

Regular Meeting Revised Agenda

Date: February 7, 2023
 Time: 12:30 pm
 Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 12:30 PM - 12:35 PM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT**
4. **REPORTS** 12:35 PM - 12:50 PM
 - 4.1 Trustee Reports
 - 4.2 Chair's Report
 - 4.3 Electoral Area Director's Report
5. **PUBLIC COMMENTS** 12:50 PM - 1:00 PM
6. **DELEGATIONS** 1:00 PM - 1:40 PM
 - 6.1 Laura Busheikin for Triple Rock Land Cooperative regarding Increasing capacity at the Triple Rock Land Cooperative 4 - 7
 - 6.2 L. Virginia Spinney for Denman Island Housing Action Group regarding Housing - Adequate Housing on Denman 8 - 33
 - 6.3 Erin O'Brien-Hornsey regarding Status of Women Canada Heroines Journey Project Denman Island Women's Outreach - Critical Need for Housing Identified for the Prevention of Violence against Rural Women and Access to Economic Independence 34 - 40
 - 6.4 *R. da Silva regarding Human Rights* 41 - 52
7. **MINUTES** 1:40 PM - 1:45 PM
 - 7.1 Local Trust Committee Special Meeting Minutes dated January 17, 2023- for adoption 53 - 54

7.2	Section 26 Resolutions-Without-Meeting Report dated January 31, 2023	55 - 55
7.3	Advisory Planning Commission Minutes dated January 17, 2023 - for receipt	56 - 59
8.	BUSINESS ARISING FROM MINUTES	1:45 PM - 2:00 PM
8.1	Follow-up Action List dated January 31, 2023	60 - 60
9.	APPLICATIONS AND REFERRALS	2:00 PM - 2:45 PM
9.1	DE-DP-2022.3 (Smith - 8330 Owl Crescent) - Staff Report	61 - 71
9.2	DE-RZ-2021.1 (Denman Housing Association) - Staff Report	72 - 146
----- BREAK 2:45PM - 3:15PM -----		
10.	LOCAL TRUST COMMITTEE PROJECTS	3:15 PM - 4:45 PM
10.1	Denman Island Farm Plan Regulation Review Project - Memorandum	147 - 165
10.2	Local Trust Committee Active and Future Projects Summary - Staff Report	166 - 171
11.	CORRESPONDENCE	4:45 PM - 4:50 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.1	Email dated January 23, 2023 from H. Holm regarding Flagstone Article - Housing	172 - 173
11.2	Email dated January 12, 2023 from S. Carballeira regarding 3060 Lake Road, Lot Line Adjustment (DE-SUB-2022.1)	174 - 193
11.3	Email dated January 12, 2023 from R. daSilva regarding Denman's Housing Emergency	194 - 196
12.	NEW BUSINESS	4:50 PM - 5:05 PM
12.1	Bylaw Enforcement Update - Staff Report	197 - 197
13.	REPORTS	5:05 PM - 5:15 PM
13.1	Trust Conservancy Report dated October 6, 2022	198 - 199
13.2	Applications Report dated January 31, 2023	200 - 205
13.3	Trustee and Local Expense Report dated November, 2022	206 - 206
13.4	Adopted Policies and Standing Resolutions	207 - 211
13.5	Local Trust Committee Webpage	

- 14. WORK PROGRAM** 5:15 PM - 5:25 PM
- 14.1 Active Projects Report dated January 31, 2023 212 - 212
- 14.2 Future Projects Report dated January 31, 2023 213 - 214
- 15. UPCOMING MEETINGS**
- 15.1 Next Regular Meeting Scheduled for Tuesday, April 4, 2023 at 12:30 pm at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC
- 16. CLOSED MEETING - None**
- 17. ADJOURNMENT** 5:25 PM - 5:25 PM



Dear Local Trust Committee,

We are writing to ask that the current housing review include amendments to the regulations governing the Triple Rock Land Cooperative (aka CoHo Landing) to increase its capacity to provide small-scale affordable housing, governed by a housing agreement.

These are the changes we are requesting:

- Increase overall density to 20 units—five more than the current 15, with one of those in the ALR and the other four within the housing cluster
- Allow all units to have a secondary suite (as part of the main dwelling), with the ALR unit having the option of a freestanding secondary dwelling, as per the ALR regulations

To accommodate this increased density, two related amendments would be needed:

- Increase the maximum square footage for dwellings from 139.4 sq metres each to 167.3 sq metres (1800 sq ft) each to allow an extra 27.9 sq metres (300 square feet) of space for a secondary suite or other provisions for multigenerational/extended family living
- Increase the maximum square footage for all accessory buildings from 1275 sq metres to 2508 sq metres (27000 sq ft) to allow each new unit to have utility buildings and a studio or workshop, and to address the challenges presented by the current limit, which doesn't leave capacity for things like a shelter for our backhoe, tool sheds, a bike shed, etc

Other than the ALR unit, all new construction would remain within the existing housing cluster and thus keep the impact of development contained. No new driveway construction would be needed and tree clearing would be minimal. This level of protection for the forest is above and beyond compliance with the 30-metre buffer zone that is required by the Triple Rock covenant.

WHY?

Denman Island's housing needs are urgent and varied, as evidenced by the Islands Trust Northern Region Housing Needs Assessment and many other studies. CoHo Landing has been able to successfully meet some of these needs for 15 households. This request would create potential to expand that to up to five more households as well as provide small-scale rental and multi-generational housing.

If these changes go forward, there would be no more institutional barriers to moving ahead—no need to subdivide, finalize land purchase, get grants, etc. CoHo Landing has an established structure for membership and proven strategies for infrastructure.

CoHo Landing is motivated by the desire to meet some of Denman's housing need, and also by the desire to bring more vibrancy and diversity to the project.

WHY INCLUDE THIS WITH THE OCP/LUB HOUSING REVIEW?

CoHo Landing could proceed with its own rezoning application. However, being part of the OCP/LUB housing review can move the process along more quickly and allow the LTC and the community to see the proposed changes in the context of overall housing need and the various solutions being considered. As well, it may help avoid potentially unnecessary bureaucratic delays and demands that could be triggered by a rezoning.

CoHo Landing members would like to see the project grow, but *only in a way that is coherent with its current values and practices*. The CoHo vision centres on low impact, affordable housing; a do-it-yourself approach based on mutual aid and hard work; low-budget, low-tech, low-impact solutions where possible; willingness to experiment and take risks; acceptance of inconvenience and limitations; and the rejection of a commodified relationship with land. This doesn't lend itself well to regulatory processes and other societal norms.

However, CoHo Landing has, since its inception, sought to be compliant with Islands Trust regulations and to have a solid legal foundation. This means it can be an example of something different, and ensures its longevity and stability. We are asking the LTC to support us in this endeavour.

The project has adhered to the conditions of its covenant and housing agreement, is not stressing the aquifer or any other aspects of the natural environment and is a boon to the community. We would like to build on this success without invoking an overwhelming regulatory process.

CoHo Landing can't provide all the types of affordable housing the Denman community needs. However, it currently provides stable, relatively affordable housing for 15 households in a caring, engaged community, and it could do more. We are willing to take the long and winding journey to make this happen and are asking the LTC to help make that happen.



MORE DETAILS

Water and sewage

WATER: All homes in the coop, and the Common House, rely 100% on rainwater catchment. The coop has a decade of expertise and experience catching and using rainwater and has developed a culture of care around water. All new housing would rely 100% on rainwater catchment.

SEWAGE: To get the original rezoning, CoHo Landing proved capacity for a single, collective sewage treatment system, but ended up not implementing that due to environmental and financial considerations. Sewage treatment is provided by individual septic systems for each home (for greywater only, since human waste is dealt with in composting toilets), approved by a qualified wastewater engineer, and this will remain the approach for any future units. Proof of septic capacity for the new units could be provided with a Siting and Use application.

Secondary suites will only be permitted with a plan for sewage—either connection to the existing septic system where capacity allows, expansion of the current system, or use of a sewage holding tank.

Coho landing's intentions and timelines

Intentions for four new densities in the cluster

Three will be used for three new members in the housing cluster, following the current format and structure for membership. Time-line: 1 – 3 years after rezoning.

One will be used for a tiny home pad or a Woofer-type cabin in the housing cluster for rental, work-trade or emergency housing. Time-line: 1 – 10 years after rezoning.

Intentions for one new density plus secondary unit in the ALR

Will be used for rental, a Woofer-type cabin, and/or a tiny-house pad. Time-line: 1 to 10 years after rezoning.

Intentions for secondary suites:

Will be used for multi-generational and extended family situations and rentals, at affordable rates. Develop as needed by individual members, guided by group policies and processes. Time-line: flexible.

Affordability

The sale and purchase price of a dwelling unit + coop share is governed by the cooperative's Rules of Association and the Housing Agreement. The following formula is used:

Cost of the main dwelling and accessory buildings as determined by an independent professional appraiser according to depreciated replacement value, to a maximum cap of \$230,000 +

Value of the coop member shares (the amount paid up on the shares thus far by the member) to a maximum of \$80,000.

This creates a **maximum price of \$310,000** and meets CoHo Landing's original intention of removing the land from market forces and providing stable, ownership-type housing for people who can't afford to buy land on Denman.

See above (Under “What Needs to Be Amended”) for suggested **affordability criteria for rentals**. CoHo Landing has its own rental policy that these suggested criteria would be consistent with.

Oversight of affordability: the housing agreement stipulates that CoHo Landing submit to the Islands Trust a statutory declaration with supporting documents when a housing unit changes hands. Thus far, CoHo Landing has fully complied with this and works with a lawyer who now is familiar with this process.

How would new members/tenants be chosen:

CoHo Landing has a longstanding process for choosing new members based on the applicant’s compatibility, need, skills, and experience, and also considering CoHo Landing’s needs for diversity. Because CoHo is a working, interconnected community, new members need to share the project’s core intentions and long-term vision. They also need to have the financial ability to buy into the project.

Tenants would not undergo a selection process but do need to be approved by the group.

What needs to be amended?

OCP/LUB

- Change LUB, section 3.3, Table 3, line three, under R(3), to read 20 instead of 15
- Change LUB, section 3.3, Table 1, line nine, under R(3), to include a tick mark, with text to clarify that only secondary suites that are within the main dwelling are permitted
- Change the LUB, Table 8, Site Specific Regulations, A(5), 1 and 2, to allow one residential single family dwelling unit with a secondary suite or secondary dwellings as per the ALR regulations
- Withdraw five densities from the density bank (Appendix D of the OCP) or clarify that the five additional units will come from the 5% identified in OCP Policy E1 (Housing) 11

Housing agreement (registered on title)

- In item 1.a., change number of units from 15 to 20 and include provision for attached secondary suites in each dwelling unit
- In item 7, if necessary, include “a tenant” of the member
- Include a new provision ensuring any rental on the property is at an affordable rate (for instance, at least 20% lower than 1/3 of the average income for a Denman Islander, based on the most recent census info, or at least 20% lower than the average rent on Denman Island for a similar size place, based on the most recent census info)
- In item 9, which deals with purchase price, include language specifying that the total purchase price of housing unit and shares cannot exceed the maximum cap as indicated in the cooperative’s resale policy

It is our understanding that the **covenant** (also registered on title) would not need to be changed.

To expedite the process, CoHo Landing would take on amending the **housing agreement**, working with our lawyer, and presenting the amended version to the LTC for review and endorsement.

As well, the TRLC would need to update its **Rules of Agreement** to reflect the increased density and to include provisions ensuring that rentals are affordable. The Rules of Agreement are attached to the Housing Agreement, so this would need to happen before any changes in zoning become valid.

January 25, 2022



Adequate Housing on Denman

Denman Island Housing Action Group
Denman Local Trust Committee:
February 7, 2023

What do we want

- Legal, safe and environmentally responsible homes for everyone on Denman

The Documented Need – Denman 2018

- up to 165 residential units in the next 25 years and up to 80 affordable units
- Housing challenges identified: unaffordable relative to income; insecure tenure; lack of available housing options and unhealthy conditions

“83% of survey respondents indicated they were aware of people living in illegal and inappropriate housing on the island.”

(Source: 2018 the Housing Needs Assessment: Northern Region of Island Trust study)

Today

- Denman Island has no social housing.
- Almost 0 legal rental vacancy rate
- Two island affordable housing projects underway for many years:
 - Pepper Lane – status ?
 - Denman Green – status ?
- As people deal with housing, food and gas price inflation:
 - 80 people are regularly using the food bank - including 20 children
 - 44 Christmas hamper requests this year
 - winter requests for heaters and wood continue
- Island Trust Housing Review ?

“Seasonal rentals leave women and family scrambling even homeless for months of the year”

Source: Denman Island Women's Outreach / Status of Women Canada Rural Women in Business Project. 2005 and 2006

Housing is a human right

Declaration

4 It is declared to be the housing policy of the Government of Canada to

(a) recognize that the right to adequate housing is a fundamental human right affirmed in international law;

(b) recognize that housing is essential to the inherent dignity and well-being of the person and to building sustainable and inclusive communities;

(c) support improved housing outcomes for the people of Canada; and

(d) further the progressive realization of the right to adequate housing as recognized in the International Covenant on Economic, Social and Cultural Rights.

- UN: The right to adequate housing



- Canada's National Housing Strategy



- BC Housing Action Plan 2022/23 to 2024/25

Adequate Housing Means:

The right to adequate housing contains the following key elements:

- **Legal security of tenure:** Regardless of the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.
- **Affordability:** Personal or household financial costs associated with housing should not threaten or compromise the attainment and satisfaction of other basic needs (for example, food, education, access to health care).
- **Habitability:** Adequate housing should provide for elements such as adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.
- **Availability of services, materials, facilities and infrastructure:** Housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, etc.
- **Accessibility:** Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account (such as the poor, people facing discrimination; persons with disabilities, victims of natural disasters).
- **Location:** Adequate housing must allow access to employment options, health-care services, schools, child-care centres and other social facilities and should not be built on polluted sites nor in immediate proximity to pollution sources.
- **Cultural adequacy:** Adequate housing should respect and take into account the expression of cultural identity and ways of life.

source: <https://www.ohchr.org/en/housing>

Context: Denman Island OCP

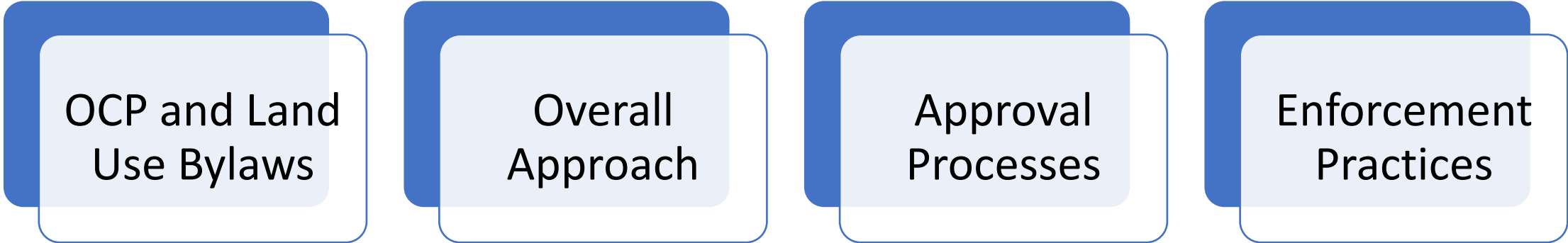
“Guiding Objective – Housing

- To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community
 - Objective 1: To ensure that housing priorities are sensitive to groundwater availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island
 - Objective 2: To ensure housing options preserve human diversity in the community
 - Objective 3: To set the maximum for the overall residential density of the island as the residential density possible with the zoning regulations in place at the time of the adoption of this Plan while providing flexibility for a range of dwelling types
 - Objective 4: To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for island seniors to remain in the community, especially in their own or their families homes”

Barriers to Moving Forward

- Housing prices: 11 properties for sale: average price: \$1.3 (m) - adjusted average: \$808,790 (Dec 21 2022)
- Zoning focused on one single family dwelling
- Density Bank
- Requirements for building multi tenant affordable housing take decades and significant investment to meet

What needs to change – Island Trust



OCP and Land
Use Bylaws

Overall
Approach

Approval
Processes

Enforcement
Practices

What needs to change – OCP & Land Use Bylaws

1. Amnesty for existing Secondary Housing

- Take a look at existing secondary homes that can and are being used for yearly rentals. Make them fully legal.
- Fix zoning and density requirements
- Work with landowners, tenants, and CVRD to remove barriers to improving conditions – rather than enforcement

What needs to change – OCP & Land Use Bylaws

2. Allow new secondary housing builds for affordable housing

- Allow new secondary housing on properties larger than 1 hectare for affordable housing
- Allow for intergenerational, disability and senior housing units within or in close proximity to existing structures on any lot size
- Look at using a total sq footage of buildings approach for all new builds
- Use simple template housing agreements and incentives to ensure affordable, year round tenancy
- Facilitate using tiny homes:
 - Amend zoning and density requirements to allow clusters of tiny homes
 - Encourage people to share lands & resources with tiny home owners
- Use temporary use permit for temporary use only

What Needs to change: OCP and Land Use Bylaws

3. Place no more restrictions on housing for ALR lands than those placed on it by ALC

- Respect the 601 people who petitioned the Local Trust Committee on May 2022 to change bylaw 228 (LUB – Land Use Bylaw) and Bylaw 229 (OCP – Official Community Plan) to align with Provincial Agriculture Land Reserve regulations that went into effect January 1, 2022
- Adjust the Density bank baseline to reflect reality or pull the ALR from the density bank entirely

“Align secondary dwelling allowances to the ALC Act and regulations”

(source: Denman Island Farm Regulations Review: Engagement Summary and Key Directions 2022)

What Needs to Change – OCP and Land Use Bylaws

4. Either Fix the Density Bank or get rid of it

Zone	Existing Properties Housing Allocation	Existing Secondary Housing	Subdivision Potential	Total	Affordable Housing Bank
Agriculture (min: 15 hectares)	149	0	23	172	
Commercial	11	0	0	11	
Forestry	14	0	0	14	
Light Industrial	1	0	0	1	
Residential (min: 1 Hectare)	406	0	78	484	
Rural Residential (Min: 2 hectares. Average not less than 4)	239	0	67	306	
Resource	6	0	0	6	
Total:	826	0	168	994 * 5% =	49.7
Excluded Properties: Conservation, Institutional, Park	32	0	0	32	
Grand Total	858	0	168	1026	

- The density baseline was based on the legally zoned housing allocation in 2010 plus subdivision potential plus 5% for affordable housing.
- It did not include any existing secondary housing
- It was intended to be a tool for sustainable development

Source: 1. *Staff Report (revised): Denman Island Density Register Standing Resolution May 19, 2020*
 2. *Denman Subdivision Potential Map, October 2010*

What Needs to Change – OCP and Land Use Bylaws

4. Either Fix the Density Bank or get rid of it (cont.)

- **Reality** – not built on the existing patterns of human settlement.
 - Created a virtual reduction target for secondary housing, farm housing and land shares.
 - Zoning then requires subdivision to build a house for kids, caretakers, workers, partners or tenants.
 - Includes temporary housing
 - Only 8 new spaces left and only 2 new houses built - 1 that is temporary (see Appendix 3)
 - Provides no incentive for sustainable building.
- Adjust the base and bank for all existing secondary housing, and ALR or scrap it.

What Needs to change – OCP & Land Use Bylaws

5. Focus on the environmental impact of all housing not the type of housing

- Encourage and promote conservation-focused innovation in housing that is affordable and reflects a diversity of needs through both policy and planning
- Look at using total sq footage of all buildings on site. (not just for affordable housing),
 - with possible exceptions made for innovative environmental actions. e.g. natural buildings, water recycling and collection, composting toilets ...
 - Include landscaping restrictions to preserve and protect.
- Make requirements for water, septic and building type Denman appropriate
 - include allowances for: water catchment; composting toilets; greywater reuse;
 - living in trailers, buses, yurts, cob houses, shipping containers, shacks, renovated chicken coops, barns, sheds, garages, and any other creative housing options our Denman residents can come up with.
- Many renters have or can have their own dwelling that goes with them. Bylaws must be written to serve landowner with the dwellings, as well as renters with their own dwelling, and other creative options. Again - focus on impact

What needs to Change: Overall Approach

- Start talking to the people who need housing solutions when creating solutions. Current culture and approach to housing is policy focused. We need compassionate collaboration that centres community need and expertise
- Make sure everyone involved in developing and working with housing policies & bylaws understands people's right to adequate housing, their own responsibilities and upholds that right in all facets of their work
- Include the Human Right to Housing in any and all policy statements and other Islands Trust documents including (but not limited to) the OCP, bylaw enforcement policy, procedure and practice; and any other relevant policies, procedures, and/or practices.
- Review local bylaws and trust-wide policies and bylaws to align with the human right to housing
- Add "community" to "unique amenities" and "the environment" to the Island Trust mandate to preserve and protect in all policy statements and other documents.

What needs to change – Approval Processes

- How many years and \$ should the approval process take to build affordable housing that the community wants and needs?
- Streamline the process here and trust-wide. It can be done.
 - Check out Ucluelet's process for temporary housing
 - Work with experienced housing applicants
- Review, consolidate and rationalize requirements that target only senior and affordable housing. (OCP Policies 27 & 28) Should they be requirements for all new builds?

What needs to change: Enforcement Practices

- Continue the moratorium on Denman Island on all bylaw enforcement action against “unlawful” housing, until housing needs can be “lawfully” met and enforcement officers have completed required training and new practices are implemented
- Enforcement staff to complete mandatory training and implement new practices on :
 - People’s rights to adequate housing.
 - Their obligations under international law
 - TIP (Trauma Informed Practice) training, to respectfully interact with vulnerable and marginalized people as human rights holders;
 - *The National Protocol for Homeless Encampments in Canada*
- Require all Bylaw Enforcement Officers and staff to make advance arrangements with property owner before visiting people's homes (or suspected homes) on private property or get a search warrant.
- Remove housing as an infraction under the Bylaw Enforcement Notification system (fining a private landowner for providing housing is a violation of a tenant's human right to housing, penalties must be supported by infractions other than "housing")
- Reverse the anonymous complaint process – require complainant’s to self identify unless they can demonstrate probable danger.

“Put a moratorium on enforcement of Land Use Bylaws that would result in eviction, in any and all housing on Denman Island ...”

(Source: Enforcement petition March 2021 – 541 signatures)

What needs to change?

Can we now just let people build some legal, safe & environmentally sustainable homes on Denman?

