housing;
- iv) the degree of suitability of the personal characteristics of the applicant and any Family Member to the type of accommodation and living arrangement offered at Pepper Lane; and
- v) all things being equal between competing applicants, to meet the needs of as many as possible, preference shall be given to a couple over a single applicant.

11. Upon selecting Tenant(s), the committee shall:

- i) promptly advise all qualified applicants of their decision;
- ii) maintain a waiting list of those qualified applicants still seeking residence at Pepper Lane.

* If Statistics Canada discontinues the publication of the Low Income Cutoff, the Owner may substitute a similar monetary amount based upon available statistical information (adjusted to economic circumstances on Denman Island) which estimates the minimum income required to meet basic living needs and which, for example, may include reference to the CMHC Core Needs Income Threshold.

12. Tenants at Pepper Lane will be entitled to age in place provided they arrange for any medical or other personal assistance they require.

13. The requirements of subsections 9(i), 10(i) and 10(ii) will be waived for indigenous elders who are seniors and whose ancestry relates to those First Nations having territorial claims to Denman Island.

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT – DEVELOPMENT

THIS AGREEMENT dated for reference the __ day of _____, 2021 is

BETWEEN:

DENMAN COMMUNITY LAND TRUST ASSOCIATION

3900 Lacon Road

Denman Island, B.C. V0R 1T0

(the “Grantor”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE

a corporation under the *Islands Trust Act*

having an office at 2 Floor, 1627 Fort Street, Victoria, B.C.

V8R 1H8

(the “Trust Committee”)

WHEREAS:

- A. The Grantor is the registered owner in fee simple of land located on Denman Island, British Columbia and more particularly described as:

PID: xxx

LOT x

(the “Land”);

- B. The Grantor has submitted a rezoning application (under reference number DE-RZ-2017.1) to allow it to develop and construct eight dwelling units for use as seniors affordable housing, and as part of its rezoning application, the Grantor wishes to enter into a covenant with the Trust Committee under which it agrees to fulfil certain development requirements;
- C. Section 219 of the *Land Title Act* of British Columbia permits the registration of a covenant of a negative or positive nature in favour of a municipality in respect of the use of land and buildings on land; and
- D. The Grantor wishes to grant and the Trust Committee wishes to accept these covenants over the Land restricting the use of the Land and building thereon in the manner herein provided.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained

herein and the sum of One Dollar (\$1.00) now paid to the Grantor by the Trust Committee (the receipt and sufficiency of which is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. **Definitions** – In this Agreement, the following terms have the following meanings:
 - (a) **“ALC Resolutions”** means, collectively, Agricultural Land Commission Resolutions #359/2018 and #448/2019, which are attached hereto as Schedules “A” and “B”, respectively.
 - (b) **“Datalogger”** means a device that can record data from a water piezometric pressure transducer, temperature detector and conductivity sensor, at intervals of once per hour (24 times per day).
 - (c) **“Dwelling Unit”** means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.
 - (d) **“Energy Step Code”** means Article 10.2.3 of Division B of the *British Columbia Building Code*, and a reference to a numbered step in the Energy Step Code is a reference to a step established in the Energy Step Code.
 - (e) **“Vegetative Buffer and Fencing Plan”** means the vegetative buffer and fencing plan outlined by Harlene Holm in her letter to Ron Wallace of the Agricultural Land Commission dated January 20, 2019, and attached hereto as Schedule “C”.
2. **No Build** – The Grantor will not develop or build on the Land until:
 - (a) it constructs the vegetation buffer and fencing (the “Vegetative Buffer and Fencing”) in accordance with the Vegetative Buffer and Fencing Plan and the requirements for the same contained in the ALC Resolutions or amendment thereto approved by the ALC; and
 - (b) it provides to the Trust Committee confirmation from the Agricultural Land Commission that the conditions in the ALC Resolutions related to the Vegetative Buffer and Fencing have been met.
 - (c) Before construction of any buildings, it erects (and thereafter maintains) a solid wood fence suitable to enhance visual privacy and mitigate dust along its entire shared boundary (including driveway) with its three neighbouring properties at 3716, 3690 and 3676 Denman Road.
 - (d) In the course of construction of any buildings, it installs a berm along its shared southerly boundary (excluding driveway) with its neighbour at 3806 Denman Road, said berm to be a minimum height of 1.5 metres.

3. **Concurrent Construction Requirements** – Concurrently with its construction of any dwelling unit on the Land, the Grantor will install a down-well continuous datalogger (the “Datalogger”) with a water level pressure transducer, temperature sensor, and electric conductivity sensor, that will allow the Grantor to meet the monitoring requirements imposed on it in section 6, and that is on a direct read smart cable that allows for downloading at the well head or will be installed with telemetry to upload to a desktop application remotely.
4. **Energy Step Code Requirements** – The Grantor shall construct all dwellings on the Land, to meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.
5. **No Occupancy** – The Grantor covenants and agrees with the Trust Committee that the Grantor shall not occupy nor allow any one to occupy any building that may be constructed on the Land unless the Grantor has:
 - (a) provided written certification from an appropriately qualified engineer that the Datalogger has been installed in accordance with the terms of this Agreement; and
 - (b) provided written certification from an appropriately qualified professional architect or engineer that all buildings on the Land containing at least one Dwelling Unit meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.
6. **Monitoring and Reporting Requirements** – After the Datalogger is installed and the Trust Committee has received confirmation of the same in accordance with the terms of this Agreement, the Grantor will, while this Agreement is in place:
 - (a) Be responsible to ensure the datalogger provides continuous groundwater monitoring at a rate of no less than 24 times per day;
 - (b) as part of the aforementioned monitoring, the Grantor will record the groundwater:
 - (i) levels, adjusted for barometric pressure,
 - (ii) temperature, and
 - (iii) electric conductivity;
 - (c) annually, by the date that is no later than 15 days after the anniversary of the date this Agreement is registered in the Land Title Office, provide the Trust Committee with:
 - (i) all raw data recorded pursuant to subsections 6(a) and (b); and

- (ii) a fully completed “Water Champion Covenant Annual Report” in the form attached hereto as Schedule “D”.

7. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Grantor hereby indemnifies the Trust Committee from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the Trust Committee, or any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the granting or existence of this Agreement, the performance of any of the Grantor’s obligations under this Agreement, any breach of any provision under this Agreement or the enforcement by the Trust Committee of this Agreement.
8. **Specific Relief** – The Grantor agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the Trust Committee, in the event of an actual or threatened breach of this Agreement.
9. **No Effect on Powers** – Nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Grantor from complying with any enactment, including in relation to the use, development or subdivision of the Land.
10. **Trust Committee Discretion** – Where the Trust Committee or a representative of the Trust Committee is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
 - (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the Trust Committee or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the Trust Committee or the representative, as the case may be; and
 - (c) the Trust Committee or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the Trust Committee or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.

11. **No Obligation to Enforce** – The rights given to the Trust Committee under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the Trust Committee to anyone or obligate the Trust Committee to enforce this Agreement or to perform any act or incur any expense.
12. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
13. **Waiver** – No waiver by the Trust Committee of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
14. **Remedies** - No reference to or exercise of any specific right or remedy by the Trust Committee shall prejudice or preclude the Trust Committee from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the Trust Committee may from time to time exercise any one or more of such remedies independently or in combination.
15. **Priority** – The Grantor shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the Trust Committee under which such holder postpones all of the holder's rights to those of the Trust Committee under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.
16. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Grantor or its successor in title and the Trust Committee or a successor or assignee.
17. **Further Assurances** – The Grantor shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
18. **Grantor's Expense** – The Grantor shall perform its obligations under this Agreement at its own expense and without compensation from the Trust Committee.

19. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
20. **Interpretation** - In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term “enactment” has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;
 - (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
21. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
22. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
23. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.

24. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

As evidence of their agreement to be bound by this Agreement, the parties have executed the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement.

DRAFT

Schedule A

ALC Resolution #359/2018

DRAFT



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 14, 2018

ALC File: 54694

Denman Community Land Trust Association
DELIVERED ELECTRONICALLY

Attention: Harlene Holm,

Re: Reconsideration of Application 54694 to exclude land from the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Island Panel for the above noted application (Resolution #359/2018). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to ALC.Island@gov.bc.ca.

Yours truly,

Ron Wallace, Land Use Planner

Enclosures: Reasons for Decision (Resolution #359/2018)
Schedule A: Decision Map (Resolution #359/2018)
Reasons for Original Decision (Resolution #389/2016)

cc: Islands Trust – Northern Office (File: DE-ALR-2015.1)



AGRICULTURAL LAND COMMISSION FILE 54694

RECONSIDERATION OF PANEL DECISION

REASONS FOR DECISION OF THE ISLAND PANEL

Exclusion application submitted under s. 30(1) of the *Agricultural Land Commission Act*

Request for Reconsideration submitted pursuant to s. 33 of the *Agricultural Land Commission Act*

Applicant: Beverly Severn

Agent: Harlene Holm

Property: Parcel Identifier: 009-708-537
Legal Description: Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, except that part in Plan 24807
Civic: 3730 Denman Road, Denman Island, BC
Area: 1.6 ha

Panel: Clarke Gourlay
Honey Forbes

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] Pursuant to s. 30(1) of the ALCA, the Applicant, in conjunction with the Denman Community Land Trust Association (the “DCLTA”) applied to the Agricultural Land Commission (the “Commission”) to exclude land for the establishment of eight units of affordable seniors housing for Denman Island residents (the “Proposal”).
- [3] By Resolution #389/2016, dated November 15, 2016, the Panel approved the exclusion of 1.6 ha for the establishment of affordable seniors housing for Denman Island residents (the “Original Decision”). The approval included the following conditions:
- The Commission receive and approve a vegetative buffer and fencing plan between the Property and adjacent agricultural lands, and that the buffer be on the non-ALR side;
 - Photographic evidence of the fencing and vegetative buffer;
 - Re-zoning of the Property to allow for affordable seniors housing;
 - The Commission receive and approve a housing agreement to be registered on Title ensuring that the land use, tenancy selection and occupancy support the continuing use of the land for affordable seniors housing; and
 - The conditions be completed within three years from the date of release of the decision.
- [4] On February 23, 2018, the Commission received the Applicant’s Request for Reconsideration of Resolution #389/2016. Request for Reconsideration of Resolution #389/2016 submits that the Island Panel was in error when it considered that the Proposal is for exclusion of the entire 1.6 ha Property for the establishment of eight units of affordable seniors housing for Denman Island residents. The proponents state that the Application is not strictly to exclude the whole Property for senior housing but instead to exclude the whole Property for both affordable housing and for the landowner (i.e.

Beverly Severn) to continue living on her home property. The portion of the Property proposed for affordable housing is an L-shaped area along the west and south border comprising approximately 0.8 ha; the remainder will continue to be used as a homesite. Further, the DCLTA would be given the 'right of first refusal' to purchase the remainder of the Property from the landowner (i.e. Beverly Severn, should she wish to sell) as a site for potential additional affordable housing.

- [5] As per Commission Resolution #029N/2014, all requests for reconsideration are directed to the Executive Committee of the Commission to determine if the submission contains evidence that was not available at the time of the Original Decision, and/or the Original Decision was based on information that was in error or false, and the information would have been germane to the review of the Application by the Panel.
- [6] In this case, the Executive Committee found that the Request for Reconsideration of Resolution #389/2016 was based on information that may be in error or false, and the information would have been germane to the review of the Application by the Panel.
- [7] The Executive Committee did not consider that there were any persons affected by the reconsideration.
- [8] In accordance with s. 11.1(3) of the *ALCA*, the Chair of the Commission referred the Request for Reconsideration of the Original Decision to the Panel.
- [9] The Panel considered the request to exclude the Property from the ALR for both the development of affordable housing and for the landowner to continue living on her home property in the context of the purposes of the Commission set out in s. 6 of the *ALCA*. These purposes are:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD

[10] The Panel considered the following evidence:

1. The Application evidence from the Original Decision;
2. The Site Visit Report;
3. The Original Decision;
4. The Request for Reconsideration documentation received by the Commission from the Agent.

EVIDENCE AND FINDINGS

[11] Upon reconsideration, the Panel reviewed the evidentiary record and noted that the Proposal is to exclude the entire 1.6 ha Property for both the establishment of eight units of affordable senior housing for Denman Island residents and for the landowner to continue living on her home property. The Panel understands from the submission that the portion of the Property proposed for affordable housing is a 0.8 ha L-shaped area along the west and south border and that the remainder 0.8 ha of the Property is proposed for a homesite for the landowner.

[12] Based on the findings outlined in the Original Decision, the Panel supports the exclusion of the Property from the ALR for the purpose of providing affordable seniors housing for Denman Island residents. The Panel reiterates the findings of the Original Decision in which it expressed that it “would have no objection to increasing the number of dwelling units, if a higher density would mitigate further applications to the ALC.”

[13] The Panel does not support the exclusion of any portion of the Property for the purpose of establishing a homesite for the landowner. Regardless of the proposed provision to grant the DCLTA with the ‘right of first refusal’ to purchase the remainder of the Property from the landowner as a site for potential additional affordable housing, there is no assurance that it will eventually be developed for this purpose. The Panel finds that exclusion of land for a single residential lot is not consistent with the purposes of the Commission, as set out in s. 6 of the ALCA.



[14] For these reasons, the Panel is amenable to excluding either the entire 1.6 ha Property for affordable seniors housing or only the 0.8 ha portion of the Property for affordable seniors housing.

DECISION

[15] The Panel therefore refuses the Proposal to exclude the 1.6 ha Property for both affordable housing and to create a homesite for the landowner (i.e. Beverly Severn).

[16] The Panel approves, as in the Original Decision, the exclusion of the 1.6 ha Property for the establishment of affordable seniors housing for Denman Island residents. The decision is subject to conditions outlined by Resolution #389/2016.

[17] Alternatively, the Panel approves the exclusion of the ± 0.8 ha portion of the Property proposed for the establishment of affordable seniors housing for Denman Island residents. This approval is subject to the following conditions:

- a. the submission of a survey plan delineating the area to be excluded;
- b. the Commission receive and approve a vegetative buffer and fencing plan between the area of the Property approved for exclusion and adjacent agricultural lands, and that the buffer be on the non-ALR side;
- c. photographic evidence of the fencing and vegetative buffer;
- d. re-zoning of the non-ALR portion of the Property to allow for affordable seniors housing;
- e. the Commission receive and approve a housing agreement to be registered on Title ensuring that the land use, tenancy selection and occupancy support the continuing use of the land for affordable seniors housing; and
- f. the conditions be completed within three (3) years from the date of release of this decision.

[18] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.



[19] These are the unanimous reasons of the Panel.

[20] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.

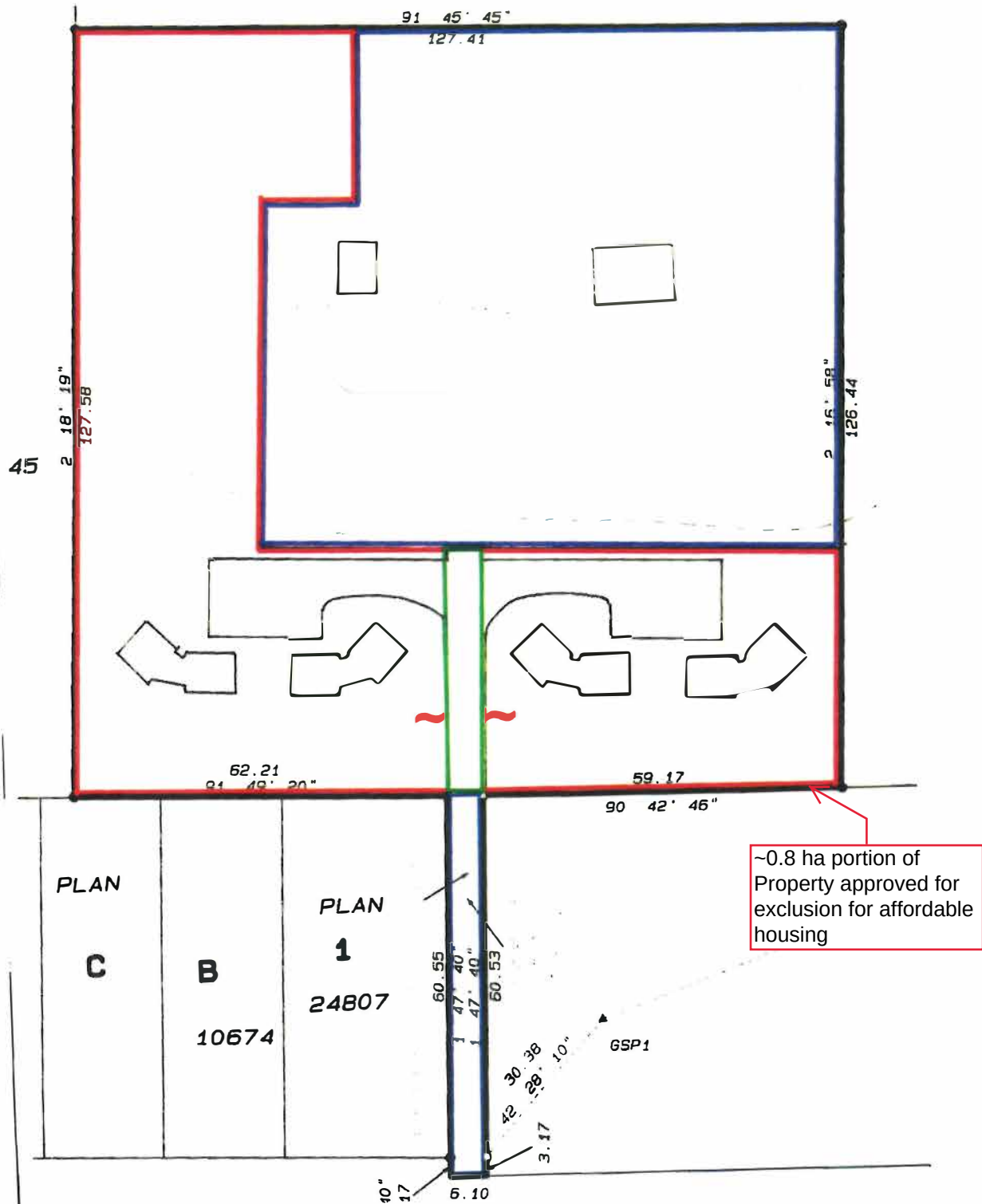
[21] Resolution #359/2018

Released on November 14, 2018

A handwritten signature in black ink, appearing to read 'Clarke Gourlay'.

Clarke Gourlay, Panel Chair

On behalf of the Island Panel



Schedule A
 ALC Application #54694 (Severn)
 ALC Resolution #359/2018
 Conditionally Approved Exclusion of 0.8 ha
 of the Property for affordable seniors housing

BS *[Signature]*

Schedule B

ALC Resolution #448/2019

DRAFT



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 28, 2019

ALC File: 54694

Harlene Holm
Denman Community Land Trust Association
DELIVERED ELECTRONICALLY

Dear Harlene Holm:

Re: Application 54694 to Exclude Land from the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Chief Executive Officer for the above noted application (Resolution #448/2019). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Aimee McGowan at ALC.Island@gov.bc.ca.

Yours truly,

Aimee McGowan, Land Use Planner

Enclosures: Reasons for Decision (Resolution #448/2019)
Schedule A: ALC Decision Map

cc: Islands Trust – Northern Office (File: DE-ALR-2015.1)

54694d3



AGRICULTURAL LAND COMMISSION FILE 54694

REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Exclusion Application Submitted Under s. 30(1) of the *Agricultural Land Commission Act*

Applicant: Beverly Severn

Agent: Harlene Holm

Property: Parcel Identifier: 009-708-537
Legal Description: Parcel M (DD 6601N) of Section
18, Denman Island, Nanaimo District, except that
part in Plan 24807
Area: 1.6 ha

Chief Executive Officer: Kim Grout
(the "CEO")

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] In 2016, the Applicant, in conjunction with the Denman Community Land Trust Association (the "DCLTA"), applied to the Agricultural Land Commission (the "Commission") to exclude the 1.6 ha Property from the ALR for the establishment of eight units of affordable seniors' housing for Denman Island residents (the "Proposal").
- [3] By Agricultural Land Commission (ALC) Resolution #389/2016, dated November 15, 2016, the Island Panel (the "Panel") conditionally approved the Proposal; however, the Panel approved the decision based on the understanding that the entire Property was going to be developed as seniors' affordable housing (the "Original Decision"). The Agent subsequently clarified that only half of the Property was intended for that use, and the Applicant (i.e. Beverly Severn) was to remain living on the other half of the excluded portion.
- [4] In 2018, the Agent submitted a Request for Reconsideration to the Commission to rectify the discrepancy in the decision. Upon consideration of the Request for Reconsideration of ALC Resolution #389/2016, the ALC Executive Committee determined that the Original Decision was based on information that may be in error or false and that the information would have been germane to the review of the Application by the Panel.
- [5] In accordance with s. 11.1(3) of the *ALCA*, the Chair of the Commission referred the Request for Reconsideration of the Original Decision to the Panel.
- [6] By ALC Resolution #359/2018, dated November 14, 2018, the Panel refused the revised proposal to exclude the 1.6 ha Property for both affordable housing and to create a homesite for the landowner. The Panel upheld the Original Decision (ALC Resolution #389/2016), to exclude the 1.6 ha Property for the establishment of affordable seniors' housing. Alternatively, the Panel approved the exclusion of a ± 0.8 ha portion of the Property for the establishment of affordable seniors' housing, subject to conditions, including:
- a. the submission of a survey plan delineating the area to be excluded.

- [7] On November 13, 2019, the Agent submitted a letter requesting an amendment to condition 'a' of ALC Resolution #359/2018 as it relates to delineating the area to be excluded from the ALR.
- [8] In the request, the Agent explained that the access lane to the Applicant's ALR portion of the Property, outlined in green in the decision map of ALC Resolution #359/2018, creates an ALR access that bisects the non-ALR area approved for development as affordable seniors housing. The access lane was intended to be common property held by the strata subdivision partners, DCLTA, and the Applicant (and any future owner of her strata parcel), and not to be used solely to access the Applicant's ALR portion of the Property.
- [9] The Agent explained that the Property has access to Denman Road via an easement granted through an adjacent property in 1978. DCLTA, as part of its Land Purchase Agreement with the Applicant, purchased the easement from the adjacent property and is concluding work with the BC Land Title & Survey Authority to make the lane part of the Property. The proposed strata subdivision plan for the Property would designate the entire access lane as "common area – road access." As a "common area," the lane would be common property held by both strata partners and maintained by DCLTA. Further, it would provide unimpeded access to Denman Road for both the portion of the Property to remain in the ALR and the ± 0.8 ha portion approved for exclusion.
- [10] For the above reasons, the Agent is requesting that the Commission grant an amendment to condition 'a' of ALC Resolution #359/2018 to add the access lane to the ± 0.8 ha approved for exclusion, as access to the portion of the Property that is to remain in the ALR will be granted by way of a common property access road (the "Revised Proposal").
- [11] Under Section 27 of the ALCA the ALC, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications. By resolution, the Commission has specified that the following applications may be decided by the CEO:

8. Requests for variations or removal of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, and non-farm use applications that are consistent with the intent of the Commission's original decision.

DECISION

[12] After reviewing the Application, I am satisfied that the Revised Proposal is consistent with Criterion #8 and approve an amended survey plan delineating the area to be excluded to incorporate the lane outlined in green in the decision map of ALC Resolution #359/2018 to the ± 0.8 ha portion approved for exclusion.

[13] The Proposal is approved subject to the following conditions:

- a. the submission of a survey plan delineating the area to be excluded, in substantial compliance with the amended design (Schedule A);
- b. the Commission receive and approve confirmation that unimpeded access, by way of a common area road, has been provided to the portion of the Property that is to remain in the ALR in perpetuity;
- c. the Commission receive and approve a vegetative buffer and fencing plan between the area of the Property approved for exclusion and adjacent agricultural lands, and that the buffer be on the non-ALR side;
- d. photographic evidence of the fencing and vegetative buffer;
- e. re-zoning of the non-ALR portion of the Property to allow for affordable seniors' housing;
- f. the Commission receive and approve a housing agreement to be registered on Title ensuring that the land use, tenancy selection and occupancy support the continuing use of the land for affordable seniors housing; and
- g. the conditions be completed within three (3) years of the date of release of this decision.

[14] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the exclusion.

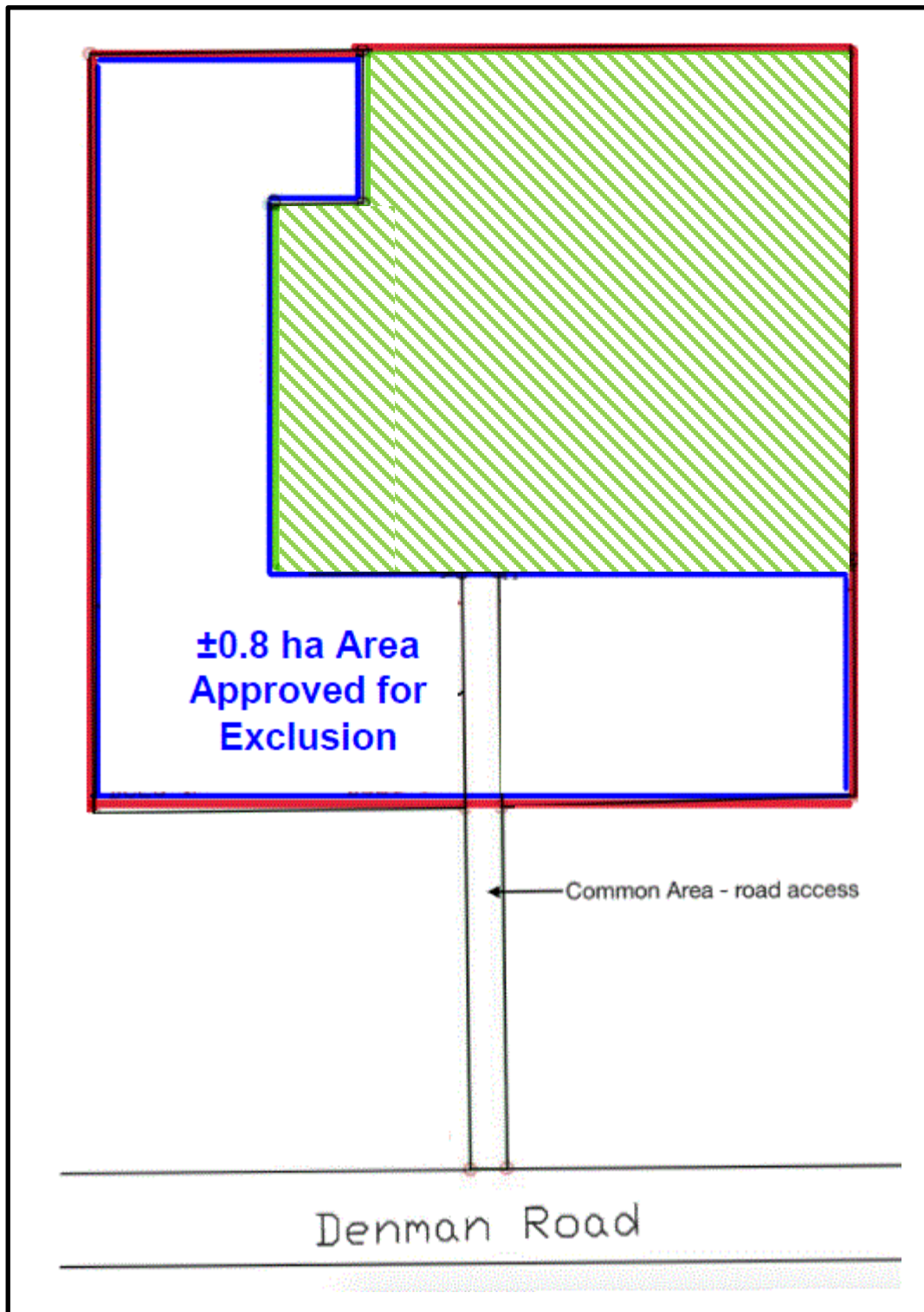
[15] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[16] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the *ALCA*.

[17] Resolution #448/2019
Released on November 28, 2019

A handwritten signature in black ink, appearing to read "Kim Grout", is positioned above the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kim Grout, Chief Executive Officer



Conditionally Approved Exclusion (±0.8 ha)



The Property



Portion of the Property to Remain in the ALR

Schedule C

Vegetative Buffer and Fencing Plan

DRAFT

January 20, 2019

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

Dear Ron Wallace:

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

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

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

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

- 1) fulfill the ALC conditions of preventing trespass onto ALR land while also addressing the layout and safety concerns of the Seniors’ Affordable Housing Project;
- 2) recognize buffer area features in Lot M’s existing landscape that would discourage trespass by the project’s tenants and provide a visual buffer between the project residential use and the nearby agricultural land;
- 3) acknowledge community concerns regarding perceived hazards associated with use of barb wire and the environmental degradation resulting from the use of pressure treated posts; and
- 4) recognize that, in the experience of local farmers, including myself, it is far more likely that, over time, fencing that is visible will be maintained and repaired as needed and will remain accessible for such ongoing upkeep.

The following offers greater detail regarding points 1 - 4:

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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you,
Harlene

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

Buffer
in
pink.
Gates
as
()



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

Hi Harlene,

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

Thank you,

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

Attachment 1



Aerial Photo – buffer photo locations



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

Attachment 1



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12

Schedule “D”

Water Champion Covenant Annual Report Template

DRAFT

 Islands Trust	WATER CHAMPION COVENANT ANNUAL REPORT		Submit to: northinfo@islandstrust.bc.ca 700 North Road, Gabriola Island BC V0R 1X3
Purpose			
<i>The purpose of this annual report is to provide Islands Trust with essential information and data with respect to an evidence-based approach using continuous monitoring to (a) ensure sufficient environmental protection from water quantity issues relating to the housing operations, (b) ensure water sustainability in a changing climate; (c) ensure sufficient water conservation strategies to satisfy deviation from water requirements in water licence 500469; and (d) mitigate risk potential of salt water intrusion on the source well and/or receiving environment.</i>			
Background			
<i>A Conditional Water Licence 500469 was issued for the requested maximum daily demand for any day of the year with a date of water right precedence of March 5, 2018 to a maximum of 3.68 cubic meters (3680 litres) of groundwater per day. Several conditions are specified in licence including but not limited to installation of a flow-metering device. Covenant No. _____ requires additional requirements including a down-well continuous datalogger with a water level pressure transducer, temperature sensor, and electric conductivity sensor.</i>			
In Scope			
<i>The holder of this covenant is required to:</i> - Undertake continuous groundwater monitoring at a rate of no less than 24 times per day - A pressure transducer must be permanently installed in the source groundwater well on a direct read cable - Groundwater levels, temperature, and electric conductivity is to be recorded - Groundwater levels must be compensated for barometric pressure - Provide raw data to Islands Trust			
Project Data			
Project Name			
Project Operator			
Project Location			
Report Summary			
Report Submitted by		Reporting Year	
Professional Designation		Submission Date	
Reporter Phone Number			
Reporter Email			
Well Summary			
Well Tag Number		Well License Number	
Well Identification Plate #		Water Use Type	

Well Owner Name		Licensed Annual	
Well Class		Aquifer Number	
Well Activity			
Well Operator Name		Driller Name	
Operating Start Date		Date of Well	
Well Status		Drilling Method	
Well Location			
Latitude		UTM Easting	
Longitude		UTM Northing	
Coordinate Datum		UTM Zone	
Ground Elevation (m asl)			
Well Completion Data			
Total Drilled Depth (m bgl)		Estimated Well Yield	
Casing Stick Up (m)		Yield Estimation	
Pump Depth (m btoc)		Yield Estimation Date	

File No.: DE-DP-2022.2
xRef: DE-SUB-2021.2

DATE OF MEETING: September 27, 2022

TO: Denman Island Local Trust Committee

FROM: Stephen Baugh, Planner 2
Northern Team

SUBJECT: Development Permit – DE-DP-2022.2
Applicant: Mike Hansen
Location: FRACTIONAL SECTION 29, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT
PARTS IN PLANS VIP87737, VIP88293 AND VIP89027
PID: 006-660-614

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of development permit DE-DP-2022.2.

REPORT SUMMARY

This development application is to fulfill a requirement for a proposed 13 Lot subdivision on Denman Island within Development Permit Area 1 – Komas Bluff, and Development Permit Area 4 – Streams, Lakes and Wetlands. Staff are recommending approval because the development is consistent with the development permit area (DPA) guidelines for both DPAs.

BACKGROUND

The proposal is proceeding because the requirement for a development permit was identified by staff in the subdivision referral from the Ministry of Transportation and Infrastructure (MoTI). The proposed subdivision is for twelve new lots within the Residential 2 zone and one remainder lot located in the Agriculture zone. The remainder lot is also within the Agricultural Land Reserve.

The applicant has provided a Geohazard Assessment dated May 17, 2022 by Westrek Geotechnical Services Ltd. (Attachment 3, Schedule C) which addresses the potential erosion of soil on the property. The report does recommend a safe setback line for the proposed building sites on Lots 1 through 11. The recommended setback line is shown on Figure 1 of the Geohazard Assessment.

A watercourse assessment from a Qualified Environmental Professional (QEP) dated February 18, 2022 (Attachment 3, Schedule B) was also submitted with the application. The watercourse assessment was submitted in lieu of a RAPR report which is not necessary in this case since a ground assessment by the QEP verified that the property boundary is more than 30 metres from the high water mark of the stream and wetland and thus outside of the riparian assessment area. With regard to the watercourses that are on the property the QEP writes the following in the report: "one ditch was identified draining to a Non-RAPR stream, but there will be no physical works in the vicinity of it, and no specific protection or mitigation is required for the very minor drainage area. Three other ditches were located... with no sensitive features nearby to warrant specific protection or mitigation measures."

The subject property contains three covenants, two of which are registered to the Denman Conservancy Association and the third is registered to the Provincial Agricultural Land Commission for the protection of farming. The conservancy covenants are located on Komas Bluff and in the area of the streams and wetland included in DPA4 as "RAR Applicable." Both of the conservancy covenants overlap with Islands Trust development permit areas and are shown on the site plan.

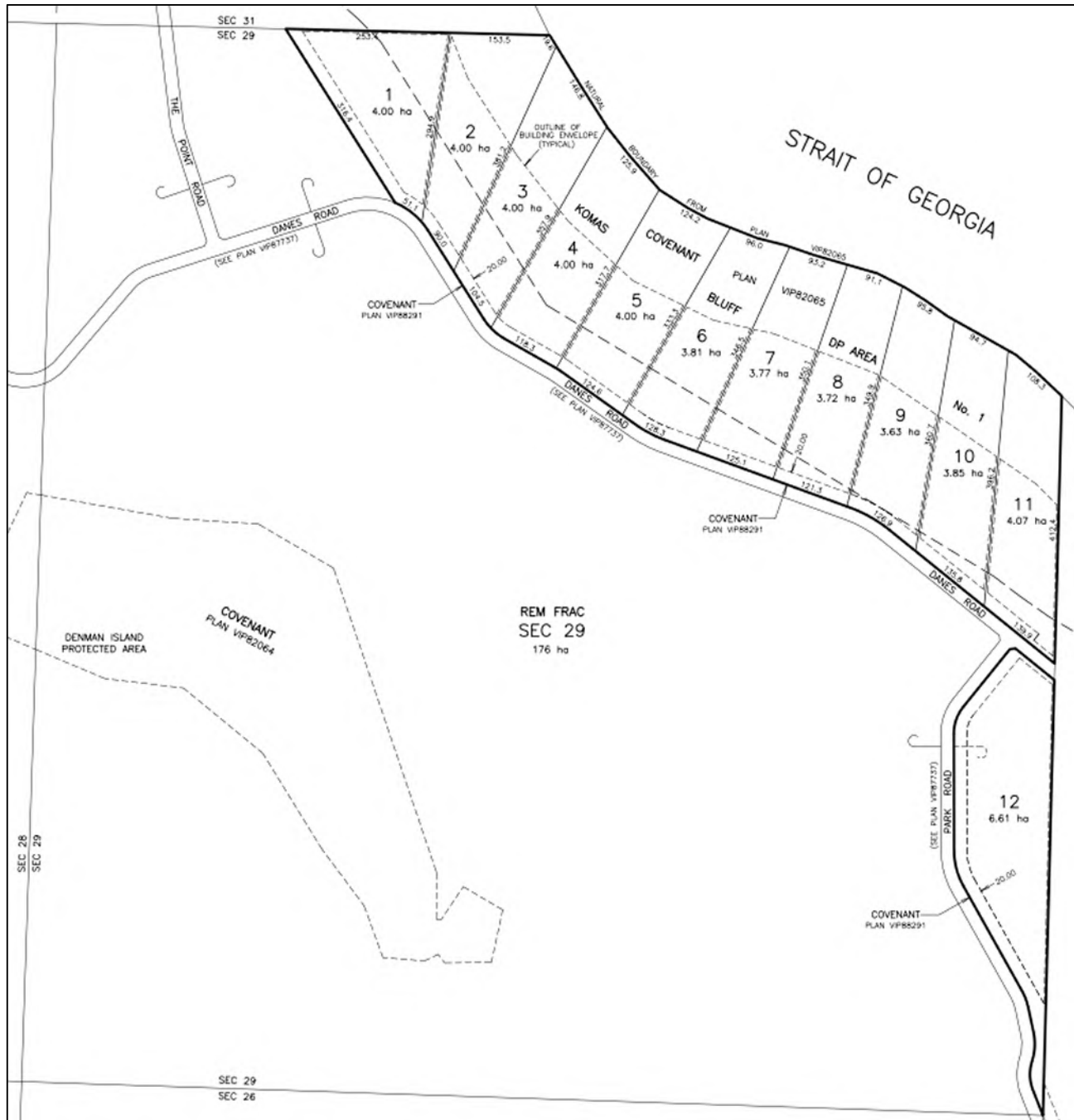


Figure 1 Site plan of the proposed subdivision.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following Directive Policies are relevant to this application and are addressed through DPA1 and DPA4:

- 3.1.3 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.*
- 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.*
- 5.2.6 *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*

Official Community Plan:

B.3 Guiding Objective - Freshwater

To preserve, and where necessary restore, watersheds, lakes, wetlands, streams and riparian areas and to retain sufficient natural habitat to ensure the preservation of native species

Freshwater Policy 1 The protection and retention of riparian and aquatic habitat is encouraged.

This policy is addressed through DPA4.

Land Use Bylaw:

The guidelines for DPA1 are contained within Section 4.1 and the guidelines for DPA4 are contained in 4.4.3 of the Denman Island Land Use Bylaw (LUB). Staff's assessment of how the applicable DPA1 and DPA4 guidelines have been addressed in the application are provided in Attachment 2.

Issues and Opportunities

Staff finds that the application is consistent with the DPA guidelines for both DPA1 and DPA4, see attachment 2 for an analysis of the DPA guidelines. Furthermore, staff do not recommend a security to ensure compliance with the QEP report as the subdivision approval process will ensure that the subdivision is not substantially different from what is approved by the development permit.

There is no land alteration or construction proposed at this time, only subdivision. Any development, subdivision or land alteration shall require a new DP whenever they occur within DPA1, and any of the following activities shall require a new DP whenever they occur within DPA4, unless specifically exempted by the LUB:

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

Consultation

A community information meeting or public consultation and notification are not required for development permit applications.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff advises that the guidelines for DPA1 and DPA4 appear to be satisfied and as such, the LTC must issue the permit unless it differs in opinion from staff's analysis and considers the DPA1 and DPA4 guidelines have not been met. It is noted that any future development within DPA1 and DPA4 may require a new DP application.

ALTERNATIVES

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

1. Determine that one or more DPA guidelines have not been met

The LTC may determine that one or more of the applicable DPA guidelines is not met. In this case the LTC should identify which guidelines have not been met and request that the applicant revise their application to meet the guidelines. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee revise the application for DE-DP-2022.2 to meet DPA guideline(s) [insert guidelines].

2. Approve Permit with condition(s)

The LTC may wish to approve issuance of the permit with further conditions to the presented Draft Permit. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2022.2 conditional upon [insert conditions...].

NEXT STEPS

If the LTC resolves to issue the DP, the permit will be issued, staff will advise the MoTI staff that this condition has been satisfied and will continue to work with the applicant until the other conditions of PLA as imposed by the MoTI, are met.

Submitted By:	Stephen Baugh Planner 2	September 7, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 15, 2022

ATTACHMENTS

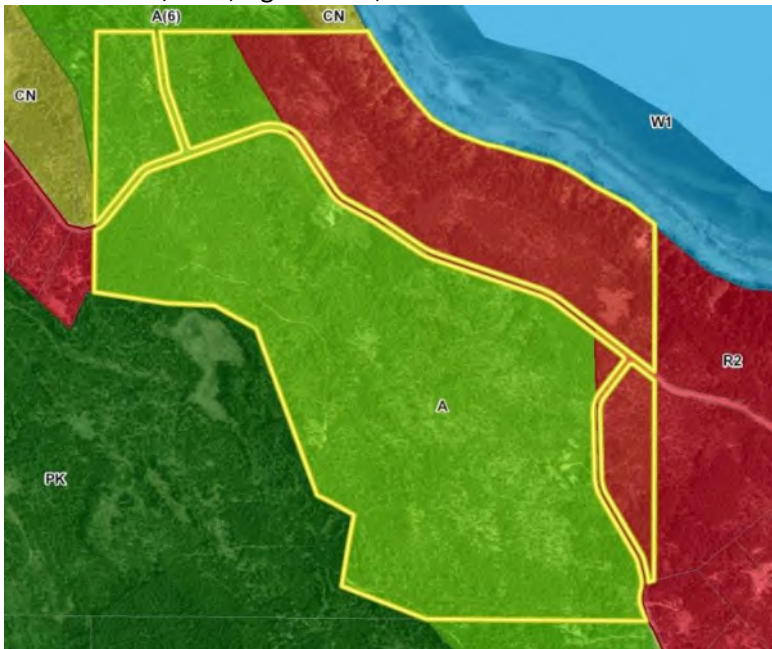
1. Site Context
2. DPA Guidelines
3. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	FRACTIONAL SECTION 29, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS VIP87737, VIP88293 AND VIP89027
PID	006-660-614
Civic Address	4201 Park Rd, Denman Island

LAND USE

Current Land Use	Vacant Land
Surrounding Land Use	Conservation, Park, Agriculture, Residential 

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUB-2021.2	In abeyance, this DP application has been submitted in order to meet one of the conditions to allow the proposed subdivision.
DE-ALR-1995.2	Closed
DE-ALR-2009.3	ALR inclusion application forwarded to ALC, closed
DE-ALR-2011.1	Forwarded to ALC, closed
DE-DP-2000.1	Application approved, closed
DE-DP-2011.3	Permit issued, closed
DE-RZ-2007.3	Closed
DE-RZ-2007.5	Application withdrawn, closed
DE-RZ-2009.2	Closed

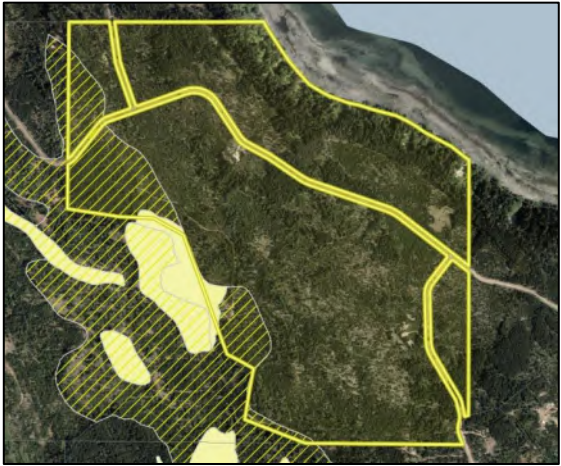
N:\EDM\09 Current Planning\02 DE\3160 DP\25 Applications (P)\2022\DE-DP-2022.2 1265476 BC Ltd - Walsen (McElhanney)\06 Staff Reports\DE-LTC_2022-09-27_DE-DP-2022.2-ATT01-SITECONTEXT.docx

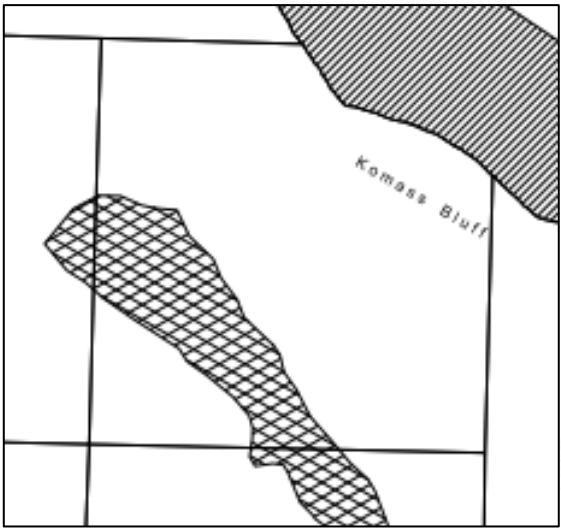
DE-SUB-2011.3	Approved, closed
DE-SUB-2020.1	Application withdrawn, closed

POLICY/REGULATORY

Official Community Plan Designations	Rural (R) + Sustainable Resources (SR) DPA1 – Komias Bluff DPA4 – RAR Applicable Water Features DPA4 – Non RAR Applicable Water Features
Land Use Bylaw	Residential 2 (R2) + Agriculture
Other Regulations	N/A
Covenants	Covenant FA132364 (Denman Conservancy Association) – Covenant area Covenant FA132367 (Denman Conservancy Association) – Covenant Area Covenant FB371163 (The Provincial Agricultural Land Commission) – Buffer Area to provide physical separation between the ALR lands and that portion of the land not within the ALR.
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) -owned property or conservation covenant, nor directly affects a property adjacent to an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
Regional Conservation Strategy	The Regional Conservation Plan 2018-2027 identifies the subject property as MEDIUM and HIGH priority lands for conservation. Denman Island as a whole has been identified as a MEDIUM priority.
Species at Risk	None Mapped
Sensitive Ecosystems	 Primary Class Wetland  Secondary Class Wetland 

	Denman OCP Schedule D – Sensitive Areas  The map shows a coastal area with a grid overlay. A large, irregularly shaped area is shaded with a cross-hatch pattern, representing connectivity areas. A smaller, elongated area is shaded with diagonal lines, representing an important herring spawning area. The label 'Komass Bluff' is written across the map. A legend in the bottom right corner identifies the two shading patterns.  IMPORTANT HERRING SPAWNING AREA  CONNECTIVITY AREAS
Hazard Areas	Komas Bluff – DPA1
Archaeological Sites	Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	Forage Fish Spawning Habitat – Surf Smelt/Pacific Sandlance Important Herring Spawning Area Sea Duck Key Habitat Within 200m of shoreline: Dense Eelgrass Meadows

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DPA1 – KOMAS BLUFF

Guideline	Complies	Planner Comments
<i>Guideline 1</i> Some properties or portions of properties may be in more than one development permit area; in this case, the guidelines of all development permit areas may apply	yes	See DPA4 guideline in table below
<i>Guideline 2</i> In order to assist the Denman Island Local Trust Committee in determining conditions to be included in a development permit, the applicant will be required to provide, at their own expense, a geotechnical report certified by a professional engineer with experience in geotechnical engineering who is acceptable to the Trust Committee. The report must indicate that the proposed tree cutting, buildings, structures, land alteration, roads, driveways, or other proposed developments would not cause any potential erosion of soil or contribute to any land slip, rock fall, mud flow, sloughing, or water degradation.	yes	Applicant has submitted a Geotechnical Report by Peter Weisinger of Westrek Geotechnical Services Ltd. dated May 17, 2022. Proposed development is a subdivision, no tree cutting, buildings, structures, land alteration, roads, driveways or other developments proposed at this time. Future development within DPA 1 may require a new DP application.
<i>Guideline 3</i> No permanent building should be permitted in any area subject to sloughing or damage from sloughing.	n/a	This application is only for subdivision, no other development is proposed in this DP application. Geotechnical Assessment from Westrek Geotechnical Services Ltd. states: "...a safe setback line is recommended for the proposed building sites on Lots 1 through 11..."
<i>Guideline 4</i> No part of a septic tank, deposit field, or irrigation system should be constructed in any portion of the site that is subject to sloughing or damage from sloughing or in any area containing unstable soil or water which is subject to degradation	n/a	This application is only for subdivision, no other development is proposed in this DP application. Geotechnical Assessment from Westrek Geotechnical Services Ltd. states: "Stormwater disposal and septic fields must be constructed south of the setback line; we recommend installing them south of any building sites, and as close to Danes Road as is feasible."
<i>Guideline 5</i> Notwithstanding the drainage bylaw provisions or requirements, drainage facilities should be required to divert drainage away from any areas subject to sloughing or damage from sloughing	yes	This application is only for subdivision, no other development is proposed in this DP application. Geotechnical Assessment from Westrek Geotechnical Services Ltd. states: "It is important that the natural hillslope runoff patterns be maintained, and where possible, drainage not be directed onto these steeper slopes."
<i>Guideline 6</i> Trees or other vegetation should be retained or replanted in order to control erosion along the top or the face of the bank.	yes	DP application does not propose any tree or vegetation removal. Existing Covenant FA132367 prevents logging from occurring on the slopes and within 30m adjacent to the bluffs, the geotechnical report recommends that this restriction be kept in place.

<i>Guideline 7</i> All new lots created by subdivision should provide for suitable building sites in areas not subject to sloughing	yes	Suitable building sites recommended to the south of the recommended setback line. The attached plan shows there will be sufficient area to build outside of the safe setback line, covenant areas and lot line setbacks.
<i>Guideline 8</i> Subdivision applications should make provisions for clustering lots in areas away from the hazard area.	yes	The area away from the hazard area is within the Agriculture Zone and the ALR preventing the clustering of lots in that area. The area of the lot zoned Residential 2 (R2) permits a minimum average lot area of 4.0 ha. The proposed subdivision meets this requirement and there is sufficient area on each lot to build to the south of the safe setback line, covenant areas and lot line setbacks.
<i>Guideline 9</i> Prior to issuing a development permit, the local trust committee may require security in an amount acceptable to the local trust committee.	n/a	Requiring security is not recommended in this case as the subdivision approval process will ensure that the final subdivision is not substantially different from the subdivision approved by the development permit.
<i>Guideline 10</i> On receipt of a final report or written request, as stipulated in the development permit, the local trust committee shall return the security, minus any amount required to correct any unsafe conditions caused by a contravention of a condition in the development permit (see Appendix B).	n/a	See comments on Guideline 9 above.
<i>Guideline 11</i> Development permits issued in Development Permit Area No. 1: Komas Bluff should contain a condition stating that a letter must be submitted by a time specified in the development permit indicating that the work has been completed in accordance with the terms and conditions of the development permit.	n/a	Requiring a letter is not recommended in this case as the proposed development is a subdivision.