- 2002-2003: Accessory Dwelling Advisory Committee formed to study housing presented in a final report. Committee was divided.
- 2006: Rural Women Achieving Economic Independence DIWOS
- 2008: Housing needs report on Hornby and Denman Island ISLA
- 2008 – 2011: targeted OCP review re allowing increased residential density in an area around the downtown; Denman LTCA
- 2011 – 2014: Cooking Up Housing Denman LTC
- 2013: Rural Affordable Housing Project DCLTA
- 2018: Islands Trust Northern Region Housing Needs Assessment, Island Trust
- 2022: Denman Farm Regulations Review consultation & report
- 2022: Denman Island Housing Service Study CVRD
- 2022- Present: Denman Island Housing Review Denman LTC

Appendices

1. Right to Adequate Housing Resources
2. Denman Island Real Estate Listings: Dec 21, 2022
3. Density Baseline and Bank
4. ALR Petition: May 2022
5. Freeze enforcement of housing violations pending review: Petition March 2021

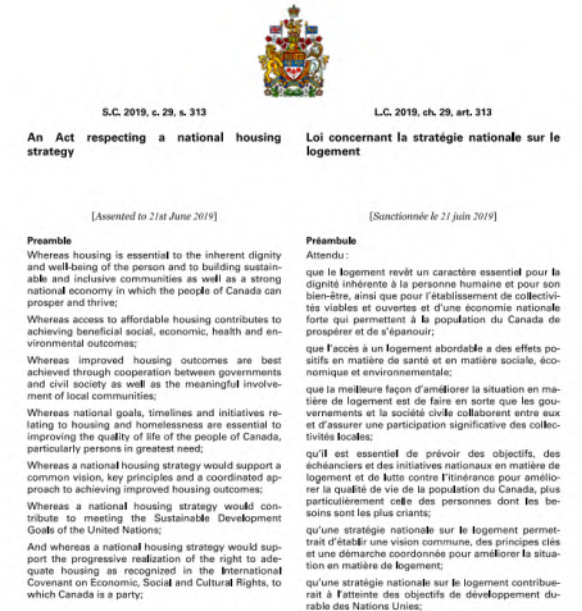
1. Right to Adequate Housing Resources

For more information on the right to adequate housing in Canada:

- <https://www.lawnow.org/the-right-to-housing-as-a-human-right/>
- <https://housingrights.ca/right-to-housing-legislation-in-canada/>
- <https://www.ohrc.on.ca/en/right-home-report-consultation-human-rights-and-rental-housing-ontario/housing-human-right>



https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf



<https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>

2. Denman Island Real Estate Listings: Dec 21, 2022

Denman Island Real Estate Listings

Dec 21 2022

Address	Listing Price	Listing Price2
2201 tristone	1,550,000.00	1,550,000.00
2191 tristone	564,000.00	564,000.00
5415 thomas	989,000.00	989,000.00
6167 lacon	499,900.00	499,900.00
5825 northwest	1,228,000.00	1,228,000.00
4131 pinecrest	939,000.00	939,000.00
1220 swan	569,000.00	569,000.00
10801 greenhill		4,875,000.00
4791 east	825,000.00	825,000.00
2598 lacon	924,000.00	924,000.00
average	808,790.00	1,296,290.00

3. Density Baseline and Bank

Chart 1. Density Baseline

Zone	Existing Properties Housing Allocation	Existing Secondary Housing	Subdivision Potential	Total	Affordable Housing Bank
Agriculture (min: 15 hectares)	149	0	23	172	
Commercial	11	0	0	11	
Forestry	14	0	0	14	
Light Industrial	1	0	0	1	
Residential (min: 1 Hectare)	406	0	78	484	
Rural Residential (Min: 2 hectares. Average not less than 4)	239	0	67	306	
Resource	6	0	0	6	
Total:	826	0	168	994 * 5% =	49.7
Excluded Properties: Conservation, Institutional, Park	32	0	0	32	
Grand Total	858	0	168	1026	

Source: 1. *Staff Report (revised): Denman Island Density Register Standing Resolution May 19,2020*
 2. *Denman Subdivision Potential Map, October 2010*

3. Density Baseline and Bank:

Chart 2. Density Bank: Affordable Housing Approval Impact

Project	Date	Affordable Housing Density Bank	Total Remaining
Baseline	2010-10-01	49	49
In Place:			
OPCP/LUB Targeted Review: Recognition of historical coops/additional legal non-conforming dwellings. BL199& BL200	2011-08-15	-14	35
DCLTA - Affordable Housing BL 204	2013-09-24	-1	34
PID 000-876-283; Lot 24, Section 9, Denman Island, Nanaimo District. Plan 41384. DE-TUP-2016.2	2017-03-31	-1	33
Total in Place:		-16	33
Pending:			
Density Transfer and 20 Units of Affordable Housing: 1151 Kirk Road. DE-RZ-2021 Denman Housing Association/Pandesign BL 241	2022-05-30	-19	14
Seniors Affordable Housing (Pepper Lane) DE- RZ-2017 DCLTA BL 233, 234	2021-03-15	-6	8
Total Pending		-25	8
Total In Place + Pending		-41	8

4. ALR Petition: May 2022

- Was presented to the LTC in May of 2022
- At time of registering for delegation petition had 571 signatures. At time of presentation petition had 601 signatures

Petition stated:

“We the undersigned, residents and property owners of Denman Island, petition the Denman Island Local Trust Committee to:

1. Change bylaw 228 (LUB – Land Use Bylaw) and bylaw 229 (OCP – Official Community Plan) to align with Provincial Agricultural Land Reserve regulations (that went in effect January 1, 2022) allowing secondary dwellings on all ALR lands;
2. To impose no restrictions beyond the provincial ones, on these year round dwellings;
3. To ensure that these dwellings are not used for vacation and other short term rentals. “

5. Petition: Freeze enforcement of housing violations pending review

Petition was presented to LTC in March of 2021. Petition was signed by 541 residents and read:

“We the undersigned, residents of Denman Island, petition the Denman Island Local Trust Committee (LTC) to immediately:

Put a moratorium on enforcement of Land Use Bylaws that would result in eviction, in any and all housing on Denman Island, and maintain that moratorium until the following are accomplished :

- a) Hold an Official Community Plan (OCP) review, in consultation with a representative cross section of residents (including vulnerable renters);
- b) Complete a targeted review of Housing regulations in the Land Use Bylaw 186;
- c) Craft relevant and community centered Land Use Bylaws (LUB) that support and prioritize affordable housing options, sustainable and environmentally sensitive approaches to any development, and reflect the needs of a healthy and diverse community, in light of changing demographics and the impact of socio-economic conditions on rural housing security.”

From: E O'B <[REDACTED]>
Sent: Sunday, January 15, 2023 7:17 PM
To: northinfo
Cc: David Graham; Samuel Borthwick
Subject: Application and Submission to Islands Trust. Wishing to present at the Feb 7th 2023 meeting
Attachments: 20230111_115914.jpg; 20230111_115437_(1).jpg; 20230111_115243_(1).jpg; 20230111_115215_(1).jpg; 20230111_115206_(1).jpg

Hello Islands Trust please accept my request to speak Feb 7, 2023.

Subject:

Status of Women Canada Heroines journey Project Denman Island Women's Outreach: Critical Need for housing identified for the prevention of violence against rural women and access to economic independence.

Historical report highlights the need for housing / homes in the Rural Women's economic empowerment. Secure housing options are critical in the Prevention of Violence against women. Presenting Denman Island Women's Outreach / Status of Women Canada: Heroines journey Project findings.

What is the project context for this reporting. 90 local women participants over 18 months 2005 / 2006. Denman Island Women's Outreach in partnership with Status of Women Canada.

In 2023, the need for affordable, safe, year round and local housing has increased. Isolation of rural women has also increased with the cost of living and global uncertainty.

Housing is a human right. Housing bylaws must consider humane, healthy and responsible options immediately.

Thank You,

Erin O'Brien-Hornsey

Home owner Denman Island, BC

Rural Women Achieving Economic Independence

June 1, 2006

Rural Women Have Survival on Their Minds:

Money, Chores, Land, Warmth, Water, Dependants, Transportation, Isolation, Access to Healthy Food Sources, Health Care, Community Projects, Reputation, a Willingness for Shifting Priorities based on Weather, Circumstance and Need...

Many island Women have chosen a Rural lifestyle in order to:

Increase personal living space, heal, hide or raise children, own our time, increase well being, lower cost of living, seek community or to escape...

As we begin to Break Down Barriers to Economic Equality:

We Women are asking ourselves to overcome obstacles, both perceived and actual, until there is no where to go but up and out of oppression.

This Process may look like:

- ◆ Asking for help and risking at a vulnerable time
- ◆ Learning new skills and feeling insecure in what has been a traditionally competitive environment.
- ◆ Letting go of what little financial / emotional security may exist
- ◆ Finding ways to set boundaries in what may be a less than supportive environment
- ◆ Stepping out into the "Market Place" and saying look at me, or what I have to offer ... When what we may have been doing is hiding from the very people we are now asking for support.
- ◆ We are learning how to more deeply honour of our selves and our journey
- ◆ Having to find inner strength and self determination when home and communities needs are only being partially met... due to a shifting set of tasks and opportunities.
 - ✓ We may consider humble steps and accept slow growth as a reflection of inner wisdom and self love
- ◆ May have to weigh risk vs. reality. Can I afford to play by the "rules"? Can I afford not to?
- ◆ May have to take out time from family / home / work to trade for skills / service / product because funds / credit are not available.
- ◆ May have to decide between sleep vs. meeting business commitments due to the fullness of life. We work long hours with out pay (home/ garden / farm / children).
- ◆ Seasonal rentals may leave women and family scrambling even homeless for months of the year ... business as usual takes on a whole new meaning.

- ◆ We may have no hydro electricity, phone, internet, and computer, be unable to read, write, spell ... and yet be stepping forward wishing to succeed, to stop the violence, with a strong voice, of sound mind and brave heart...

Through our work as a Women's Community and while on our Heroic Journey we continue to:

- ◆ Expand our women's community
- ◆ Develop networks and skills
- ◆ Discover personal potential in a supportive environment
- ◆ Align with other women taking similar risks
- ◆ Create space for self and others with silence and creativity
- ◆ Listen
- ◆ Speak clearly and with confidence
- ◆ We are prepared and do our work
- ◆ Actively set goals (focused, attainable and tangible)
- ◆ Learn the difference between Peer Coaching and advice
- ◆ Know the right questions to ask...

New Options Emerge as We Journey:

- ◆ Women are sharing space
- ◆ Working from home (creating space in body mind and spirit)
- ◆ Accessing "experts" on and off Denman Island
- ◆ Markets are being discovered and sought out
 - ✓ Saturday market at the DI Old School
 - ✓ Linking with existing businesses / spaces
 - ✓ Marketing through local publications (articles and press releases)
 - ✓ Web site Production (links to H.J. site, DI.com, individual, other)
- ◆ Fostering a cooperative spirit (break down competitive barriers)
 - ✓ Creating "safe space"
 - ✓ Boundary setting and clear communication
- ◆ Business Partnerships
- ◆ Action planning and supported action (Peer Coaching and Success Groups)...
- ◆ Creative problem solving at a community level

The Lists go on ...and on ...

Journey Well,

Erin O'Brien and Tracy Horovatin,

Co-Coordinators Heroine's Journey Project,

Denman Island

Reflections on Rural Women and Economics:

Reflection on Heroine's Journey Project, Denman Island, BC, Canada 2005 / 2006

- ◆ We are building tools for synergy within business, home life and community
- ◆ Traditional business practice may have had a narrow focus when selecting what it takes responsibility for. We women are choosing to look at a larger picture... looking at ways of making business in reach and sustainable.
- ◆ Taking business into reality: Healthy and life giving
- ◆ As a result of many existing business frameworks / models women are excluded due to systemic oppression
- ◆ Accommodation: Right vs. Privilege example: flexible schedules, access...
- ◆ Looking at strategies with out judgement
- ◆ Redefining Business Ethics within women's community
 - Co-operative
 - Accommodating
 - Supportive
 - Opportunistic
- ◆ Innovation vs. Competition

Journey Well,

Erin O'Brien and Tracy Horovatin Project Coordinators

Denman Island Women's Outreach Society, Status of Women Canada: Stop the Violence

Participant Summary:

Approximately 90 Rural women have been involved with our project including supporting community members DIWOS, Wise advisory, Staff, Presenters, Participants. Our forums have accommodated participant numbers as great 30 and as few as none. We are an eclectic group and the far reaching benefit of our collective efforts has yet to be determined.

- ◆ Average attendance at business skills forums: 9 participants
- ◆ Average attendance at personal / idea development forums: 12 participants
- ◆ Core Group: 8 – 14 participants

Denman Island Women's Outreach Society

Heroine's Journey **Women and Business**

Economic Transformation Program

Economic transformation for Denman Island women is the focus of a new journey that begins in October. This year long project is designed to create a supportive environment in which women can begin to take steps toward self-employment and economic independence.

This program is free of charge to Denman Island women, and child care will be available for participants if needed.

Hands-on, task oriented, practical skills related to small business development will be offered.

Program participants will have the opportunity to:

- * attend workshops and forums
- * work in small groups and learn peer coaching skills
- * participate in a mentorship program
- * receive guidance on the development of a business plan
- * learn about financing options and business resources
- * learn about marketing and advertising
- * share successes, fears, challenges and rewards

The Heroine's Journey is a result of many volunteer hours by the Denman Island Women's Outreach Society and the Women's Initiative for Self-Empowerment advisory group and is possible through funding from the Status of Women.

Please call 335 - 2421 for more information about our upcoming programs, and to register for Karen Wallace's October workshop.

Upcoming Forums:

We begin our journey with creativity. Creativity is crucial, in order to come up with a great business idea, and for the day to day running of your business venture.

Karen Wallace Forum: October 1 - 2, 2005
Creative Expression through Collage

Denman Island Heroine's Journey begins with a playful and thought provoking forum, facilitated by Karen Wallace. How will working with art and collage relate to business? Karen will show you how to:

Know your Gifts: How to set realistic, measurable, tangible and attainable goals...Setting up a plan, knowing your skills, knowing the steps of follow through, gaining clarity and focus and how to stay committed to your goals.

Get Support: How to create internal and external supports for your dreams, and, who are your mentors, teachers and role models?

Work through obstacles to goals: Looking at fears, how to overcome them, and how to make the needed changes in your life.

Karen Wallace, BCATR, is an art therapist, artist and art instructor, living and working in Victoria, B.C. She has a private practice with adults and children and specializes in depression, trauma, spiritual growth, life transition and abuse work.

Karen facilitates art therapy, creativity and art groups and teaches internationally. She shows her mixed media art in galleries in Victoria and on the Gulf Islands. Karen is known for her enthusiastic and dynamic teaching style.

To Register: Contact Erin O'Brien or Brenda Johima
335 - 2421

From: Meon Denman [REDACTED]
Sent: Sunday, January 15, 2023 4:36 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: David Graham <dagraham@islandstrust.bc.ca>; sborthwick@islandstrust.bc; David Maude <dmaude@islandstrust.bc.ca>; Russ Hotsenpiller <rhotsenpiller@islandstrust.bc.ca>; [REDACTED]
Subject: DILTC February 7th meeting application - Islands Trust systemically violates Human Rights

To whom it may concern,

The Islands Trust consistently and systemically violates the Human Right to Housing. It also requires its staff (members of the BCGEU) to engage in practices that violate human rights.

I am applying to present the attached documentation, supporting the above statements, to my Denman Island Local Trust Committee at their LTC business meeting on February 7th, 2023.

The fact that staff members of the Islands Trust are consistently put into the position of violating the human right to housing, as they carry out their duties, should be of concern to everyone. That is why I have included both the CAO of the Islands Trust, and BCGEU leadership as recipients of these important documents.

I look forward to confirmation that I will be able to present the attached material to my Local Trustees on February 7, 2023.

Thank you for your assistance in this matter.

Sincerely,

Riane da Silva

Appendix A - Trauma Informed practice

How law (and bylaw) enforcement can and must support human rights and dignity

“Traumatic stress can be devastating and long-lasting. To develop an understanding about how to build trauma-sensitive services, we need to first clearly understand that the impact of traumatic stress can be devastating and long-lasting, interfering with a person’s sense of self, and sense of safety, leading to feelings of helplessness, terror, and disempowerment. Traumatic exposure may lead to responses including Post Traumatic Stress Disorder (PTSD) and Complex Trauma.”¹

“Realize the widespread impact of Trauma on citizens and first responders alike. Recognize the signs and symptoms of trauma in citizens, self and colleagues. Respond by fully integrating knowledge of trauma into policies, procedures and practices. Resist Re-traumatization actively through trauma informed and compassionate responses.

The most basic thing to keep in mind is when a person with a background of trauma or toxic stress comes in contact with any member of Law Enforcement (including bylaw enforcement), they may already feel unsafe. The authority figure alone may remind them of past experiences where they felt unsafe, and they may have the physiologic reaction that they had in the past. When this happens the Survival/Emotional part of the brain is dominant and they have less access to their Rational/Neocortex brain. They may not hear and process instructions, and they may not be able to take in new information.”²

According to Islands Trust policy, the purpose of bylaw enforcement it is to ensure compliance with bylaws. Many believe that surprise visits are necessary to catch people in the act (of being non-compliant). The fear is that, if the bylaw enforcement officer made an appointment to visit 24 hours or more in advance, an "infraction" could be hidden or made compliant, before the enforcement officer can see it.

If the purpose of enforcement is compliance, how does it harm that goal to give residents 24 hours notice of a site visit? Getting into compliance before a site visit meets the stated goal of “compliance”.

The current approach of "catch them in the act" violates human rights, flies in the face of our social right of “innocent until proven guilty”, and in many cases (ex. "unlawful" housing) can be traumatic to those who are subject to the surprise visit.

Making an appointment for a site visit, 24 hours or more in advance, will not significantly affect or diminish the ability of the Bylaw Enforcement Officer to do their job. However, not having notice can significantly and negatively violate human rights, and affect the residents (many who are neurodiverse, trauma survivors, and/or otherwise marginalized people who have historically been victimized by "authority" figures). Residents have a right to enjoy their homes, their dignity and to be treated with the respect of not being assumed to be a criminal.

If/when the only reason to support a policy of surprise visits is to 'catch residents in the act' of breaking by-laws (rather than truly seeking compliance) then the Islands Trust is clearly allowing, supporting and engaging in violations of human-rights at people's own homes. It is also encouraging their staff to

1 Shelter from the Storm: Trauma-Informed Care in Homelessness Services Settings
<https://www.homelesshub.ca/sites/default/files/cenfdthy.pdf>

2 <https://www.traumainformedmd.com/law-enforcement-101.html#/>

engage in these systemic violations of human rights.

“The Vancouver Police Department (VPD) acknowledges that social issues, including mental health, homelessness, substance use and sex work, intersect with public safety issues. The VPD takes efforts to ensure inappropriate, ineffective, and unnecessary criminalization does not occur, but rather focuses on community-based, harm reduction strategies in collaboration with community service providers.

By working together we can alleviate the stigmas and societal impacts surrounding untreated mental health conditions, lack of stable and affordable housing, inability to access appropriate addictions treatment and safety concerns for marginalized sex workers.

The VPD takes a compassionate approach to homelessness in Vancouver, recognizing that homelessness is a social condition reflective of society’s failure to adequately support those most vulnerable and marginalized.

Individuals experiencing homelessness are often encumbered with a multitude of challenges on a daily basis, from an overwhelming lack of stability, shelter, and resources, to the complications that may arise from poor nutrition and health, often further compounded by substance use issues and mental health conditions.

In July 2020, as the President of the Canadian Association of Chiefs of Police (CACP), Chief Palmer recommended that all police agencies in Canada recognize substance abuse and addiction as a public health issue to help reduce drug overdoses.

The Chief Coroner of BC announced that June 2020 was the deadliest month on record for drug overdoses (breaking the record set just one month earlier) and in the past decade alone, 7,934 British Columbians have died from illicit drug overdoses.

It is important to the VPD that the considerable steps taken in the past decade continue towards appropriate continuums of care. The VPD recognizes that, while strides have been made, the significance of these societal issues necessitates that ongoing efforts be maintained. As such, the VPD remains dedicated to the pursuit of improved conditions, services, and programs in the areas of mental health, homelessness, substance use issues and sex work, in close collaboration with community partners and service providers.”³

“Adaptive approaches are especially important for policing vulnerable populations, including people who are elderly, homeless, disabled, undocumented, addicted, and physically or mentally ill.”⁴ Other human rights-holding vulnerable populations include those who are racially profiled, members of the LGBT2SQIA community, neurodiverse individuals, disabled individuals, survivors of trauma, survivors of interpersonal abuse, and other survivors of systemic discrimination and abuses. Communities should “support a culture and practice of policing that reflects the values of protection and promotion of the dignity of all—especially the most vulnerable.”⁵

“Homelessness constitutes a prima facie violation of the right to housing. It is a profound assault on a person’s dignity, security, and social inclusion. Homelessness violates not only the right to housing, but

3 <https://vpd.ca/wp-content/uploads/2021/06/our-community-in-need.pdf>

4 https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_VulnerablePops.pdf

5 https://www.theiacp.org/sites/default/files/2018-11/IACP_PMP_VulnerablePops.pdf

often, depending on circumstances, violates a number of other human rights, including: non-discrimination; health; water and sanitation; freedom from cruel, degrading, and inhuman treatment; and the rights to life, liberty, and security of the person.

Regardless of the reasons why a person resides in a homeless encampment [or “unlawful housing”], homeless encampments do not constitute adequate housing, and do not discharge governments of their positive obligation to ensure the realization of the right to adequate housing for all people. Under international human rights law, “States have an obligation to take steps to the maximum of their available resources with a view to achieving progressively the full realization of the right to adequate housing, by all appropriate means, including particularly the adoption of legislative measures.” As part of these obligations, States must prioritize marginalized individuals or groups living in precarious housing conditions - including residents of homeless encampments.

The fact that encampments violate the right to housing does not in any way absolve governments of their obligations to uphold the basic human rights and dignity of encampment residents while they wait for adequate, affordable housing solutions that meet their needs. The Principles outlined in this Protocol seek to support governments and other stakeholders to ensure that their engagements with encampments are rights-based and recognize residents as rights holders, with a view to realizing the right to adequate housing for these groups while respecting their dignity, autonomy, individual circumstances, and personal choices.”⁶

As so many levels of government and law enforcement adjust to realizing their Human Rights obligations to the populations that they serve, trauma informed practices are emerging far and wide.

Any employer who wishes to support their enforcement staff must give them access to the appropriate tools to keep them from violating human rights and thus causing trauma, and/or from experiencing vicarious trauma themselves. Becoming a trauma-informed organization is, therefore, a sound business practice.

“Vicarious trauma is an occupational challenge for people working and volunteering in the fields of victim services, law enforcement, emergency medical services, fire services, and other allied professions, due to their continuous exposure to victims of trauma and violence. Exposure to the trauma of others has been shown to change the world-view of these responders and can put people and organizations at risk for a range of negative consequences.

Vicarious trauma-informed organizations proactively address the existence and impact of vicarious trauma on their staff through policies, procedures, practices, and programs that mitigate the risk of negative consequences for employees, the organization as a whole, and the quality of services delivered.

Vicarious traumatization is a negative reaction to trauma exposure and includes a range of psychosocial symptoms that providers and responders may experience through their intervention with those who are experiencing or have experienced trauma. It can include disruptions in thinking and changes in beliefs about one's sense of self, one's safety in the world, and the goodness and trustworthiness of others; as well as shifts in spiritual beliefs. Individuals may also exhibit symptoms that can have detrimental

⁶ <https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

effects, both professionally and personally.”⁷

“It is reasonable to assume that individuals and families who are homeless have been exposed to trauma. Research has shown that individuals who are homeless are likely to have experienced some form of previous trauma; homelessness itself can be viewed as a traumatic experience; and being homeless increases the risk of further victimization and retraumatization. Historically, homeless service settings have provided care to traumatized people without directly acknowledging or addressing the impact of trauma.

In addition to the experience of being homeless, an overwhelming percentage of homeless individuals, families, and children have been exposed to additional forms of trauma, including: neglect, psychological abuse, physical abuse, and sexual abuse during childhood; community violence; combat-related trauma; domestic violence; accidents; and disasters. Trauma is widespread and affects people of every gender, age, race, sexual orientation, and background within homeless service settings.

Early developmental trauma—including child abuse, neglect, and disrupted attachment—provides a subtext for the narrative of many people’s pathways to homelessness. Violence continues into adulthood for many people, with abuse such as domestic violence often precipitating homelessness, and with homelessness leaving people vulnerable to further victimization. The impact of traumatic stress often makes it difficult for people experiencing homelessness to cope with the innumerable obstacles they face in the process of exiting homelessness, and the victimization associated with repeated episodes of homelessness. Research has found that people who experienced repeated homelessness were more likely than people with a single episode of homelessness to have been abused, often during childhood

Researchers have documented that the rates of traumatic stress are extremely high, and may even be normative, among those experiencing homelessness. Individuals who are homeless may have been exposed to neglect, psychological abuse, physical abuse, or sexual abuse during childhood; community violence; sexual assault; combat-related traumas; domestic violence; and accidents or disasters. A literature review found consistent and well-documented evidence of high levels of multiple forms of traumatic stress within individuals and families who are homeless. It is clear that trauma affects people of every gender, age, race, sexual orientation, and background within homeless service settings. No one is immune.