DPA4 – STREAMS, LAKES AND WETLANDS

Guideline	Complies	Planner Comments
<i>Guideline 1</i> In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	yes	QEP does not recommend any mitigation measures for the proposed subdivision. Should areas of the properties within DPA4 be further developed in the future including the installation of driveways or other development, mitigation measures may be recommended.
<i>Guideline 2</i> The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be	yes	No development activities proposed to take place within 30m of RAR applicable watercourse. QEP does not recommend a riparian buffer around the non-RAR applicable watercourse at this time as no ground disturbance, vegetation removal or construction is proposed. Future development within DPA 4 may require a new DP application.

implemented as conditions of the development permit.		
<i>Guideline 3</i> Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	n/a	QEP does not recommend any special mitigating measures. Future development within DPA 4 may require a new DP application.
<i>Guideline 4</i> The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the water body should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed from the riparian area.	n/a	No floats or associated structures proposed
<i>Guideline 5</i> If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	yes	Nature of the proposed project has not changed since the date of the professional report as evidenced by the site plan included in the report.
<i>Guideline 6</i> The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."	n/a	No variances proposed



**DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
DE-DP-2022.2**

TO: **1265478 BC LTD., INC.NO. BC1265478**

1. This Development Permit (the "Permit") applies to the land described as:

PID: 006-660-614

**FRACTIONAL SECTION 29, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT IN PLANS
VIP87737, VIP88293 AND VIP89027**

as shown on Schedule "A" Proposed Plan of Subdivision, attached to and forming part of this Permit.

2. Whereas the subject area as described above lies within "Development Permit Area No. 1: Komas Bluff" designated under the Denman Island Official Community Plan Bylaw No. 185, 2008 and whereas this Permit issued under the Denman Island Land Use Bylaw No. 186, 2008 authorizes the subdivision "development" as identified on Schedule "A" Proposed Plan of Subdivision, and is subject to the following conditions:
- a. Subdivision must be substantially in accordance with the proposed plan of subdivision attached to and forming part of this permit
 - b. Drainage must be directed away from Komas Bluff
3. Whereas the subject area as described above lies within "Development Permit Area No. 4: Streams, Lakes and Wetlands" designated under the Denman Island Official Community Plan Bylaw No. 185, 2008 and whereas this Permit issued under the Denman Island Land Use Bylaw No. 186, 2008 authorizes the subdivision "development" as identified on Schedule "A" Proposed Plan of Subdivision, and is subject to the following conditions:
- a. Subdivision must be substantially in accordance with the proposed plan of subdivision attached to and forming part of this permit
 - b. There shall be no development or land alteration except as in accordance with Schedule "B" *Assessment of Watercourses at PID 006-660-614* by Strategic Natural Resource Consultants Inc., dated February 18, 2022, attached to and forming part of this permit.

This is not a Siting and Use Permit, nor does it provide permission to construct any works or commence any development without other lawfully required approvals and permits. It further does not relieve the applicant from complying with the regulations and provisions set out in the *Denman Island Official Community Plan Bylaw No. 185, 2008* and the *Denman Island Land Use Bylaw No. 186, 2008*.

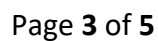
AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS
__^{XX} DAY OF _____, 202X.

Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE __^{XX} DAY OF _____, 202X, THIS
PERMIT AUTOMATICALLY LAPSES.

Schedule "A" - Proposed Plan of Subdivision



DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DP-2022.2

**Schedule “B” – Assessment of Watercourses at PID 006-660-614, Danes Road, Denman Island
BC**

Assessment of Watercourses at PID 006-660-614, Danes Road, Denman Island BC

Prepared by Mario Cottone, BIT and Cindy Hannah, RPBio for Strategic Natural Resource Consultants Inc.
and dated February 18, 2022

Date: February 18, 2022

To: Raina Walker
via email: rainawalker@gmail.com

From: Mario Cottone, BIT, and Cindy Hannah, RPBio
Strategic Natural Resource Consultants
321-1180 Ironwood Street
Campbell River, BC V9W 5P7

Subject: Assessment of Watercourses at PID 006-660-614, Danes Road, Denman Island BC

Background

Strategic Natural Resource Consultants (SNRC) was retained by Raina Walker to provide documentation regarding the Riparian Areas Protection Regulation (RAPR) applicability at the property located on Danes Road on the northeast side of Denman Island, BC (Figure 1). The property is being subdivided and falls under the Denman Island Land Use Bylaw No. 186 Subsection 4.4.1 for Development Permit (DP) Area 4 - RAR-Applicable and Non-RAR Lakes, Streams and Wetlands (Figure 2).



Figure 1, Islands Trust mapping showing the location of the property (red) on Denman Island.

Prior to the submission of a development permit application, SNRC assessed the property to identify any environmental features of the site that are not shown on the Islands Trust mapping to determine if any setbacks of protection/no disturbance are required in relation to the proposed development (Figure 3), including any protection measures and if further assessments are needed.

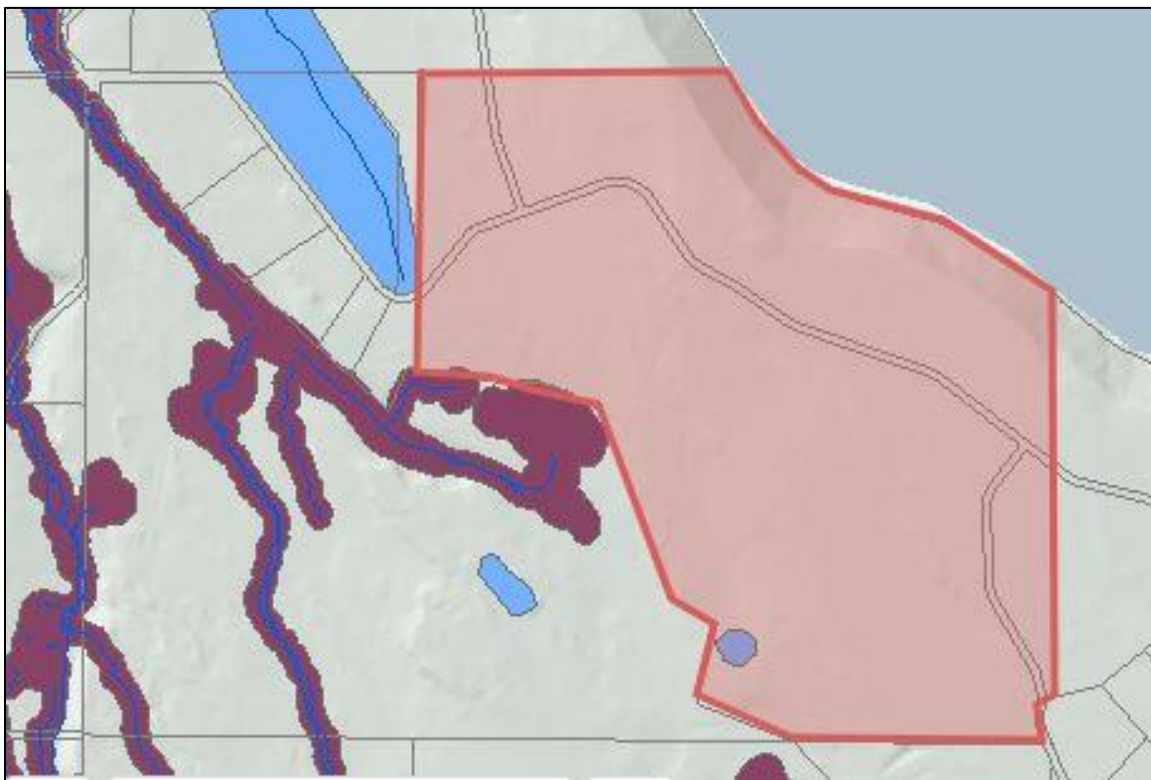


Figure 2 – Islands Trust, Denman Island mapping showing the RAPR applicable (burgundy) and Non-RAPR (blue) in relation to the subject project (red).

The assessment falls under Guideline 1 of the DP 4 guidelines in the Land Use Bylaw:

In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

Observations

An assessment of the property was conducted on January 19, 2022 by Mario Cottone, BIT and Iona Kearns, RBTech of SNRC. The RAPR identified watercourses were assessed along their respective High Water Marks. The covenant area includes a wetland (Wetland 1) and two streams (Streams 1 and 2). The covenant area is part of Denman Island Provincial Park that was established in 2013. Four ditches were identified in the vicinity of the proposed development (Figure 4).

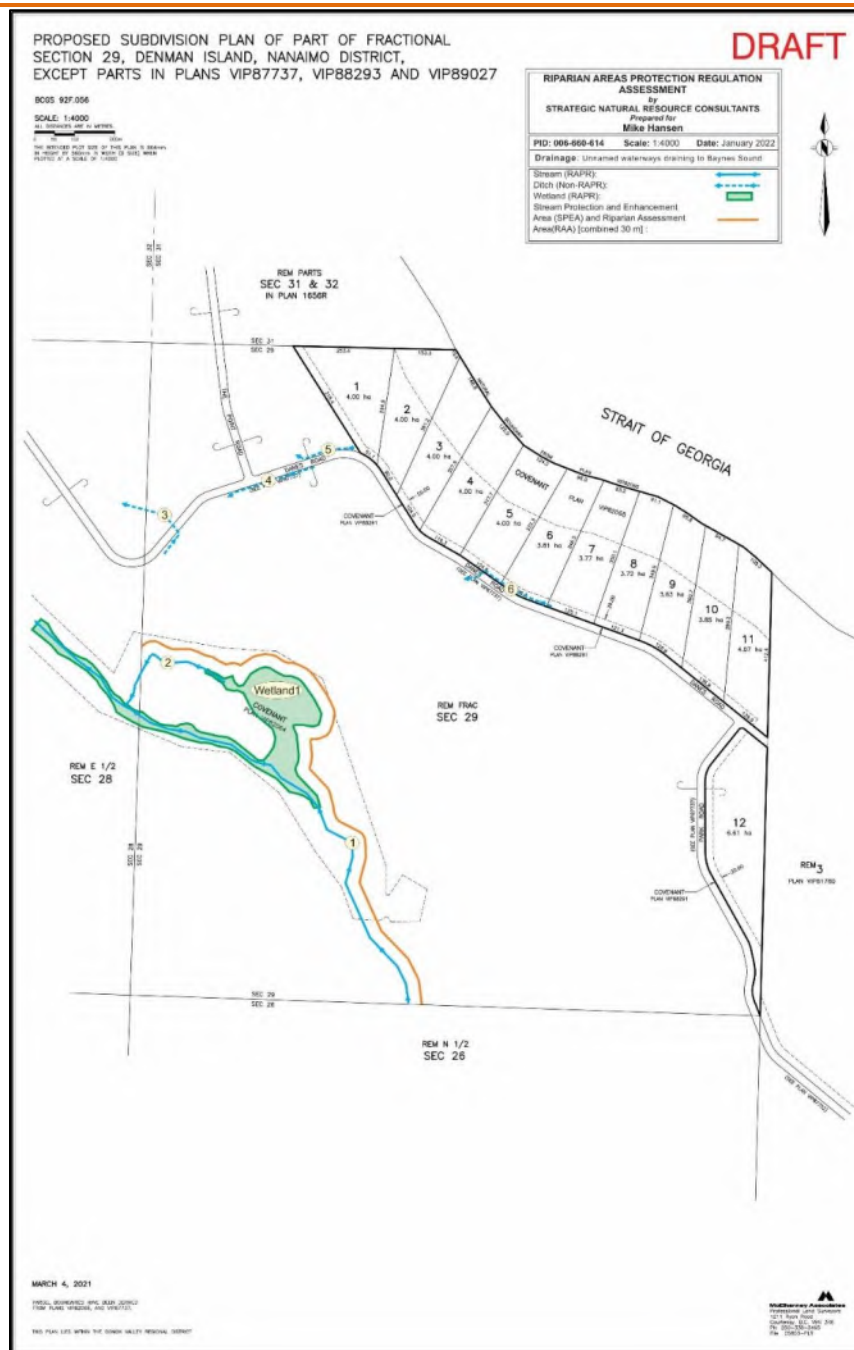


Figure 3, Proposed subdivision of 13 lots along the northeast side of the property. Identified watercourses are shown. Note the 30 m RAA (orange) of Wetland 1, Streams 1 and 2 are within the covenant boundary.

Wetland 1: This wetland is best described as a reed canarygrass (*Phalaris arundinacea*) community, a disclimax community that establishes on disturbed/cleared willow swamps or low-bench sites, transitioning to a degraded swamp type wetland along the edges, as well as containing small pockets with bog type vegetation in areas that are isolated from the main wetland area (mix of Western redcedar – white pine- bristle-stalked sedge association and Labrador tea – bog laurel – peat-moss association). The high water mark was followed for mapping purposes. The riparian vegetation along the majority of the wetland is a younger second growth stand, composed of Western white pine (*Pinus monticola*) and shore pine (*Pinus contorta* var. *contorta*), with sparse Sitka spruce (*Picea sitchensis*) and

Danes Road Subdivision DP4 Assessment

coastal Douglas-fir (*Psuedotsuga menziesii* var. *menziesii*). The trees are up to 27 m tall, with diameter at breast height (DBH) ranging from 15-65 cm. The tree density is high at 1200+ stems per hectare (SPH). The understory is composed of salal (*Gaultheria shallon*) (near 100%) with sparse dull-Oregon grape (*Mahonia nervosa*). The moss layer is largely lacking but hair cap mosses (Polytrichopsida) are present in openings, various other small mosses and false pixie cup lichen (*Cladonia asahinae*). A narrow strip (10 – 25 m wide) of mature timber exists along the southeast side of the wetland. This strip is dominated by Western hemlock (*Tsuga heterophylla*) and Western redcedar (*Thuja plicata*). The trees are up to 27 m tall, with diameter at breast height (DBH) ranging from 15-65+ cm. The tree density is lower at 800 SPH. The understory is similar to the younger stands.

There is an abundance of snags and CWD within buffer providing habitat features for wildlife. Representative photos of both the wetland and riparian areas are included in Figure 4.





Figure 4, representative photos of Wetland 1 (a, c) and the riparian vegetation (b, d and e).

Stream 2: Stream 2 is a small stream that drains west out of Wetland 1, then south into Stream 1. It is approximately 1.2 m wide with a gravel/boulder/bedrock substrate and has an overall gradient of 15%. The stream is frequently vegetated in slough sedge. The riparian vegetation along the property is a young stand composed of Western white pine, Shore pine, Western hemlock, Western redcedar and coastal Douglas-fir with 10-15 cm dbh, up to 5 m tall and 1200+ sph. The understory is sparse under the dense stands, but the openings where present are composed of Oregon grape, swordfern (*Polystichum munitum*), and hair-cap mosses (Polytrichopsida). Refer to Figure 5 for representative photos.



Figure 5, representative photos of Stream 1 (a-c) and its riparian vegetation (d).

Four ditches were identified along Danes Road on the property (Figures 3 and 6).

Ditch 3 directs road runoff through a 600 mm corrugated metal pipe culver (CMP) towards a Non-RAPR identified stream located on the adjacent property. The ditch is shallow with minor scour indicating low flows (Figure 7).

Ditches 4 and 5 are swales on either side of the road that are directed into the forest where they infiltrate into the ground. Neither connects to any other watercourse.

Ditch 6 is a short ditch that is directed across the road through an 800 mm plastic culvert and dissipates into the forest floor. Figure 8 shows representative photos of Ditches 4, 5 and 6.

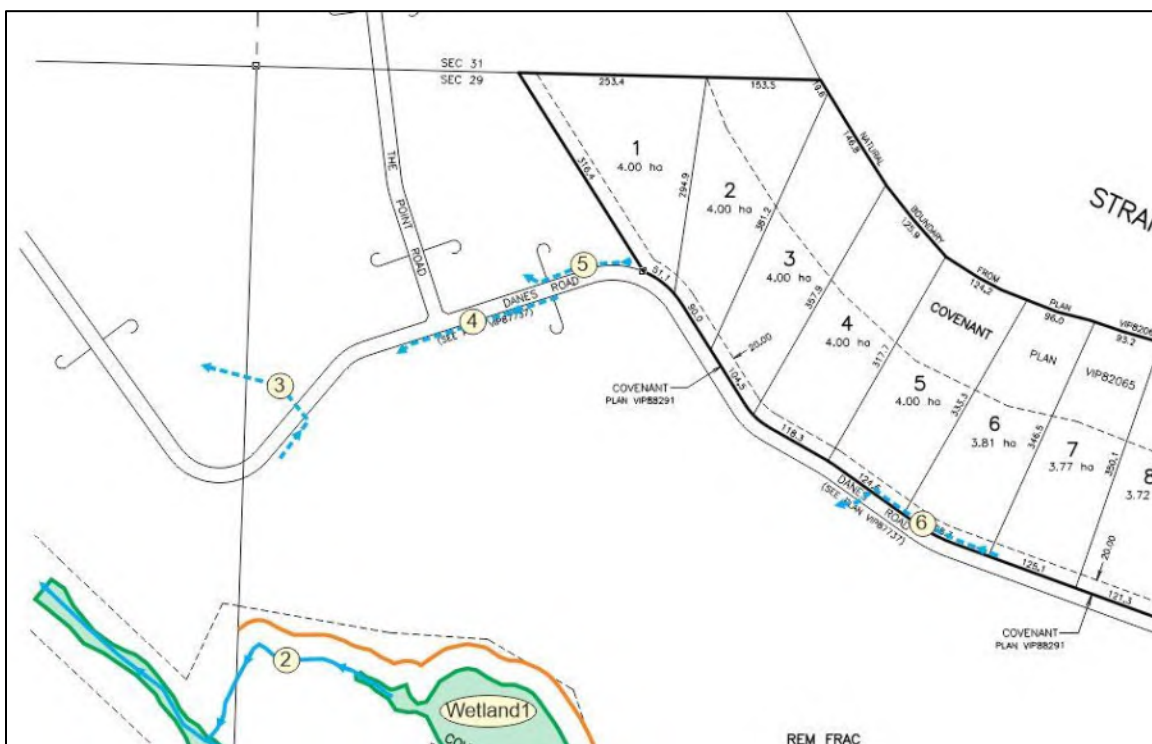


Figure 6, site plan showing the location of the identified ditches (dashed blue).

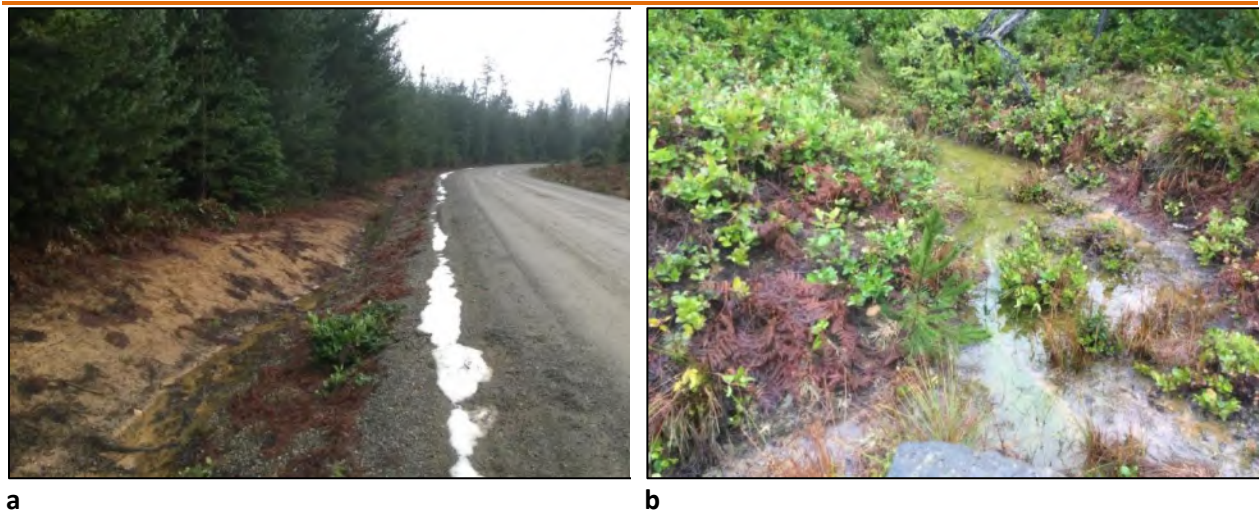


Figure 7, view west of Ditch 3 upslope of Danes Road (a) and downslope (b).





Figure 8, representative photos of Ditches 4 (a, b), 5 (c, d) and 6 (e, f). Photos on left are upslope within the ditch and photos on the right are downslope towards where they infiltrate the ground.

Discussion and Recommendations:

The 30 m riparian assessment area of the RAPR identified watercourses is included within a designated covenant area. No development or changes to the property lines in the vicinity of these features are proposed. As no development will occur in the vicinity of this area, no specific mitigation measures are required and the DPA does not apply to this development.

Ditch 3 is located on the west side of the property and is not located in the vicinity of the proposed subdivision. No specific mitigation measures are required. Although this ditch does drain to a Non-RAPR watercourse, no riparian buffer is required at this point in time. If in the future, road works are required and the ditch requires excavation, the works should be conducted when the ditch is dry to prevent sediment delivery downstream.

Ditches 4 and 5 are very minor swales on either side of Danes road that drain road runoff. Ditch 5 is located immediately west of the proposed subdivision. No specific mitigation measures are required for the subdivision of the property. No setback is required along either ditch as they are very small with what appears as very limited catchment (road runoff). If the lots are developed in such a way that the ditches need to be enlarged to accommodate more water, then at that time a setback may be warranted.

Ditch 6 is a minor swale that drains road runoff. It is located within the proposed subdivision area (on the south side of proposed lots 5, 6 and 7). No specific mitigation measures are required at this point in time. No setback is required along the ditch as it is small with what appears as very limited catchment (road runoff). If the lots are developed in such a way that the ditch needs to be enlarged to accommodate more water, then at that time a setback may be warranted. At the very least the construction of driveways to access each property will be required. As the ditch is >500 m away from the closest stream, with it dissipating into the ground 20 m downslope of the road, specific mitigation for any minor works in the vicinity of the ditch will not be required.

Conclusions

A ground assessment verified that the proposed development is >500 m away from a known RAPR stream/wetland. A RAPR report is not required for the subdivision as the property boundary is >30 m away from the HWM. One ditch (Ditch 3) was identified draining to a Non-RAPR stream, but there will be no physical works in the vicinity of it, and no specific protection or mitigation is required for the very minor drainage area. Three other ditches were located. These are all very minor with no excavated ditch structure, but are rather shallow swales adjacent to the road that will drain road runoff. All of them are directed away from the road and dissipate into the ground with no sensitive features nearby to warrant specific protection or mitigation measures.

Please feel free to contact me at 250-616-3758 or by email at channah@snrc.ca if you have any questions.



Mario Cottone, BIT
Strategic Natural Resource Consultants Inc.



Cindy Hannah, RPBio
Strategic Natural Resource Consultants Inc.



COPY
Original signed and sealed on file

DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DP-2022.2

**Schedule "C" – Geohazard Assessment – Rev.1 Proposed 13-Lot Subdivision 4201 Park Road
Denman Island, BC**

**Geohazard Assessment – Rev.1 Proposed 13-Lot Subdivision 4201 Park Road Denman Island,
BC**

Prepared by Peter Weisinger, MSc PGeo for Westrek Geotechnical Services Ltd., and dated May 17, 2022



Geohazard Assessment - Rev.1
Proposed 13-Lot Subdivision
4201 Park Road
Denman Island, BC

Prepared for:

Dusty Prowse
PO Box 71
Denman Island, BC V0R 1T0
Attention: Dusty Prowse (rainajwalker@gmail.com)

Prepared by:

Westrek Geotechnical Services Ltd.
100 - 1383 McGill Road
Kamloops, BC V2C 6K7
www.westrekgeotech.com

May 17, 2022
File No. 021-236

1 Introduction

As requested by McElhanney Associates Land Surveying Ltd (McElhanney), on behalf of Dusty Prowse (Prowse), Westrek Geotechnical Services Ltd. (Westrek) has completed a geohazard assessment in support of the proposed 13-lot subdivision at 4201 Park Road, Denman Island, BC (the Property). The legal address of the Property is:

Fractional Section 29, Denman Island, Nanaimo District, Except Parts in Plans VIP87737, VIP88293 and VIP89027.

We understand that the BC Ministry of Transportation and Infrastructure (MOTI) Provincial Approving Officer considers that the Property may be subject to natural hazards such as, but not limited to, flooding, erosion, land slip or avalanche. MOTI requested that a landslide assessment be completed to determine if, following subdivision of the Property, the building sites on the proposed lots could be considered “safe for the use intended”¹.

This assessment has been undertaken in general conformance with Engineers and Geoscientists BCs’ (EGBC) 2010 *Guidelines for Legislated Landslide Assessments for Residential Developments in BC (the Guidelines)*². The requirements detailed in these guidelines inform our scope (i.e., to determine if the proposed building sites are “safe for the use intended”). Our scope is limited to an assessment of the erosion and land slip³ potential only.

Our work was authorized under our *Client Services Agreement (CSA)* dated December 10, 2021, and, where not specified, is subject to the terms and conditions in the attached *Interpretation and Use of Study and Report and Limitations* (Appendix A) which is incorporated herein by reference.

Prowse, McElhanney, the Comox Valley Regional District (CVRD), the Islands Trust (the Trust) and MOTI are considered “approved users” of this report.

2 Landslide Hazard Assessment Criteria

In determining if a building site is “safe for the use intended”, MOTI asks that the Qualified Professional (QP) distinguish between two different types of events:

- Damaging, and,
- Life-threatening.

While MOTI does not have an adopted level of landslide safety, they ask that the QP apply the following levels of landslide hazard to determine acceptability:

- When considering damaging events only, unless otherwise specified, a probability of occurrence of 1 in 475 years (10% probability in 50 years) for individual landslide hazards should be used as a minimum standard. This value is the probability of the damaging event occurring. The QP must identify the runout extent, or area of influence, of the event.
- Where life-threatening, catastrophic landslides are identified as a potential natural hazard to a building site(s) on the Property, the assessment is to consider events having a

¹ The use intended is defined as the construction of a single-family residence on each of Lots 1 through 12.

² Formerly the Association of Professional Engineers and Geoscientists of BC (APEGBC).

³ Also known as a landslide.

probability of occurrence of 1 in 10,000 years and identify areas beyond the influence of these extreme events.

- Large-scale development must consider the same 1:10,000 year events and must also consider the total risk to the new development. When the total risk approach is used, international standards must be identified.

3 Background Information and Fieldwork

McElhanney supplied the following documents:

- A copy of the McElhanney "Proposed Subdivision Plan of Part of Fractional Section 29, Denman Island, Nanaimo District, Except Parts in Plans VIP87737, VIP88293 and VIP89027", dated November 15, 2021.
- A copy of the PSPLNA letter from MOTI, dated October 19, 2021.
- A copy of the Title Search Print File Reference: 05803 for the Property, dated May 10, 2021.
- A copy of the *Terms of Instrument - PART 2, Section 219 Conservation Covenant and Section 218 Statutory Right of Way*, dated July 7, 2006.

The following background information was reviewed:

- Air photo imagery for 1952, 1964, 1968, 1972, 1975, 1981, 1987, 1991, 1996, and 2014.
- GoogleEarth imagery from 2005, 2015, 2018, and 2020.
- 2019 LiDAR data (i.e., the LAS point clouds), obtained from LidarBC's Open LiDAR Data Portal⁴, and used under BC's Open Government Licence.
- Bedrock geology mapping: Geology Geospatial Data (2005), Ministry of Energy & Mines, Geological Survey Branch (MEM) Open File: 2015-2, Cui., Y, Miller., D, Dixon., G, and Nelson., J.
- Spatial data, including terrain stability mapping, historic logging, forest cover, and other spatial information, obtained from the DataBC Public Web Map Service.
- Climate analysis⁵ using the 1991-2020 dataset from the ClimateWNA website⁶.
- Natural Resources Canada (on-line⁷): Simplified Seismic Hazard Map 2015.

A digital elevation model (DEM) and derivative products (i.e., hillshade images, 1 and 5 m elevation contours, slope gradients and surface flow accumulation) were created from the LiDAR data in-house, using Global Mapper⁸ and QGIS⁹ software.

Peter Weisinger MSc PGeo, representing Westrek, conducted the fieldwork on February 2 and 3, 2022; he was accompanied by Bryan Brassington PGeo for safety. Field observations were referenced as waypoints (Δ) using Avenza® Maps Mobile App software on an iPad, which

⁴ <https://governmentofbc.maps.arcgis.com/apps/MapSeries/index.html?appid=d06b37979b0c4709b7fcf2a1ed458e03>

⁵ Wang, T., Hamann, A., Spittlehouse, D.L., Murdock, T., 2012. ClimateWNA – High-Resolution Spatial Climate Data for Western North America. *Journal of Applied Meteorology and Climatology*, 51: 16-29.

⁶ <http://www.climatewna.com/>

⁷ <https://seismescanada.rncan.gc.ca/hazard-alea/simphaz-en.php#BC>

⁸ Global Mapper v21.0.1, Copyright 2002-2019 Blue Marble Geographics. www.globalmapper.com

⁹ QGIS.org, 2021. QGIS Geographic Information System. QGIS Association. <http://www.qgis.org>.

typically has a horizontal accuracy of ± 3 m in the open and about ± 10 m in forested areas. Observations were also referenced to lot boundaries and landmarks. Lot boundaries and building envelopes were not marked in the field.

4 General Discussion

4.1 Site Description

The Property is approximately 172 ha and lies on the northeast side of Denman Island (Figure 1); most of it is situated on gentle slopes. Proposed Lots 1 through 11 extend northeast from Danes Road and contain gentle slopes that break over sharply at the crest of steep eroding bluffs (the Komass bluffs) that extend from about 100 m elevation to the beach below at sea level. Coastal erosion is steadily undercutting the base of these slopes, and there are many landslides of varying ages on them, some currently active and some not. As a result of the erosion and landslides, the slope crest is retrogressing towards the southwest.

The northwestern boundaries of Lots 2 through 11 extend down to the beach; i.e., they include portions of these steep bluffs, and the northeastern corner of Lot 1 is located near the slope crest. Lots 12 and 13 are located at least 200 m southwest of the slope crest, and the building sites on them are very unlikely to be affected by landslides initiating at the bluffs. Based on this, our assessment focused on Lots 1 through 11.

A covenant is registered against the Property under the Land Titles Act Section 219; it includes the portions of the Property extending from the northeastern boundary along the base of the bluffs, to an imaginary line drawn approximately 30 m back (i.e., to the southwest) from the slope crest. The general intent of the covenant is to maintain the natural state of these slopes and to limit the impact to the area by residential development and land; among the stated goals is a reduction in landslides and erosion.

4.2 Climate and Hydrology

Using the 1991 to 2020 dataset, ClimateWNA estimates that the average annual precipitation for the slopes in the study area is around 1260 mm, with only about 65 mm falling as snow. Most precipitation occurs during winter; the prevailing storm direction is up the Strait of Georgia from the southeast. The mean tidal range is about 3.3 m

In general, the slopes on the Property drain towards the southwest. No streams were identified on any of the maps or other documents provided by Prowse and McElhanney, and we found none on the slopes next to the bluffs. Due to the presence of well-drained, loose sandy surficial sediments, precipitation likely infiltrates very rapidly.

Several seepage areas were visible on the bluffs and these are described later in the report.

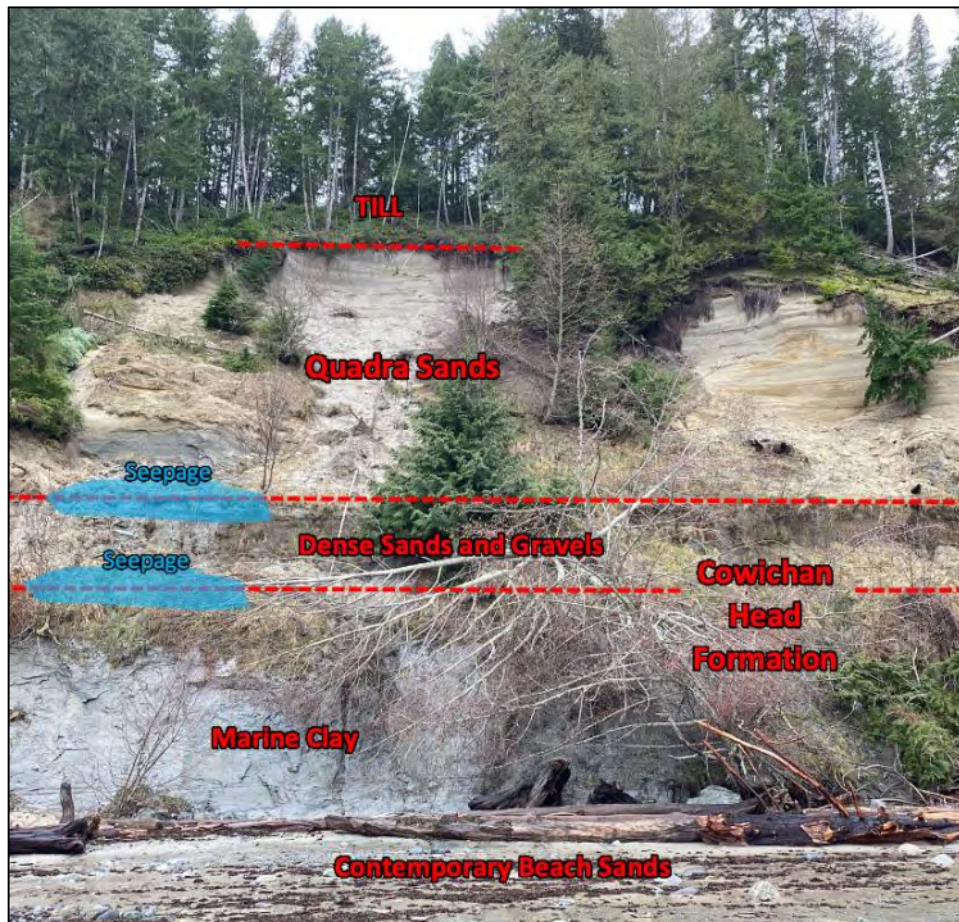
4.3 Geology and Geomorphology

Late Cretaceous sediments (i.e., sandstone, mudstone and conglomerates) are mapped on Denman Island to the southwest of the Property. No bedrock formations were exposed on or near

the study area, which is mapped as Quaternary sand and gravel. Clague (2011)¹⁰ identifies the sediments as the Quadra sands, and describes the general stratigraphy as follows:

- The Cowichan Head formation, deposited during the last interglacial period, underlies the Quadra sands; it consists of a lower unit of grey marine clay (with some sand and silt), overlain by an upper unit of silt, sand and gravels that is usually a reddish-brown due to inclusion of organic materials.
- The Quadra sands, which are generally white to tan-coloured, overlie the Cowichan Head Formation, and are generally around 75 m thick. They consist of stratified sands with some gravel and silt. This sand was deposited during the advance of the Fraser Glaciation.
- Overlying the Quadra sands is a layer of till with a variable thickness.
- On top of the till, glaciofluvial sediments associated with deglaciation are present.

The till, Quadra sands and Cowichan Head sediments were consolidated by the thick overriding ice sheet. The general stratigraphy on and adjacent to the Property is shown in Figure 2.



*Figure 2: An example of the general stratigraphy of the Komos bluffs.
The photo was taken looking southwest from Δ11.*

¹⁰ Clague, John. (2011). Quadra Sand and its relation to the late Wisconsin glaciation of southwest British Columbia. Canadian Journal of Earth Sciences. 13. 803-815. 10.1139/e76-083.

4.4 Site History

A brief site history included with the *Terms of Instrument* document relays the following:

- All of Denman Island has been historically logged at least once, and no significant old-growth forest remains.
- The Komas bluffs were logged in the late 1800s and early 1900s, however no subsequent logging on the bluffs next to the Property has occurred since.
- The slopes near the crest were logged again in the early to mid 1900s.
- There is evidence of widespread fires on these slopes, probably dating to around the same time frame as the early logging.
- The area was logged again extensively, shortly after ownership of the land was transferred in 1997.

4.5 Historical Air Photos

We made the following observations on the historical imagery; the location of landslides along with the date of the images on which they were first noted are shown on Figure 1.

- 1952: Widespread partial/selective logging is evident on the slopes in the Property. Open areas can be identified on the bluffs, however most of these slopes are in shadow, and not all landslides could be clearly identified.
- 1964: No significant changes are visible on the slopes next to the bluffs, however, some slide areas visible on the 1952 images were confirmed. Few areas of high reflectance are visible, possibly because of vegetation growth on the slide areas, however, as the photo resolution and lighting are relatively poor, and this could not be confirmed.
- 1968: There is excellent coverage of the bluffs on these photos. Slides partially visible on the previous images were confirmed and several new slides were also noted. Some older slides showed new activity (i.e., #58). No significant areas of new logging were visible on the adjacent slopes.
- 1972: No major changes were noted on the bluffs, except for slide #33, which had grown in size. No new logging was visible on the adjacent slopes.
- 1975: A few new smaller slides were visible (i.e., #31, #41, and #50).
- 1981: No significant changes were noted on the bluffs, however, many new smaller clearcuts were visible on the adjacent slopes on the Property and to the southeast.
- 1987: Due to the scale, not much detail was visible on these images, however, a large area of the bluffs between 1 and 2 km to the southeast (not shown on Figure 1) was logged.
- 1991: The logged slopes seen to the southeast on the 1987 images contain many small landslides and widespread erosion. Slides #33, #55 and #58 appear to have increased in size. No significant areas of new logging were visible on the adjacent slopes.
- 1996: The scale is poor on these images and the bluffs are mostly in shadow; no significant changes were noted.

- 2005: While no significant changes were visible on the bluffs, almost all the slopes southwest of the covenant area were clearcut logged, with the exception of a few patches of immature trees left behind in the small clearcuts seen on the 1981 images.
- 2015: No significant changes are visible on the bluffs. The recently constructed Danes Road, Park Road and Point Road are visible.
- 2018 and 2019: No new landslides were noted, although significant re-vegetation on some of the older slides was visible.

In summary, landslide activity on these slopes appears to be ongoing, and on many of the larger slide areas, periodic re-vegetation and subsequent reactivation was noted. This suggests that coastal erosion is ongoing. No discreet large or very large landslide events were noted.

More active landslides appear to have been present on the earlier images, with less overall landslide activity observed in recent years. This suggests that the late 1800's and early 1900's logging and wildfires on the Komas bluffs may have triggered several large slides, but that overall these slopes may have stabilised *somewhat* in recent years.

We also noted that the widespread logging on the adjacent slopes (i.e. southwest of the slope crest), which may have caused significant changes to the subsurface runoff regime, does not appear to have resulted in a significant increase in landslide activity.

Due to the scale, resolution of the imagery and generally dense vegetation presentation on the steeper slopes, the rate of erosion on the slope crest was not able to be determined.

4.6 LiDAR Imagery

The LiDAR hillshade imagery is an important tool that depicts the evolution of the landscape since the last period of deglaciation, i.e., from about 10,000 years ago. From this imagery:

- It is clear that the many gullies on the Komas bluffs were formed by retrogressive erosion (which includes landslides) probably triggered by coastal erosion at the base and, to a lesser extent, groundwater seepage. All observed gullies were formed by these processes, although many appear currently inactive and the features on them have since been generally "smoothed over", probably by seasonal erosion.
- The locations of the historic landslides seen on the air photo and orthophoto imagery were corroborated by those identified on the LiDAR images. Several other landslides, all probably relatively recent (i.e., they could be associated with the earlier logging on these slopes), were also identified on the LiDAR imagery; these are highlighted on Figure 1.

Due to the ongoing coastal erosion, landslide deposits reaching the beach at the slope toe are likely to be eroded and removed relatively quickly (i.e., probably within a few years).

- No historic, large-scale slope instability was visible on this imagery either on or adjacent to the Property, including vertical or horizontal displacement betrayed by fractures or tension cracks back from the slope crest.

5 Site Observations

5.1 The Property

The slopes on the Property range from planar to gentle with some subtle, low-lying ridges that align roughly parallel to the slope crest. Overall, the slopes face southwest; the height of land is located on a low-lying ridge trending roughly through the centre of Lots 2, 3, 4 and 5, and about 200 m back from the slope crest towards the east to Lot 11; here the slopes are planar.

The surficial materials exposed on these slopes consist of loose, well-drained glaciofluvial sands and gravels.

No streams or surface drainage features were found.

Many old trails cross these slopes; none had ditches or exhibited any significant erosional scour.

The previously logged slopes southwest of the covenant area are re-vegetating with a dense coniferous forest.

5.2 Slope Crest

Next to the slope crest (within the covenant area), more mature trees are present, along with many old stumps dating from the earlier logging. The crest varies in morphology from rounded due to ongoing erosion, to very sharp at landslide headscarps; the locations of these headscarps can be inferred from the slides mapped on Figure 1.

The active headscarps share a similar morphology; the uppermost part is near vertical, generally with an overhanging root mat at the crest. The materials exposed are primarily the Quadra sands. In some areas (i.e., around $\Delta 50$ to $\Delta 51$ and $\Delta 68$ to $\Delta 69$), however, they are overlain by a dense silty till. The vertical part of the headscarps vary from several to tens of metres high. Generally, only minor seepage is present near the slope crest at the base of the overlying weathered surficial materials. Below the near vertical headscarps, there is typically a change in the material composition of the Quadra sands to less permeable layers, where seepage emerges. Instability caused by these perched water tables results in failures in the overlying dense sands. These failures are debris slides and are typically on the order of up to a metre thick, often presenting as toppling columns as support is lost at the base. In the base of the gullies, erosion and transport of the materials by rain and runoff emerging as seepage, was evident.

No tension cracks or any other signs of impending slope failure were observed next to the slope crest.

In several locations, trees rooted in the overhanging root mat had grown gently curved trunks as the materials supporting them eroded. From the approximate age of the trees and the amount of overhang, the erosion rate of the gully headwalls is roughly estimated to be in the order of 5 cm/year.

5.3 Bluffs

The gullies dissecting the steeper bluffs have a strong concave profile, ranging from vertical at the headwalls and averaging 75% in the base. As they near the beach, the slopes start to flatten, but then break over sharply again at the top of the Cowichan Head formation. The brown-

coloured, silty sands and gravels of the upper formation are very consolidated and may be slightly cemented; they are much less permeable than the overlying Quadra sands. A major seepage zone forms at the interface of these units.

Similarly, the marine clays in the lower formation are less permeable than those in the upper part, forming another prominent seepage zone. As a result, these weak seepage zones trigger failures in the overlying sediments; mostly between the upper Cowichan Head formation and the Quadra sands.

The marine clays were observed at the base of the bluffs, where they are armoured by larger cobbles and boulders, presumably from failures in the till and Quadra sands. Some very large boulders were noted about 200 m beyond the base of the bluffs at low tide.

The marine clays of the lower Cowichan Head formation form a near vertical exposure that ranges from about 7 m high below Lots 1 and 2, to about 4 m high below Lot 11. These sediments are very stiff to hard, with some silt and fine sand, often present in thin discontinuous layers and occasional drop-stones. In some areas, these sediments were eroding in thin slabs a few centimeters thick that were spalling away from the surface. Some possible smaller slumps, about 10 meters wide and 1 to 2 m deep, were also observed.

Many game trails cross these steeper slopes; in some areas (i.e., around Δ9) these trails have intercepted and diverted surface and shallow groundwater flows, causing erosional scour.

6 Hazard Assessment

Based on our review of the background information and field observations, the potential slope hazards that could affect the proposed building sites on Lots 1 through 11 include ongoing debris slides on the steep bluffs. These failures will cause the slope crest to retrogress towards the proposed building sites.

No other types of slope failure were identified.

The retrogression of the slope crest is fundamentally driven by coastal erosion at the base of the bluffs and mid-slope seepage at the interface of the Quadra sands and Cowichan Head formation. This over-steepens and destabilizes the overlying strata, which then retrogress back to form a more stable slope angle, i.e., via frequent small debris slides and sediment transport downslope by a combination of rainfall and runoff emerging from seepage zones.

6.1 Retrogression Rate

While some of the existing landslide areas on these slopes are large (i.e., up to about 1.5 ha), no evidence of historic, large-scale landslides initiating from the slope crest and signs of imminent failure were observed.

Larger individual failures (i.e., tens of metres across and extending several metres into the slope crest) are probably infrequent, however, these events (slumps) typically occur in cohesive soils, which does not include the Quadra sands.

The following studies of the Quadra sands have estimated the retrogression rates due to coastal erosion as follows:

- A study conducted for the University of British Columbia campus (UBC 2004¹¹) estimated an average rate of 7.5 cm/year. On these slopes, the sands extend down to beach level. However, unlike the Komas bluffs, these slopes do not include the more erosion-resistant marine clays at the base.
- A study conducted for slopes on Savary Island¹² by Thurber Engineering Ltd. (Thurber) estimated erosion rates that ranged from 5 to 40 cm/year. The slopes in this study are perpendicular to the incoming waves and stormfronts; they also consist of exposed sands and gravels and do not contain the erosion-resistant marine clays at the base.

Based on the characteristics of overhanging root mats on the recent landslide headscarps, the erosion rate adjacent to the Property is estimated at ~5 cm/year. It should be noted however, that active landslide headscarps form less than half of the total length across the slope crests.

Large boulders, presumably eroded from the overlying till and Quadra sands, and too big to be transported by wave action, were observed about 200 m from the base of the bluffs. Bathymetric data¹³ suggest that shallow waters extend 300 to 400 m out before the depth increases rapidly in the Strait of Georgia. Assuming deglaciation occurred in the area about 10,000 years ago, and that erosion rates along the bluffs have been more-or-less uniform since then¹⁴, this suggests a historic erosion rate somewhere between 2 and 5 cm/year.

These estimated erosion rates are based on visual estimates and some broad assumptions, however, they correspond approximately with rates reported at other Quadra sand exposures.

For the purposes of this assessment, the average retrogression rate along the slope crest is estimated at about 5 cm/year.

6.2 Results and Conclusions

In general, slopes in non-cohesive sediments, such as sands and gravels, tend to retrogress until they reach a natural angle of repose, typically about 27° (i.e., 50%, or 1V: 2H). As a result, this is a common angle used to delineate setbacks from steep slopes consisting of these sediments. Even if coastal erosion were to cease, the Komas bluffs could continue to erode and retrogress until they reached this slope angle, although the rates would steadily decrease as the slopes approach it.

Ongoing coastal erosion removing toe support from the base of these slopes, however, does not allow for a natural angle of repose to be reached; instead, these slopes exist in a state of quasi-equilibrium, where, averaged over time, the slope crest will retrogress at about the same rate as material is removed from the base.

Currently, the proposed building sites (i.e., within the building envelope shown on the Subdivision Plan Map) on Lots 1 through 11 are already restricted by a covenant and are limited to an area southwest of a line that is situated roughly 30 m back from the slope crest (Figure 1).

¹¹ *North Campus Neighbourhood Plan*, University of British Columbia, June 24, 2004.

¹² *Savary Island Dune and Shoreline Study Report*, prepared for the Powell River Regional District by Thurber, March 12, 2003.

¹³ Canadian Hydrographic Service Non-Navigational (NONNA) Bathymetric Data (<https://open.canada.ca/en>)

¹⁴ Erosion rates immediately following deglaciation were probably much higher than they are today.

Based on our geohazard assessment, we conclude that:

- The potential for life-threatening, catastrophic landslides originating from the steeper slopes that could affect the proposed building sites on proposed Lots 1 through 11 does not exceed an annual probability of 1 in 10,000 (i.e., 0.5% in 50 years). A gradually retrogressing slope is highly unlikely to be a life-threatening simply because the approaching hazard is usually quite evident long before it can affect the structure, permitting relocation, protective works, evacuation etc., if required.
- The potential for a damaging event originating from the steeper slopes that could affect proposed building sites on Lots 1 through 11, if they were located immediately southwest of the covenant boundary) may exceed an annual probability of 1 in 475 (i.e., 10% in 50 years).

As a result, we conclude that portions of Lots 1 through 11 are not safe for the use intended, and that siting requirements (i.e., the establishment of a setback line) is required.

6.3 Recommendations

Delineation of a safe building site must consider a generally stable slope for the dense sediments of the Quadra sands, as well as the expected change in the location of the slope crest over the lifetime of the proposed houses¹⁵ due to erosional scour.

As such, a safe setback line is recommended for the proposed building sites on Lots 1 through 11 (Figures 1 and 3) that is based on the following:

- With an assumed erosional scour rate of 5 cm/year, over the 100 year period, the slope crest could retrogress by about 5 m.
- A stable slope angle of 27° (1V: 2H), i.e., located behind an imaginary line projected upslope at 27° from the base of the bluffs.

Building sites situated southwest from this *setback line can be considered safe for the use intended.*

7 Seismic Events

Natural Resources Canada's 2015 Simplified Seismic Hazard Map (Figure 4) states that the Property is in an area of high seismic hazard. It is known that earthquakes can trigger landslides, such as rockfall and rockslides, and debris slides and debris avalanches initiated by liquefaction of underlying sediments.

Since deglaciation, we assume that the study area has experienced numerous earthquakes and it is possible that landslides may have been triggered by past earthquakes. We found no evidence to suggest that the frequency of seismically induced landslides would be substantially different than the observed historic slides.

¹⁵ For the purposes of this study, the expected lifespan of a typical house is estimated as 100 years.