Women/Mothers

- Although many people think of men when they consider the issue of homelessness, families—typically single mothers with young children—now comprise up to 40% of the overall homeless population.
- Trauma is extremely prevalent among homeless women: over 90% of homeless mothers report having experienced severe physical or sexual assault during their lifetimes.
- The majority of homeless mothers were abused during childhood, with nearly 2/3 reporting severe physical abuse and 42% reporting sexual abuse; 60% were abused before the age of twelve.
- More than 70% of homeless mothers have at least one childhood risk factor, including: severe physical abuse, unwanted sexual contact, having a parent who was mentally ill or who abused substances, running away for a week or more, or being in foster care.
- Homeless mothers are also frequently the victims of abuse during adulthood, with 61% reporting a history of domestic violence and 32% acknowledging recent domestic violence.

⁷ https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/imp_making_the_business_case-508.pdf

- Homelessness puts women at risk for assault ; being homeless was associated with more than three times the risk of sexual assault for women.
- Homelessness and victimization are associated with adverse mental health outcomes: more than 50% of homeless mothers reported depression, and more than 40% reported posttraumatic stress disorder (PTSD)⁸

List of professional development courses that assist in understanding and mitigating trauma:

<https://www.cpkn.ca/en/course/using-a-trauma-informed-approach/>

The Using a Trauma-Informed Approach course will introduce the concept of trauma, the different range of reactions to trauma, and conducting investigations using a trauma-informed approach. We will examine trauma, its impacts, and the potential challenges you may face when interacting with victims of trauma.

The objectives of this Using a Trauma-Informed Approach online course are to ensure that upon completion, you will be able to:

Recognize the biological impacts of trauma on the brain

Identify the different types of trauma

Recognize the range of reactions that can occur as a result of a traumatic event

Recognize the importance of your role and the potential impact you can have when interacting with a victim of trauma

Recognize the individual impacts trauma can have on diverse populations

Trauma informed practice training through the Justice Institute of BC

<https://www.jibc.ca/course/trauma-informed-practice-justice-public-safety-anti-violence>

will support learners in recognizing and understanding trauma and its effects on victims/survivors and witnesses and having a clear understanding of how violence and abuse may shape victims/survivors responses; assessing their own practices and processes with a trauma-informed lens; and incorporating trauma-informed learnings to reduce potential re-traumatization experienced by victims/survivors and witnesses participating in the justice system.

<https://www.jibc.ca/course/building-trauma-informed-organization>

Building a trauma informed organization involves shifts in our approaches to interactions with service users, worker wellness, organizational culture and practices, and interagency and community engagement. This one day, virtual course will focus on the components of becoming a trauma informed organization and provide examples of social service, health and other organizations that have put these changes into place.

Additional reading:

<https://www.msn.com/en-ca/news/other/policing-and-evicting-people-living-in-encampments-will-not->

⁸ Shelter from the Storm: Trauma-Informed Care in Homelessness Services Settings

<https://www.homelesshub.ca/sites/default/files/cenfdthy.pdf>

[solve-homelessness-in-canada/ar-AAKkV58](#)

<https://www.make-the-shift.org/wp-content/uploads/2020/04/A-National-Protocol-for-Homeless-Encampments-in-Canada.pdf>

Appendix B

The Human Right to Adequate Housing in British Columbia, Canada and Internationally

On June 21, 2019, Parliament passed the *National Housing Strategy Act* which affirmed for the first time in federal legislation that housing is a fundamental human right in Canada.

Furthermore, the right to adequate housing is an important precondition for exercising other human rights, including the rights to life, good physical and mental health, education, and political participation.

The human rights-based approach to housing adopted in the Act and the National Housing Strategy underlines that housing must provide more than four walls and a roof. It should be equitable and accessible to all without discrimination based on gender, race, Indigenous identity, disability, faith, place of birth, age, family status, sexual orientation, gender identity or other factors.¹

Canada's first National Housing Strategy is to eliminate homelessness and realize the right to adequate housing for all in the shortest possible time, using all appropriate means and the maximum of available resources. Among other goals to: Ensure that vulnerable groups and those affected by homelessness and inadequate housing are able to participate in developing housing policy to realize their right to housing.²

Now, more than ever, people living in vulnerable circumstances must be at the forefront of government efforts to address housing need. In particular, marginalized groups, including Indigenous people, members of Black and racialized communities, persons with disabilities, those dealing with mental health and addiction issues, women and children experiencing domestic violence, those facing economic hardship, individuals identifying as LGBTQ2S+, and youth are disproportionately represented among those facing homelessness.³

While local governments cannot address these challenges on their own, they are on the front lines of the housing crisis, and they play a critical role in addressing it. In addition to implementing many federal and state programs, they have tools at their disposal that other levels of government do not, including land use regulations, building and housing codes, and permitting processes. They also have a deep understanding of local needs and market conditions. Local governments are thus uniquely positioned to weave together different funding sources and regulations into a comprehensive local housing strategy – a necessary step in meaningfully tackling the affordability challenges that so many localities confront.⁴⁵

In assessing whether governments have met their obligation to progressively realize the human right to housing, the UN has applied a standard of “reasonableness.” The reasonableness standard encourages us to ask questions like:

- Have government departments engaged with people affected to develop solutions to systemic housing issues?
- Has a horizontal, cross-department approach been adopted?
- Has the federal government exercised leadership to ensure that all levels of government are cooperating to implement their shared human rights obligations with respect to the right to adequate

1 National Housing Strategy Act <https://laws.justice.gc.ca/eng/acts/N-11.2/page-1.html#docCont>

2 <https://laws-lois.justice.gc.ca/eng/acts/N-11.2/FullText.html>

3 <https://www.chrc-ccdp.gc.ca/en/resources/statement-canada-must-uphold-the-rights-persons-experiencing-homelessness>

4 <https://static1.squarespace.com/static/5e3aed3ea511ae64f3150214/t/61855e1bc6bf8578767ae16b/1636130341860/Claiming+the+R2H+in+BC+-+workshop+report.pdf>

5 <https://localhousingsolutions.org/plan/what-is-a-local-housing-strategy-and-why-is-it-important/>

housing?

- Are programs and policies consistent with a commitment to realize the right to housing for all, in the shortest possible time?

The question of what constitutes reasonable policy from a human rights standpoint starts by considering the dignity and rights of those who need housing, and from there, considering whether the government's response to their circumstances is reasonable and proportional. It is a similar process as has been applied under human rights legislation with respect to the accommodation of disabilities.

First, we must hear from rights-holders about what they need from the government to ensure dignity and rights, and then we must consider how to address those needs as human rights priorities, within available resources. This new human rights approach can cast a very different light on our assessment of whether housing policies and programs are "reasonable"—and it also leads to innovative and creative solutions which often result in longer term cost-savings.⁶

When rights-holders are asked about claiming their right to housing, they invariably refer to the fact that they are not seen as human beings or treated with dignity. It is in those moments that the importance of recognizing the right to housing as a human right rather than as a mere commitment to solve a social problem for government to solve on its own is clearest.

Housing policies and programs must prioritize the needs of marginalized and vulnerable groups and engage directly with the needs and rights of those who have been left behind. General indicators of over-all progress in achieving housing outcomes are helpful, particularly if they include disaggregated data to capture the circumstances of particular groups, but statistics do not capture the experience of social exclusion or stigmatization or the root causes of systemic inequality.

Experiences of recent decades have shown, however, that governments are only well placed to respond to competing needs and rights if they are committed to the broader human rights project and if there are processes in place to ensure that the human rights of those whose needs and interests are likely to be ignored are being adequately considered.

One of the lessons for Canada from the challenges faced in South African is how difficult it is to reverse embedded inequality and how important it is to prevent socioeconomic inequality and segregation from becoming entrenched in Canada. As Canadian advocates have learned in Geneva, it is also important to be able to feel shame for one's country when it fails to live up to its commitment to human rights.

The court wrote that "those seeking eviction should be encouraged not to rely on concepts of faceless and anonymous squatters automatically to be expelled as obnoxious social nuisances. Such a stereotypical approach has no place in the society envisaged by the Constitution; justice and equity require that everyone is to be treated as an individual bearer of rights entitled to respect for his or her dignity."

Meaningful consultation and meaningful engagement are often used interchangeably, but meaningful engagement can be distinguished from consultation in two ways. First, meaningful engagement requires actual partnership in decision-making while consultation may occur prior to decisions being made by others. And second, consultation does not require any particular result while meaningful engagement must achieve compliance with the right to housing.

Engagement with communities might be better defined as a process through which they are able to

6 [NRHN - The right to housing in action: Transforming housing law and policy in Canada](#)

advocate for their right to housing and negotiate solutions to systemic issues. In some cases, they may rely on the Federal Housing Advocate or a Review Panel to make findings and recommend measures but in others, rights-based solutions may emerge from the process of meaningful engagement itself.

Using the analogy of reasonable accommodation of disabilities, the application of the reasonableness standard based on a firm normative framework recognizes that what the right means in each case will be different, to be determined through a process of engagement and negotiation, but the rights themselves are not negotiable and the approach has to be coherent and consistent so that there is a clear sense of what constitutes human rights compliance.

The assessment of reasonableness may, through meaningful engagement, generate a collaborative, open and inclusive exploration, facilitated in some cases by the Federal Housing Advocate but driven as much as possible by rights-holders, on how to implement the right to housing in concrete terms.

There is often a tendency to think of State obligations with respect to the right to housing as they relate to direct government involvement through programs to create housing supply or to provide assistance with rent. However, systemic issues frequently relate to failures of governments to regulate private investment or development, and the requirement to realize the right to housing “by all appropriate means” includes the requirement to regulate private actors.

As noted by the former Special Rapporteur on the right to housing in her report on the financialization of housing: The tripartite obligations of States in relation to the management of financial markets and the regulation of private actors are often interpreted too narrowly. Under international human rights law States’ obligations in relation to private investment in housing and the governance of financial markets extend well beyond a traditional understanding of the duty to simply prevent private actors from actively violating rights. The assumption, bolstered by neo-liberalism, that States should simply allow markets to work according to their own rules, subject only to the requirement that private actors “do no harm” and do not violate the rights of others, is simply not in accordance with the important obligation to fulfill the right to adequate housing by all appropriate means, including legislative measures.

The State must regulate, direct and engage with private market and financial actors, not simply to ensure that they do not explicitly violate rights, but also to ensure that the rules under which they operate and their actions are consistent with the realization of the right to adequate housing.⁷

The Committee described the reasonableness standard as requiring the State to make “all possible effort, using all available resources, to realize, as a matter of urgency, the right to housing of persons who, like the authors, are in a situation of dire need.” This requires measures to address systemic issues and structural causes of evictions as well as the individual circumstances of the authors. “The lack of housing is often the result of structural problems, such as high unemployment or systemic patterns of social exclusion, which it is the responsibility of the authorities to resolve through an appropriate, timely and coordinated response, to the maximum of their available resources.”

Many of the concepts that have been developed to understand systemic discrimination experienced by persons with disabilities, such as the “social construction of disability”, can enrich the understanding of systemic issues under the NHSA. Similarly, approaches that have been developed under the ICESCR to understand positive obligations and progressive realization can help to assist

⁷ The Provincial Speculation and Vacancy Tax is one example of the mechanisms outlined in this and the 2 previous paragraphs

the disability rights movement better address issues such as disproportionate homelessness among persons with disabilities.

A particularly important provision in the CRPD that must be directly incorporated into the understanding of the right to housing in the NHSA is Article 19 of the CRPD, guaranteeing the right to live independently and be included in the community. Article 19 requires that persons with disabilities have the opportunity to choose where and with whom they live and access to a range of community support services to facilitate inclusion in the community and prevent isolation or segregation. The standard to be applied in assessing the implementation of this right is similar in wording to the “all appropriate means” standard in article 2(1) of the ICESCR. In Article 19, however, this is an immediate obligation, not subject to progressive implementation over time. States must adopt “effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right.”

In its most recent review of Canada’s compliance with article 19, the Committee on the Rights of Persons with Disabilities recommended that Canada adopt a national guideline on the right to live independently in the community; adopt a human-rights based approach to disability in all housing plans; ensure that provinces and territories establish a timeframe for closing institutions and create a comprehensive system of support for community living; ensure that accessibility legislation facilitates inclusion in the community; and implement appropriate service provision within First Nation communities.

The Convention on the Elimination of All forms of Racism (CERD) is unique among international human rights treaties in that it affirms the right not only to non-discrimination in access to housing but also the substantive right to the equal enjoyment of the right to housing and other ESC rights.

The Convention on the Rights of the Child (CRC) is also a relevant source for the interpretation of the right to housing under the NHSA, particularly as the Supreme Court of Canada has recognized that the “best interests of the child” principle in the CRC should be considered when exercising discretion based on a reasonableness standard. This would apply to evictions cases in which children are forced from their homes and often, as a result, from their schools and friends. The CRC has expressed concern about the extent of homelessness among families with children and about the circumstances of “street children” in Canada, noting that many are Indigenous.

The NHSA is federal legislation and must be interpreted and applied as such. It could not, for example, have required provincial and territorial ministers of housing to respond to findings and recommended measures in the way that this is required of the federal minister. But beyond these obvious restrictions, the legislation should be interpreted broadly, in light of its purposes and content, and recognizing that **all orders of government are committed to the right to housing affirmed in international human rights law, even if they have not declared this in legislation.**

Violations of human rights can be either individually based or system based. The two types of violation require different remedial approaches. An individual violation affects one person or a small number of persons and is often perpetrated by one or a small number of individuals. Economic, social and cultural rights are generally more often the subject of systemic violations. Systemic violations have broad causes and effects, often arising from the ways in which society is organized politically, socially and economically. It is often difficult to identify individual perpetrators who bear individual responsibility for systemic violations. The State as a whole will be responsible.

The commitment to the right to housing under international human rights law requires co-ordination of various spheres of government.

The social housing deficit that was created by the federal withdrawal from social housing programs after 1995 was reinforced by a social rights deficit created at the same time. These are the historical antecedents to the present crisis.

As a fundamental right inextricably linked to the right to a dignified life and core human rights values affirming equality in dignity and rights, the right to housing is a right whose meaning must be clarified by engaging meaningfully with rights-holders.

There are still many in government and elsewhere who are mystified as to what a right to housing means in practice. They understand the value of a rights based approach if it means consulting with vulnerable and marginalized groups in order to allow governments to better design programs and achieve better housing outcomes for constituents. But they are less clear on what it means to recognize the right to housing as a right that can be claimed, adjudicated and made subject to effective remedies. Even in the dialogic and participatory procedures under the NHSA, the idea of claiming a right to housing still seems to create fears of irresponsible and unmanageable demands that the government provide housing for everyone. Will the federal government and other orders of government relinquish their past resistance to recognizing housing as a fundamental right and their insistence that housing policy should be left to governments?

We ultimately rely on faith that governments either believe in human rights, or they believe that it would be politically damaging to turn their backs on them. The challenge with the NHSA is to turn the legislative affirmation of the right to housing under international human rights law into what the Supreme Court refers to as “a moral imperative and a legal necessity.”

The lessons learned by civil society engaging with international human rights mechanism suggest that the best way to make the right to housing meaningful is to utilize procedures that provide an adjudicative space in which it can be claimed. Modern commitments to the right to housing have emerged from new human rights practice that recognizes a previously excluded category or rights claimants as entitled to claim their right to dignity in rights and to recognize that the right to housing requires meaningful accountability, access to justice and effective remedies.

Affected communities must be provided with the resources necessary to organize, with the support of civil society and human rights advocacy organization, and they must be treated with respect and dignity, recognized as absolutely necessary to any assessment of compliance with international human rights norms. Governments, on the other hand, must be convinced to recognize the value of affirming a new human rights framework for policies and decision making, both as a recommitment to core values of Canada’s constitutional democracy and as the most effective means to address the housing crisis and realize the commitment to ensure access to housing for all by 2030 and beyond.⁸

Further reading materials found at this webpage <https://housingrights.ca/resources/>

⁸ <https://housingrights.ca/wp-content/uploads/Porter-NRHN-OFHA-Paper-2021-FINAL.pdf>



Denman Island Local Trust Committee Minutes of Special Meeting

Date: January 17, 2023
Location: Electronic Meeting

Members Present: David Maude, Chair
Sam Borthwick, Local Trustee
David Graham, Local Trustee

Staff Present: Renee Jamurat, Regional Planning Manager
Sonja Zupanec, Island Planner
Vicky Bockman, Recorder

Others Present: Simon Palmer, Denman Housing Association
David Ricketts, Denman Housing Association

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 Maude called the meeting to order at 3:02 pm. He explained that this meeting is being held electronically, live streamed, and recorded for viewing on the Islands Trust website. He introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 2023 Regular Business Schedule - for adoption

Planner Zupanec presented the Staff Report that asks the Local Trust Committee (LTC) to endorse the tentative regular business meeting schedule for 2023. It was noted that the first meeting on February 7, 2023 was endorsed previously by Resolution Without Meeting.

A Trustee expressed a preference for Trustees to attend these meetings in person. It was suggested that the attendance of staff at meetings can be useful, however, might be optional if the meeting location Wi-Fi connectivity will allow. Staff advised that the current understanding is that at least one staff member is required to be present at meetings and that this condition is under review for clarity at this time. Trustees proposed that a test of the ability to hold meetings electronically be conducted at the February meeting.

DE-2023-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2023: April 4, June 6, July 25, October 3 and November 14.

CARRIED

3.2 DE-RZ-2021.1 (Denman Housing Association (Denman Green)) - Local Trust Committee to consider whether they wish to receive new information, post public hearing

Planner Zupanec provided a brief overview of the application and process to date for the benefit of the incoming Trustees. She reported that the province has issued a ground water license for the Denman Green project and explained that this is not considered new information subject to post public hearing regulations as it was an LTC requirement that proof of an issued water licence be provided before final adoption of the bylaws would be considered.

She advised that a referral response from K'ómoks First Nation was received late in 2022, however, staff have been informed that the newly elected K'ómoks Nation Chief and Council are reconsidering the referral response and will be providing an update to that response shortly. She noted that once received, staff will analyse the information to determine if the significance of the information warrants the LTC's receipt of new information post public hearing.

Further discussion of the agenda item was deferred to the February 7 meeting when staff is expected to have sufficient information to provide the LTC with options. She cautioned Trustees to continue to abide by provincial post public hearing rules in effect.

4. ADJOURNMENT

DE-2023-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adjourn the meeting.

CARRIED

The meeting adjourned at 3:25 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder

Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2022-006 Hold Electronic SM to receive Info post PH re bylaws 241 and 242 'THAT the Denman Island Local Trust Committee schedule a Special Electronic business meeting on January 17, 2023 at 3:00 PM to confirm whether or not they wish to receive new information, post public hearing, regarding proposed bylaw No. 241 and 242.'	Carried	22-Dec-2022
2022-005 Adopt LTC 1st MTG Date for 2023 "THAT the Denman Island Local Trust Committee schedule its first regular business meeting in 2023 at 12:30 PM on Tuesday, February 7, at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC."	Carried	16-Dec-2022
2022-004 Adopt SM minutes of Oct 6 continued on Oct 14, 2022 "That the Denman Island Local Trust Committee adopt the minutes of its Special Meeting of OCTOBER 6, 2022 which was also postponed and continued on OCTOBER 14, 2022."	Carried	09-Nov-2022
2022-003 Adopt RM Minutes of September 27, 2022 "That the Denman Island Local Trust Committee adopt the minutes of its Regular Business Meeting of September 27, 2022."	Carried	07-Nov-2022
2022-002 Adopt In-Camera Minutes of September 27, 2022 "That the Denman Island Local Trust Committee adopt the minutes of its In-Camera Meeting of September 27, 2022."	Carried	03-Nov-2022



Minutes of the Denman Island Advisory Planning Commission

Date of Meeting: Tuesday, January 17, 2023

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

APC Members Present: George McRae, Member
C Urquhart, Member
Edi Johnston, Chair
Anne deCosson, Member

Staff Present: Marlis McCargar, Island Planner by Speakerphone
Katherine Vogt, Recorder by Speakerphone

Others Present: Sam Borthwick, Local Trustee
David Graham, Local Trustee
One (1) member from the public

1. CALL TO ORDER AND WELCOME

Acting Chair McCargar called the meeting to order at 1:23 pm. She acknowledged that the meeting was being held on the unceded territory of the K'ómoks First Nation. She introduced herself and recorder and invited Advisory Planning Commission (APC) members and others to introduce themselves. She explained that she would be acting as Chair until elections were held later in the meeting, at which time the newly elected Chair would take over. She reviewed the history of the Denman Island Farming Regulations Review Project and proposed Bylaws 228 and 229, recently given second reading by the Local Trust Committee (LTC) and currently being referred to the APC, First Nations and other agencies for comment.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Denman Island Advisory Planning Commission Draft Minutes dated June 14, 2022

Member McRae objected to the wording in item 3.1 of the June 14, 2022 minutes, an item that referred to the previous minutes of August 14, 2020. Specifically, the phrase in item 3.1 'perhaps motion DE-APC-2020-005, was not carried' was unnecessarily ambiguous given that Member McRae was actually very certain that the motion had not been carried.

Planner McCargar noted that there was a recording of the meeting which had been reviewed by the Planning Team Assistant, and that it was not clear that the motion had not been carried.

- Member McRae noted that the recorder had been a distance away from the members, so perhaps the correct information had not been captured in the recording.

By general consent, the minutes of June 14, 2022 were approved as presented.

4. BUSINESS ITEMS ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY

Planner McCargar noted that terms for present APC members would be expiring in July 2023; and, that though elections for APC members were usually done at the start of the term, these had been deferred, but still needed to be conducted. She explained the roles of Chair, Vice-Chair, and Secretary.

By acclamation, Edi Johnston was elected Chair; George McCrae was elected Vice-Chair; and C Urquhart was elected Secretary.

Planner McCargar noted that recruitment for new APC members would most likely not occur until the end of the present term in July 2023; and, that current APC members would be invited to put in submissions for another term at that time. She added that the LTC reviews submissions and appoints for the APC at a closed meeting.

Planner McCargar passed Chair duties to newly elected Chair Johnston

5. REFERRAL FROM DENMAN ISLAND LOCAL TRUST COMMITTEE

Planner McCargar noted that the referral from the LTC was regarding the Denman Island Farming Regulations Review Project.

Chair Johnston reminded APC members that their job was to review the referral and provide comment and/or recommendations to the LTC; and, that the Islands Trust mandate was to preserve and protect the Trust area and its unique amenities and environment for the benefit of residents of the Trust area.

APC members noted the following regarding proposed Bylaw No. 228:

- The Denman Island Official Community Plan (OCP) Land Use Designations map with the Proposed Bylaw No. 228 referral package presents a block of land in and around two farms on East Road with Agriculture Land Reserve (ALR) zoned status without any designation. Should it not have an A for Agriculture designation?
 - Planner McCargar responded that there are two Denman Island land maps: a zoning map correlated to the Land Use Bylaw and its regulations, and a Land Use Designation map correlated to the OCP. While the two maps very often do align, sometimes they do not.
 - Planner McCargar noted that the map seemed to imply that the block of land in question was designated Sustainable Resource (SR); but, would seek further clarification as to why it was not labeled.
 - Planner McCargar noted that Policy 14 speaks to Sustainable Resource (SR) land on ALR land; that ALR zones were provincially regulated so would not be affected by an OCP designation.