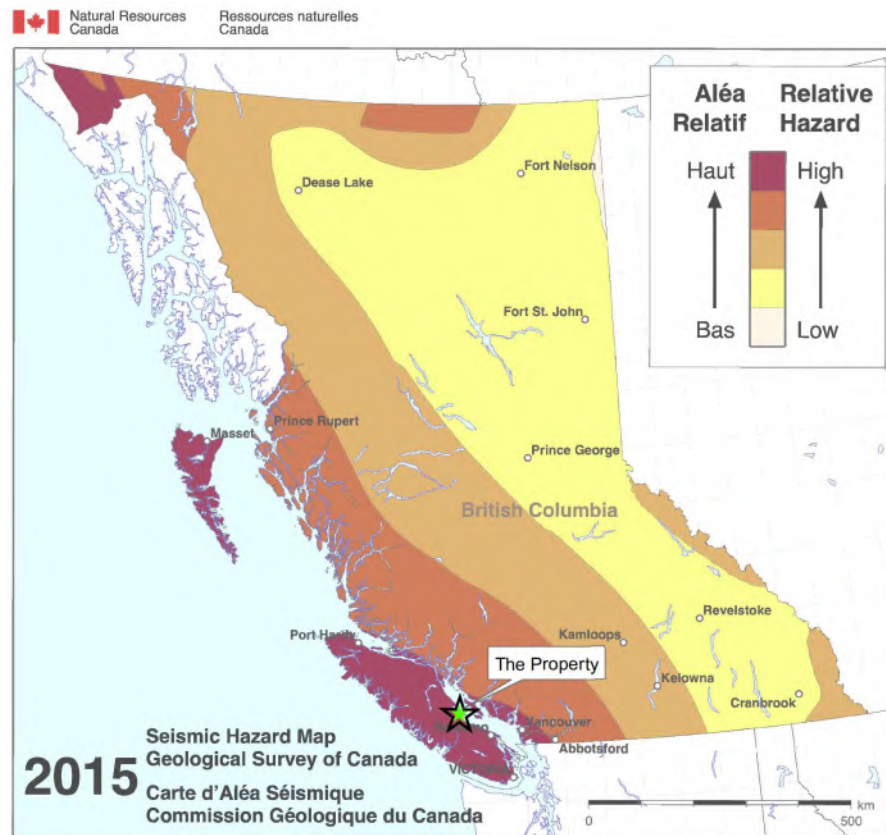


Figure 4: Seismic Hazard Map.

8 Changed Conditions

8.1 Wildfires

The Komass bluffs are located in an area mapped as Natural Disturbance Type (NDT) 2¹⁶; ecosystems with infrequent stand-initiating fire events; the mean return interval for these disturbances is about 200 years. Wildfires can kill trees and other vegetation on steep slopes, destabilizing the soils as the root mats degenerate. This could increase the rates of landslides and erosion on these slopes.

Our estimate of the retrogression rate is an average over time, and includes natural events such as the effects of infrequent stand-clearing fires; as such these types of events are accounted for in our setback calculations.

8.2 Logging and Road / Trail construction

Historic logging has destabilized the slopes of the Komass bluffs. Our observations suggest that this is primarily due to the destruction of the root structure that provides stability to the surficial materials. Secondly (and in conjunction with the primary cause), an increase in the overall

¹⁶ Source: iMapBC (<https://maps.gov.bc.ca/ess/hm/imap4m/>)

hillslope runoff and groundwater levels can lead to an increase in soil pore-water pressures, the primary triggering mechanism for most slope failures¹⁷.

The existing covenant prevents logging from occurring on the slopes on and within 30 m adjacent to the bluffs. We recommend that this restriction be kept in place.

Our experience has shown that poorly located and/or a lack of drainage structures, as well as insufficient maintenance of them on either a road or trail, can intercept, redirect, and concentrate hillslope runoff onto the slopes below. These scenarios are commonly referred to as drainage diversions and many landslides occur because of them. Future access road/trail construction could potentially affect the stability of the slopes on the bluffs. It is important that the natural hillslope runoff patterns be maintained, and where possible, drainage not be directed onto these steeper slopes.

8.3 Climate Change Considerations

Potential climate change impacts for the Comox Valley region were obtained through the “Plan2Adapt” web-based tools published by the Pacific Climate Impacts Consortium (PCIC)¹⁸. Their models extending to 2069 predict that winter storm precipitation in the area will increase by about 5% and an increase in winter storm intensity is also predicted. This could lead to an increase in direct erosion from rain and an increase in landslide activity due to increased soil groundwater levels. Stronger winds may also lead to more wind-throw on these slopes, further destabilising them.

Overall sea levels are predicted to rise globally, although complex interactions between post-glacial isostatic changes and tectonic effects make predictions for this area very difficult; but literature suggests that it would likely be less than 1 m in the next 100 years; i.e., they would not rise above the top of the marine clay unit at the base of the bluffs.

Without further detailed study, we cannot predict how a changing climate will affect the retrogression rate at the crest of the Komax bluffs, however we suspect that the proposed setback is sufficiently conservative to accommodate these changes.

8.4 Inground Stormwater/Sanitary Sewer Disposal

The use of inground stormwater disposal and septic fields can locally alter the groundwater regime (i.e., changes to the groundwater levels) and affect the stability of adjacent steeper slopes; this may increase the likelihood of a slope failure occurring.

Provided stormwater is disposed of on each lot individually, and not aggregated and/or concentrated and disposed of directly onto the bluffs, it will not significantly change the overall amount of water on these slopes and should, therefore, not affect the stability.

Stormwater disposal and septic fields must be constructed south of the setback line; we recommend installing them south of any building sites, and as close to Danes Road as is feasible.

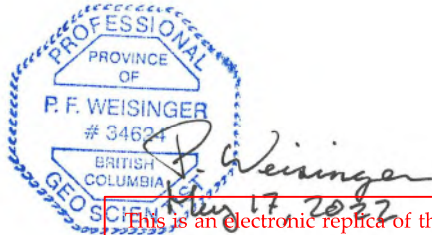
¹⁷ Hammond, C., Hall, D., Miller, S., Swetik, P. 1992. Level 1 Stability Analysis (LISA) documentation for version 2.0 Gen. Tech. Rep. INT-285. Ogden, UT: U.S. Department of Agriculture, Forest Service, Intermountain Research Station. 190 p.

¹⁸ PCIC is a regional climate service centre at the University of Victoria that conducts quantitative studies on the impacts of climate change and climate variability in the Pacific and Yukon region. <https://pacificclimate.org>

9 Closure

We trust that this report is complete for your present requirements. If you have any questions or we can be of further assistance, please contact the undersigned.

Westrek Geotechnical Services Ltd.

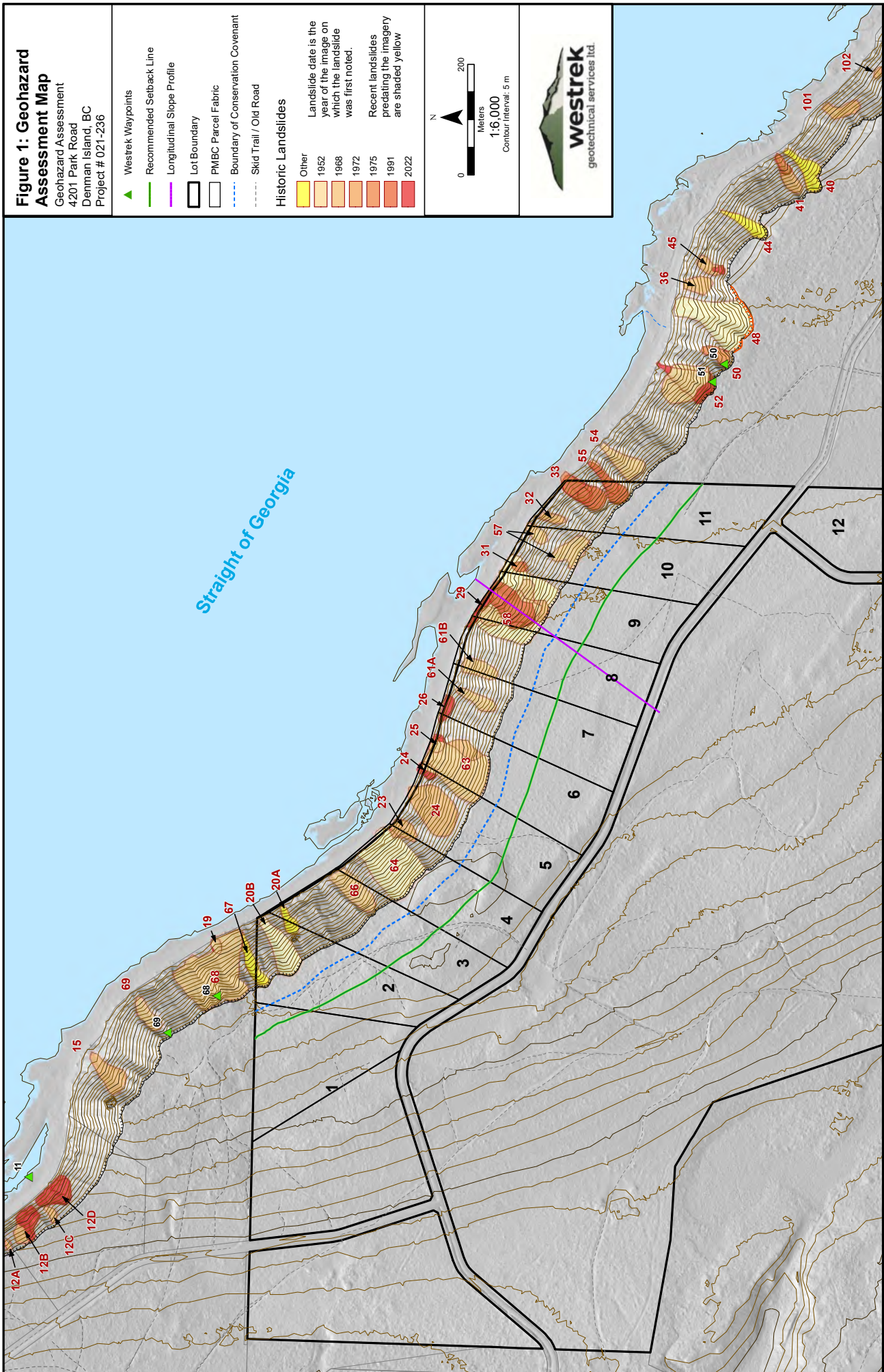


This is an electronic replica of the original signed and sealed report and has been provided for convenience. Westrek has retained the original signed / sealed report on file and can provide an authenticated document if required.

Peter Weisinger MSc PGeo
Senior Terrain Geoscientist
Reviewed by: TS; 22-04-25

Permit #: 1002522

Attached: Figure 1: *Geohazard Assessment Map*
 Figure 3: *Typical longitudinal slope profile*
 Appendix A: *Interpretation and Use of Study and Report and Limitations of Liability*
 Appendix D: *Landslide Assessment Assurance Statement*



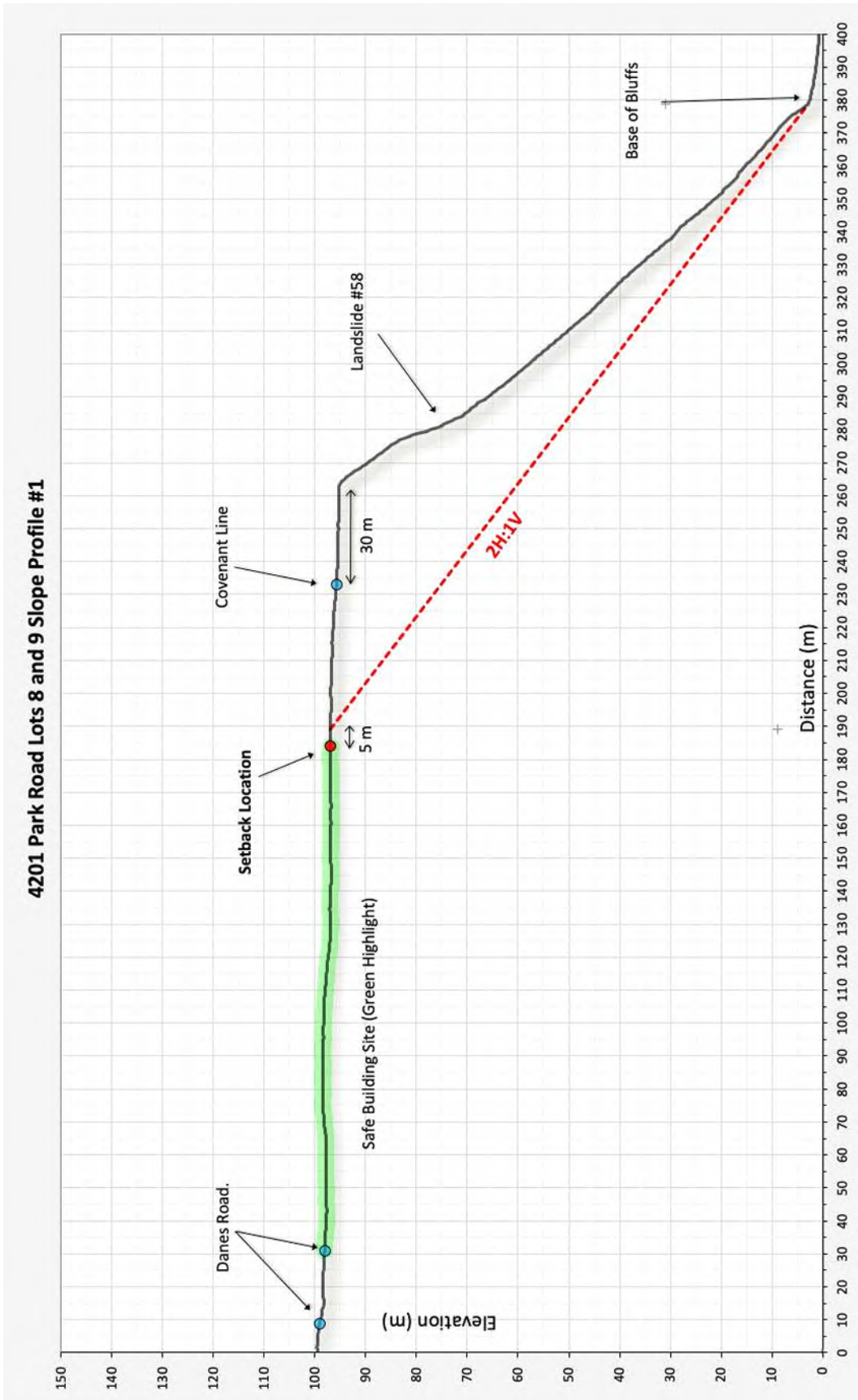


Figure 3: A typical longitudinal slope profile depicting the setback line;
the vertical exaggeration is approximately 2:1.

APPENDIX A

INTERPRETATION AND USE OF STUDY AND REPORT AND LIMITATIONS

1. STANDARD OF CARE.

This study and Report have been prepared in accordance with generally accepted engineering and geoscience practices. No other warranty, express or implied, is made. Geological and geotechnical studies and reports do not include environmental consulting unless specifically stated in the report.

2. COMPLETE REPORT.

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are a part of the Report which is of a summary nature and is not intended to stand alone without reference to the instructions given to us by the Client, communications between us and the Client, and to any other reports, writings, proposals or documents prepared by us for the Client relative to the specific site described herein, all of which constitute the Report.

IN ORDER TO UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. WE CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

3. BASIS OF THE REPORT.

The Report has been prepared for the specific site, development, design objectives and purpose that were described to us by the Client. The applicability and reliability of any of the findings, recommendations, suggestions, or opinions expressed in the document are only valid to the extent that there has been no material alteration to or variation from any of the said descriptions provided to us unless we are specifically requested by the Client to review and revise the Report in light of such alteration or variation.

4. USE OF THE REPORT.

The information and opinions expressed in the Report, or any document forming the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT OUR WRITTEN CONSENT. WE WILL CONSENT TO ANY REASONABLE REQUEST BY THE CLIENT TO APPROVE THE USE OF THIS REPORT BY OTHER PARTIES AS "APPROVED USERS". The contents of the Report remain our copyright property and we authorise only the Client and Approved Users to make copies of the Report only in such quantities as are reasonably necessary for the use of the Report by those parties. The Client and Approved Users may not give, lend, sell or otherwise make the Report or any portion thereof, available to any party without our written permission. Any uses, which a third party makes of the Report, or any portion of the Report, are the sole responsibility of such third parties. Westrek accepts no responsibility for damages suffered by any third party resulting from unauthorised use of the Report.

5. INTERPRETATION OF THE REPORT.

- (i) Nature and Exactness of Soil and Description: Classification and identification of soils, rocks, geological units, and engineering estimates have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of these factors are judgmental in nature and even comprehensive sampling and testing programs, implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations utilising the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarising such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of, and accept, this risk. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. Where special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purposes of the Report.
- (ii) Reliance on Provided information: The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to us. We have relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, we cannot accept responsibility for any deficiency, misstatement or inaccuracy contained in the Report as a result of misstatements, omissions, misrepresentations or fraudulent acts of any persons providing representations, information and instructions.

- (iii) To avoid misunderstandings, Westrek should be retained to work with the other design professionals to explain relevant geotechnical findings and to review the adequacy of their plans and specifications relative to engineering issues. Further, Westrek should be retained to provide field reviews during the construction, consistent with generally accepted practices.

6. LIMITATIONS OF LIABILITY.

Westrek's liability will be limited as follows:

- (a) In recognition of the relative risks and benefits of the Services to be provided to the Client by Westrek, the risks have been allocated such that the Client agrees, to the fullest extent permitted by law, to limit the liability of Westrek, its officers, directors, partners, employees, shareholders, owners, subconsultants and principals for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, whether arising in contract or tort including negligence, including legal fees and costs and disbursements (the "Claim"), so that the total aggregate liability of Westrek, its officers, directors, partners, employees, shareholders, owners, subconsultants and principals:
 - i. if the Claim is satisfied by the re-performance of the Services proven to be in error, shall not exceed and shall be limited to the cost to Westrek in re-performing such Services; or
 - ii. if the Claim cannot be satisfied by the re-performance of the Services and:
 1. if Westrek's professional liability insurance does not apply to the Claim, shall not exceed and shall be limited to Westrek's total fee for services rendered for this matter, whichever is the lesser amount. The Client will indemnify and hold harmless Westrek from third party Claims that exceed such amount; or
 2. if Westrek's professional liability insurance applies to the Claim, shall be limited to the coverage amount available under Westrek's professional liability insurance at the time of the Claim. The Client will indemnify and hold harmless Westrek from third party Claims that exceed such coverage amount. Westrek shall maintain professional liability insurance in the amount of \$2,000,000 per occurrence, \$2,000,000 in the aggregate, for a period of two (2) years from the date of substantial performance of the Services or earlier termination of this Agreement. If the Client wishes to increase the amount of such insurance coverage or duration of such policy or obtain other special or increased insurance coverage, Westrek will cooperate with the Client to obtain such coverage at the Client's expense.

It is intended that this limitation will apply to any and all liability or cause of action however alleged or arising, including negligence, unless otherwise prohibited by law. Notwithstanding the foregoing, it is expressly agreed that there shall be no claim whatsoever against Westrek, its officers, directors, partners, employees, shareholders, owners, subconsultants and principals for loss of income, profit or other consequential damages howsoever arising, including negligence, liability being limited to direct damages.
- (b) Westrek is not responsible for any errors, omissions, mistakes or inaccuracies contained in information provided by the Client, including but not limited to the location of underground or buried services, and with respect to such information, Westrek may rely on it without having to verify or test that information. Further, Westrek is not responsible for any errors or omissions committed by persons, consultants or specialists retained directly by the Client and with respect to any information, documents or opinions provided by such persons, consultants or specialists, Westrek may rely on such information, documents or opinions without having to verify or test the same.
- (c) Notwithstanding the provisions of the Limitation Act, R.S.B.C. 2012 c. 13, amendments thereto, or new legislation enacted in its place, Westrek's liability for any and all claims, including a Claim as defined herein, of the Client or any third party shall absolutely cease to exist after a period of two (2) years following the date of:
 - i. Substantial performance of the Services,
 - ii. Suspension or abandonment of the Services provided under this agreement, or
 - iii. Termination of Westrek's Services under the agreement,whichever shall occur first, and following such period, the Client shall have no claim, including a Claim as defined herein, whatsoever against Westrek.

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The *Approving Authority*

Date: May 16, 2022

Ministry of Transportation and Infrastructure

Courtenay Area Office, 550 Comox Road, Courtenay BC V9N 3P6

Jurisdiction and address

With reference to (check one):

- ☒ Land Title Act (Section 86) – Subdivision Approval
- ☐ Local Government Act (Sections 919.1 and 920) – Development Permit
- ☐ Community Charter (Section 56) – Building Permit
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Variance
- ☐ Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- ☐ British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4.(2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property: 4201 Park Road, Denman Island, BC
Fractional Section 29, Denman Island, Nanaimo District, Except Parts in Plans VIP87737, VIP88293 and VIP89027.

Legal description and civic address of the Property

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the proposed *residential development* on the Property
- ☒ 3. Conducted field work on and, if required, beyond the Property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the Property
- ☒ 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - ☒ 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - ☒ 6.2 estimated the *landslide hazard*
 - ☒ 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - ☒ 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
 - ☒ 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
 - ☒ 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - ☒ 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:

- ___ 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- ___ 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- ___ 8.3 compared this guideline with the findings of my investigation
- ___ 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- ___ 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- ☒ 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- ☒ the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- ☐ the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment* report,

Check one or more as deemed appropriate

- ☒ for subdivision approval, as required by the Land Title Act (Section 86), "the land may be used safely for the use intended"

Check one

- ☒ with one or more recommended registered *covenants*.
- ☐ without any registered covenant.
- ☐ for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
- ☐ for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- ☐ with one or more recommended registered *covenants*.
- ☐ without any registered covenant.
- ☐ for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- ☐ for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Peter Weisinger MSc PGeo

May 16, 2022

Name (print)

Date

Signature

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

Westrek Geotechnical Services Ltd.
Address 100 - 1383 McGill Road
Kamloops, BC V2C 6K7
(778) 765-9525
Telephone



This is an electronic replica of the original signed and sealed report and has been provided for convenience. Westrek has retained the original signed / sealed report on file and can provide an authenticated document if required.
(Affix Professional seal here)

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm Westrek Geotechnical Services Ltd.
and I sign this letter on behalf of the firm. (Print name of firm)

File No.: 6500-20
(Denman Farm Regulations
Review)

DATE OF MEETING: September 27, 2022
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Denman Island Farming Regulations Review Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018", is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be read a second time as amended.
3. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018", is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', be read a second time as amended.
5. That the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the following agencies and First Nations for comment:
 - Cowichan Tribes
 - Halalt First Nation
 - Lake Cowichan First Nation
 - Lyackson First Nation
 - Penelakut Tribe
 - Snuneymuxw First Nation
 - Snaw'Naw'As Nation
 - Stz'uminus First Nation
 - Te'Mexw Treaty Association
 - Homalco First Nation (Xwemalhkwa)
 - K'omoks First Nation
 - Tla'amin Nation
 - Nanwakolas Council
 - Wei Wai Kum Nation
 - We Wai Kai Nation
 - Qualicum First Nation
 - Comox Valley Regional District
 - Denman Growers and Producers Alliance
 - School District #71 (Comox Valley)
 - Ministry of Agriculture and Food
 - Agricultural Land Commission
 - Hornby Island Local Trust Committee
 - Denman Island Advisory Planning Commission

6. That the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 228 (OCP) and 229 (LUB).

REPORT SUMMARY

- To introduce two draft bylaws, Draft Bylaw No. 228 to amend the Denman Island Official Community Plan (OCP) Bylaw No. 185 and Draft Bylaw No. 229 to amend the Denman Island Land Use Bylaw No. 186 (LUB).

BACKGROUND

Both Bylaw Nos. 228 (OCP) and 229 (LUB) have been given first reading (May 2018) and were presented at a Community Information Meeting (Aug 2, 2018) and a facilitated community workshop (April 24, 2019). Extensive referral responses from the Advisory Planning Commission and Growers and Producers Alliance were received and incorporated into the proposed bylaws at that time. The project was then put on hold due to planning staff resources being redirected to other Denman Island projects and applications.

The project was revitalized in September 2021. However, during the time the project was on hold the Agriculture Land Commission (ALC) was actively reviewing and updating their provincial policies. It was determined that a small number of amendments were required for Proposed Bylaw nos. 228 and 289, in order to align with the provincial requirements and recent community feedback.

Bylaws nos. 228 and 229 were presented as amended at the July 27, 2022 Special LTC Meeting. The LTC requested further information before making a decision.

The LTC passed the following resolutions at the special business meeting held July 27, 2022.

DE-2022-090

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare revised draft bylaws for consideration of second reading at a subsequent meeting including the following:

- Limiting options for agri-tourism accommodation to no more than four tents or RV sites and no more than one cabin per property and including sufficient setbacks for those uses;
- Creating regulations to allow seasonal egg sales on R1 and R2 lots over 1ha not in the Agricultural Land Reserve, while prohibiting the keeping of roosters on these lots;
- Limiting the maximum size of a principal dwelling unit in Agricultural Land Reserve land to 410 metres² unless it contains a secondary suite in which case maximum size would be 500 metres²

DE-2022-091

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for satisfying requirements around septic and water for secondary dwellings and agri-tourism accommodations.

DE-2022-092

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for minimizing the impact of agri-tourism accommodation.

For further background and previous staff reports, and public correspondence please refer to the Project webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>.

ANALYSIS

Islands Trust Policy Statement:

An ITPS Directives Only Checklist has been prepared for each of the bylaws (see Attachment 1 and 2). In staff's opinion, Bylaw Nos. 228 and 229 are not contrary to or at variance with the ITPS.

Issues and Opportunities

Agri-tourism Accommodation

At its July 27, 2022 LTC meeting, the LTC noted that it would like to consider more restrictive regulations and options to minimize the impacts of agri-tourism accommodation. Staff have reviewed examples of agri-tourism accommodation and found that other jurisdictions either prohibit it entirely or match Agricultural Land Commission (ALC) rules and regulations. However, Gabriola Island has taken a unique approach.

Agri-tourism accommodations in the Agricultural Land Reserve (ALR) can be regulated by Islands Trust, with some maximums set by the provincial government. These accommodations allow up to a maximum of 10 camp sites (tents or RVs) or up to 10 beds in cabins or cottages. The Islands Trust can choose to fully restrict tourist accommodations or allow something in-between. The ALC has no jurisdiction over agri-tourism accommodations outside the ALR. Currently, agri-tourism accommodations are totally restricted on Denman Island.