- APC members discussed that the OCP Land Designation map in relation to the zoning map was confusing.
- Regarding Proposed Bylaw No. 228, Schedule 1, Item 1.8 'Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission,' is the local government giving up control over dwelling numbers to the Agricultural Land Commission (ALC)?
 - Planner McCargar responded that the Land Use Bylaw can be more restrictive but not less restrictive than the ALC regulations. Applications to the ALC are referred to the Islands Trust but ALC has the final decision making authority. It is uncommon, however, for agencies to disregard comments to applications given that the referral process is collaborative.
- The extra dwelling allowances on ALR land could be easily abused due to lack of monitoring.
 - Planner McCargar responded that she did not know if the ALC used a complaints-based system or another system for monitoring built into the extensive ALC applications process.
- Many farmers feel generally constrained by lengthy, time-consuming applications and regulatory processes and would not support local governments imposing further restrictive regulation layers above the ALC's existing restrictions on ALR land. Seasonal workers and places for them are needed on farms.
- Why does the Ministry of Agriculture say that local governments have final approval over residences?
 - Planner McCargar clarified that previously the ALC only allowed secondary dwellings for immediate family members, but that now they were allowing anyone in the second dwelling; however, local governments can impose more restrictive regulations in their Land Use Bylaw.
 - She further noted that on the Islands Trust website there is a Protocol Agreement and a Letter of Understanding between the ALC and Islands Trust.

DE-APC-2023-001**It was MOVED and SECONDED,**

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 228.

CARRIED

APC members discussed proposed Bylaw No. 229 which amends the Denman Island Land Use Bylaw No. 186, 2008 to regulate dwellings in the ALR; agritourism and agritourism accommodation; and to update several definitions and setback regulations.

APC members noted the following regarding proposed Bylaw No. 229:

- It was previously determined that setbacks to watercourses for development permit areas was out of scope of the Farm Regulations Review Project but would be an important future project. Why was this not done first?
 - Planner McCargar clarified that the proposed changes in Bylaw No. 229 bring setbacks to watercourses regulations in line with ALC regulations, but setback regulations or the creation of new Development Permit Areas would need another extensive round of public engagement.
- There is currently a problem with small-scale livestock in a small subdivision property contaminating and shutting down a nearby shellfish tenure with E. coli.

- There is currently a problem with manure applied on a garden adjacent to a stream and well contaminating that well with E. coli such that the well owner has had to install extra filtration.
 - Planner McCargar noted that the BC Ministry of Environment enacted the Agricultural Environmental Management Code of Practice regulation in 2019 which lays out requirements for specific farm practices regarding livestock, manure and storage near watercourses.
- An APC member responded that these Ministry regulations were inadequate and did not account for the nature of runoff in various landscapes.
- Applications of manure on larger growing areas could contaminate whole watersheds and multiple wells.
- How many years could it take to fully address farm practices water contamination issues on Denman Island?
 - Planner McCargar responded that this would be at the direction of the LTC and their project priorities and could be recommended by the APC for the LTC to consider. She also clarified that amended setback regulations could apply to any property, not just farm properties.
- Upriver/downriver contamination issues could be addressed more quickly as a specific significant setback issue.

DE-APC-2023-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 229.

CARRIED**DE-APC-2023-003**

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends that the Local Trust Committee review issues of creating Development Permit Areas for protection of watercourses as a priority.

CARRIED**6. NEXT MEETING**

A next meeting would await a new referral from the LTC.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 2:39 pm.

Edi Johnston, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Denman Island

19-Jul-2022

Activity	Responsibility	Dates	Status
1 Bylaw Enforcement Manager to report to the DE LTC early in 2023 on current or open Bylaw Enforcement files.	Warren Dingman		In Progress

27-Sep-2022

Activity	Responsibility	Dates	Status
1 Add the Sept 2022 memo regarding electronic meetings and staff time (DE agenda package) to the next regular business meeting of the LTC. staff will provide verbal update that the outgoing LTC recommended alternating between in-person and electronic meetings until better internet options are available on the island. - done Staff will forward a copy of the memo to the Director of Planning Services for inclusion in agenda for the Financial Planning and Regional Planning Committees for discussion. <i>(sent January 3, 2023)</i>	Becky McErlean Sonja Zupanec		Completed
2 Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.			In Progress

File No.: DE-DP-2022.3
xRef: DE-SUP-2022.20

DATE OF MEETING: February 7, 2023
TO: Denman Island Local Trust Committee
FROM: Stephen Baugh, Planner 2
Northern Team
SUBJECT: Development Permit Application
Applicant: Jessica Booth
Location: 8330 Owl Crescent, Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of development permit DE-DP-2022.3.

REPORT SUMMARY

This development permit application is to permit the construction of an addition to an existing single family dwelling within Development Permit Area 2 – Steep Slopes. Staff are recommending approval because the development is consistent with the development permit area (DPA) guidelines.

BACKGROUND

In 2015, the owners of the subject property obtained a Development Permit (DP) and Siting and Use Permit (SUP) from Islands Trust in order to construct a Single Family Dwelling on the lot within Development Permit Area 2. The owners now wish to construct an addition to the dwelling and are seeking a DP and SUP to facilitate the new construction. The applicant has provided a description of the proposed development, included as Attachment 4, and has confirmed that no tree cutting is required or proposed on the lot.

ANALYSIS

Islands Trust Policy Statement:

The following Islands Trust Policy Statement directive policies are relevant to this application and are addressed through DPA2 – Steep Slopes:

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.

3.1.4 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.

Official Community Plan:

The proposed addition to the dwelling is located in Development Permit Area 2 – Steep Slopes. DPA2 – Steep Slopes has been designated a Development Permit Area for the protection of the natural environment, its ecosystems and biological diversity. The DPA is characterized by slopes greater than 60 percent which may be susceptible to landslides, it is also an area conducive to the development of uncommon plant communities such as stands of undisturbed old forest with large trees, plant communities with a high diversity of tree species, and high value wildlife habitats. The objectives of Development Permit Area 2 are:

1. to protect the natural environment, its ecosystems and biological diversity from adverse impacts of land alteration; and
2. to retain large old trees for their ecological and habitat value.

Land Use Bylaw:

The subject property is zoned Forestry in the Denman Island Land Use Bylaw (LUB) and the proposed development meets the LUB regulations. The applicant has submitted a SUP application in conjunction with the DP which staff have reviewed, the SUP will be issued pending approval of the DP.

Issues and Opportunities

Development Permit applications are assessed based on the specific guidelines which exist to guide proposed development so that the objectives of the DPA are achieved. Typically, professional reports are required with applications in order to inform permit conditions. These reports generally contain a description of the project, state conditions that should be met by the development and provide professional information related to DPA objectives to be reviewed by staff. Professional reports form the basis of the DP review, inform permit conditions and give advice that is specific to proposed development and its location.

For this application, a DP is required for the proposed construction, however, none of the DP guidelines apply to the development and no professional report was required or provided. This results in an application that does not advance the objectives of the DPA. To avoid this in the future, the LTC may wish to review and update this DPA through an LTC initiated project.

Consultation

A community information meeting and/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 DPA2 are satisfied and as such, the LTC must issue the permit unless it differs in opinion from staff's analysis and considers DPA2 guidelines have not been met.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC decision must be accompanied by reasons. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DP-2022.3 for the following reasons [insert reasons by LTC].

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-2022.3 conditional upon [insert conditions...].

NEXT STEPS

If the LTC concurs with the staff recommendation on page one of this report, the DP and SUP will be issued.

Submitted By:	Stephen Baugh, Planner 2	December 14, 2022
Concurrence:	Sonja Zupanec, RPP, MCIP, Island Planner	December 14, 2022

ATTACHMENTS

1. Site Context
2. DPA Guidelines
3. Development Permit
4. Applicant Narrative

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1 OF THE NORTH EAST 1/4 OF SECTION 10 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP89453
PID	028-879-465
Civic Address	8330 Owl Cres, Denman Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Agriculture, Residential

HISTORICAL ACTIVITY

File No.	Purpose
DE-DP-1998.2	Closed
DE-DP-2000.7	Closed
DE-DP-2015.3	Closed: Development permit for the construction of a Single Family Dwelling
DE-SUB-2011.1	Closed: To create 2 parcels.
DE-SUP-2015.9	Closed: Companion application to DE-DP-2015.3
DE-SUP-2022.20	Open: Companion application to this DP.

POLICY/REGULATORY

Official Community Plan Designations	Sustainable Resources - SR DPA2 – Steep Slopes
Land Use Bylaw	Forestry (F)
Other Regulations	N/A
Covenants	FB459372 (DELTC) – no further subdivision under s. 946. Parcel to be used for residential use only.
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 Plan	The Regional Conservation Plan 2018-2027 identifies the subject property as MEDIUM priority lands for conservation. Denman Island as a whole has been identified as a MEDIUM priority.
Species at Risk	None Mapped
Sensitive Ecosystems	DPA2 is designated as a development permit area for the protection of the environment, its ecosystems and biological diversity.

	Area of the property is mapped within Schedule D of the OCP as a Visually Sensitive Area and a Connectivity Area.
Hazard Areas	DPA2 is mapped as a steep slope area.
Archaeological Sites	No archaeology sites or potential are mapped within 100m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.]
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – DEVELOPMENT PERMIT AREA GUIDELINES

DPA2 – STEEP SLOPES

Guideline	Complies	Planner Comments
<i>Guideline 1</i> A development permit is required as follows: 1. Alteration of land by the cutting or removing of trees: i. on land that: • is not classified as managed forest land under the Assessment Act; and • is not the subject of a valid and subsisting woodlot license or tree farm license under the Forest Act; and ii. where the quantity cut or removed from the land is to exceed four trees smaller than 30 cm dbh and one tree equal to or larger than 30 cm dbh per parcel in any period of five consecutive calendar years. 2. Development of any impervious surfaces. 3. Construction of buildings or structures. All other land alteration or development is exempt from the requirements of this development permit area.	yes	Construction of a building or structure triggers the requirement for a development permit.
<i>Guideline 2</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.	n/a	Property does not contain any other development permit areas.
<i>Guideline 3</i> No cutting or removal of trees shall be permitted in this development permit area unless development approval information in the form of an environmental impact assessment is provided by the applicant which indicates that the impact of the cutting or removal of trees is unlikely to have harmful effects on adjacent marine areas, surface drainage and groundwater, watercourses, uncommon or endangered plants or plant communities, and high value wildlife habitats.	n/a	No tree cutting is proposed.
<i>Guideline 4</i> Cutting or removing of trees should be done in accordance with a plan certified by a Registered Professional Forester or Registered Professional Biologist to maintain, enhance, or restore a well developed forest ecosystem that includes: 1. a diversity of native tree species, 2. presence of large old trees, 3. diverse community of native understory plants, 4. any uncommon or endangered plants or plant communities that may be present, and 5. other features that contribute to high value wildlife habitat	n/a	No tree cutting is proposed.

<i>Guideline 5</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	As no development permit guidelines are triggered, a security is not recommended in this case.
<i>Guideline 6</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 damage to the natural environment caused by a contravention of a condition in the development permit (see Appendix B).	n/a	As no development permit guidelines are triggered, a security is not recommended in this case.
<i>Guideline 7</i> Development permits issued in Development Permit Area No. 2: Steep Slopes 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	As no development permit guidelines are triggered, a letter is not recommended in this case.

Attachment 3



Islands Trust

DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT DE-DP-2022.3

To: Robert Schafer Smith and Irma Yolanda Smith,

1. This permit applies to:

PID: 028-879-465

LOT 1 OF THE NORTH EAST 1/4 OF SECTION 10 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP89453

2. Whereas the subject property as described above lies within "Development Permit Area No. 2 – Steep Slopes" designated under Denman Island Official Community Plan Bylaw No. 185, this development permit is issued under Denman Island Land Use Bylaw No. 186 that authorizes the **construction of an addition to a single family dwelling**, in accordance with Schedules 'A', and 'B', attached to and forming part of this permit.
3. The Permit is subject to the following conditions:
 - a. No tree cutting may occur within the area designated as Development Permit Area 2 – Steep Slopes.
4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
5. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
6. This permit does not relieve the applicant from complying with the provisions of *the Denman Island Official Community Plan Bylaw No. 185, 2008* and the *Denman Island Land Use Bylaw No. 187, 2008*, nor does it provide permission to construct any works without other lawfully required approvals and permits.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 20XX.

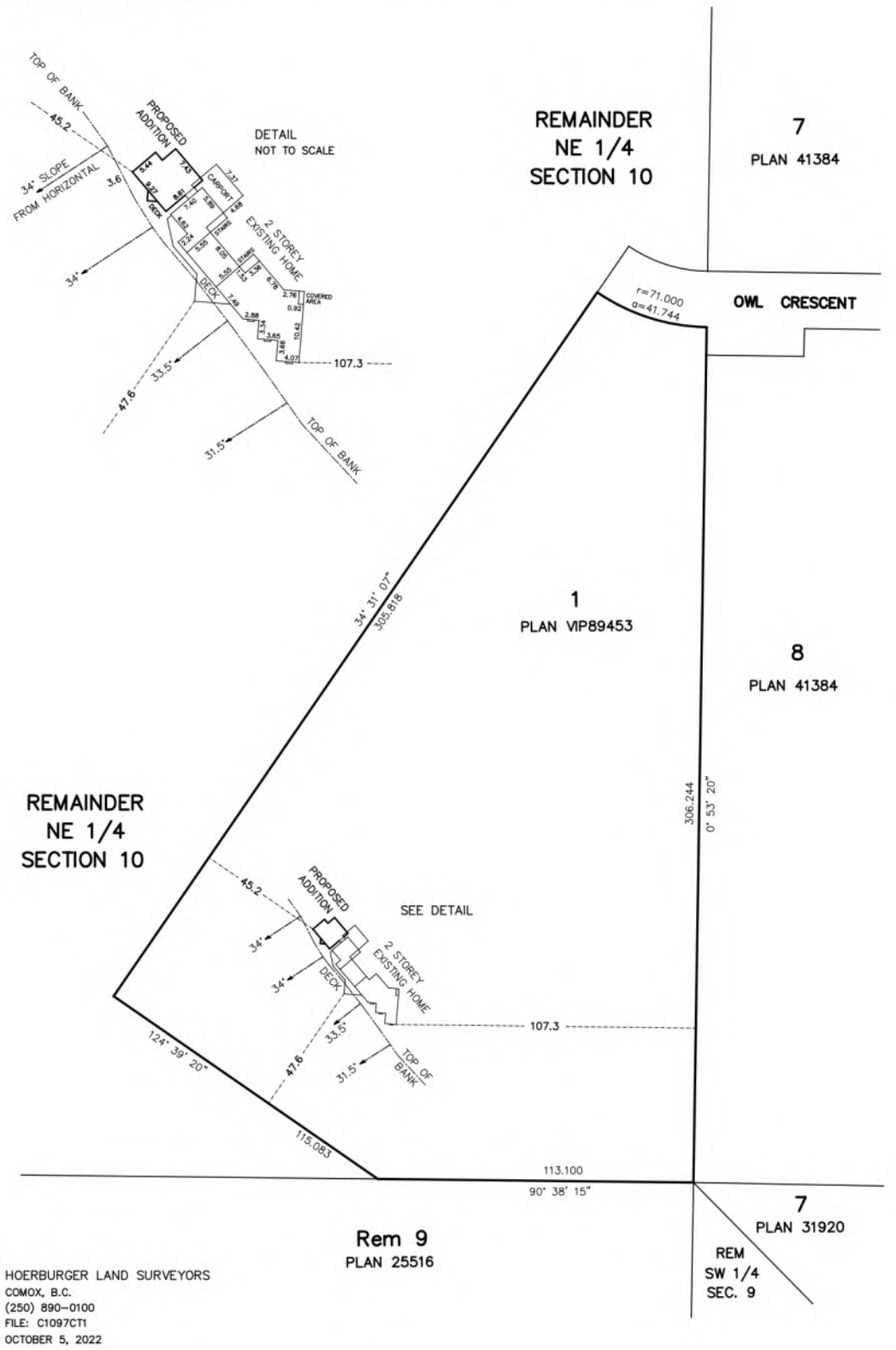
Deputy Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE XX DAY OF XX, 20XX THIS PERMIT AUTOMATICALLY LAPSES.

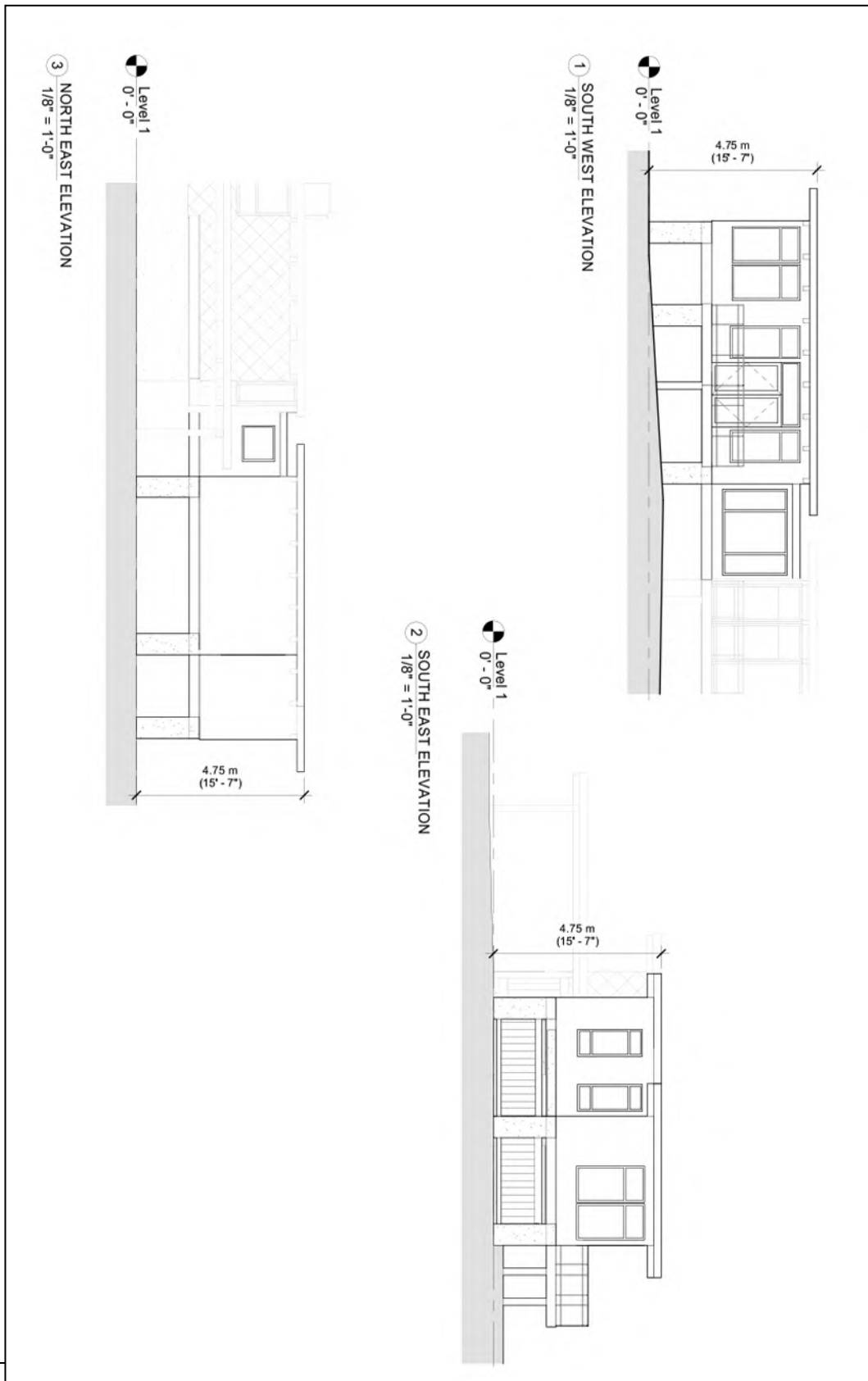
DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT DE-DP-2022.3
Schedule "A" – Site Plan

PLAN OF PROPOSED IMPROVEMENTS ON LOT 1, SECTION 10, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP89453.
 SCALE 1:1250 (METRIC)



HOERBURGER LAND SURVEYORS
 COMOX, B.C.
 (250) 890-0100
 FILE: C1097CT1
 OCTOBER 5, 2022

DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT DE-DP-2022.3
Schedule "B" – Site Plan



Attachment 4

Application for: 028-879-465

(LOT 1, PLAN VIP89453, SECTION 10, NANAIMO LAND DISTRICT, OF NE 1/4 DENMAN ISLAND)

Current use & buildings:

The lot is presently used as a part time residence by the owners. Structures currently on site are:

- Principal dwelling - external perimeter covers area 243.43 m² (2,620.26 ft²); maximum height of this structure is 5.92 m (19 ft 5 in).
The house has an attached deck, which covers an area 47.09 m² (506.82 ft²).
- Power shed - external perimeter covers area: 5.95 m² (64 ft²); maximum height of this structure is 2.59 m (8 ft 6 in).

Proposed use & buildings:

The owners wish to continue to use the lot as a part time residence for their growing family. Proposed work on lot is as follows:

- Addition to existing footprint of principal dwelling - external perimeter of proposed extension covers an area 50.87 m² (547.56 ft²). Proposed construction has a maximum height of 4.75 m (15 ft 7 in).
This extension has an attached deck, which covers an area 5.33 m² (57.39 ft²).

The clients have confirmed that the proposed construction can take place without the need to touch any existing trees. This build site is an open area and no trees will need to be removed in order for construction to take place.

Although construction is within DPA2, our surveyor has confirmed, on the proposed site plan, that the adjacent slope is not considered to be a *cliff*, as defined in the Denman Island Land Use Bylaws. (The average slope being well below 48° as measured from a horizontal plane.)

File No.: DE-RZ-2021.1 (Denman
Housing Association/
Pandesign)

DATE OF MEETING: February 7, 2023

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, RPP, MCIP
Northern Team

SUBJECT: Application to amend the OCP and LUB to allow for a density transfer and 20 units of Affordable Housing – “Denman Green” Project

Applicant: Simon Palmer on behalf of the Denman Housing Association and Henning Nielsen

Location: 1151 Northwest Road (PID 000-393-941); Danes Road (031-395-864 AND 031-395-872); 6080 Woodham Road (PID 009-704-523), Denman Island

RECOMMENDATIONS

1. That Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021” be amended as per Attachment 1 of this staff report and as follows:
 - i. Section 1.3, replace “Policy 9” with “Policy 8”.
 - ii. Section 1.4, replace “Policy 10” with “Policy 11” and “Policy 30” to “Policy 28”.
 - iii. Section 1.5, replace “Policy 10” with “Policy 11” and adding “27, 28 and 29” in place of “30”.
 - iv. Section 1.6, replace “Policy 27” with “Policy 26”.
2. That Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021” be adopted as amended.
3. That Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be adopted.
4. That Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw No. 243, 2021” be amended as per Attachment 3 of this staff report and as follows:
 - i. Item a. Definitions, “Family Member” be amended by removing the words “under the age of 65 years old”;
 - ii. Item a. Definitions, be amended by adding the following definition after “Schedule B” and before “Tenancy Agreement”:

- “Senior” means a person who is 65 years or older at the time of first occupying a housing unit.
- iii. Item b. Agreement over the Lands, be amended by adding the following new clause after v:
- vi up to five (5) units of housing will be reserved for seniors.
- iv. Schedule B, Definition of a Qualified Occupant, clause d. be amended by removing the following text:
- “Immediate family member” means a daughter/son or parent or sibling, to whom the person is related by blood, or by marriage or common-law relationship, or by adoption
5. That Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw No. 243, 2021” be adopted as amended.
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 B, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 36263 EXCEPT PLAN EPP113337, PID 000-393-941, and designate any two members of the Local Trust Committee to sign the covenant (DE-RZ-2021.1 DHA, 1151 Northwest Road).

REPORT SUMMARY

The Denman Housing Association (DHA) initiated an application in 2021 to amend the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) to enable a density transfer and proposed multi-family rental housing development called “Denman Green” (application DE-RZ-2018.1 - DHA). The proposed bylaws have been post-public hearing since May 30, 2022 and are now presented to the Local Trust Committee (LTC) for consideration of final reading and adoption.