Gabriola Island Land Use Bylaw No.177 offers an example of more restrictive regulations:

- *four or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or short term use of bedrooms on a farm classified as a farm under the Assessment Act on lots 4.0 hectares (9.88 acres) or larger.*
- *the maximum combined lot coverage of agri-tourism and/or agri-tourism accommodation including buildings, access and parking is one (1) percent of the lot area."*

Following resolution DE-2022-090, staff have amended the Denman Island Draft Bylaw No. 229 to allow agri-tourism accommodation on lots larger than four (4) hectares which are zoned Agriculture without a TUP, as long as they are classified as a farm under the BC Assessment Act, and consistent with the Agricultural Land Reserve Use Regulation. On lots zoned Forestry and Resource, agri-tourism accommodation would be permitted with a Temporary Use Permit, if those lots were classified as a farm under the BC Assessment Act (eg. Farm Tax Status).

On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one cabin on a farm classified under the BC Assessment Act as "Farm" and on lots larger than four (4) hectares. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot. There are currently 33 properties on Denman Island that are over four (4) hectares and have Farm Tax Status.

Seasonal Egg Sales

Rather than create specific regulations to allow for seasonal eggs sales, staff has recommended that more generally, produce stands (not exceeding 4.6m² or 50ft² floor area) be allowed as an accessory use on residential lots. A produce stand means a structure used for the sale of agricultural products that is sited on a lot, or an adjacent lot owned by the same owner, on which the products have been grown or reared.

Staff have also amended the definition of intensive agriculture to “the use of land, buildings and structures on a farm classified under the BC Assessment Act as “Farm” for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots.” These farms are considered commercial enterprises because they are reporting a certain threshold of farm income, and these can be in or out of the ALR. There are currently five properties in the Residential (R1) zone and 11 properties in Rural Residential (R2) zone with Farm Tax status. If there are current intensive agriculture operations on those residential properties they would continue as legal non-conforming status.

Staff considered the option of prohibiting farm animals that can create disturbance (such as roosters or pigs) on small residential lots; however, this was not identified as an issue during community consultation. The Mayne Island Land Use Bylaw prohibits “cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse” on residential lots less than 2000m² (0.5 acres). If the Denman Island LTC would like to consider this option, it would be advised to return to the community or to refer to the Advisory Planning Commission and Growers and Producers Alliance to gain feedback.

Septic and Water Requirements for Secondary Dwellings and Agri-tourism Accommodation

Typically, Islands Trust uses the Temporary Use Permit (TUP) structure to make specific requirements such as proof of septic and water. The TUP was viewed as too cumbersome and costly for farmers who wish to add a secondary dwelling or create agri-tourism accommodation on their property.

Staff are suggesting the creation of a “condition of use” in the Agriculture zone that agri-tourism accommodation and secondary suites are only permitted when proof of adequate water and septic are submitted. This would be captured as part of the Siting and Use Permit process. In circumstances where an owner is proposing unserviced campsites (no hook ups to water or electricity) and no new structures (tent platforms, picnic shelter, bathroom/shower, etc.), a Siting and Use Permit nor proof of water or septic capacity would be required. Water licences and approvals are issued for water use purposes supporting agriculture and commercial and therefore, a water licence from the Province would be required for any agri-tourism commercial uses.

Size of Principal Dwellings

Proposed Bylaw No. 229 currently restricts the maximum gross floor area of a single family dwelling to 410m² and the size of a secondary dwelling to 90m², on land in the Agricultural Land Reserve (ALR). It does not regulate the maximum size of a principal dwelling on land outside of the ALR.

Setbacks for Agri-tourism Accommodation

To address concerns around minimum setbacks from adjacent properties and the road, it is proposed that a setback for buildings and structures associated with agri-tourism accommodation be set at 30m in agricultural zones and 8m in residential zones. The 30m setback in agricultural zones is based on the minimum setback for

intensive agriculture. The 8m setback in residential zones is based on the current minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture. Staff contacted a Land Use Planner with the Ministry of Agriculture and Food and confirmed that there is no best practice for agri-tourism accommodations as each area has its own unique factors to consider.

Amendments to Proposed Bylaws:

The amended bylaws have been developed in accordance with LTC direction, OCP policies, the Agricultural Land Commission Act (ALCA) and the feedback obtained during engagement. The amended copies of Proposed Bylaw Nos. 228 and 229 are found in Attachments 3 and 4.

Staff have also included a “track changes” copy of the Proposed Bylaw No. 229 bylaw in Attachment 5. The “track changes” copy provides a reference of the proposed bylaw at first reading and highlights the amendments made.

Proposed Bylaw No. 228 (OCP)

Suggested amendments to draft Bylaw No. 228 since the May 1, 2018 regular business meeting are as follows:

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
Schedule 1.8	“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit: - One dwelling per lot; - One secondary suite per lot consistent with the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>; and - One temporary secondary dwelling per lot for immediate family consistent with the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>; and	“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit: - One principal dwelling per lot consistent with the <i>Agricultural Land Reserve Use Regulation</i>; and - One secondary suite within a principal dwelling per lot consistent with the <i>Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and - One secondary dwelling per lot consistent with the <i>Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners;
Schedule 1.8	n/a	1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
		“Information Note” located between Policy 16 and Policy 17.
Schedule 1.8	n/a	1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve in keeping with the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
Schedule 1.8	n/a	1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
Schedule 1.8	n/a	1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.
Policy 3	Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.	Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
Policy 5	Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve and on lots where agriculture or horticulture are a permitted use.	Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve when consistent with the Agricultural Land Reserve Use Regulation and on lots where agriculture or horticulture are a permitted use.
Policy 6	Agri-tourism accommodation, in association with a bona fide farm use, should be regulated by Temporary Use Permit.	Zoning regulations should permit an amount of agritourism accommodation on land in the Agricultural Land Reserve that is more limited

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
		than the criteria set forth in the <i>Agricultural Land Reserve Use Regulation</i>.

Proposed Bylaw No. 229 (LUB)

Amendments to Proposed Bylaw No. 229 since the May 1, 2018 regular business meeting are available to review in the “track changes” copy (Attachment 5). The following directions informed the amendments to Proposed Bylaw No. 229:

- Revise the definition of “agriculture” to make it more concise and align it with the same definition used on Hornby Island.
- The current definition of “horticulture” will suffice.
- Keep the current definition of Intensive Agriculture as a permitted use in the ALR with a minor amendment to better define “commercial enterprise or institution”.
- Consider criteria of lots size and livestock stocking density for Intensive Agriculture in R1 and R2 zones.
- Align principal dwelling size limitations to ALC Act and regulations.
- Align secondary dwelling allowances to ALC Act and regulations
- Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).
- Align agri-tourism accommodation allowances with ALC Act and regulations.
- Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).
- Retain status quo regulations with regards to B&Bs contained within a principal dwelling.

Consultation

Referrals were initially sent out after first reading in 2018; however, given the length of time that has passed and the proposed amendments, re-referrals to agencies and First Nations are required.

As the project involves proposed OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation with agencies or First Nations other than those identified below and direct staff accordingly. Following second reading, staff recommends Bylaw Nos. 228 and 229 be referred to the following First Nations and agencies:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Cowichan Tribes • Halalt First Nation • Lake Cowichan First Nation • Lyackson First Nation • Penelakut Tribe • Snuneymuxw First Nation • Snaw'Naw'As Nation • Stz'uminus First Nation • Te'Mexw Treaty Association | <ul style="list-style-type: none"> • Nanwakolas Council • Wei Wai Kum Nation • We Wai Kai Nation • Qualicum First Nation • Comox Valley Regional District • Denman Growers and Producers Alliance • School District #71 (Comox Valley) • Ministry of Agriculture and Food |
|--|---|

- Homalco First Nation (Xwemalhkwa)
- K'omoks First Nation
- Tla'amin Nation
- Agricultural Land Commission
- Hornby Island Local Trust Committee
- Denman Island Advisory Planning Commission

A community information meeting and public hearing are included as part of community consultation, and may occur between first and second reading, or between second and third reading.

Rationale for Recommendation

The intent of the Denman Island Farm Plan is to enhance and preserve farming in the region and work towards increased farm production that is both sustainable and resilient. Amendments to the OCP and LUB are required to help formally protect Denman Island's land base for agriculture. Staff recommend that Bylaw Nos. 228 and 229 be given second reading as per the recommendation on Page 1 of the staff report.

ALTERNATIVES

1. Make minor amendments to the draft bylaws and then proceed to second reading.

If the LTC wishes to make minor amendments to the draft bylaws, this can occur prior to consideration of second reading via the following resolution:

"That the Denman Island Local Trust Committee amend Bylaw No. (insert bylaw #), cited as "Denman Island (insert OCP or LUB), 2008, Amendment No. 1, 2018", by (insert specific changes here)."

The LTC could then proceed with the resolutions noted on page 1 of the staff report.

2. Request staff prepare revised draft bylaws for consideration of second reading at a subsequent meeting

If significant changes to the bylaw are desired by the LTC, the LTC should request that staff prepare revised draft bylaws for LTC consideration at a subsequent meeting, via the following resolution:

"That the Denman Island Local Trust Committee request that staff revise draft Bylaw No. 228 and 229, prior to Local Trust Committee consideration of first reading, as follows: (insert requested changes)."

Staff would provide the LTC with revised draft bylaws at a subsequent LTC meeting.

3. Request staff to include additional bylaw referral recipients.

The LTC can request additional bylaw referral recipients to those recommended by staff. The LTC should specify the additional recipients as a part of the recommended referral resolution on page 1 of the staff report.

NEXT STEPS

Subject to LTC concurrence with the staff recommendations, referrals to First Nations and agencies would be sent and a CIM and Public Hearing would be scheduled.

Submitted By:	Marlis McCargar, Island Planner	September 20, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 20, 2022

ATTACHMENTS

1. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 228
2. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 229
3. Proposed Bylaw No. 228, amended (clean copy)
4. Proposed Bylaw No. 229, amended (clean copy)
5. Proposed Bylaw No. 229 (track changes)

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: Farm Plan Implementation

Bylaw No. 229

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

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

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: Farm Plan Implementation

Bylaw No. 228

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

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

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN 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 Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008,” is amended as per Schedule 1 and Schedule 2 attached to and forming part of this Bylaw.

READ A FIRST TIME THIS 1ST DAY OF MAY , 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 1

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

- 1.1 Part B – PREAMBLE, Section B.1 – INTRODUCTION, Subsection – What is an Official Community Plan? is amended by deleting the word “eight” and replacing it with “nine” in each instance it appears and adding the word “Agriculture” as a bullet point before “Conservation/Recreation”.

- 1.2 Part B– PREAMBLE, Section B.3 – GUIDING OBJECTIVES, Subsection – Families and Individuals – Guiding Objectives is amending by adding the following text directly before “Guiding Objective – Conservation/Recreation”:

“Guiding Objective – Agriculture

To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”

- 1.3 Part C – THE NATURAL ENVIRONMENT, Section C.3 – THE MARINE ENVIRONMENT, Subsection- The Marine Environment- Advocacy Policies, Article - Advocacy Policy 3 is amended by replacing “The Ministry of Agriculture and Lands” with “The Ministry responsible for agriculture”.

- 1.4 Part D – THE SOCIAL FABRIC, Section D.3 – WATER MANAGEMENT, Subsection - Water Management- Advocacy Policies, Article - Advocacy Policy 2 is amended by replacing “The Ministry of Transportation and Infrastructure, Ministry of Environment and the Ministry of Agriculture and Land” with “The Ministries responsible for transportation, environment and agriculture”

- 1.5 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by deleting the fifth paragraph in its entirety and replacing it with:

“The Sustainable Resource designation, which is shown on Schedule C, includes large forested lots on the island in which the existing principal use is locally operated sustainable resources harvesting.

The Agriculture designation, which is shown on Schedule C, includes all of the lands in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.”

- 1.6 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 3 is amended by adding the words “in the Agriculture designation” before “the size of new lots for agricultural”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:
- “In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:
- One principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation*; and
 - One secondary suite within a principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - One secondary dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”
- 1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the “Information Note” located between Policy 16 and Policy 17.
- 1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve in keeping with the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
- 1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
- 1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 28: that the proposal is not located within the Agricultural Land Reserve.
- 1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation and Denman Island bylaws – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.
- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the

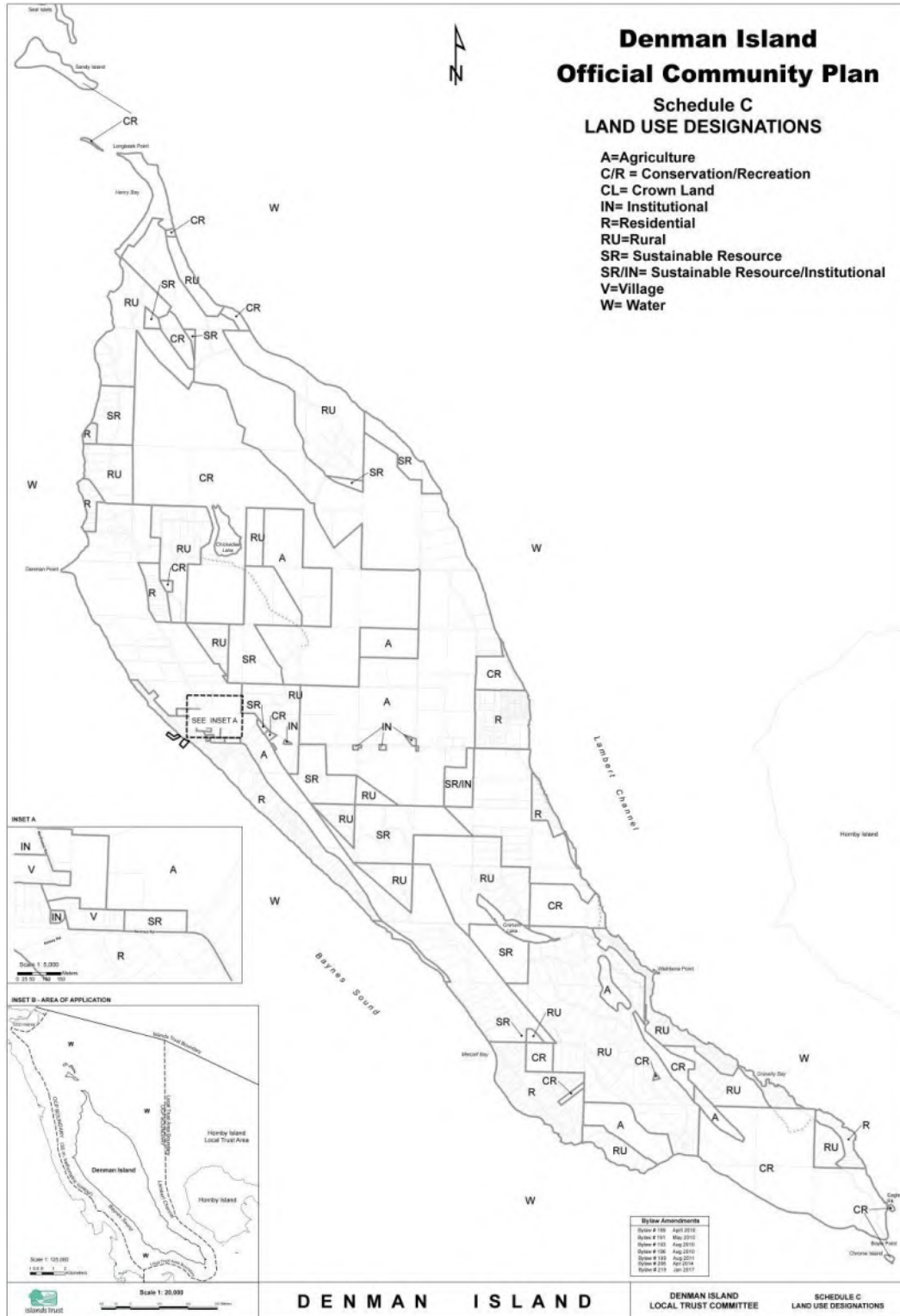
section title to “AGRICULTURE AND RESOURCES”.

- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:
- “The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.
- The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”
- 1.11 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - Guiding Objective, is amended by inserting the words “and that the Agricultural Land Reserve is protected for farming use.” after the word “Island”.
- 1.12 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - “Resource – Objectives” is amended by renaming “Resource – Objectives” to “Agriculture and Resource Objectives”.
- 1.13 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection - Agriculture and Resource Objectives, Article – Objective 1 is amended by adding the words “for farming” after “Reserve”.
- 1.14 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – “Resource – Policies” is amended by renaming “Resource – Policies” to “Agriculture and Resource Policies”.
- 1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – Agriculture and Resource Policies is amended by adding the following policies preceding Policy 1 and renumbering subsequent policies in this subsection accordingly:
- “Policy 1 The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.

- Policy 2 The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
- Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
- Policy 4 The Local Trust Committee supports the provision of farm help accommodation on land in the Agricultural Land Reserve, in association with a bona fide farm use, and subject to approval by the Agricultural Land Commission.
- Policy 5 Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve when consistent with the *Agricultural Land Reserve Use Regulation* and on lots where agriculture or horticulture are a permitted use.
- Policy 6 Zoning regulations should permit an amount of agritourism accommodation on land in the Agricultural Land Reserve that is more limited than the criteria set forth in the *Agricultural Land Reserve Use Regulation*.
- Policy 7 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 8 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island.”
- 1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:
- (a) Article – Policy 8 is amended by adding the words “Agriculture designation and” before “Sustainable Resource designation”; and,
- (b) Article – Policy 9 is amended by removing the words “area designated Sustainable Resource” and replacing with “areas designated Agriculture and Sustainable Resource” and adding the word “Agriculture and” before “Sustainable Resource designation”.
- 1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words “Section 921 of”.
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “C” is amended as per Schedule 2, attached to and forming part of this Bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

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, 2018”.

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 1ST DAY OF MAY , 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

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 deleting "*agriculture*" and "*intensive agriculture*" and replacing with:
 - i. "*agriculture means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock.*"
 - ii. "*intensive agriculture means the use of land, buildings and structures on a farm classified under the BC Assessment Act as "Farm" for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;*"
 - iii. "*panhandle lot means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;*"
 - 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "'feedlot" in its entirety
 - 1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by inserting the following new definitions in alphabetical order:
 - i. agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the *Assessment Act* and includes all listed agri-tourism activities in Section 12.2 of the *Agricultural Land Reserve Use Regulation*.
 - ii. agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or recreational vehicle on an agri-tourism accommodation campground.as defined by the *Agricultural Land Reserve Use Regulation*.
 - iii. Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.
 - iv. Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource).

Secondary suites are generally permitted within a principal dwelling within these zoning designations.

- 1.5 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

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

- 1.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

- 1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with agriculture, except for a fence, or used to accommodate domesticated animals other than household pets; and
- 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with agriculture or used to accommodate domesticated animals other than household pets.”

- 1.8 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 -Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures, including fencing, associated with agriculture, except for a fence, or used to accommodate domesticated animals other than household pets;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

- 1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding the following bullet:
- One per sleeping unit of agri-tourism accommodation
- 1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:
- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- 1.11 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 - Setback Exemptions is amended by adding the following bullet:
- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m2.”
- 1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations, is amended by adding the following bullet:
- All agri-tourism accommodation must be screened from view from an adjacent lot or highway by a landscape screen.
- 1.13 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended as follows:
6. Horticulture and agriculture, accessory to a principal residential use
 7. Intensive agriculture on lots greater than 2.0 hectares.
- 1.15 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:
- Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)
- 1.16 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area	?	?	?
“11	Agri-tourism use on a lot classified as a farm under the BC <i>Assessment Act</i> ”	?	?	?
12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i> .	?	?	?

- 1.17 Part 3 –ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2:
- and agri-tourism accommodation
- 1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 7 – Conditions of Use	R1	R2	R3
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	✓	✓

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.
- 1.20 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	?	?	?
13	Secondary dwelling unit consistent with <i>the Agricultural Land Reserve Use Regulation</i>	?		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)		?	?
15	Agri-tourism on a lot classified as a farm under the BC <i>Assessment Act</i>	?	?	?
16	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i> .	?	?	?
16	Agri-tourism accommodation on a lot classified as a farm under the BC <i>Assessment Act</i> (requires approval by a Temporary Use Permit)”		?	?

- 1.21 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

	A	F	RE
		✓	✓
7	“On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the <i>Agricultural Land Reserve Use Regulation</i> .”	?	

- 8 “On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a farm classified under the BC Assessment Act as “Farm” and on lots larger than 4 ha. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.”

?

- 1.22 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures

	A	F	RE
1. Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2. Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3. Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4. Maximum lot coverage by buildings and structures			
• excluding greenhouses	35%	5%	10%
• including greenhouses	75%	5%	10%
5. On land in the Agricultural Land Reserve, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourism accommodation must be less than 1% of the total area of the parcel	?	n/a	n/a
6. On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
7. On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	n/a	n/a
8. On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))			
9. On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot.	1	n/a	n/a

- 1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

- 1.24 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

- 1.25 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.
- 1.26 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.
- 1.27 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 - Setbacks		A	F	RE
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m.0 m	30.0m	30.0m”

- 1.28 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	n/a	n/a

- 1.29 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource). For clarity, Temporary Use Permits are not required for secondary dwellings within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the *Agricultural Land Reserve Use Regulation*.

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan and as permitted in the Agricultural Land Reserve Use Regulation.

Guidelines

Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.

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

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

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, 2018”.

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 1ST DAY OF MAY 2018

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. 229**

Schedule 1

1. Schedule "A" of ~~Denman Island Land Use Bylaw No. 186~~ cited as "Denman Island Land Use Bylaw, 2008", is amended as follows:

- 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*" and "*intensive agriculture*" "*feedlot*", "*intensive agriculture*" and "*panhandle*" in their entirety and replacing with:

i. ~~"agriculture means the farm uses of land, buildings or structures for a farm operation as defined by the Farm Practices Protection (Right to Farm) Act;"~~ "*agriculture*" means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock."

ii. ~~"feedlot means a fenced area where livestock, poultry or farmed game are confined solely for the purpose of growing or finishing, and are wholly sustained by means other than grazing, but excludes confinement of animals for domestic purposes;"~~

iii. ~~"intensive agriculture means the use of land, buildings and structures on a farm classified under the BC Assessment Act as "Farm" for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots~~the use of land, buildings, and other structures for the confinement of poultry, livestock, fur bearing animals, the growing of mushrooms (except forest fungi), or cannabis production, except to the extent the use is carried out solely for domestic purposes and does not involve the production of any items for sale, trade or commerce;"

iv. ~~iii.~~ "*panhandle lot* means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;"

- 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*feedlot*" in its entirety

- 1.2.1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended ~~to include by~~ inserting the following new definitions in alphabetical order:

i. ~~"agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the Assessment Act"~~ means agri-tourism as defined in the and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

ii. ~~"agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or~~

~~recreational vehicle on an agri-tourism accommodation campground.~~ means accommodation provided for and used only by the clients, customers, guests or patrons, but not the employees, of an agri-tourism activity as defined by the Agricultural Land Reserve Use Regulation.

- iii. ~~Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.~~
- ii.iv. ~~Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.~~

~~immediate family means, with respect to an owner, the owner's (a)parents, grandparents and great-grandparents,~~

1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). ~~Secondary-~~ Temporary Use Permits are not required for secondary dwellings within the Agricultural Land Reserve as long as the secondary dwellings are consistent with the Agricultural Land Reserve Use Regulation.

Secondary suites are generally permitted within the principal dwelling within these zoning designations. ~~without the need for a Temporary Use Permit.~~

- ~~(b)spouse, parents of spouse and stepparents of spouse,~~
- ~~(c)brothers and sisters, and~~
- ~~(d)children or stepchildren, grandchildren and great grandchildren"~~

- iii. ~~temporary secondary dwelling unit means a building or structure used for residential accommodation, other than a building or structure located, built, or placed upon a permanent foundation."~~

1.31.5 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

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

1.41.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

1.51.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- ~~30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;~~
- ~~30.0 metres for buildings and structures, including fencing, associated with a feedlot or used to accommodate domesticated animals other than household pets; and~~
- 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with ~~a feedlot~~ agriculture or used to accommodate domesticated animals other than household pets.”

1.61.8 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 - Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- ~~30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;~~
- 30.0 metres for buildings and structures, including fencing, associated with agriculture, except for a fence, a feedlot or used to accommodate domesticated animals other than household pets;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding the following bullet:

- One per sleeping unit of agri-tourism accommodation

1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:

- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest

[~~1.7~~1.11](#) Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 – Setback Exemptions is amended by adding the following bullet:

- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m2.”

1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations, is amended by adding the following bullet:

- All agri-tourism accommodation must be screened from view from an adjacent lot or highway by a landscape screen.

1.81.13 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.

1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended as follows:

6. Horticulture and agriculture, accessory to a principal residential use
7. Intensive agriculture on lots greater than 2.0 hectares.

1.91.15 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)

Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)

Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)

Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)

1.101.16 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
10	<u>One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area</u>	✓	✓	✓
1011	<u>Agri-tourism use on a lot classified as a farm under the BC Assessment Act</u>	✓	✓	✓
121	<u>Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the Agricultural Land Reserve Use Regulation.</u>	✓	✓	✓

1.17 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2:

- and agri-tourism accommodation

1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 7 – Conditions of Use	R1	R2	R3
<u>On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation</u>	✓	✓	✓

use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.

1.111.19 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

1.121.20 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	On lots larger than 2 ha in the Agricultural Land Reserve, temporary secondary dwelling unit used only for the residential accommodation of the land owner's immediate family <u>Secondary dwelling unit consistent with the Agricultural Land Reserve Use Regulation</u>	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)	✗	✓	✓
15	Agri-tourism on a lot classified as a farm under the BC Assessment Act	✓	✓	✓
<u>16</u>	<u>Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the Agricultural Land Reserve Use Regulation.</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
16	Agri-tourism accommodation <u>on a lot classified as a farm under the BC Assessment Act</u> (requires approval by a Temporary Use Permit)”	✗	✓	✓

1.131.21 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

	A	F	RE
7 <u>"On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the Agricultural Land Reserve Use Regulation."</u>	✓	✓	✓

- 87 "On land in the Agricultural Land Reserve, ~~four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a farm classified under the BC Assessment Act as "Farm" and on lots larger than 4 ha. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.~~the gross floor area of a temporary secondary dwelling unit for the residential accommodation of the owner's immediate family shall not exceed 1300 square feet."

✓

1.141.22 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures

	A	F	RE
1. Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2. Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3. Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4. Maximum lot coverage by buildings and structures			
• excluding greenhouses	35%	5%	10%
• including greenhouses	75%	5%	10%
5. <u>On land in the Agricultural Land Reserve, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourism accommodation must be less than 1% of the total area of the parcel</u>	✓	n/a	n/a
5. On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
6. <u>On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit</u>	<u>1410m²</u>	n/a	n/a
7. <u>On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))</u>			
7. On land in the Agricultural Land Reserve, <u>on a lot 2 hectares or larger</u> , maximum number of temporary secondary dwelling units per lot.	1	n/a	n/a

1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m2.

1.24 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

1.25 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.

1.26 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.

1.27 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

<u>Table 5 - Setbacks</u>	<u>A</u>	<u>E</u>	<u>RE</u>
<u>“7 Minimum setback from any lot line for feedlots agri-tourism accommodation</u>	<u>30.0m</u> <u>0 m</u>	<u>50. n/a</u> <u>30.0m</u>	<u>30.0m</u> <u>a”</u>

~~1.15~~ Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 – Setbacks	A	F	RE
“7 Minimum setback from any lot line for feedlots	50.0 m	n/a	n/a”

~~1.16~~ Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 7 – Subdivision, is amended by adding a new subsection (2) as follows:

~~“2 — Land in the Agricultural Land Reserve shall not be discouraged from being subdivided into panhandle lots.~~

1.28 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	<u>A</u>	<u>F</u>	<u>RE</u>
<u>On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.</u>	<u>✓</u>	<u>n/a</u>	<u>n/a</u>

1.29 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended
~~1.17 —~~

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). For clarity, TempTemporary Use Permits are not required for secondary dwellings within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the *Agricultural Land Reserve Use Regulation*.
~~and~~
~~that the landowner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners.~~

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan and as permitted in the *Agricultural Land Reserve Use Regulation*.

Guidelines

Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), ~~“A” (Agriculture)~~, “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.

Guideline 2 Compliance with the requirements of the “Secondary Suites and Accessory Dwellings” regulations of Part 2, “General Regulations”, is a condition of approval.

Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:

- a) Adequate off-road parking should be provided;
- b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
- c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
- d) Other requirements that the Local Trust Committee may consider appropriate.

~~1.18 — Part 5 — TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after “Area 2”:~~

~~“Area 3~~

~~The Local Trust Committee may issue a Temporary Use Permit for a Agri-tourism accommodation may be permitted on a lot classified as a farm under the *BC Assessment Act*. If the parcel is in the Agricultural Land Reserve then it must also be consistent with agri-tourism accommodation criteria set forth in the *Agricultural Land Reserve Use Regulation*.~~

~~Objective~~

~~To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling do not require a Temporary Use Permit but are subject to Section 2.4.~~

~~Guidelines~~

~~Guideline 1 — The agri-tourism accommodation is limited to a maximum of three 10 sleeping units in total on the lot, either in the form of seasonal campsites, seasonal cabins and including existing home based guest accommodation units in the principal dwelling. A maximum of 3 of the 10 sleeping units are permitted as home based guest accommodation units within the principal dwelling.~~

~~Guideline 2 — The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;~~

~~Guideline 3 — The accommodation should be sited and designed to address:
Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;~~

~~The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;~~

~~The provision of accommodation which is temporary and located near existing farm buildings;~~

~~Mitigating possible negative impacts using landscape buffers and screening;~~

~~The provision of adequate potable water and sewage disposal. Where approvals are required from other agencies such as water licensing or septic approval, these should be obtained prior to the issuing of a Temporary Use Permit;~~

~~The provision of adequate off-road parking; and~~

~~**Other requirements deemed necessary by the Local Trust Committee.”**~~



BRIEFING

To: All Local Trust Committees **For the Meeting of:** Various
From: ITC Staff **Date Prepared:** July 22, 2022
SUBJECT: Referral for Comment, Islands Trust Conservancy (ITC) Plan

PURPOSE: The Islands Trust Conservancy (ITC) has completed a draft Three-Year Plan, and is providing to local trust committees for information. Local trust committees may choose to provide comments for consideration of the ITC Board.

BACKGROUND:

The *Islands Trust Act* requires that the ITC prepare and submit to the Minister, at least once every five years, a Trust Fund Plan (ITC Plan), including policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required. More recently, it has also summarized the goals of the draft Regional Conservation Plan¹. The current ITC Plan runs until the end of 2022 and the ITC Board is developing its next ITC Plan, which will begin in 2023.

ITC policy requires referral of the ITC Plan to every local trust committee and island municipality as well as to Trust Council for comment. Trust Council will receive the draft ITC Plan at its September meeting.

ATTACHMENT(S): Draft ITC Three-Year Plan

FOLLOW-UP: The Islands Trust Conservancy Plan has been referred to all local trust committees, Bowen Island Municipality, and Trust Council. It will also be referred to First Nations with interests in the Trust Area Comments. All comments will be considered by the ITC Board. The ITC Board intends to submit a final plan to the Minister of Municipal Affairs in December 2022 with a request for approval.

Following adoption of the ITC Plan, the ITC Board will consider a strategy for a multi-year engagement of First Nations to better inform an ITC Plan for 2026-2030.

Prepared By: Kate Emmings, Manager, Islands Trust Conservancy

¹ It is important to distinguish between the Trust Fund Plan, which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Islands Trust Conservancy Board and its staff. The documents are complementary, but serve different functions.



ISLANDS TRUST CONSERVANCY THREE-YEAR PLAN 2023-2025



ISLANDS TRUST CONSERVANCY

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I. INTRODUCTION

Islands Trust Conservancy¹ manages over 1,350 hectares of diverse island ecosystems in 112 protected areas, in collaboration with private landholders, land trusts and other conservation partners. The Islands Trust Conservancy recognizes that the ability to protect these island ecosystems is possible because of the thousands of years of stewardship by the First Nations with interests in the lands and waters in the Trust Area, which has created a lasting natural legacy throughout the islands.

Islands Trust Conservancy was created by the Province of British Columbia in 1990 as a regional land trust and conservation arm of the Islands Trust to protect in perpetuity some of the most ecologically and culturally significant places in the Islands Trust Area. To do so, the Islands Trust Conservancy works closely with partners to protect sites through land donation, conservation covenants, land purchase and public education.

Islands Trust Conservancy plays an important role in preserving and protecting the unique and fragile ecosystems found in the Strait of Georgia and Howe Sound. The area is among the most biologically diverse regions in the Province of British Columbia and is globally significant with respect to the at-risk Coastal Douglas-fir biogeoclimatic zone. The Islands Trust Area holds 25% of British Columbia's Coastal Douglas-fir zone, the largest percentage of any local government jurisdiction in the province. Within regional districts and biogeoclimatic zones found within the Islands Trust Area, there are a total of 197 red-listed (extirpated, endangered, or threatened) species (25% of the provincial total) and 158 blue-listed (special concern) species (14% of the provincial total) (BC Conservation Data Centre, 2022).²

There are also a high proportion of the province's red and blue-listed ecological communities. The Islands Trust Area supports some of Canada's last remaining Garry Oak ecosystems and the associated rare plants, mosses, butterflies and reptiles. Island coastlines support eelgrass meadows, forage fish habitat, glass sponge reefs and other extraordinary marine environments. These numerous rare and endangered species and ecosystems will not survive unless sufficient habitat is protected and carefully managed for its ecological integrity. The Islands Trust Conservancy's work encouraging and assisting private landholders to protect ecologically valuable land in this region is vital to the provincial government's efforts to protect these important and imperiled ecosystems.

Since the adoption of the previous Islands Trust Conservancy Plan in 2017, Islands Trust Conservancy has deepened its learning about the connection of Indigenous Peoples to the land and waters of the islands. Typically, Islands Trust Conservancy adopts Five-Year Plans to guide its work; however, Islands Trust Conservancy has not had sufficient time to engage with First Nations regarding its strategic directions to be able to submit a 2023-2027 Plan. Consequently, Islands Trust Conservancy Board has elected to create a short Three-Year Plan that is substantively an update of the 2017-2022 Plan. The Three-Year Plan will guide the work of Islands Trust Conservancy while it conducts early and meaningful First Nations engagement prior to adoption of a 2026-2030 Plan. By meaningfully engaging First Nations in the development of the 2026-2030 plan, Islands Trust Conservancy hopes to

¹ Previously known as the Islands Trust Fund Board. Name change effective May 31, 2018

² B.C. Conservation Data Centre. 2022. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed May 7, 2022).

create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

2. THE ISLANDS TRUST CONSERVANCY MANDATE, MISSION AND VISION

The Legislated Mandate of the Islands Trust Conservancy

In 1974, the Province of British Columbia recognized the islands between Vancouver Island and the mainland as a special place within the province where the unique beauty, rural character and rare ecosystems should be protected from overdevelopment. Through the *Islands Trust Act*, the province established the Islands Trust, with the following mandate (known as the Object of Islands Trust):

*To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.*³

In 1990, through the enactment of a section of *Islands Trust Act*, the Islands Trust Conservancy (at that time, the Islands Trust Fund) was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the *Islands Trust Act* establishes the corporate status, responsibilities, and governance structure of the Islands Trust Conservancy.

The Islands Trust Conservancy is one of 16 corporate entities⁴ charged to uphold the Object of the Islands Trust. It carries out the preserve and protect mandate through the conservation of land as nature reserves, nature sanctuaries, conservation covenants and other interests in land, and public education.

Under the *Islands Trust Act* (Section 44)

1. The Islands Trust Conservancy must prepare and submit to the Minister, at least once every five years, a plan for the trust fund respecting
 - a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister
2. The Islands Trust Conservancy must not, without the prior approval of the Minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the Minister.

³ In November 2021, the Province of BC passed the Municipal Affairs Statutes Amendment Act (No. 2), 2021 (Bill 26), which included specific reference to First Nations in the Islands Trust’s Object.

⁴ The Corporate entities charged to uphold the Object of the Islands Trust include the Trust Council, the Executive Committee, thirteen local trust committees and the Islands Trust Conservancy.

The Mission and Vision of the Islands Trust Conservancy

The **mission of the Islands Trust Conservancy** is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area.

The **vision of the Islands Trust Conservancy** is for a network of protected areas that preserve in perpetuity the natural systems of the islands in the Salish Sea.

Reconciliation Declaration

In July 2019, the Islands Trust Conservancy approved a Reconciliation Declaration:

The **Islands Trust Conservancy acknowledges** that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial. We recognize that we are all intertwined in the ecosystems that are the lands, waters, culture, and ecology that embody this place.

The **Islands Trust Conservancy will strive** to create opportunities for knowledge-sharing, understanding and collaboration as people come together to preserve and protect the special nature of the islands within the Salish Sea.

The **Islands Trust Conservancy is committed** to the protection and preservation of this place through processes that respect and honour reconciliation and mutually respectful relationships with Coast Salish Indigenous Peoples. We express our recognition for the past, present, and future stewardship and knowledge that has been shared by Indigenous Peoples and are humbled and grateful.

3. GOALS AND OBJECTIVES OF THE ISLANDS TRUST CONSERVANCY

Building on Achievements

Protected Lands

Since its inception in 1990, the Islands Trust Conservancy has protected 1,365 hectares (3,370 acres) of ecologically-significant natural area on the islands. As of November 2022, the Islands Trust Conservancy manages 34 Nature Reserves, and works with island landholders to steward 78 conservation covenants for a total of 112 protected areas. Twenty-seven of these protected places are certified as Ecological Gifts by Environment and Climate Change Canada.

In the next three years: The Islands Trust Conservancy will continue to refine the knowledge used for its decision making by developing a renewed 10-year Regional Conservation Plan to ensure that the organization's time and resources are directed towards high-priority land protection projects.

The Islands Trust Conservancy will continue to pursue new and innovative sources of funding to ensure that it can seize time-sensitive land securement opportunities and prevent further loss of the rare and fragile ecosystems of the Islands Trust Area. The Islands Trust Conservancy also intends to increase funding available for property management and restoration of its protected lands.

See Appendix A for a list of properties protected by the Islands Trust Conservancy.

Collaboration

The Islands Trust Conservancy works in partnership with land trusts, conservation groups, First Nations, parks agencies and others focused on conservation in the region. Islands Trust Conservancy staff participate in the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership, the Land Trust Alliance of British Columbia, and the Species and Ecosystems at Risk Local Government Working Group to further the organization's conservation mandate.

The Islands Trust Conservancy supports and enhances the capacity of the local island-based land trusts by providing grants from its Opportunity Fund, working collaboratively on projects, and facilitating education and networking opportunities. The Islands Trust Conservancy's Opportunity Fund is funded by private donations and has provided more than \$105,000 in grants to local land trusts, helping protect more than 525 additional hectares of land, since it was developed in 2005.

In the next three years: The Islands Trust Conservancy will seek to establish and deepen relationships with First Nations and will work towards building trust by finding opportunities to collaborate with First Nations to integrate Traditional Ecological Knowledge into management planning, reconnect youth with island ecosystems and other mutually beneficial initiatives. Islands Trust Conservancy will also meaningfully engage First Nations in the development of the 2026-2030 plan to create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

Financial Sustainability

The administration of the Islands Trust Conservancy is funded by the Islands Trust Council, through property taxes collected from the residents and landholders of the Islands Trust Area.

Land securement and any other projects outside of core operations must be funded through external sources, including grants and private donations.

Grants: Because of the density of rare species found in the Islands Trust Area, Islands Trust Conservancy has been successful in negotiating over \$600,000 in federal funding between April 2020 and March 2023 to support land protection and management for species at risk. Islands Trust Conservancy intends to work with the Government of Canada to continue conservation for species at risk.

Private Donations: To augment its ability to protect and manage land, the Islands Trust Conservancy approved a Fund Development Strategy in early 2020. To support the Strategy, a part-time Strategic Fund Development Specialist position was created in 2022. In 2022, the Islands Trust Conservancy was successful in raising over \$100,000 in donations, including being the recipient of two bequests.

Current Funds: Islands Trust Conservancy holds three geographically-restricted funds dedicated to land acquisition – the Lasqueti Island Acquisition Fund, the Gambier Island Acquisition Fund, and the Thetis Island Acquisition Fund – and has guidelines to assist with the future development of other geographically restricted funds. Additionally, Islands Trust Conservancy has a Covenant Management and Defense Fund, and Property Management Fund and two property-specific land management endowments.

In the next three years: The board will continue to promote legacy gifts as a way to fund the protection and stewardship of ecologically significant lands in the region.

Encouraging Private Land Stewardship

Islands Trust Conservancy's innovative tax incentive program for private landholders to place conservation covenants on their properties, the Natural Area Protection Tax Exemption Program (NAPTEP), provides a permanent 65% reduction on property taxes on the portion of an eligible property protected by a conservation covenant.

In the next three years: Islands Trust Conservancy will continue to promote its programs to island landholders, focusing its outreach efforts on the highest priority landscapes. Islands Trust Conservancy Board will welcome conversations with the provincial and federal governments about new or innovative tools that might motivate increased land stewardship in this region and will look to these governments to partner on such programs.

Planning for Regional Conservation

In January 2018, Islands Trust Conservancy Board approved a 10-Year Regional Conservation Plan. The Regional Conservation Plan is the tool used by Islands Trust Conservancy to focus its resources on areas with the highest biodiversity values and greatest need for conservation. Islands Trust Conservancy has designed the Regional Conservation Plan as an information resource for citizens and organizations working towards conservation of biodiversity within the Islands Trust Area.

Based on scientific information and other forms of knowledge, the Regional Conservation Plan identifies areas of interest for conservation within the Islands Trust Area and strategies for achieving better levels of land conservation. Some of the strategies involve land acquisition and conservation covenants with willing landholders. Other strategies involve working with First Nations, partner agencies, local trust committees and Bowen Island Municipality to increase our knowledge base, encouraging protection of ecologically significant land within the Islands Trust Area and managing existing conservation lands effectively.

Goals of the 2018-2027 Regional Conservation Plan

The 2018-2027 Regional Conservation Plan sets out four high level long-term goals that reflect the enduring ambitions of Islands Trust Conservancy to work with island landholders and conservation partners to protect the rich biodiversity of the Islands Trust Area:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities

In order to contribute to effective conservation of biodiversity and ecological integrity in the Islands Trust Area, Islands Trust Conservancy needs an understanding of the status of ecosystems and species in the region. Additionally, Islands Trust Conservancy manages over 1,350 hectares of land and can use data to improve and inform its land stewardship. Islands Trust Conservancy will continue to invest in research and data acquisition that supports the conservation of island ecosystems.

2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

The Islands Trust Area is in the traditional territories of many First Nations. As part of its current practice, Islands Trust Conservancy invites comment from First Nations in management planning processes and refers public conservation proposals to First Nations where archaeological sites are identified. Islands Trust Conservancy seeks to establish and deepen relationships with First Nations and will work towards building trust and finding opportunities to collaborate with First Nations on projects and policy development where there are opportunities for shared benefits.

3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity

The core work of Islands Trust Conservancy is to maintain and contribute to protected area networks which preserve ecological function and high levels of biodiversity in the Islands Trust Area. Islands Trust Conservancy will continue to acquire new nature reserves and conservation covenants as well as use other tools for conserving nature while ensuring that it cares for the lands that it is trusted to manage. Securing adequate funding to pursue new acquisitions as well as manage all protected lands responsibly will be an area of considerable focus for Islands Trust Conservancy.

4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Islands Trust Conservancy was established in 1990. It has been a consistent presence in conservation of species and ecosystems in the Islands Trust area for almost thirty years. As it moves into the fourth decade of its work, Islands Trust Conservancy will ensure that it can responsibly care for its management responsibilities and participate effectively in partnership opportunities into the future. It will also work to be resilient enough to gracefully navigate change, both on the landscape and as an organization.

The 2018-2027 Regional Conservation Plan is posted on Islands Trust website:

islandstrust.bc.ca/conservancy/conservation-planning/

4. ISLANDS TRUST CONSERVANCY POLICIES

Below is a summary of key Islands Trust Conservancy policies affecting the public interest. A full list of policies, hyperlinked to the Islands Trust website, can be found in Appendix B.

Section 1: Fundraising, Investment and Financial Accountability

General Accounting

The financial transactions of Islands Trust Conservancy are managed using standard accounting procedures and are subject to an annual independent audit. The Audited Financial Statements of Islands Trust Conservancy are available on the Islands Trust website.

To ensure financial accountability, Islands Trust Conservancy will:

- follow the procurement policy established by Islands Trust Council;
- require prior approval of the board for expenditures in excess of \$10,000 unless a prior resolution from the board approves a plan, project or policy authorizing such an expenditure;
- require all financial transactions related to approved projects to be authorized by the Islands Trust Conservancy Manager;
- direct the Islands Trust Conservancy Manager to act on behalf of the board to oversee the management of the bank accounts and investments of the board; and,
- review an updated financial report at each regular board meeting.

Islands Trust Conservancy will not incur any liabilities without the prior approval of the Minister responsible for the Islands Trust.

Fundraising and Investment of Funds

Islands Trust Council approves an annual budget for the administrative operations of Islands Trust Conservancy. This funding covers operating expenses including, but not limited to, board meetings and training, staff salaries and benefits, conservation planning, land and covenant negotiations, communications, fundraising, legal counsel and property management costs. However, the operating budget is not used for direct acquisition of properties (i.e. purchase costs). Accordingly, to purchase land or contribute to acquisitions by other agencies, Islands Trust Conservancy must raise additional funds. The *Islands Trust Act* provides Islands Trust Conservancy with the ability to raise funds in a variety of ways.

The board and staff will solicit funds for the purposes outlined in existing Fund Guidelines⁵ and Fund Agreements⁶. Islands Trust Conservancy will not solicit funds for purposes outside of those approved in Fund Guidelines or Fund Agreements unless it has first reviewed and approved the additional fundraising activity. Islands Trust Conservancy currently manages ten funds.

⁵ As of November 2022, Islands Trust Conservancy has Fund Guidelines for the following funds: Opportunity Fund, Geographically Restricted Funds, Property Management Fund and Covenant Management and Defense Fund.

⁶ Fund Agreements are negotiated agreements with donors regarding the specific use of a restricted donation

Islands Trust Conservancy will not engage in commission-based fundraising, and will not employ contractors utilizing this method for fundraising activities. Islands Trust Conservancy will reserve the right to decline to accept a donation at its discretion.

Islands Trust Conservancy routinely requests cash endowments with land conservation projects associated with development applications. Islands Trust Conservancy invests these endowments only in accordance with the requirements of the *Trustee Act* for the investment of trust property by a trustee. The board ensures that it invests only in forms of property or security in which a prudent investor might invest, and which enable retrieval of the full investment if required.

Islands Trust Conservancy is a corporation that is, for all purposes, an agent of the provincial government, and accordingly is a qualified donee and can issue receipts for income tax purposes for donations. Islands Trust Conservancy is exempt from paying property taxes on its lands.

Section 2: Acquisition, Management and Disposition of Property

General

Under the *Islands Trust Act*, Islands Trust Conservancy can accept donations and grants of land, conservation covenants, other interests in land, cash, securities and other real property in support of the protection of the Islands Trust Area. Islands Trust Conservancy is an approved recipient of gifts of land and interests in land through Environment and Climate Change Canada's Ecological Gifts Program.

When considering proposals, the board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals. The board will only consider accepting covenants and land acquisitions of less than two hectares (4.9 acres) if specific significant features are present.

The board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or donation to cover management and defense costs associated with the land or covenant.

Land Acquisition

Islands Trust Conservancy will normally only consider the acquisition of lands that meet the Board's definition of Nature Reserve: *an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern. The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term. Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.*

With every land acquisition proposal, Islands Trust Conservancy will evaluate any risks that may hamper the organization's ability to protect the land's natural values in perpetuity. Islands Trust Conservancy will only consider accepting land that needs extensive ecological restoration or substantial management if:

- a) Islands Trust Conservancy has adequate staff resources to manage the on-going requirements;
- b) a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; or,
- c) Islands Trust Conservancy has adequate funds available to undertake immediate restoration and/or management requirements.

Islands Trust Conservancy will not accept or acquire any lands where there is an obligation to maintain buildings or structures. The Conservancy may accept and acquire lands that have buildings on-site that can be removed or maintained at the board's discretion.

As a further measure of protection, Islands Trust Conservancy may develop and register a conservation covenant on each of its nature reserves if an appropriate conservation agency can be found to hold the covenant and if the values on the land warrant the investment of staff time and legal fees.

Conservation Covenants

Islands Trust Conservancy will encourage landholders within ecologically significant areas or with significant characteristics or values to protect their land using binding conservation covenants and will work with interested landholders to achieve protection of significant areas.

Islands Trust Conservancy will continue to work with Trust Council to promote and administer the Natural Area Protection Tax Exemption Program (NAPTEP). The program provides a property tax incentive for landholders who register conservation covenants on their lands to protect the natural features and values of their properties.

Islands Trust Conservancy may refuse to acquire properties with existing conservation covenants or other charges on title that include rent charges³. Rent charges will not be included in covenants to be registered on Islands Trust Conservancy owned properties as the Conservancy cannot incur liabilities without ministerial approval.

Management of Property and Covenants

The acquisition of land or registration of conservation covenants does not by itself guarantee the long-term protection of significant features and values. Active management of protected areas is also necessary. Islands Trust Conservancy's primary objectives in managing its properties are to protect public safety and ecological values. Lands held by Islands Trust Conservancy are not parks but are nature reserves and nature sanctuaries, and this concept is considered in acquisition discussions, management planning, insurance and land use zoning.

³ "Rent charge" is similar to a fine and is a charge registered against the land to enable enforcement of a breach of a covenant agreement.

To effectively manage ecologically significant areas, Islands Trust Conservancy works cooperatively with First Nations, landholders, contractors, partner conservation groups and other government agencies. Qualified staff, partners and contractors develop management plans for all lands held by Islands Trust Conservancy. Management plans provide long-term direction regarding allowable public use, the reduction of risk to public safety, and the reduction of risk to ecological values and other significant features.

When Islands Trust Conservancy receives donations of land, it consults with the donor(s) regarding any specific wishes they might have for the property and considers these wishes in the management planning process.

Generally, management plans will address the following matters:

- purpose and objectives for the site;
- background information including the site history;
- First Nations input and engagement;
- environmental inventory;
- management issues such as the extent and nature of protection required, appropriate uses and level of use, research guidelines, risk management, signage, and special needs at the site;
- strategies and actions to achieve the purpose and objectives for the site and to address management issues and needs; and
- traditional use and protection of cultural/archaeological sites.