This report summarizes minor recommended numerical corrections to policy references in Proposed Bylaw No. 241 (Official Community Plan). It also summarizes minor text amendments to Proposed Bylaw No. 243 (Housing Agreement) as the applicant has requested increased flexibility and certainty that seniors affordable rental housing is incorporated in the final occupancy of the units when constructed. The LTC can consider these clerical corrections and minor changes prior to final adoption. All LTC conditions have been met for this application and staff has no new information affecting the use or density of the lands to present to the Local Trust Committee (LTC), post public hearing. All relevant background information and staff reports pertaining to this application are posted to the Islands Trust [current applications webpage](#).

BACKGROUND

The application involves the transfer of density between four parcels in three different areas of Denman Island as shown in Figure 1. below.

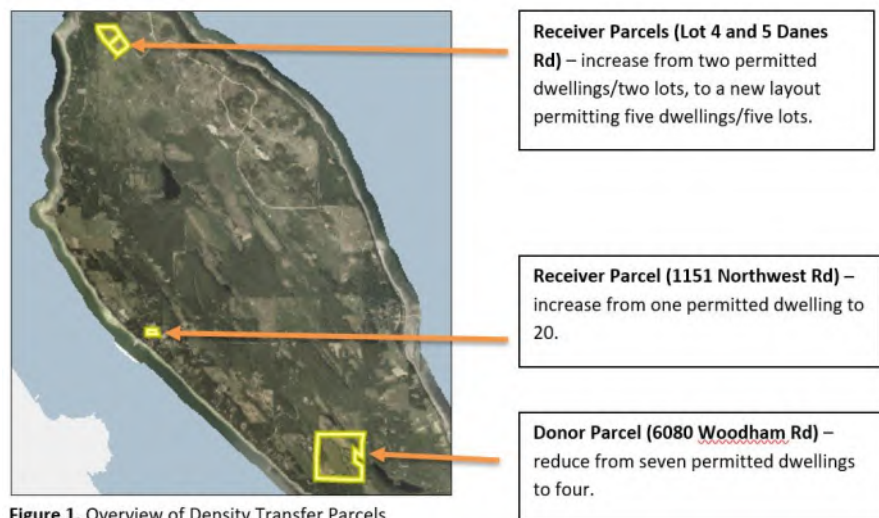


Figure 1. Overview of Density Transfer Parcels

Summary of Proposed Bylaws

Proposed Bylaw No. 241 (Official Community Plan) – Attachment 1, if adopted, would introduce new general policies in the OCP to enable the transfer of density from one parcel to another for the purposes of multi-family affordable housing and require Energy Step Code compliance for any dwellings as a result of rezoning or density transfer. The bylaw would also re-designate the receiver parcel (PID 000-393-941) from ‘Commercial’ to ‘Residential’.

Staff noted five policy numbering errors in the proposed bylaw which were not flagged prior to the public hearing. As these are considered administrative errors they can be corrected at final reading. Should the LTC concur with the staff recommendation, an LTC resolution to correct the erroneous policy reference numbers and adopt the bylaw as per page 1 of this report is recommended.

Proposed Bylaw No. 242 (Land Use Bylaw) – Attachment 2, if adopted, would:

- Amend the zoning of the donor parcel (PID 009-704-523) to reduce the maximum permitted density from seven dwellings to four.
- Amend the zoning of the receiver parcel for affordable housing for ‘Denman Green’ (PID 000-393-941) from ‘Commercial’ to a site specific zone ‘Affordable Housing – R4(1)’ zone and introduce site specific regulations for density, setbacks, height, lot coverage and maximum floor area.
- Amend the zoning of the receiver parcels for market housing (PID 031-395-864/872) from ‘Rural 2 (R2)’ to ‘R2(8)’ and introduce site specific regulations for Energy Step Code Compliance, maximum density and minimum lot size.

Staff are not recommending any further amendments to Bylaw No. 242 (LUB). Should the LTC concur with the staff recommendation, an LTC resolution to adopt the bylaw as per page 1 of this report is recommended.

Proposed Bylaw No. 243 (Housing Agreement) if adopted would regulate the affordability of 20 units of rental housing at Denman Green and outline the tenant selection procedure and annual reporting requirements. DHA has requested a minor amendment prior to adoption (see track changes in Attachment 3), to include a definition of “senior” in the definitions section of the agreement and ensure up to five units of housing are reserved for

seniors. This is a result of the recent merger between the DHA and the Denman Community Land Trust Association, whose recently approved bylaw amendment application (DE-RZ-2017.1) for 8 units of seniors affordable housing fell through. Staff are also recommending a minor amendment to remove a conflicting definition of “family member” where it is unnecessarily defined twice in the agreement.

The housing agreement is an administrative bylaw and requires Islands Trust Executive Committee (EC) approval, prior to LTC adoption. The EC approved the bylaw on July 27, 2022. The minor amendments shown in Attachment 3 and detailed on page 1 of this report are supported by staff, not contrary to the Islands Trust Policy Statement, the Denman Official Community Plan and can be legally considered by the LTC post public hearing, without further Executive Committee approval. Should the LTC concur with the staff recommendation, an LTC resolution to amend and adopt the bylaw as per page 1 and 2 of this report is recommended. A notice of the housing agreement can then be signed by the LTC (or Director of Legislative Services) and registered on title.

Proposed section 219 restrictive covenant – (Attachment 4) is intended to be registered on the title of the ‘Denman Green’ parcel for the 20 units of affordable rental housing, as a condition of rezoning and subdivision. The covenant would require that the 20 units of rental housing be built to Energy Step Code Level 2 standards; that fencing be installed for the northern lot line and wetland boundary and that ground water quality and quantity monitoring be conducted and data submitted annually to the Islands Trust. No further changes to the covenant are proposed. An LTC resolution accepting the covenant and assigning signatories is required if the LTC wishes to adopt the proposed bylaws.

Status of Water Approvals

The previous LTC requested confirmation of an approved water license prior to consideration of adoption of the proposed bylaws. As reported verbally by planning staff during the special LTC meeting on January 17, 2023, the province recently issued a conditional water license for 8.43 m3/day to DHA to support up to 20 units of affordable rental housing at 1151 Northwest Road in the Denman Village. The license requires the owner to develop a monitoring and mitigation plan that sets out how water use and groundwater levels will be measured and recorded. This in addition to the monitoring requirements of the restrictive covenant with the LTC. Confirmation of an approved water license was the final condition for application DE-RZ-2021.1 and has now been fulfilled.

Post Public Hearing Procedures

The *Local Government Act* (LGA) stipulates that a member of the LTC who is entitled to vote on a bylaw but was not present at the public hearing, may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member(s). Attachment 5 is the official Public Hearing Record of May 30, 2022 and satisfies the LGA requirement in order to allow the current LTC to consider adoption of the bylaws on February 7, 2023.

RATIONALE FOR RECOMMENDATIONS

Staff recommends the LTC correct policy reference numbers in Bylaw No. 241 (OCP) and amend Bylaw No. 243 (Housing Agreement) with the minor changes as outlined in Attachment 3. Staff also fully support the final adoption of all three bylaws and acceptance of the restrictive covenant in order for the LTC to conclude the legislative review process for application DE-RZ-2021.1 (DHA).

ALTERNATIVES:

- 1. Request more information.**

The LTC can defer consideration of final reading/adoption until such a time that the applicant has submitted additional information. If this option is considered it may significantly delay final adoption as new information may be subject to legislative requirements for an additional public hearing.

Next Steps

If the LTC concurs with the staff recommendations, staff will consolidate and update the OCP and LUB to reflect the policy and regulatory changes. The applicant can conclude the subdivision process with the Ministry of Transportation and Infrastructure and finalize registration of the housing agreement and restrictive covenant on title.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	February 1, 2023
Concurrence:	Renee Jamurat, RPP, MCIP, Regional Planning Manager	February 1, 2023

ATTACHMENTS

1. Proposed Bylaw No. 241 (OCP)
2. Proposed Bylaw No. 242 (LUB)
3. Proposed Bylaw No. 243 (Housing Agreement)
4. Final S. 219 Restrictive Covenant
5. DE-RZ-2021.1 Public Hearing Record of May 30, 2022

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 241

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 Schedule “1” 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, 2021”.

READ A FIRST TIME THIS 22ND DAY OF MARCH , 2022

READ A SECOND TIME THIS 29TH DAY OF APRIL , 2022

PUBLIC HEARING HELD THIS 30TH DAY OF MAY , 2022

READ A THIRD TIME THIS 31ST DAY OF MAY , 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
7TH DAY OF JULY , 2022

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
6TH DAY OF OCTOBER , 2022

ADOPTED THIS _____ DAY OF _____ , 2023

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 241

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:

"Objective 5 To protect and enhance the supply and quality of rental housing."
 - 1.2. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: "except for lots created for the purpose of allowing multi-family affordable housing."
 - 1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy ~~9-8~~ 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."
 - 1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy ~~10-11~~ is amended by changing "Policy 29" to "Policy ~~30~~28".
 - 1.5. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy ~~10-11~~ is amended by ~~adding-replacing "Policy 28" with "Policy 27, 28, and 29, or" after the word "Policy" and before the number "30."~~
 - 1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy ~~27-26~~ 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."
 - 1.7. 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."

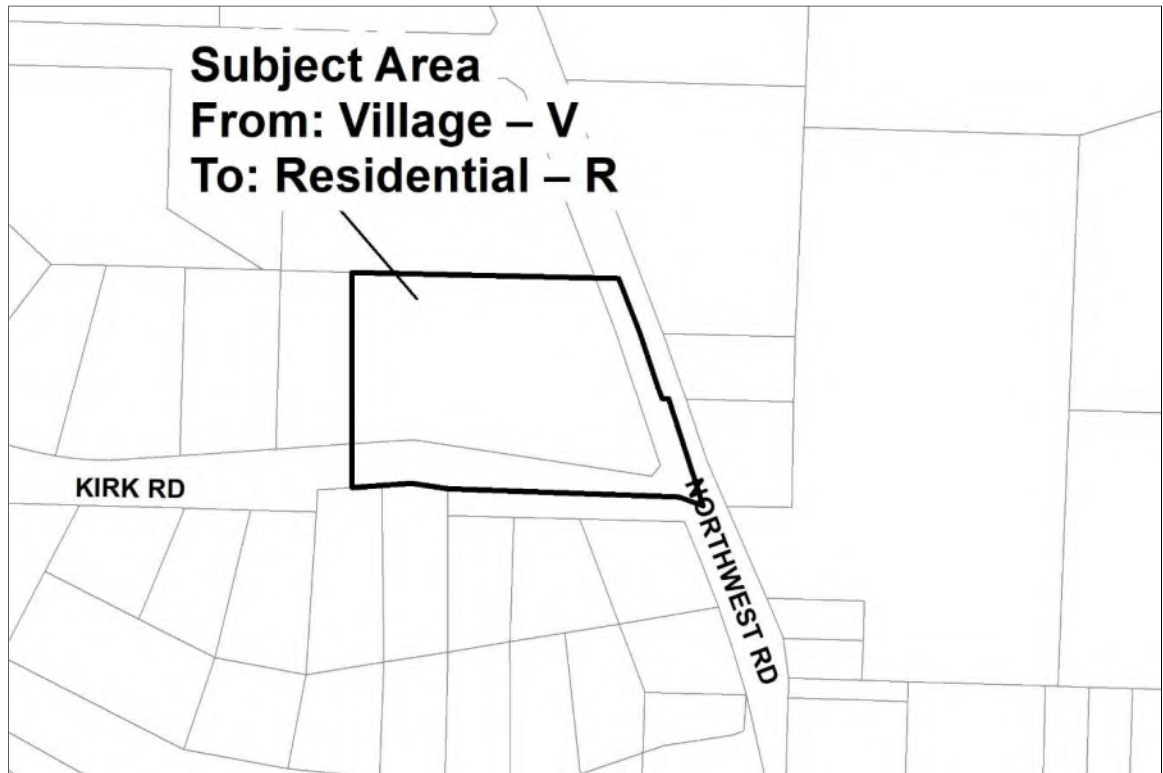
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 241

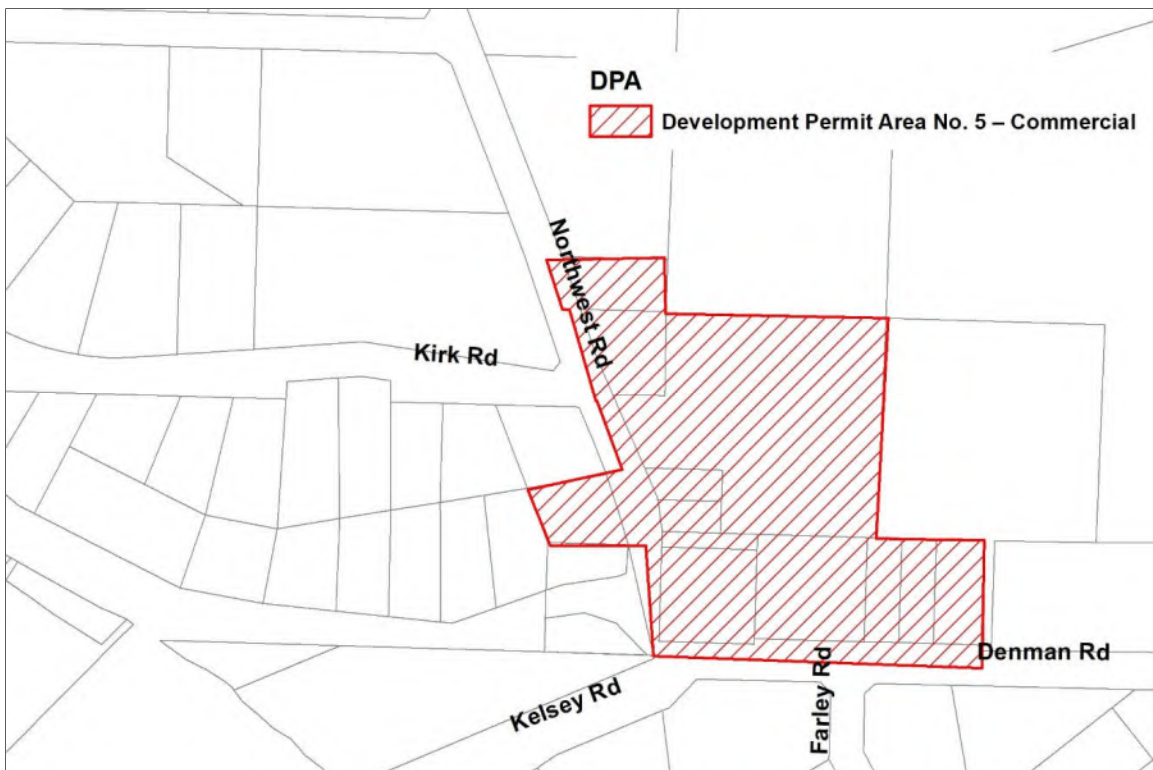
Schedule "2"

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 PID 000-393-941 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.
2. Schedule "E" – Map 2 North Development Permit Areas of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by removing the 'Commercial' Development Permit Area designation from PID 000-393-941 as shown on Plan No. 2 attached to and forming part of this bylaw.

Plan No. 1



Plan No. 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

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, 2021”.

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 22ND DAY OF MARCH , 2022

READ A SECOND TIME THIS 29TH DAY OF APRIL , 2022

PUBLIC HEARING HELD THIS 30TH DAY OF MAY , 2022

READ A THIRD TIME THIS 31ST DAY OF MAY , 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

7TH DAY OF JULY , 2022

ADOPTED THIS _____ DAY OF _____ , 202x

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 242**

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 (excluding a principle dwelling with a secondary suite), each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

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

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

- 1.3 PART 2 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
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
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- 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	35.0ha	

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

“R2(7)

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

R2(8)

1. A Siting and Use Permit for a dwelling in the R2(8) zone must be accompanied by written certification from an appropriately qualified professional architect, engineer or energy advisor that the dwelling unit meets or exceeds the applicable requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.
2. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(8) zone is 5.
3. Despite line 1 in Table 7 of this Section, the minimum average lot area permitted by subdivision, subject to the regulations in 2.8 is 2.8 ha.”

- 1.21 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new R4(1) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

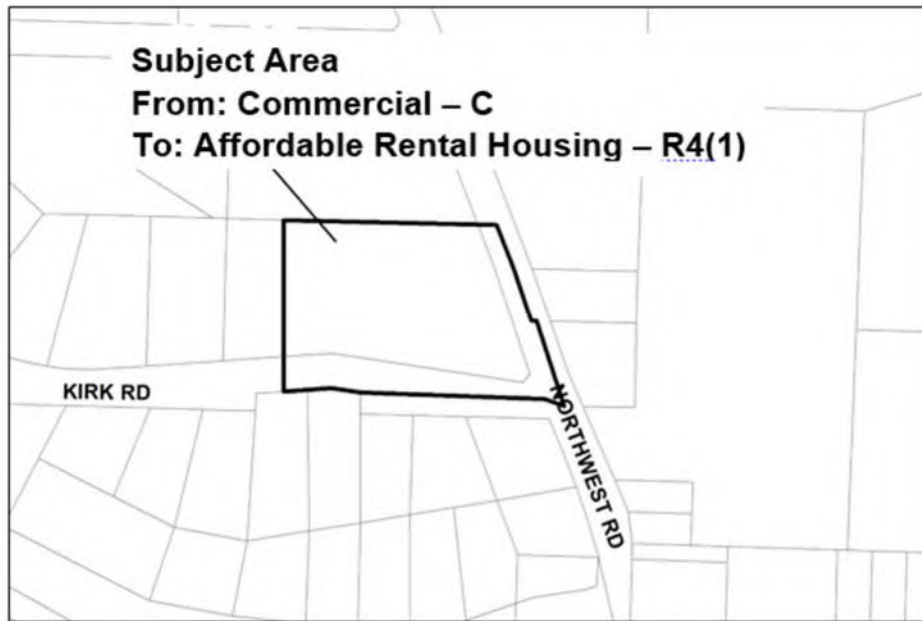
The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
R4(1)	1 Despite line 7 of Table 1 of this Section, the following is not permitted: • the keeping of chickens or other livestock; 2 Despite line 3 in Table 3 of this Section, the maximum number of affordable dwelling units per lot is 20. 3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%. 4 Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 meters or more from the natural boundary of the sea is 10.0 m. 5 Despite line 1 in Table 5 of this Section, the minimum setback of a free standing photovoltaic solar array or water cistern from any interior lot line is 1.5 m. 6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays and water cisterns, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line. 7 Despite line 4 in Table 6 of this Section, the maximum gross floor area of an affordable dwelling unit is 140 m². 8 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 1.0 hectare. 9 Despite regulations 16 of Section 2.5, the minimum number of automobile parking spaces required is 1.0 per affordable housing unit. 10 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.

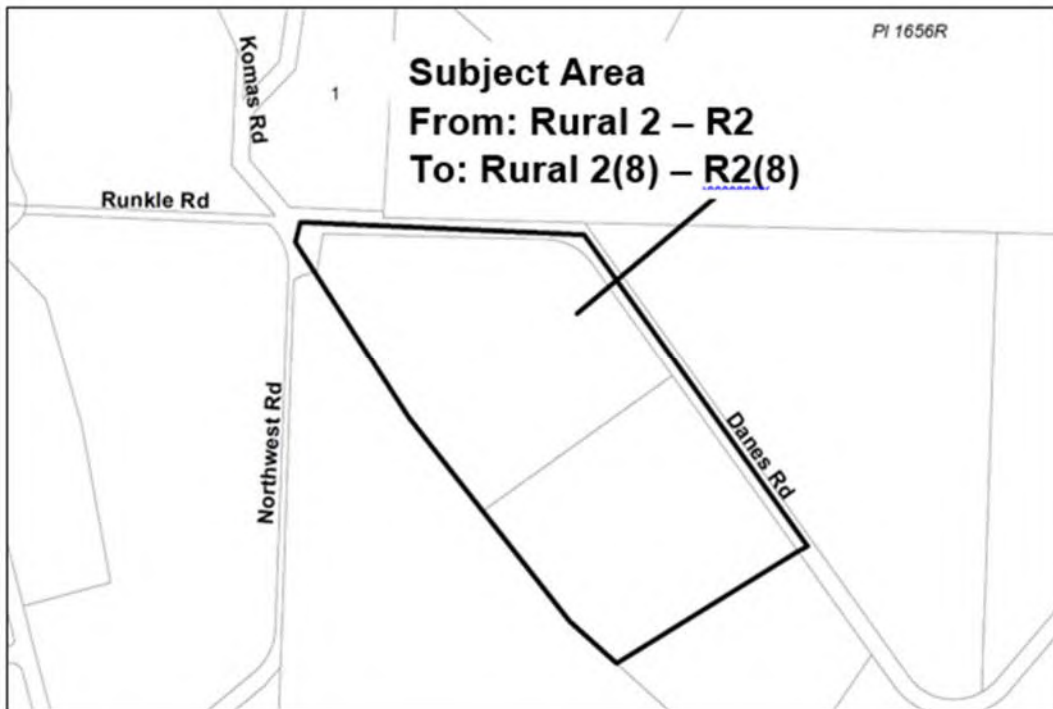
2. Schedule “B” of Denman Island Land Use Bylaw, 2008 is amended as follows:

- 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 PID 000-393-941 as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.
- 2.4. Schedule “B” – North Map, is amended by changing the zoning classification of PID 031-395-864 LOT 4 SECTION 28 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP105119 and PID 031-395-872 LOT 5 SECTION 28 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP105119 as shown on Plan No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.
- 2.5. Schedule “B” – South Sheet, is amended by changing the zoning classification of the non-Agricultural Land Reserve portion of THE SOUTH WEST 1/4 OF SECTION 13, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PART IN PLAN VIP71627 (PID 009-704-523) as shown on Plan No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

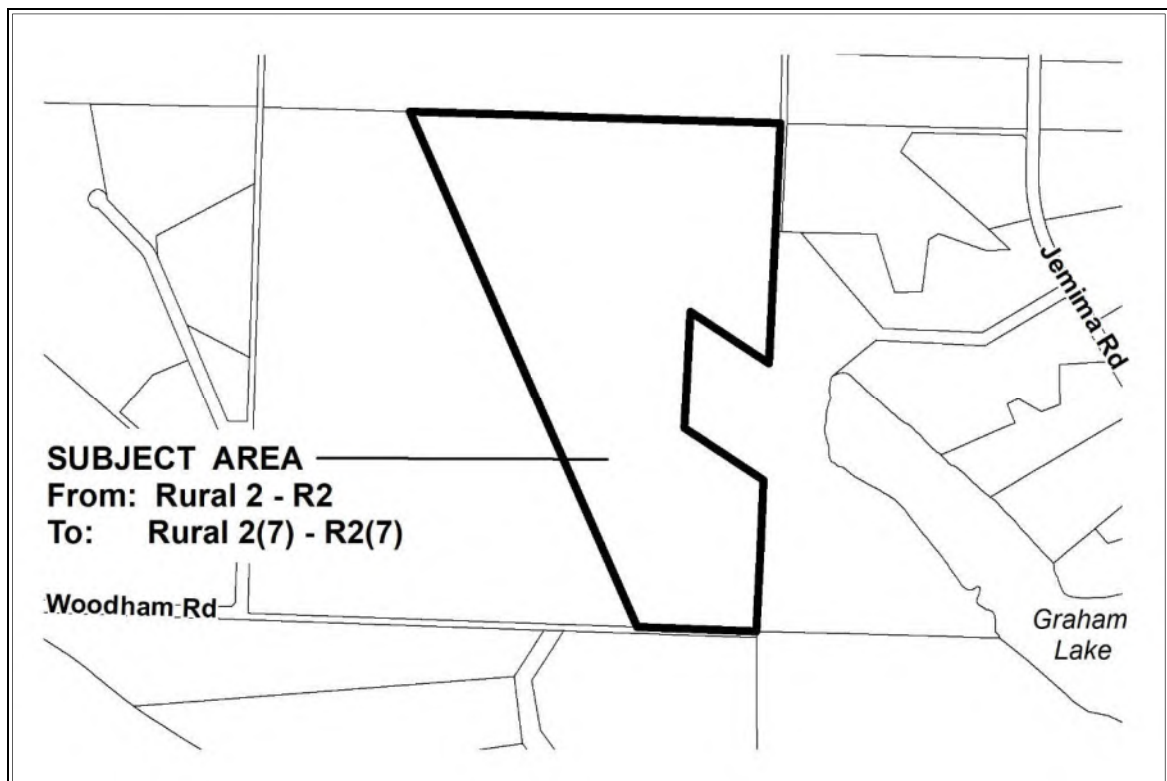
Plan No. 1



Plan No. 2



Plan No. 3



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 243

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. 243, 2021”.