Islands Trust Conservancy will seek assistance from partners to implement management plans and, where appropriate, will request partners to enter into contracts with Islands Trust Conservancy regarding management operations and responsibilities.

Islands Trust Conservancy monitors all of its lands and covenanted areas regularly to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed, and identify and respond to any breaches to the terms of a covenant or trespasses on protected lands.

Islands Trust Conservancy will request, where necessary, that local trust committees or island municipalities rezone Nature Reserves and Nature Sanctuaries to the most appropriate designation and zone for nature protection when it is reviewing Official Community Plans and/or Land Use Bylaws and will work with local trust committees or island municipalities to determine the most appropriate designation and zone.

Disposition of Property

Islands Trust Conservancy intends to maintain its protected areas in perpetuity. However, there are circumstances where Islands Trust Conservancy will consider transferring property (or interests in a property, such as a conservation covenant) it has acquired to another agency.

If Islands Trust Conservancy receives an unrestricted donation of land with little or no ecological value, and if no other barriers to disposition exist, Islands Trust Conservancy may sell the land and place the proceeds in a fund of Islands Trust Conservancy to be decided by the board.

If Islands Trust Conservancy receives a proposal to transfer an ecologically significant property (or an interest in land) to another conservation agency, and determines that there is no legal barrier to transfer and that the proposal is worthy of consideration, Islands Trust Conservancy will direct staff to conduct and prepare a thorough assessment of the proposal for consideration by the board.

Islands Trust Conservancy will only dispose of a fee simple title or an interest in ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property or interest as well as, or better than, the board. If the land, or interest in land, was acquired as an Ecological Gift, Islands Trust Conservancy will notify Environment and Climate Change Canada of the disposition.

The board will consider the following tools to ensure that any transferred land and associated values will be protected in perpetuity for the residents of the Trust Area and the people of British Columbia:

- a) Islands Trust Conservancy may transfer land on condition that it be used for conservation purposes, or transfer land as determinable fee simple providing that the land will revert to Islands Trust Conservancy if the land is no longer being used for the specified purposes.
- b) Islands Trust Conservancy may register a conservation covenant on title to land before a transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.

Section 3: Communication, Cooperation and Liaison

Communication

Islands Trust Conservancy board members and staff conduct activities in a manner that enhances Islands Trust Conservancy's reputation as an organization that works proactively, constructively and collaboratively to advance Islands Trust Conservancy Three-Year Plan.

Islands Trust Conservancy's land conservation negotiations are confidential and will be treated as such by all board members and staff of the Islands Trust Conservancy. Generally, information about on-going covenant and land donation projects will not be discussed or announced publicly until the project is complete, unless the project is associated with a development application, or the applicant has specified that the project may be discussed publically.

Collaboration

Islands Trust Conservancy works collaboratively with other agencies, First Nations and individuals to promote conservation in the Islands Trust Area. Staff and Board members participate regularly in partnerships with various levels of government, non-profit organizations, community groups and other agencies to further preservation of nature in the Islands Trust Area. Islands Trust Conservancy wishes to maintain good communications with First Nations and other agencies working in the region. The approach to First Nations engagement will be consistent with Islands Trust First Nations Engagement Principles Policy 6.1.1.

Advocacy

Islands Trust Conservancy will ensure that its advocacy positions are consistent with Islands Trust Conservancy Three-Year Plan and Islands Trust Advocacy Policy 6.10.3 and are supported by a resolution of the board. Advocacy letters from Islands Trust Conservancy to elected officials will be signed by a board member.

5. CONCLUSION

Guided by the Regional Conservation Plan, Islands Trust Conservancy will continue to pursue its mandate in accordance with its policies and in partnership with individuals, island communities and First Nations, as well as local, regional, provincial and national conservation and government agencies.

Islands Trust Conservancy will continue to strive for organizational excellence, and to eliminate barriers to its continued success. With excellent working relationships with the island-based and regional land trusts and strong connections to local and regional governments, the Islands Trust Conservancy is well positioned to take a lead role in the protection of the ecologically significant areas found in Canada's islands in the Salish Sea.

Islands Trust Conservancy looks forward to the next three years of conservation successes, inspired by the generosity and perseverance of our partners, collaborators and supporters, and the endless beauty of fragile island ecosystems.

APPENDIX A: List of Islands Trust Conservancy protected areas, by fiscal year

FISCAL YEAR	PROPERTY NAME	HECTARES PROTECTED	ISLAND
1992-1993			
Nov. 1992	Scott Covenant Lands	1.00	Salt Spring
Dec. 1992	Inner Island Nature Reserve	9.40	Denman
Dec. 1992	Deep Ridge Nature Reserve	14.20	Salt Spring
			Hectares Protected: 24.60
1993-1994			
Jun. 1993	Enchanted Forest Regional Park Covenant	4.20	South Pender
Dec. 1993	Coats Millstone Nature Reserve	0.25	Gabriola
Feb. 1994	Cunningham Covenant	12.17	Salt Spring
Feb. 1994	Cyril Cunningham Nature Reserve	3.95	Salt Spring
			Hectares Protected: 20.57
1995-1996			
Jun. 1995	Medicine Beach Nature Sanctuary	8.00	North Pender
			Hectares Protected: 8.00
1996-1997			
Jun. 1996	Lower Mt. Erskine Nature Reserve	22.00	Salt Spring
Mar. 1997	Tate Covenant	72.20	Salt Spring
			Hectares Protected: 94.20
1997-1998			
Jan. 1998	Cable Bay Covenant	61.51	Galiano
Jan. 1998	Kwel Nature Sanctuary	21.00	Lasqueti
			Hectares Protected: 82.51
1998-1999			
Jun. 1998	South Winchelsea Island Covenant	10.28	South Winchelsea
Mar. 1999	Reid Chapman Covenant	0.54	Gabriola
Mar. 1999	Ledingham Covenant	1.10	North Pender
			Hectares Protected: 11.92
1999-2000			
Jun. 1999	Retreat Island Covenant	1.60	Galiano
Jul. 1999	McIntyre Covenant	1.20	Bowen
Nov. 1999	Dennis Covenant	0.40	North Pender
Dec. 1999	Singing Woods Nature Reserve	9.00	Bowen
Dec. 1999	Terminal Creek Covenant North	0.30	Bowen
Dec. 1999	Terminal Creek Covenant South	0.85	Bowen
Jan. 2000	Brooks Point Regional Park Covenant	4.00	South Pender
			Hectares Protected: 17.35

2000-2001

Dec. 2000	Floating Cattails Marsh Covenant	1.92	Saturna	
Dec. 2000	Strand-Dohan Covenant	0.52	Saturna	
Feb. 2001	Trincomali Nature Sanctuary	12.00	Galiano	
			Hectares Protected:	14.44

2001-2002

Jun. 2001	Lindsay Dickson Nature Reserve	52.40	Denman	
Jul. 2001	Green Frog Farm Covenant	24.30	Galiano	
Jul. 2001	Longini Covenant	8.00	Galiano	
Aug. 2001	Burnt Snag Covenant	6.60	Sidney	
Aug. 2001	Dragonfly Pond Covenant	4.40	Sidney	
Aug. 2001	Kingfisher Pond Covenant	1.40	Sidney	
Aug. 2001	Sandbanks Covenant	3.01	Sidney	
Aug. 2001	Sunrise Covenant	0.47	Sidney	
Aug. 2001	Windthrow Covenant	26.60	Sidney	
Aug. 2001	Woodpecker Pond Covenant	0.94	Sidney	
Oct. 2001	Lot 31 Covenant	67.43	Salt Spring	
Jan. 2002	Ruffed Grouse Covenant	11.5	Salt Spring	
Feb. 2002	Ruby Alton Nature Reserve	1.60	Salt Spring	
Feb. 2002	Horton Bayviary Nature Reserve	0.52	Mayne	
			Hectares Protected:	209.17

2002-2003

Aug. 2002	Keough Covenant	0.66	Salt Spring	
Sept. 2002	Where 'Ere You Walk Covenant	0.34	Salt Spring	
Dec. 2002	Winter Wren Wood Covenant	2.50	Denman	
Jan. 2003	Loretta's Wood Nature Reserve**	40.00	North Pender	-40.00
Mar. 2003	Manzanita Ridge Covenant	20.00	Salt Spring	
			Hectares Protected:	63.50

2003-2004

Dec. 2003	Cottonwood Creek Covenant	4.31	North Pender	
Dec. 2003	Treetop Covenant	10.22	Sidney	
Feb. 2004	Old Point Farm Covenant	8.89	Saturna	
			Hectares Protected:	23.42

2004-2005

May 2004	Laughlin Lake Covenant	11.00	Galiano	
May 2004	Sharp-tailed Snake Covenant	0.03	North Pender	
Jan. 2005	Brigade Bay Bluffs Nature Reserve	5.14	Gambier	
Jan. 2006	Long Bay Wetland Nature Reserve	38.00	Gambier	
			Hectares Protected:	54.17

**transfer of Loretta's Wood to Parks Canada, March 2005

2005-2006

Mar. 2005	Meadow Valley Covenant	1.40	Thetis
Nov. 2005	Bachmann Covenant	2.07	Gabriola
Oct. 2005	Shacum Covenant	4.00	Salt Spring
Oct. 2005	Walter Bay NAPTEP Covenant	2.38	Salt Spring
Oct. 2005	Owls Call NAPTEP Covenant	3.31	Salt Spring
Oct. 2005	Leader NAPTEP Covenant	1.80	Salt Spring
Oct. 2005	Arthur Lineham NAPTEP Covenant	23.69	Salt Spring
Dec. 2005	Mount Trematon Nature Reserve	57.87	Lasqueti
Jan. 2006	Morrison Marsh Nature Reserve	51.73	Denman
			Hectares Protected: 148.25

2006-2007

May 2006	Vogt Covenant	29.74	Salt Spring
May 2006	Elder Cedar (S'ul-hween X'pey) Nature Reserve	64.67	Gabriola
Jul. 2006	Little D'Arcy NAPTEP Covenant	8.15	North Pender LTA
Oct. 2006	Barrineau NAPTEP Covenant	1.76	Galiano
Nov. 2006	David Otter Nature Reserve	3.04	Bowen
			Hectares Protected: 107.36

2007-2008

Aug. 2007	Oscar's Landing Covenant	0.69	North Pender
Aug. 2007	Richardson NAPTEP Covenant	1.75	Salt Spring
Oct. 2007	My Whim NAPTEP Covenant	2.20	Salt Spring
Oct. 2007	Polden NAPTEP Covenant	3.39	Salt Spring
			Hectares Protected: 8.03

2008-2009

May. 2008	Mount Artaban Nature Reserve	107.00	Gambier
Oct. 2008	Wennanec NAPTEP Covenant	1.64	Salt Spring
Oct. 2008	Frog Haven NAPTEP Covenant	3.60	Salt Spring
Oct. 2008	Woodwinds NAPTEP Covenant	0.76	North Pender
Oct. 2008	Lot 16 NAPTEP Covenant	0.31	North Pender
Oct. 2008	Lot A NAPTEP Covenant	0.95	North Pender
			Hectares Protected: 114.26

2009-2010

Oct. 2009	Steil's Woods NAPTEP Covenant	1.49	North Pender
Nov. 2009	Westbourne NAPTEP Covenant	1.69	Galiano
Mar. 2010	McRae NAPTEP Covenant	7.37	Gabriola
			Hectares Protected: 10.55

2010-2011

Jul. 2012	Fairy Fen Nature Reserve	18.10	Bowen
Oct. 2010	Frog Song Forest Covenant	1.78	North Pender
			Hectares Protected: 19.88

2011-2012

Nov. 2011	John Osland Nature Reserve	66.37	Lasqueti
Aug. 2011	Lot 44 (Ogden Road)	0.76	North Pender
Dec. 2011	Great Beaver Swamp Covenant	10.20	Galiano
Sep. 2011	Lot 45 (Ogden Road) Covenant	0.86	North Pender
Oct. 2011	Lot 16 addition NAPTEP Covenant	0.18	North Pender
Oct. 2011	Garry Oaks NAPTEP Covenant	0.50	North Pender
			Hectares Protected: 78.87

2012-2013

Oct. 2012	Nighthawk Hill NAPTEP Covenant	0.91	North Pender
Oct. 2012	Myra Powers NAPTEP Covenant	4.69	Hornby
Oct. 2012	Valens Brook Nature Reserve	3.74	Denman
Dec. 2012	Laughlin Lake Nature Reserve addition	0.50	Galiano
			Hectares Protected: 9.84

2013-2014

Apr. 2013	Mount Tuam Covenant	13.40	Salt Spring
Apr. 2013	Vanilla Leaf Land Nature Reserve	40.50	Galiano
May 2013	Burren's Acres Nature Reserve	2.03	Gabriola
Sep. 2013	Stanley Point Covenant (Lot 21)	1.31	North Pender
			Hectares Protected: 57.24

2014-2015

Sep. 2014	Old Divide NAPTEP Covenant	0.81	Salt Spring
Oct. 2014	McFadden Creek Nature Sanctuary	5.09	Salt Spring
Feb. 2015	Goldenback Fern Covenant	0.29	Salt Spring
			Hectares Protected: 6.19

2015-2016

May 2015	Finlay Lake Covenant	6.73	Galiano
Oct. 2015	Wallace Point NAPTEP Covenant	1.63	North Pender
Nov. 2015	Clam Bay Farm Covenant	8.26	North Pender
			Hectares Protected: 16.62

2016-2017

Aug. 2016	Fischer Covenant	6.12	Hornby
Feb. 2017	Moore Hill Nature Reserve	21.04	Thetis
Mar. 2017	Isabella Point Covenant	2.15	Salt Spring
			Hectares Protected: 29.31

2017-2018

Sep. 2017	Settlement Lands Covenant	63.25	Denman
Jan. 2018	Fairyslipper Forest Nature Reserve	16.60	Thetis
			Hectares Protected: 79.85

2018-2019

Sep. 2018	Swift Family Link Island NAPTEP Covenant	19.30	Link	
Dec. 2018	Valens Brook Nature Reserve Addition	2.55	Denman	
Hectares Protected:				21.85

2019-2020

Jul. 2019	Salish View Nature Reserve	11.47	Lasqueti	
Hectares Protected:				11.47

2020-2021

Dec. 2020	Sandy Beach Nature Reserve	3.30	Keats	
Feb. 2021	Lisa Baile Nature Reserve	4.05	North Pender	
Hectares Protected:				7.35

2021-2022

Jul. 2021	Earl Batista Covenant	0.86	Salt Spring	
Sep 2021	Saturnina Island Nature Sanctuary (Lease)	4.05	Saturnina	
Oct. 2021	Woodpecker Forest NAPTEP Covenant	3.73	North Pender	
Oct. 2021	Moss Mountain NAPTEP Covenant	45.43	Salt Spring	
Hectares Protected:				54.07

2022-2023

April 2022	Link Island Nature Sanctuary	21.45	Link	
Hectares Protected:				21.45

Total Hectares Protected: 1366.7

Notes: Properties called Nature Reserves or Nature Sanctuaries are owned or leased by Islands Trust Conservancy.

NAPTEP - Natural Area Protection Tax Exemption Program

APPENDIX B: Complete List of Islands Trust Conservancy Policies

BYLAW #2 [A Bylaw to Regulate the Meetings of the Islands Trust Conservancy Board and Committees of the Islands Trust Conservancy Board](#)

POLICIES Policies are online at islandstrust.bc.ca/about-us/accountability/policies/

SECTION 1 ORGANIZATIONAL

- 1.1 Islands Trust Conservancy Board Member Appointments, Reappointments and Elections
- 1.2 Board and Committee Elections
- 1.3 Islands Trust Conservancy Board Roles and Responsibilities
- 1.4 Board Standards of Conduct
- 1.5 Board Member Attendance and Participation and Member Removal
- 1.6 Annual Budget Submissions
- 1.7 Fundraising and Donations
- 1.9 Funds For Partnership Acquisition Projects Policy

SECTION 2 LAND TRANSACTIONS AND PROPERTY MANAGEMENT

- 2.1 Board Approval of Projects and Transactions
- 2.2 Assessing Conservation Proposals
- 2.3 Acquisition and Management of Land
- 2.4 Conservation Covenants
- 2.5 Natural Area Protection Tax Exemption Covenants
- 2.6 Heritage Forest Land Acquisition and Protection
- 2.7 Disposition of Land
- 2.8 Covenant Enforcement
- 2.9 Management Plan Costs

SECTION 3 COMMUNICATIONS, COOPERATION AND LIAISON

- 3.1 Islands Trust Conservancy and Local Planning Services Coordination
- 3.2 Communicating Information Regarding Covenant and Acquisition Projects
- 3.3 Relationships with External Groups
- 3.4 Islands Trust Conservancy Role in Partnership Acquisition Projects
- 3.5 Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters
- 3.6 Research
- 3.7 Freedom of Information and Protection of Privacy – Routinely Released Information
- 3.8 Freedom of Information and Protection of Privacy
- 3.9 Freedom of Information and Protection of Privacy – Designation of Fees



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 13, 2022 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit
<https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) has posted the position with an **application deadline of October 7, 2022**, see link on the ITC website at <https://islandstrust.bc.ca/whats-happening/expressions-of-interest/>.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented a request for decision regarding the 2023/24 Budget submission. Board members discussed appropriate budget for First Nations engagement and indigenous knowledge holder services and rising costs of travel to islands due to inflation. ITC Board also noted a need to include species at risk grant commitments in the budget.
- The ITC Manager presented a request for decision to Board members on Proposed Bylaw 530 – Housing Action Program on Salt Spring. ITC considers referrals in the context of their impact to ITC managed lands. ITC Board indicated to the Salt Spring Island Local Trust Committee that ITC interests would be unaffected by Bylaw 530.
- Following the regular ITC Board meeting, an ITC/Executive Committee liaison meeting between Islands Trust Conservancy Board members and Islands Trust Executive Committee took place. Topics covered in this meeting included updates on the Governance Report, Policy Statement, and the ITC Species At Risk Program. ITC and the Executive Committee also discussed the draft ITC Plan (2023-2025), working with First Nations, biologist support for Regional Planning Committee and liaising with the Provincial Government.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented a request for decision following a response that was received from the Agricultural Land Commission regarding the Livingstone NAPTEP covenant on Lasqueti Island. The ITC Board approved a revised covenant for registration that included language requiring approval of the ALC prior to making covenant amendments.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- ITC Board discussed the Lisa Baile Nature Reserve Management Plan and approved the Management Plan, dated March 25, 2022, noting that further engagement with First Nations around appropriate name and naming rights is required.

5. COMMUNICATIONS AND OUTREACH

- ITC Board discussed a briefing about development of an ITC Communications Strategy. Discussion included use of social media to promote ITC, modernization of communications, and appropriate timing to engage current Board members with current staff prior to the election. The ITC Board directed staff to coordinate a board workshop regarding communications.
- ITC Board received correspondence from the Mayne Island Local Trust Committee and the Trust Council regarding Fallow Deer on Mayne Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board considered a request for research to be carried out by Capilano University at the Long Bay Wetland Nature Reserve on Gambier Island. ITC Board expressed support for the project up to December 31, 2023 and allocated up to \$5,000 from the ITC budget to support the work.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2022.2	1265478 BC Ltd. (McElhanney) Planner: Stephen Baugh	05-Jul-2022	PID: 006-660-614 Part of subdivision file requirements. Civic address: Vicinity of Danes and Park Roads, Denman Island, BC.
Planning Status			
Status Date: 22-Jul-2022 File opened & assigned. Waiting for etransfer.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2021.1	Denman Housing Association (Denman Green) Planner: Sonja Zupanec	11-Mar-2021	PIDs: 009-704-523, 000-393-941, 006-660-495. Affordable housing units. Civic address: 1151 Kirk Road, Denman Island, BC.
Planning Status			
Status Date: 06-Jul-2021 Preliminary staff report considered by the LTC. Staff to prepare draft bylaws; enter into cost recovery with applicant; conduct early referrals and present additional information from applicant.			
Status Date: 12-Mar-2021 File opened & assigned.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.21	1165860 BC Ltd. - Dianna Bridge	03-Nov-2020	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Request for further information

Status Date: 25-Nov-2020

Under planner review

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.22	1165860 BC Ltd. - Dianna Bridge	12-Nov-2020	PID: 017-449-995 Building a pool. Civic address: 6351 Hinton Road, Denman Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Waiting for additional information from applicant

Status Date: 25-Nov-2020

Under planner review

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
Status Date: 11-Jan-2022 File reassigned.			
Status Date: 02-Sep-2021 No change in status.			
Status Date: 12-Apr-2021 Notice to K'ómoks First Nation sent.			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.14	Best & Coleman, Earl & Sherille Planner: Anthony Fotino	03-Jun-2022	PID: 006-639-003 New SFD and outbuildings. Civic address: 3000 North Central Road, Denman Island, BC.
Planning Status			
Status Date: 13-Jun-2022 File opened & assigned. Waiting for etransfer.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole Planner: Margot Thomaidis	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.
Planning Status			
Status Date: 15-Jun-2022 Applicant followed up. Reaching out to BC Arch Branch and KFN.			
Status Date: 14-Jun-2022 Planner left message with applicant regarding checking in on Arch Branch process. No response received.			
Status Date: 12-May-2022 Response received from KFN. Applicant directed to contact KFN and BC Arch Branch.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2020.2	Denman Community Land Trust Association (Harlene Holm) Planner: Sonja Zupanec	30-Sep-2020	PID: 031-102-026 2 lot subdivision. Civic address: 3730 Denman Road, Denman Island, BC.
Planning Status			
Status Date: 08-Dec-2020 File reassigned.			
Status Date: 09-Nov-2020 Referral report sent to MOTI.			
Status Date: 02-Oct-2020 Application received. Planner reviewing.			

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending July 2022

615 Denman	Invoices posted to Month ending July 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	190.00	60.45	129.55
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,513.00	1,053.90	2,459.10
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-615	LTC - Local Exp - Communications	250.00	140.00	110.00
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>4,438.00</u>	<u>1,193.90</u>	<u>3,244.10</u>
Projects				
73001-615-4011	Denman Farm Plan	7,314.00	7,038.68	275.32
73001-615-4124	Denman Housing Review	13,500.00	384.51	13,115.49
TOTAL Project Expenses		<u>20,814.00</u>	<u>7,423.19</u>	<u>13,390.81</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	It was MOVED and SECONDED,

			unlawful STVRs	that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including

				and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022	DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.

8.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19th for background	It was MOVED and SECONDED, 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: 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 Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan 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 Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized: <table><tr><th>Authorizing Bylaw/Temporary Use Permit</th><th>Date Utilized</th><th>Number of Residential Densities Utilized</th><th>Cumulative Total of Residential Densities Remaining</th></tr><tr><td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td><td>49</td></tr><tr><td>BL 199 (Official Community Plan)</td><td>August 15, 2011</td><td>14</td><td>35</td></tr><tr><td>BL 200 (Land Use Bylaw)</td><td></td><td></td><td></td></tr></table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan)	August 15, 2011	14	35	BL 200 (Land Use Bylaw)			
Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining																	
Baseline Density at time of adoption of the Denman OCP on May, 2009			49																	
BL 199 (Official Community Plan)	August 15, 2011	14	35																	
BL 200 (Land Use Bylaw)																				

				BL 204 (Land Use Bylaw)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	33
9.	March 16, 2021 July 19, 2022	DE-IC-2021-002 DE-2022-074	Bylaw Enforcement Rescinded				
10.	July 6, 2021	DE-IC-2021-007	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Denman Island Local Trust Committee clarify that the reference to a 45 day limit for visitor accommodation means 45 days for one client and that otherwise there are no limits on how many days per year a visitor accommodation home occupation can operate; and that this temporary policy remain in place until this regulation is reviewed.			

Top Priorities Report

Denman Island

1. *Denman Housing Review Project - Phase 1*

Targeted public engagement with First Nations, residents, external agencies and local organizations to update the Official Community Plan and Land Use Bylaw with policies and regulations to strengthen housing options and affordability on the island.

Responsible

Sonja Zupanec

Dates

Rec'd: 19-Jan-2021

2. *Farming Regulations Review Project*

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)

Responsible

Marlis McCargar

Dates

3. *Comprehensive Official Community Plan / Land Use Bylaw*

Responsible

Dates

Projects Report

Denman Island

1. OCP & LUB Amendments

Responsible

Date Received

Protected Area Network: Undertake planning for a Protected Area Network on Denman Island

19-Jul-2022

Climate Change: Consider climate change adaptation and mitigation measures

Regional Conservation Plan: Incorporate the Regional Conservation Plan into land use

Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.

Forest Ecosystems: forest ecosystem protection including the implementation of the Islands Trust coastal douglas fir and associated ecosystem protection toolkit and consider measures to protect garry oak ecosystems.

Freshwater: consider Islands Trust freshwater strategy recommendations

2. OCP Amendments

Responsible

Date Received

Denman Downtown Village Neighbourhood Plan

19-Jul-2022

3. LUB Amendments

Responsible

Date Received

TUPs for STVRs: To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

19-Jul-2022

4. Administrative: Administrative Bylaws, Processes, and Procedures

Responsible

Date Received

19-Jul-2022

Projects Report

Denman Island

5. *Advocacy, Education, and Communications*

Responsible

Date Received

19-Jul-2022

6. *Bylaw Enforcement*

Responsible

Date Received

19-Jul-2022