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 2ND DAY OF NOVEMBER , 2021

READ A SECOND TIME THIS 15TH DAY OF FEBRUARY , 2022

READ A THIRD TIME THIS 31ST DAY OF MAY , 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

27TH DAY OF JULY , 2022

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

Housing Agreement and Section 219 Covenant

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

Denman Housing Association a society incorporated under the laws of the province of British Columbia and having its office at 3720 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 1151 Northwest Road on Denman Island British Columbia and legally described as:

PID 000-393-941, Lot B, Sections 18 and 19, Denman Island, Nanaimo District, Plan 36263, commonly known as Denman Green (the "Lands");

B. The Lands have been rezoned by the Denman Island Local Trust Committee by means of Denman Island Official Community Plan, 2008, Amendment No. 241 and Denman Island Land Use Bylaw 2008 Amendment No. 242 and has been put in place to permit the development of an affordable housing project;

C. The Owner intends to construct on the Lands a residential development of affordable rental units (hereinafter defined) to rent, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants (hereinafter defined);

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. As a condition of rezoning the Lands, the Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands and to restrict the use of, and construction on, the Lands and the use of the Affordable Housing Units constructed on the lands, on the terms and conditions of this Agreement to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; 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 on an affordable basis as set out in this agreement;

“Affordable Housing Funder” means BC Housing, Canada Mortgage and Housing Corporation or other agency that provides a grant or preferential rate loan to support the development of affordable housing units on the Lands;

“Affordable Market Unit” means an affordable housing unit on the Lands where the rental price is linked to market conditions on Denman Island or the Comox Valley Regional District region, the rental rate is approved by an Affordable Housing Funder and meets the occupancy criteria set out in Section C;

“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;

“BC Housing” means the British Columbia Housing Management Commission;

“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, adoption or marriage including a person with whom the Tenant is living in a marriage-like relationship;

“Household” means one or more individuals occupying the same Dwelling Unit;

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

“Qualified Renter” means a Household which meets the eligibility criteria for a residential tenancy of an Affordable Housing Unit, as set out in Section C of this Agreement;

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

“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;

“Senior” means a person who is 65 years or older at the time of first occupying a housing unit;

“Tenancy Agreement” means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

- 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:
- ii the Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement;
 - iii it will design, construct and maintain in a reasonable state of repair the Affordable Housing Units on the Lands, including Affordable Market Units in accordance with the terms of this Agreement;
 - iv the Lands must not be used or occupied for residential purposes unless the buildings have been designed to meet
 - 1. at least the performance requirements of the BC Energy Step Code 2 energy efficiency standards established by the British Columbia Building Code Regulation, BC Reg. 264/2012 (the “Performance Standards”) of the Building Act (BC); or
 - 2. if required by an Affordable Housing Funder, a different energy performance target; and
 - 3. the Owner shall provide to the Trust Committee a Compliance Report, from a certified energy adviser, that the building has been constructed and is operating in accordance with 1. or 2. as the case may be.
 - v the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria;
 - vi up to five (5) units of housing will be reserved for seniors.

- 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 Either;
 - a. the Household's Annual Household Income must be less than or equal to BC Housing's Housing Income Limits for the Comox Valley Planning Area or,
 - b. if the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction and operation of affordable housing on the Lands, the Household meets the income or non-financial criteria imposed on the occupancy of the relevant Affordable Housing Units on the Lands established by such Affordable Housing Funder, which may include but are not limited to the requirement that a Qualified Occupant has certain physical or mental conditions, is a senior receiving the Guaranteed Income Supplement, or is a recipient of social or disability assistance.
- ii the household will occupy the Affordable Housing Unit as their permanent, principal and sole residence; and
- iii the household is comprised of at least one Qualified Occupant;

and the Owner covenants and agrees to:
- iv include in every Tenancy Agreement a prohibition on subletting, including short-term vacation rentals, and a provision entitling the Owner to terminate the Tenancy Agreement in accordance with the *Residential Tenancy Act* in the event of any breach of that prohibition;
- v deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Housing Unit within 10 days of any request to do so;
- vi specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and provide to each tenant, upon their request, a copy of this Agreement, and
- vii if one of the individuals comprising a Qualified Renter who rents an Affordable Housing Unit dies, that individual's spouse or adult child residing in the Affordable Housing Unit at the time of the Qualified Renter's death may continue to rent the Affordable Housing Unit for the longer of:
 - a. The balance of the fixed term under the Tenancy Agreement; or
 - b. twelve (12) months on the same terms, including monthly rent, set out in the Tenancy Agreement.

d. Rental rates - The Owner covenants and agrees that:

- i the rent payable by a Qualified Renter for an Affordable Housing Unit, exclusive of utilities, must not exceed 30% of the gross monthly Household income of the Qualified Renter, except in the case of an Affordable Market Unit; and
- ii not require any tenant under a Tenancy Agreement to pay any extra charges or fees for use of any water or septic system, or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges.

- e. Affordable Housing Units – The Owner covenants and agrees that it will
- i. not rent an Affordable Market Unit unless the Affordable Market Unit is approved by an Affordable Housing Funder and there are other Affordable Housing Units occupied by households whose income does not exceed the Housing Income Limits; and
 - ii. will not include more than 30% of the Affordable Housing Units as Affordable Market Units unless necessary to meet the requirements of an Affordable Housing Funder, and not before informing the Trust Committee and providing the Trust Committee and the Denman Island public an opportunity to assist the Owner in limiting the number of Affordable Market Units to 30%

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 January of each year, a completed statutory declaration, substantially in the form attached as Schedule 'A', sworn by the Owner, in relation to the Affordable Housing Units. The Owner irrevocably authorizes the Trust Committee to make enquiries 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 and the Affordable Housing Units on 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 Owner.

i. No Transfer – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the Societies Act, having as its objective the management of affordable housing, or the Provincial Rental Housing Corporation

j. Society Standing – The Owner must maintain its standing as a society under the *Societies 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 Affordable Housing 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 an Affordable Housing 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 *Arbitration Act* (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 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 – 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.

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.

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 Housing Association, the Owner of the land known as Denman Green, Denman Road, Denman Island, legally described as: xxx (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

Definition of a Qualified Occupant

A Qualified Occupant means a person aged 19 years or older who fits into at least one of the following categories, which are not listed in any particular priority order;

- i) Has been living on Denman Island for a minimum of one year prior to application for housing; or
- ii) Has been commuting to Denman Island for at least half-time work (20 hours per week) for a minimum of one year prior to application for housing; or
- iii) Indigenous peoples whose ancestry relates to those First Nations having territorial claims to Denman Island.

Except that where there are no persons meeting the categories specified above in clause i, ii or iii of this Schedule who make an application to rent an available Affordable Housing Unit and the lack of applications would result in the Affordable Housing Unit being vacant for more than one month, then a Qualified Occupant may be a person aged 19 years or older who fits into at least one of the following categories, which are not listed in any particular priority order:

- a. Previous resident of Denman Island who has lived away from Denman Island for a maximum of three consecutive years; or
- b. Non-resident who is hired to begin at least half-time work (20 hours per week) on Denman Island; or
- c. A person who has worked at least half-time on Denman Island (20 hours per week) for less than one year; or
- d. A person with an immediate family member whose principal residence is on Denman Island—~~“Immediate family member” means a daughter/son or parent or sibling, to whom the person is related by blood, or by marriage or common-law relationship, or by adoption;~~ or
- e. On-reserve and off-reserve, status and non-status, and/or self-identifying indigenous, Inuit, or Métis 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)

Except that where there are no persons meeting the categories specified in clause i, ii or iii nor a, b, c, d or e of this Schedule who make an application to rent an available Affordable Housing Unit and the lack of applications would result in an Affordable Housing Unit being vacant for more than one month, then a Qualified Occupant may be any person permitted by an Affordable Housing Funder.

DRAFT

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT – DEVELOPMENT

THIS AGREEMENT dated for reference the __ day of _____, 2022 is

BETWEEN:

DENMAN HOUSING ASSOCIATION

3720 East 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: X

LOT x

(the “Land”);

- B. The Grantor has submitted a rezoning application (under reference number DE-RZ-2021.1) to allow it to develop and construct up to 20 affordable rental dwelling units, 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) **“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).
 - (b) **“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.
 - (c) **“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.
2. **No Build** – The Grantor will not develop or build on the Land until:
 - (a) It erects (and thereafter maintains) a solid wood fence or landscape screen or combination of both, suitable to enhance visual privacy and mitigate dust along its entire length of its northern interior lot line;
 - (b) It erects (and thereafter maintains) suitable fencing along the eastern boundary of the wetland to prevent access to the wetland area as delineated in Figure 2. Polygon 3 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (c) A drainage plan prepared by a qualified professional has been submitted to and approved by the Trust Committee in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
3. **Concurrent Construction Requirements** – Concurrently with its construction of any dwelling unit on the Land, the Grantor will:
 - (a) 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;

- (b) Establish and maintain tree protection zones along the eastern wetland boundary throughout the construction phase in consultation with an ISA certified arborist and in accordance with recommendation 10.1 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (c) Restore the eastern edge of the wetland boundary with clean fill and establish a 3.0 metre vegetated native plant buffer area, in consultation with a professional landscape architect and in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (d) Ensure no buildings or structures, excluding a pedestrian trail and fencing, are sited within 3.0 metres of the eastern edge of the wetland boundary in substantial accordance with the Denman Green Site Plan dated March 11, 2022 prepared by VHA attached to and forming part of this agreement.
- 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; engineer or energy advisor that all Dwelling Units meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement;
 - (c) provided written certification from an appropriately qualified professional biologist that the wetland buffer fencing, trail construction and native plant vegetative buffer are in accordance with the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part 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 “A”.
- 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.

 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 xxx; and (d) mitigate risk potential of salt water intrusion on the source well and/or receiving environment.</i>			
Background			
<i>A Conditional Water Licence xxx was issued for the requested maximum daily demand for any day of the year with a date of water right precedence of [date] to a maximum of xx cubic meters (xx 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	



Baseline Inventory

PID 000-393-941

DENMAN ISLAND



February 2, 2022

Prepared for:

Denman Housing Association

Prepared by:

J. Godfrey, Technologist, and D. Silvester, R.P. Bio.

Current Environmental Ltd.

558 England Avenue

Courtenay, BC V9N 2N3



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1 ACKNOWLEDGMENTS

Table 1. Project acknowledgements.

Name	Position/Affiliation	Professional Accreditation or subject expertise	Contribution
Dusty Silvester	Biologist, Current Environmental Ltd.	R.P. Bio	Report author
Jamie Godfrey	Technologist, Current Environmental Ltd.	Environmental technologist	Field data collection

2 PROPERTY INFORMATION

2.1 LEGAL DESCRIPTION & PROPERTY SIZE

The property bears PID: 000-393-941 and legal description: Lot B, sections 18 and 19, Denman Island, Nanaimo District, Plan 36263. The 1.05 ha property lies within Denman Island Development Permit Area (DPA) 5 and is zoned 'C' – Commercial with a proposal to re-zone to 'R4' multi-residential (Figures 1 & 2).

2.2 PROPERTY ACCESS INFORMATION

The property is located at the corner of Northwest and Kirk roads (Figures 1 & 2). The property can be accessed via Northwest Road. Travelling from the ferry, follow Denman Road from the ferry dock, turning left at the first intersection onto Northwest Road. Follow Northwest Road for approximately 140 m, passing the general store and elementary school. The subject property is immediately to the east after the intersection with Kirk Road.

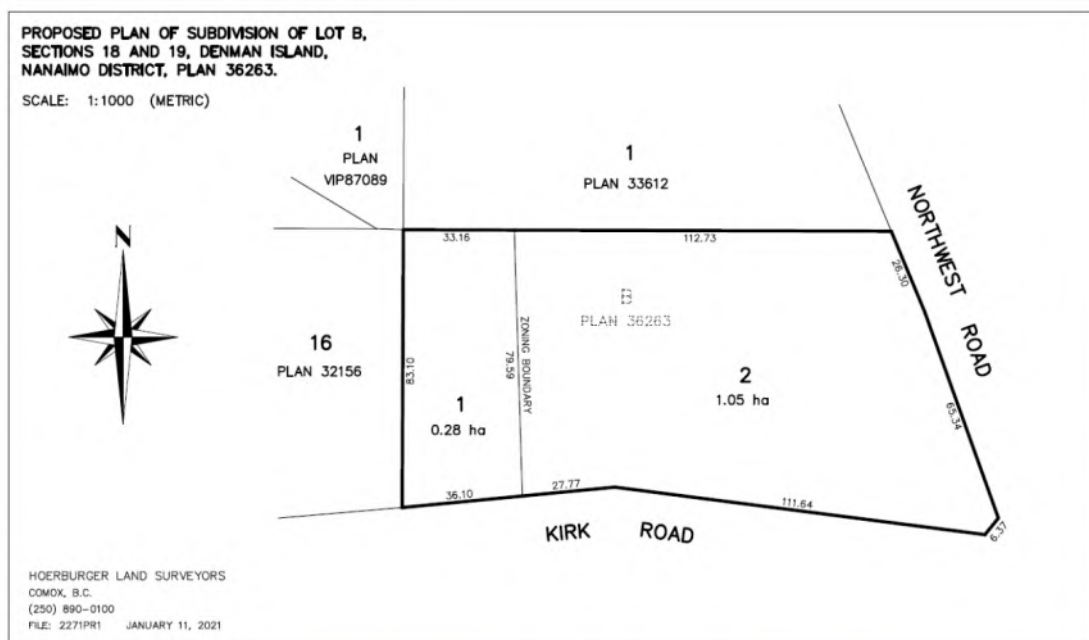


Figure 1. Surveyed plan of subdivide parts "1 & 2". This assessment pertains to the commercially zoned portion "2" (Lot B).

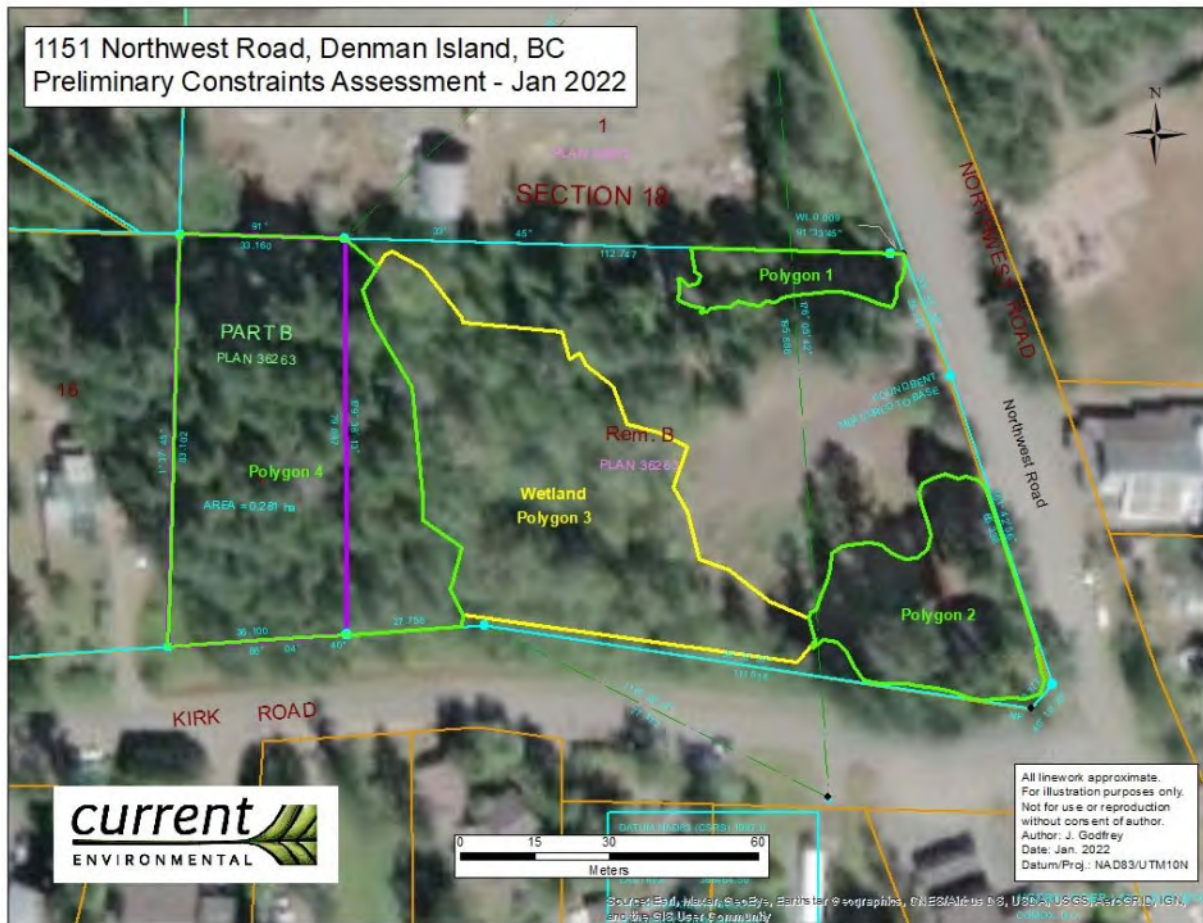


Figure 2. Vegetation communities identified during site visit in January 2022. Purple line dividing Polygon 4 separates the western subdivided lot from the subject lot in the east and corresponds with the zoning boundary as seen in Figure 1.

3 REGULATORY SETTING

Federal, Provincial, and Municipal environmental regulations will govern project development. Compliance with these regulations will be a mandatory condition of any environmental permits issued for the project. The following subsections summarize Federal and Provincial Acts and Municipal bylaws applicable to the subject lot and the natural features found within it.

The Islands Trust (IT) and Best Management Practices (BMP) for land development recommend the production of a biological site inventory (bio-inventory) to identify potential disturbances to sensitive ecosystems and species as a result of proposed development activities. The following ecosystem elements were evaluated for this assessment in consideration of regulatory requirements for proposed work on Denman Island:

1. Proximity to aquatic habitat.
2. Raptor/breeding bird nesting sites.
3. Terrestrial wildlife use and habitats, including vegetation communities and wildlife corridors.
4. The occurrence of rare or endangered species and vegetation communities at risk.

3.1 DENMAN ISLAND LAND USE BYLAW, 2008

The subject property is located within Development Permit Area 5 – ‘Village’. Under this bylaw, development in DPA 5 must adhere to specific guidelines. The most relevant to this report and its recommendations include the following:

Guideline 3 Landscaping:

1. Natural vegetation and trees should be maintained for screening of parking, storage and loading areas and to enhance the privacy and rural character of public open spaces.
2. Developments on lots adjacent to residential properties should contain a vegetation buffer of a height and thickness to adequately screen the residential use from the development and any on-site parking. Fences may be considered, but only if it can be demonstrated that a vegetation buffer is not suitable.
3. Fencing should be constructed of natural materials and designed to blend with the overall character of the development.

Guideline 5 Parking:

4. The use of impermeable parking surfaces is not encouraged to reduce surface water run-off and enhance the appearance of the Village.

3.2 WILDLIFE ACT

The British Columbia *Wildlife Act*¹ is the primary provincial legislation for protecting wildlife, including rare or endangered species, and their habitat in the province of BC. The recommended mitigation work described in this report provides consideration for the disturbance of birds, their nests, and eggs where habitat such as trees, shrubs, buildings, or other human derived structures may be impacted. Section 34 of the *Act* states that:

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys

- (a) a bird or its egg,
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

¹ Wildlife Act. Retrieved from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96488_01

3.3 WATER SUSTAINABILITY ACT

Section 11 of the Provincial *Water Sustainability Act*² (previously *Water Act*, Section 9) requires an approval be granted by the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (MFLNRORD) for “changes in and about a stream” defined as:

- (a) any modification to the nature of a stream, including any modification to the land, vegetation and natural environment of a stream or the flow of water in a stream, or
- (b) any activity or construction within a stream channel that has or may have an impact on a stream or a stream channel.

Section 1 of the *Act* defines a “stream” as:

- (a) natural watercourse, including a natural glacier course, or a natural body of water, whether or not the stream channel of the stream has been modified, or
- (b) a natural source of water supply, including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer.

Section 11 of the WSA applies when changes or modifications are proposed to a “stream”. When required, applying for an approval under Section 11 of the WSA is the proponent’s responsibility.

3.4 ENVIRONMENTAL MANAGEMENT ACT

British Columbia’s *Environmental Management Act*³ regulates release of municipal, industrial, and hazardous waste into the environment. Contaminated sites and remediation are also regulated under this Act. While this Act is applicable to the proposed development, the scope is largely outside of the background report compiled here.

3.5 WEED CONTROL ACT

Section 2 of the Provincial *Weed Control Act*⁴ requires land occupiers to control noxious weeds growing on their land.

- (2) In accordance with the regulations, an occupier must control noxious weeds growing or located on land and premises, and on any other property located on land and premises, occupied by that person.

3.6 CANADA MIGRATORY BIRD CONVENTION ACT

The Federal *Migratory Bird Convention Act* (MBCA) protects individuals and populations of migrating birds, including their eggs and nests. Among its’ prohibitions, Section 5 of this Act requires⁵:

² Water Sustainability Act. Retrieved from: <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/14015>

³ Environmental Management Act. Retrieved from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/03053_00

⁴ Weed Control Act. Retrieved from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96487_01

⁵ Wildlife Act. Retrieved from: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96488_01

5.1 (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.

4 REPORT METHODOLOGY

4.1 EQUIPMENT

All surveys were conducted using the equipment listed below:

- GPS: iPad mini equipped with Avenza Maps 3.5.1
- Camera: iPad mini camera
- 30 m tape
- Flagging tape
- Plant ID book: *Plants of Coastal British Columbia*

4.2 METHODOLOGY

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

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

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

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

Field assessment protocols followed methodology outlined in the *Standard for Terrestrial Ecosystem Mapping in British Columbia* (RIC, 1998) and *Field Manual for Describing Terrestrial Ecosystems* (BC MOE, 2010). Ecosystem perimeters delineated using satellite imagery were verified in the field and updated to reflect current site conditions where necessary, with the goal of having each polygon represent a relatively homogenous ecosystem type.

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

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

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

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

5 SIGNIFICANCE OF THE LAND AND NATURAL AMENITIES

5.1 GENERAL DESCRIPTION

The property represents a moderately sized parcel of centrally located commercially zoned land on Denman Island, BC. The lot has been historically logged, and more recently, partially cleared for commercial development under the stewardship of the previous landowners which included the addition of fill materials along the eastern margins of the wetland. The lot is designated by the Islands Trust as a mix of “Developed” and “Young Forest” ecosystems (Figure 3), which was consistent with field observations.

Approximately the central third of the subject property consists of an isolated wetland (Figure 2) with dominant vegetation consisting of red alder (*Alnus rubra*); slough sedge (*Carex obnupta*), Nootka rose (*Rosa nutkana*); red elderberry (*Sambucus racemosa*); and Himalayan blackberry (*Rubus armeniacus*) (Photos 1 & 2). West of the wetland is a young stand of Douglas-fir (*Pseudotsuga menziesii*) forest with sparse understory plants consisting primarily of dull Oregon grape (*Mahonia nervosa*) and dominated by moss sp. The eastern remainder of the property is a mix of open and forested habitat resulting from relatively recent clearing (Photo 3). The open area shows evidenced of being partially burned in a structure fire and has regrown mostly with a mix of grasses and invasive species including thistle (*Cirsium* spp.), Himalayan blackberry, Scotch broom (*Cytisus scoparius*), and tansy (*Tanacetum* spp.). In the forested patches, dominant trees are Douglas fir with the understory being a mix of dull Oregon grape, Himalayan blackberry, and spurge laurel (*Daphne laureola*) (Photos 4-7).

Wildlife value of this property consists of remnant large second growth Douglas-fir trees in the eastern third of the property (Photos 8 & 9) which offer quality nesting, rooting, foraging and perching habitat for arboreal species including bats and birds; a central isolated wetland which provides valuable foraging, cover, and potential nesting habitat for a wide range of species; and the young regenerating forest in the western portion of the property beyond the wetland which may provide cover for wildlife and acts as the

southern extension of a contiguous forested wildlife corridor that extends to the northern parts of Denman Island.

Soils on this property are the Ronald type (moderately well-drained, gravelly loam overlaying gravelly clay loam). The property is part of the Cedar District formation.

The proposed development concept includes two multi-unit patio home structures, as well as associated parking. The development is proposed for the eastern portion of the property, beyond the wetland margins, in the area that has most recently been cleared for commercial use.

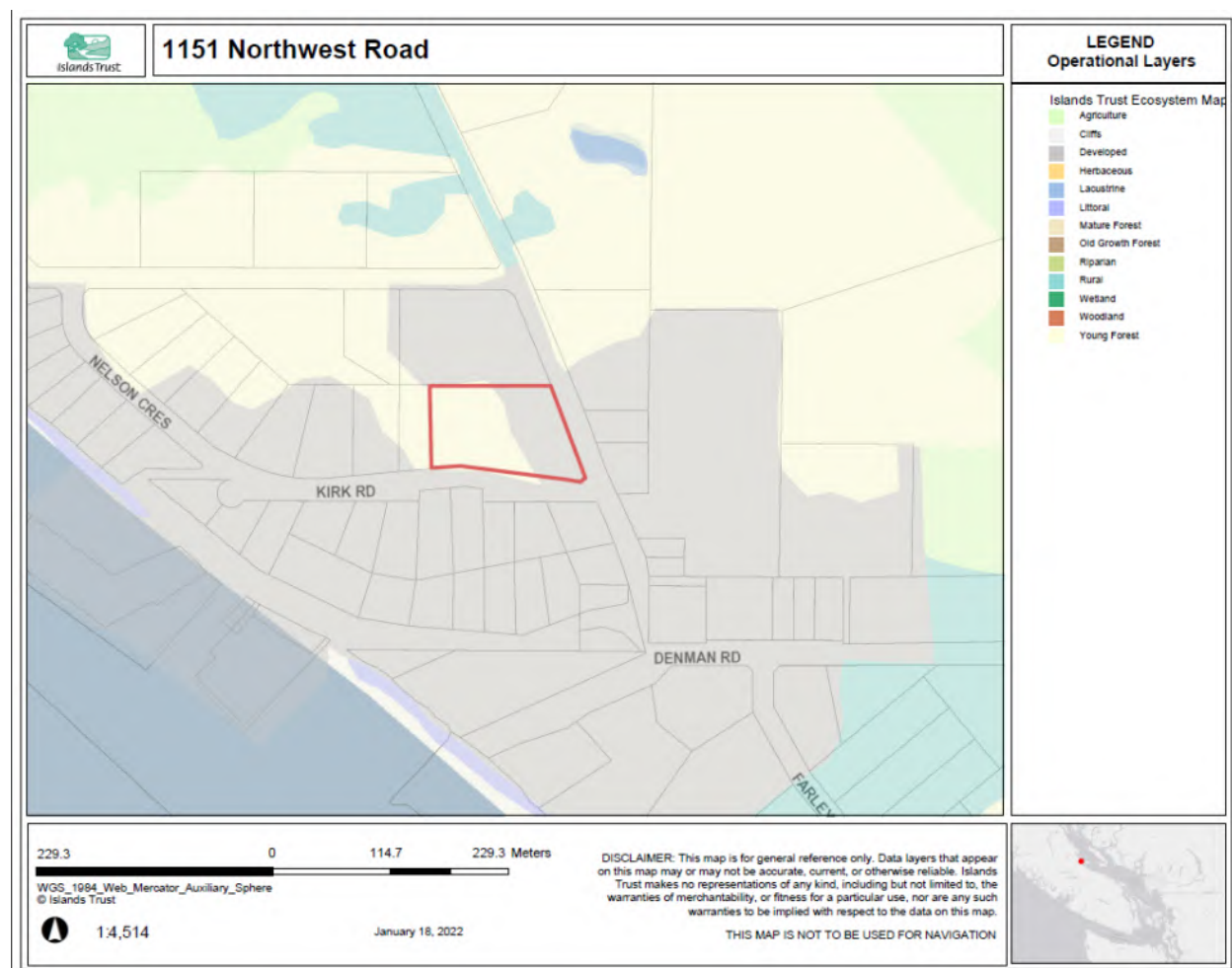


Figure 3. Ecosystems present on the subject property (outlined in red) as mapped by Islands Trust. The subject property consists of “Developed” (grey) and “Young Forest” (tan) ecosystems.

5.2 RARE SPECIES AND COMMUNITIES

The BC Conservation Data Center was consulted regarding occurrences of rare species and ecosystems within the subject property as there are masked occurrences within the subject region. A representative from the CDC deemed that the precise locations of masked occurrences in the region were not necessary

to include in this report (Clare, 2021). However, it was determined that two species: Townsend's Big-eared bat (*Corynorhinus townsendii*) and the peregrine falcon *anatum* subspecies (*Falco peregrinus anatum*) could be in the general area of the subject property. Additionally, the entirety of Denman Island falls within the geographic range of known critical habitat for the Northern myotis (*Myotis septentrionalis*) and the little brown myotis (*Myotis lucifugus*) (Table 2). Importance of the subject property to these species is dependent upon occurrence of critical habitat features within it.

Roosting habitat for Townsend's big-eared bat includes cliffs, mines, bridges, buildings, and large hollow trees (BC Ministry of Environment, 2019) – none of which were found on the subject property. While the property was seen to have some large Douglas Fir trees on it, these trees were all second growth and had not yet developed the specific traits such as loose bark and cavities that make them important bat habitat. The wetland area of the property did contain dead and dying red alder which may offer roosting habitat for some bat species but were likely too small for Townsend's big-eared bats. In general, forested riparian areas are thought to be important habitats for bats due to the combination of cover from trees as well as food and water available from the wetland itself. The wetland will be protected from disturbance pursuant to the BC WSA and IT bylaws.

Critical habitat for the peregrine falcon *anatum* subspecies consists of cliffs used for nesting, which were not evident on the subject property. Due to the peregrine falcon being a wide-ranging aerial predator with home ranges that extend to 27 km (Government of Canada, 2011), the potential foraging habitat on the subject property is unlikely to be critical for this species.

Critical habitat for the two *Myotis* species is subterranean features with low light and noise levels, stable temperatures, and high humidity which can be used as winter hibernacula. These features may be natural such as caves or rock crevices, or manmade such as abandoned wells or mine shafts. There are no such features recorded on the subject property, nor were any seen upon site visit on Jan. 13, 2022. Potential (non-critical) roosting habitat for these species was seen in the wetland area of the property in the form of dead and dying red alder trees. As these trees die, their bark becomes loose and can be used by smaller bat species for roosting.

The development as proposed in the eastern third of the property is not likely to negatively impact any of the identified species at risk, provided that the wetland on site is retained. In addition, no occurrences of species at risk were observed during ground-level reconnaissance on Jan. 13th. In order to provide a net benefit to the bat species mentioned here, the proposed development could electively include the construction of species-specific roosting structures. These features are not a requirement as no identified roosting habitat will be lost as a result of the proposed development.

The Islands Trust Sensitive Ecosystem Mapping (SEM) does not identify any sensitive ecosystems on or adjacent to the subject property. The closest identified sensitive ecosystem to 000-393-941 is a pink spirea-Sitka sedge swamp located within a greater patch of CDFmm approximately 140m to the northeast.

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

Ecological Community Name		Status		
English	Scientific	Provincial	BC List	Global
Townsend's Big-eared bat	<i>Corynorhinus townsendii</i>	S3S4 (2015)	Blue	G4 (2016)
Peregrine falcon <i>anatum</i> subspecies	<i>Falco peregrinus anatum</i>	S2 (2011)	Red	G4T4 (2016)
Little brown myotis	<i>Myotis lucifigus</i>	S4 (2015)	Yellow	G3 (2021)
Northern myotis	<i>Myotis septentironalus</i>	S3S4 (2015)	Blue	G1G2 (2021)

5.3 HYDROLOGICAL FEATURES

Existing mapping of the subject property did not show the presence of any significant hydrological features (i.e., watercourses, lakes, wetlands); however, a 1.06 ha wetland that most closely resembles the Ws52 Site Association (MacKenzie, 2004) -with the exception of slough sedge dominating over skunk cabbage- located in the western half of the subject property and delineated during the site visit on January 13, 2022 ("Polygon 3" in Figure 2). Based on field observations of contiguous water cover in the wetland associated with the high-water table and lack of elevated microsites, as well as a pronounced transition to higher elevation terrestrial habitats it was determined that no wetland soil sampling was warranted to assist in delineation of the wetland boundaries. Instead, indicator plant species and presence of water doing this wet season, immediately following a period of rain on snow melt, was used to identify and delineate the wetland extent.

At the time of assessment, the wetland contained standing water approx. 20-30 cm deep that was inhabited by emergent slough sedge throughout (Photos 1 & 2) and a relatively open understory dominated by distinct patches of shrubs including Nootka rose, red elderberry, and Himalayan blackberry. Tree canopy was sparse and dominated by red alder. A detailed description of the plant community can be found in Section 9 of this report.

Observations of topography of the site suggest that source water for the wetland comes from the eastern and western thirds of the subject property itself, as well as from the public works yard immediately to the North of the subject property. Flow from these locations is overland and subsurface, with no stream channels present. Trace flow was observed coming from the eastern third of the subject property in the form of subsurface drainpipes, and from the adjacent property to the north in the form of a culvert (Photo 10). This culvert was significantly infilled with organic material, suggesting minimal flow. The wetland appeared isolated with trace flows exfiltrating through shallow soils and vegetation to the roadside ditch along Kirk Road to the south. This ditch was not observed to contribute to downstream fish bearing waters and as a result the substantially isolated wetland on the subject project is not subject to review under the BC Riparian Areas Projection Regulation.

Soil profiles were not taken on site; however, background review of soils in the region show they are of the Ronald type (moderately well-drained, gravelly loam overlaying gravelly clay loam). This was confirmed visually by inspecting upturned root balls of fallen trees (Photo 12). It was noted that the

eastern edge of the mapped wetland had been filled during a historic stage of development that had likely included some encroachment into the wetland along that interface.

The observed wetland offers value to wildlife in a variety of ways. As noted previously, the dead and dying red alders within the wetland provide potential roosting habitat for small bat species. These trees also offer perching and foraging habitat for a range of bird species. Forested wetlands in general are known to be valuable foraging habitat for a range of species, including bats, birds and mammals due to the combination of food availability and cover. Standing water seen during the site visit was relatively shallow and likely ephemeral which limits breeding potential for some amphibians, although there appeared to be decent breeding potential for the Pacific tree frog (*Pseudacris regilla*) and Northwestern salamander (*Ambystoma gracile*). Fish presence was not noted and is unlikely due to the wetland's isolation and lack of known connectivity with fish bearing streams.

The wetland in the subject property is not connected to any ditches or streams that are RAPR applicable, so there are no prescribed setbacks according to that legislation. However, due to its habitat values and proposed proximity to development in the east it is recommended that setbacks be put in place. Notably, there are no permanent development components proposed along the western boundary of the wetland which will result in substantial protection along the entire western property boundary ('Polygon 4' in Figure 2). A pedestrian trail is proposed within this setback zone that will follow recommendations in Section 10.2.

Because the eastern boundary of the wetland has been degraded by fill and other disturbances from past land use, it is recommended that the proposal for a trail bordering the development along that edge be integrated into a restoration plan for the wetland boundary within a minimum 3 m strip that will include removal of fill materials, replacement with clean trail bed materials, and planting of native vegetation, including trees, to restore and improve habitat function along this edge. Furthermore, a low-split rail fence (or similar) will be established along the interface between the trail and the wetland to discourage public access into the wetland. Careful planning of stormwater management from the site should also be integrated into the wetland setback restoration plan to maintain the pre- and post-development hydrological regime of the site. This further discussed in Section 11.

6 CONDITIONS AT TIME OF DATA COLLECTION

Table 3. Conditions at time of data collection.

Date	Activity	Conditions	Data Collector
January 13, 2021	Ecosystem inventory and mapping	Overcast. Calm winds. 6° C.	Jamie Godfrey

7 LANDSCAPE CONTEXT

7.1 REGIONAL CONTEXT

The subject lot (PID 000-393-941) is currently zoned C – Commercial, as are the lots to the east and south. The lot to the north is zoned Institutional and is a public works yard. PID 000-393-941 lies at the northern edge of the central small commercial center designated for Denman Island. The subject property is excluded from the Agricultural Land Reserve (ALR).

7.2 ECOLOGICAL CLASSIFICATIONS

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

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

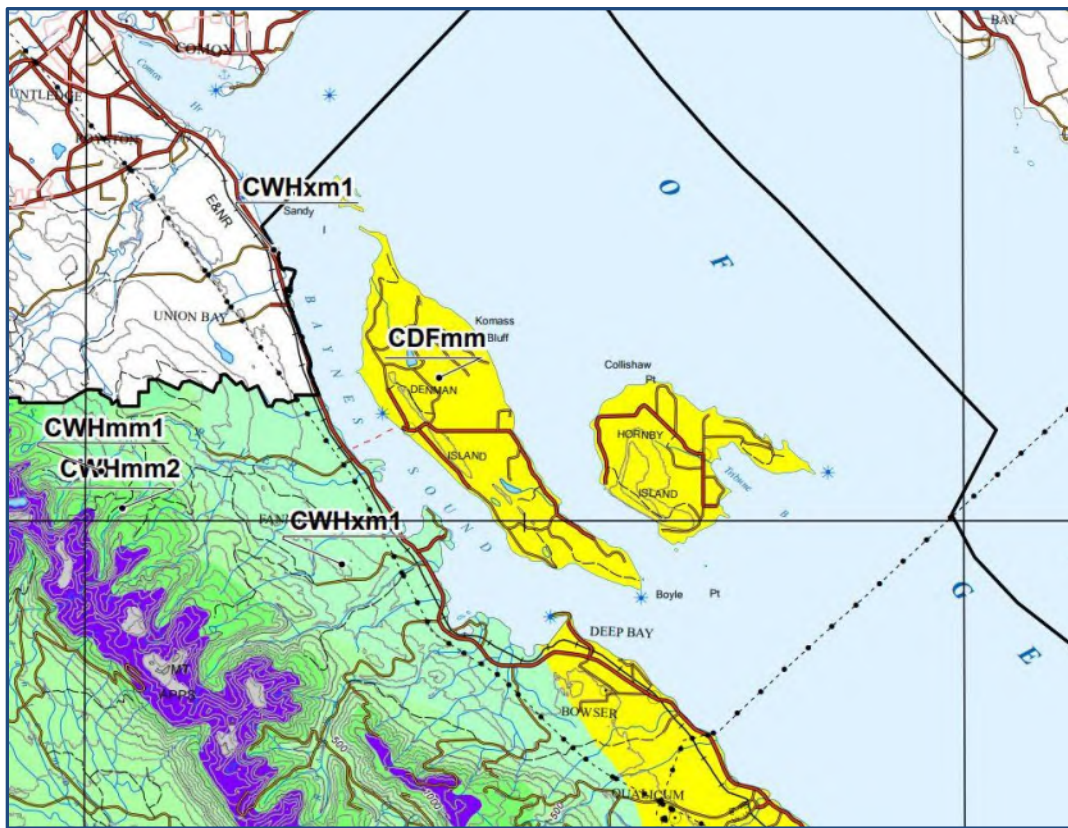


Figure 4. Biogeoclimatic zones and subzones of Denman Island and surrounding areas.

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

7.3 CLIMATE

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

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

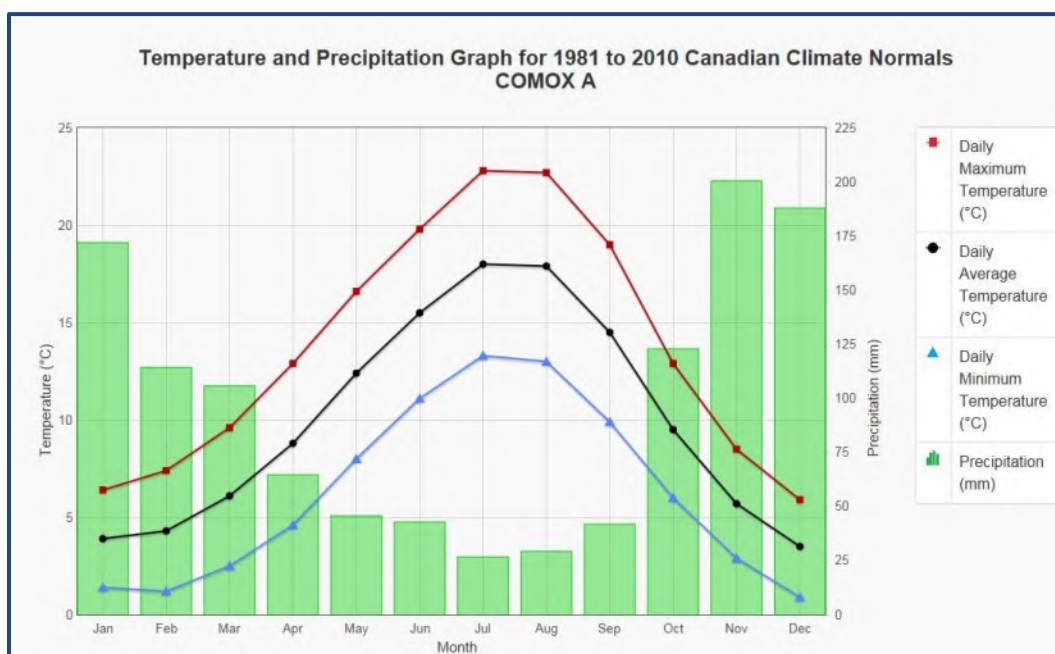


Figure 5. 1981 to 2010 Climate Normals for Comox Weather Station. Obtained from:
http://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?stnID=155&autofwd=1

8 SITE HISTORY

8.1 FIRST NATIONS USE

Denman Island is within the territories of the Coast Salish and Kwakwaka'wakw groups, including the K'ómoks, Pentlatch, Sliammon, and Qualicum peoples. Denman was an important piece of land for these nations as evidenced by petroglyphs, abundant shell middens, and evidence of village sites on the island. Denman Island was an important food gathering site in the summer, offering access to fish, shellfish, deer, and edible plants, as well as herring roe in the spring.

8.2 [POST-COLONIZATION USE](#)

Large swaths of Denman Island were cleared beginning in the early 1900s, and due to its location within the island's current and historical commercial centre it is likely that the subject property was logged during this time. The property lies directly across Northwest Road from the Denman Island Community Hall, which is one of only two registered historic sites on Denman Island. The community hall has been in that location since the early 1900's, marking the central hub of the Denman Island community. No site-specific history is known for the subject property; however, its central location suggests consistent commercial or agricultural use since the beginning of colonial history on Denman Island.

9 [ANTHROPOGENIC FEATURES](#)

9.1 [BUILDINGS AND STRUCTURES](#)

There are currently no permanent buildings or structures on the subject property. There does remain one small building from previous commercial activity on the lot (Photo 11); however, it has no permanent foundation and there are plans for it to be moved off the subject property before development commences.

9.2 [LAND MODIFICATIONS](#)

Table 4. Land modification observed on the subject property.

Anthropogenic Feature	Description	Condition	Relevant Photos
Cleared land	Most of the eastern third of the property has been historically cleared for commercial activity.	High density of invasive plants in this section of the property. Low habitat value.	3
Artificial fill in wetland	Artificial fill was historically added to the eastern edge of the wetland to extend the developable area of the lot	Grown in with a mix of invasive and native shrubby plants. High density of invasives.	13
Previously Logged Forest	The western third of the property is a young Douglas-fir Forest, regrowing after previous logging activity.	Overall intact, low density of invasive plants, although <i>Daphne</i> was noted.	7

9.3 [ARCHAEOLOGICAL SITES](#)

There are no recorded archaeological sites on the subject property (Cooper, 2021). The nearest recorded site is approximately 300m away along the shoreline of Denman Road just southeast of the BC Ferries terminal.

10 RECOMMENDATIONS

It is concluded that the proposed development can proceed, provided the recommendations as outlined in the following sections are satisfied.

10.1 TREE RETENTION

The eastern third of the subject property is bordered by large, wind firm Douglas fir trees. Due to the value of such trees as potential nesting, perching, and foraging habitat for birds and bats we recommend that as many of these trees be preserved as possible over the course of the proposed development. However, it is recognized that protection of the wetland on the property is the priority and development elsewhere on the site will require clearing that will likely encompass these higher elevation terrestrial zones.

Any large trees identified for retention along the wetland setback boundaries will require that a tree protection zone be established, marked, and maintained prior to and maintained during construction⁶. A guideline for a tree protection zone is 1 foot per inch of diameter at breast height (DBH)⁷; however, these zones will be established according to the professional opinion of an ISA certified arborist.

10.2 WETLAND PROTECTION

As described in Sections 3 and 4 of this report, the identified wetland represents potential habitat for a wide range of species and is protected under the *Water Sustainability Act*. To improve the ecosystem functions of this wetland, work is recommended to improve its eastern edge. The eastern edge of the wetland currently has little to no buffer of native vegetation from the proposed development site. Additionally, this edge has been artificially filled in past development works (Photo 13). It is recommended that in cooperation with a landscape architect, the artificial fill be removed and replaced with clean material to reclaim the natural wetland boundary. This boundary should then be planted with native riparian vegetation to establish a minimum 3 m buffer. To maximize usable space on the subject lot, the walking trail proposed for this development could be incorporated into the wetland buffer provided that it:

- 1) Be surfaced with permeable material to allow stormwater infiltration,
- 2) Be separated from the wetland by native riparian vegetation,
- 3) Have a barrier (i.e., split rail fence, thorny riparian vegetation) along the western edge to prevent humans and domestic animals accessing the wetland.

Additional components of the trail system being considered may include connectivity around the northern boundary of the wetland that would then return south towards Kirk Rd. to complete a loop trail that would facilitate an alternative route for pedestrian access towards the ferry terminal. For this concept to be realized without compromising wetland function it should be located as far as practicable from the

⁶ Avoiding Tree Damage During Construction, N.D. Retrieved from: https://www.esquimalt.ca/sites/default/files/docs/parks-recreation/avoiding_tree_damage_during_construction.pdf

wetland edge towards the northern property boundary and would require a section of elevated boardwalk to cross a wet area near the works yard culvert noted above and shown in Photo 10. Should a trail alignment be pursued along the northern and western edge of the wetland it should not be contracted using methods that require cutting rootzones of trees or import of materials that would cause root compaction. Instead, the trail alignment should be carefully selected to avoid impacts to existing vegetation and it is recommended that such an alignment involve input from a Qualified Environmental Professional (QEP) to preserve nearby wetland and riparian habitats.

In addition to the reclamation of the eastern edge and the establishment of an enhanced 3 m minimum riparian buffer, it is important that the proposed development have an approved drainage plan. The development is proposed in the eastern half of the subject property, which based on topography and field observations was seen to be a source of overland and subsurface flow to the wetland. The construction of new impermeable surfaces in this area has the potential to significantly change the hydrology of the wetland, with unknown consequences. Minimization of impermeable surfaces is also in line with conditions laid out in Denman Island DPA 5, and may be achieved in a variety of ways including:

- 1) Ensuring all walking trails and parking areas are surfaced with permeable materials such as gravel
- 2) Installing rain gardens
- 3) Installing rain catchment barrels for all roof gutters

Prior to construction, there must be an approved drainage plan in place.

10.3 INVASIVE PLANT REMOVAL

Development of the subject lot provides an excellent opportunity to undertake invasive plant removal. With the exception of native tree species, the vegetation community covering most of the eastern third of the property is dominated by invasive plants, including the eastern edge of the wetland riparian area. During future land clearing and site preparation works, it is recommended that the topsoil of the eastern third of the lot, from the edge of the wetland to Northwest Road, be considered to contain invasive seed and plant materials and be disposed of by transporting to a site equipped to bury soils containing invasive plants without causing additional spread. Transportation should be done in covered trucks to avoid flyaway of invasive plant parts, and trucks being well cleaned after accessing the site. All cleared and grubbed vegetation and soils leaving the site, except for clean logs, will be assumed to contain invasive plant materials and must be disposed of accordingly.

The preferred way to dispose of the vegetative parts of invasive plants is to truck to the CVRD Landfill near Cumberland. However, it is understood that this is not logistically feasible for the project and alternative methods of disposal may include burial at least 3 feet deep in an area that will not be disturbed or transporting to a site that is permitted to burn vegetation without causing increased concern for air quality or wildfire hazard. However, should alternative treatments be identified that may be suitable it is recommended they be approved by a QEP prior to their execution.

10.4 TIMING OF CONSTRUCTION

Any tree removals conducted during the clearing stage of the proposed development must be done outside of the breeding season for birds on the West Coast according to BC *Develop with Care* (2014) standards which spans from March 1 to August 31 of each year. Should clearing of trees or other potential nesting habitat be planned within this nesting timing window, a QEP must complete a pre-clearing nesting scan and approve removal of vegetation for a prescribed window of time. At the discretion of the QEP, nesting scans are typically deemed relevant for a period of 7 days after which time an additional scan would be required. If an active nest is identified the QEP will establish a buffer of no disturbance according to the observed bird species for the duration of nesting activity.

11 **CLOSURE**

With the effective implementation of recommendations set out in this report and additional planning measures (i.e., drainage plan, landscaping plan) the proposed development can proceed without causing a net negative impact to environmentally sensitive areas and/or species. The protection of riparian habitat along the western boundary and establishment of a 3 m minimum setback and restoration area along the eastern edge of the wetland will result in an overall net-improvement in wetland habitat function. We trust this assessment has met the requirements of the Islands Trust and Province of BC for residential development on the subject property. Please contact the undersigned with any questions or comments.



Dusty Silvester, R.P.Bio.

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12 INVENTORY BY ECOLOGICAL COMMUNITY

Table 5. Ecological inventory summary form, Polygon 1.

Polygon ID	1							
Ecological Community	Douglas-fir/dull Oregon-grape							
Classification	CDFmm/01							
Structural Stage	Mature forest							
Status (BC List)	Red							
Photopoint(s)								
Ecological Community Description	Very small stand of mature second growth Douglas-fir trees with an understory of mixed native and invasive plants.							
Disturbance Notes	Historically logged and replanted with Douglas-fir. Surrounding land is zoned commercial and/or residential, so habitat connectivity is minimal. Invasive species are found within and surrounding this ecological community.							
Anticipated Change/Succession	The trees in this community are identified for removal in order to proceed with development. During tree removal, it will be possible to eliminate invasive species that are associated with this polygon.							
Wildlife Observations								
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	70	30	5					
<i>Tsuga heterophylla</i> (Western redcedar)		5	5					
<i>Rosa nutkana</i> (Nootka rose)			1					
<i>Vaccinium parvifolium</i> (red huckleberry)			1					
<i>Rubus armeniacus</i> (Himalayan blackberry)							1	Noted at 1% here because it does not occur frequently within the polygon, however there are dense patches surrounding the polygon.
<i>Mahonia nervosa</i> (dull Oregon-grape)				80				
<i>Pteridium aquilinum</i> (bracken fern)				1				
<i>Daphne laureola</i> (Spurge-laurel)							1	
<i>Poacea spp.</i> (Grass sp.)							1	

Table 6. Ecological inventory summary form, Polygon 2.

Polygon ID	2						
Ecological Community	Douglas-fir/dull Oregon-grape						
Classification	CDFmm/01						
Structural Stage	Mature disturbed forest						
Status (BC List)	Red						
Photopoint(s)							
Ecological Community Description	Very small stand of mature second growth Douglas-fir trees with an understory of mixed native and invasive plants. Same potential vegetation as Polygon 1, however this community has been more thoroughly cleared resulting in a different understory compilation.						
Disturbance Notes	Historically logged and replanted with Douglas-fir. Surrounding land is zoned commercial and/or residential, so habitat connectivity is minimal. Invasive species are found within and surrounding this ecological community.						
Anticipated Change/Succession	The trees in this community are identified for removal in order to proceed with development. During tree removal, it will be possible to eliminate invasive species that are associated with this polygon.						
Wildlife Observations							
Vegetation Species	Percent Cover (%)						
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives
<i>Pseudotsuga menziesii</i> (Douglas-fir)	35	5					
<i>Thuja plicata</i> (Western redcedar)		1		1			
<i>Malus fusca</i> (Pacific crabapple)							
<i>Daphne laureola</i> (Spurge-laurel)							5
<i>Rubus armeniacus</i> (Himalayan blackberry)							1
<i>Poacea</i> sp.					1		
Moss sp.						20	

Table 7. Ecological inventory summary form, Polygon 3.

Polygon ID	3							
Ecological Community	Western redcedar/Slough sedge							
Classification	CDFmm/14							
Structural Stage	Wetland							
Status (BC List)	N/A							
Photopoint(s)								
Ecological Community Description	Small isolated ephemeral wetland mostly consisting of open water, with isolated patches of tall shrubs and sparse tree canopy. Sites are typical of deep soils with a fluctuating water table. This plant community has not been previously mapped on Denman Island.							
Disturbance Notes	Eastern edge of wetland has been historically infilled to increase development lot size. Invasive plants, especially <i>Rubus armeniacus</i> occur in high numbers in the eastern edge of the wetland.							
Anticipated Change/Succession								
Wildlife Observations								
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Alnus rubra</i> (Red alder)	10	1						Multiple Dr with dead tops.
<i>Pseudotsuga menziesii</i> (Douglas-fir)	1							
<i>Thuja plicata</i> (Western redcedar)	1	1						
<i>Crataegus douglasii</i> (Black hawthorne)		>1						
<i>Sambucus racemose</i> (Red elderberry)			10					Patchy
<i>Rosa nutkana</i> (Nootka rose)			10					Patchy
<i>Rubus armeniacus</i> (Himalayan blackberry)							10	
<i>Carex obnupta</i> (Slough sedge)					60			

Table 8. Ecological inventory summary form, Polygon 4.

Polygon ID	4							
Ecological Community	Douglas-fir/dull Oregon-grape							
Classification	CDFmm/01							
Structural Stage	Young forest							
Status (BC List)	Red							
Photopoint(s)								
Ecological Community Description	Young second-growth Douglas-fir plantation. Even-aged stand located on relatively flat aspect.							
Disturbance Notes	Historically logged and replanted with Douglas-fir.							
Anticipated Change/Succession	The dense Douglas-fir canopy is limiting recruitment of understory species, resulting in a relatively low diversity of plant species. Diversity will likely improve as canopy trees die back, becoming more reflective of the typical species assemblage for this site series. Deer browse may restrict recruitment of some species.							
Wildlife Observations								
Vegetation Species	Percent Cover (%)							Notes
	Main Canopy	Sub-Canopy	Tall Shrub Layer	Low shrub Layer	Herb Layer	Moss/Lichen Layer	Non-natives	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	15	40						
<i>Tsuga heterophylla</i> (Western hemlock)		1						
<i>Holodiscus discolor</i> (Oceanspray)			1					
<i>Vaccinium parvifolium</i> (red huckleberry)			>1					
<i>Mahonia nervosa</i> (dull Oregon-grape)				20				
<i>Daphne laureola</i> (Spurge-laurel)							1	
Moss sp.						70		

13 PHOTOGRAPHS



Photo 1: Representative photograph of plant community in the wetland area.



Photo 2: Representative photograph of plant community in the wetland area.



Photo 3: Representative photo of proposed site of development in previously cleared and burned area.



Photo 4: Representative photo of Polygon 2.



Photo 5: Representative photo of Polygon 2



Figure 6: Representative photo of Polygon 1.



Figure 7: Representative photograph of Polygon 4.



Photo 8: Mature Fd trees found along edges of eastern third of subject property.



Photo 9: Mature Fd trees found along edges of eastern third of subject property.



Photo 10: Culvert draining to the wetland from the municipal works yard to the north of the subject property.



Photo 11: Existing temporary structure to be removed before development.



Photo 12. Regional soils are of the Ronald type (moderately well-drained, gravelly loam overlaying gravelly clay loam). This was confirmed visually by inspecting upturned root balls of fallen trees on-site.



Photo 13. Example of fill material encroaching into the eastern edge of the wetland resulting from a previous phase of development.

14 WORKS CITED

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Denman Island Local Trust Committee Public Hearing Record

REGARDING PROPOSED BYLAW NOS. 241, 242, AND 243

Date: May 30, 2022
Time: 8:00 pm
Location: Denman Island Community Hall, 1196 Northwest Road, Denman Island, BC

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

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

Others Present: Approximately thirty-five (35) members of the public

1. CALL TO ORDER

Chair Fast called the Public Hearing to order at 8:00 pm. She welcomed the public, introduced Trustees, staff and recorder and acknowledged that this Public Hearing was being held in traditional territory of the Coast Salish First Nations.

She read the Chairperson's Opening Statement and explained that this Public Hearing is being conducted to hear views regarding proposed Bylaw Nos. 241 cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2020", proposed Bylaw No. 242 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021", and proposed Bylaw No. 243 cited as "Denman Island Housing Agreement Bylaw No. 243, 2021".

2. PROPOSED BYLAW NOS. 241, 242 AND 243

Planner Zupanec reported that a copy of the Public Hearing Notice was advertised in two consecutive editions of The Islands Grapevine and noted that all notification requirements have been completed. She advised that the Public Hearing binder is available for review during this Hearing, pointing out the location of the binder, and on the Islands Trust website.

She explained that the purpose of proposed Bylaw No. 241, if adopted, is to amend the Denman Island Official Community Plan (OCP) to enabling the transfer of density from one parcel to another for the purposes of enabling a multi-family affordable housing proposal to proceed, require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer, and allow for geographically specific revisions to redesignate the receiver parcel from Commercial to Residential for Affordable Housing.

The purpose of Bylaw No. 242, if adopted, is to amend the Denman Island Land Use Bylaw (LUB) to reduce the maximum permitted density on the donor parcel from seven dwellings to four and increase the Danes Road lots from two to five, and amend the Denman Green Affordable Housing parcel to a site specific Affordable Housing R4(1) zone.

Bylaw No. 243 is the Housing Agreement.

She identified the 24 referrals that were sent out for comment, noting that responses received are available on the Islands Trust website.

3. PUBLIC COMMENTS

Chair Fast explained that this is the opportunity for the public to comment on the proposed bylaws.

- Bill Engleson – spoke individually and on behalf of the Hornby/Denman Health Care Society in support of this project, stating that Denman and Hornby Islands need an increase in affordable housing and this project meets a significant aspect of that need; hopefully this project will spur on more housing.
- David Graham – supports the application. It addresses the lack of affordable and acceptable housing on Denman Island, and although it does reduce the number of commercial properties the need is greater for affordable housing. Involvement of a government funding agency is unfortunate, however, he hopes it proceeds.
- John Kirk – supports the application. He observed that a previous owner of the property attempted unsuccessfully to subdivide that property and he hopes Denman Green succeeds with fewer of the conditions that led to the failure of the previous attempt to subdivide.
- Alan Friesen – supports this affordable housing application and hopes the Local Trust Committee (LTC) will approve it.
- Pam Willis – strongly favours this application. Affordable housing is not a new issue, however, is worse now and everything must be done, with fewer obstacles, to see that people are well housed.
- Ron Sakolsky – as a matter of public policy principal, he is wary of developer-driven affordable housing solutions. He supports projects initiated by those in need rather than by those benefiting.
- Noah Ross – supports this project. Tying the average income figure on Denman Island to that of Comox Valley is not representative of those most in need here. BC Housing has alternative options for affordable housing that have not been put forward by proponents and he would like to see that information added.
- Charles Kinch – expressed concern with the structure of this proposal. Densities for affordable housing being increased while only being considered with density transfers that increase the value of other densities seems to be opposed to the fundamental Islands Trust mandate to preserve and protect the Gulf Islands from excessive high density development.
- Riane Da Silva – this project will provide housing for people who need housing and for those people we need on Denman Island. Having all questions answered before moving forward has kept things from advancing and all people need to be safe at home.
- C. Urquhart - is the liaison between Denman Housing Association and potential renters of the project. People are in desperate situations; this project and more need to go forward. She urged the LTC to approve these proposed bylaws.

- Sandra Martindale – understands the assistance that government funded projects can mean to those in need. She commented on the excellent location of this proposal and supports the project.

4. **ADJOURNMENT**

Chair Fast thanked the public for their submissions. She asked three times for comments from the public and hearing none the Public Hearing was closed at 8:27 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD:

Vicky Bockman, Recorder

MEMORANDUM

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

DATE OF MEETING: February 7, 2023
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Renée Jamurat, MCIP RPP, Regional Planning Manager
SUBJECT: Denman Island Farming Regulations Review Project

PURPOSE

The purpose of this memo is to update the Denman Island Local Trust Committee (LTC) on progress to date with the Denman Island Farming Regulations Review Project and to outline next steps.

BACKGROUND

The Denman Island Farming Regulations Review Project seeks to enhance and preserve farming activities on the island through updates to the Denman Island Official Community Plan policies and Land Use Bylaw regulations. The project is focused on implementing three recommendations from the Denman Farm Plan (recommendations 11, 13 and 14).

Both Bylaw No's. 228 (OCP) and 229 (LUB) have been given 1st reading (May 2018) and were presented at a Community Information Meeting (August 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 no's. 228 and 229, in order to align with the provincial requirements and recent community feedback. It is funded in part by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation (IAF) of B.C.

Bylaws no's. 228 and 229 were presented as amended at the July 27, 2022 Special LTC Meeting. The LTC requested further information before making a decision. Staff conducted further analysis and returned to the September 27, 2022 Regular LTC Meeting with additional amendments to the Bylaws. At that meeting, due to the amount of time that had passed since 1st reading was initially given and for clarity, 1st reading was rescinded on both Bylaws no's. 228 and 229. Staff was given direction to further amend the bylaws and schedule a special business meeting in October 2022.

The LTC passed the following resolutions at their October 14, 2022 special business meeting:

DE-2022-121

It was MOVED and SECONDED,

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 first time.

CARRIED

DE-2022-122

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-124

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

CARRIED

DE-2022-125

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a second time.

CARRIED

DE-2022-126

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer Bylaw Nos. 228 and 229 to the following agencies and First Nations for comment:

Cowichan Tribes	Nanwakolas Council
Halalt First Nation	Wei Wai Kum Nation
Lake Cowichan First Nation	We Wai Kai Nation
Lyackson First Nation	Qualicum First Nation
Penelakut Tribe	Comox Valley Regional District
Snuneymuxw First Nation	Denman Growers and Producers Alliance
Snaw’Naw’As Nation	School District #71 (Comox Valley)
Stz’uminus First Nation	Ministry of Agriculture and Food
Te’Mexw Treaty Association	Agricultural Land Commission
Homalco First Nation (Xwemalhkwu)	Hornby Island Local Trust Committee
K’ómoks First Nation	Denman Island Advisory Planning Commission
Tla’amin Nation	

CARRIED

DE-2022-127

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No’s. 228 (Official Community Plan) and 229 (Land Use Bylaw) after the referral response period is complete.

CARRIED

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

PROJECT UPDATE

Consultant Contract

The contract was awarded to Uplands Agricultural Consulting Ltd. Hiring a land use planning consultant as the lead planner on this project is one of the main commitments of the Islands Trust in the Contribution Agreement with IAF Grant. The consultant has undertaken the following work to advance this project:

- Background research, including review of:
 - The Farm Plan Implementation Project work to date, including proposed bylaws;
 - Agricultural Land Commission regulatory updates;
 - Available Agricultural Land Use Inventory and activities data, BC Assessment and census data, and related data to support policy and regulatory changes;
- Coordinated with Islands Trust planning staff and Ministry of Agriculture staff to update Agricultural Land Use Inventory and activities data for Denman Island;
- Conducted community consultation which included a community questionnaire, key interviews and a Community Information Meeting.
- Prepared an Engagement Summary Report.
- Amended Proposed Bylaw Nos. 228 (OCP) and 229 (LUB) to reflect best practices, community consultation and LTC direction.

Referrals

Referrals were initially sent out after 1st reading in 2018; however, given the length of time that has passed and the proposed amendments, re-referrals to agencies and First Nations were required. Referrals were sent out on November 17, 2022. The deadline for referral feedback was set for February 1, 2023.

At the time of preparing this report, only one referral response from Ts'uubaa-asatx Nation (formerly known as Lake Cowichan First Nation) has been received. Ts'uubaa-asatx Nation stated they do not have any comments to provide at this time.

APC Meeting

On January 17, 2023 the Advisory Planning Commission (APC) met to discuss the proposed policy and zoning amendments and to provide comments and/or recommendations to the LTC. The APC indicated they are supportive of the bylaws moving forward to Public Hearing. The APC also discussed the importance of Development Permit Areas that protect watercourses and address setbacks. It was out of scope for this project; however, the APC feel it is a priority for the LTC to consider as a priority project in the future.

The APC passed the following resolutions at their January 17, 2023 meeting:

DE-APC-2023-001

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 228.

CARRIED

DE-APC-2023-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 229.

CARRIED

DE-APC-2023-003

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends that the Local Trust Committee review issues of creating development permit areas for protection of watercourses as a priority.

CARRIED

Community Information Meeting and Public Hearing

Under section 464 of the *Local Government Act* (LGA), a local government must hold a public hearing to adopt an official community plan bylaw and zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” Under section 465 (1) of the LGA, a public hearing must be held after 1st reading and before 3rd reading of a proposed bylaw.

The purpose of the public hearing is to hear the view of community members regarding a proposed bylaw. A public hearing is preceded by a community information meeting (CIM), which is intended to introduce the proposed bylaws and respond to any questions community members may have prior to voicing their opinion at the public hearing.

Staff are proceeding to schedule a Community Information Meeting and Public Hearing to occur immediately following the April 4, 2023 LTC Meeting. Staff will circulate notification of the community information meeting and public hearing in advance of the meeting date.

NEXT STEPS

Staff will continue to review referral responses as they are received and proceed to prepare for a Community Information Meeting and a Public Hearing.

Submitted By:	Marlis McCargar, Island Planner	January 25, 2023
Concurrence:	Renée Jamurat, MCIP RPP, Regional Planning Manager	January 30, 2023

ATTACHMENTS

1. Proposed Bylaw No. 228
2. Proposed Bylaw No. 229

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 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD 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 the *Denman Land Use Bylaw*; 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 as guided by 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.
- 1.8d 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.
- 1.8e 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.
- 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.

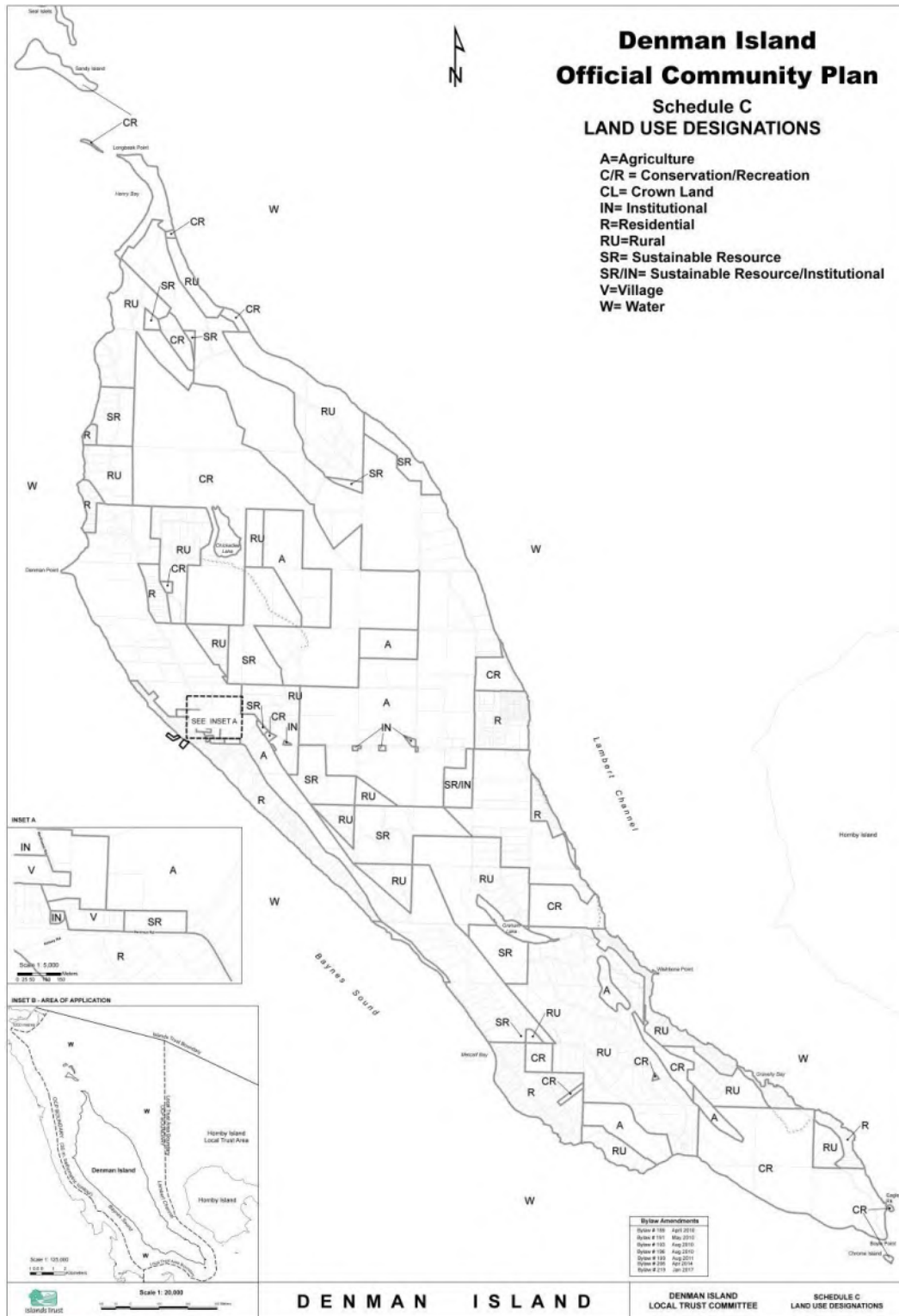
The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 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 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 5 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 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 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 6TH DAY OF OCTOBER, 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER, 2022

PUBLIC HEARING HELD 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 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. "*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:

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*.

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*.

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.

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), and on properties in the Agricultural Land Reserve without a Temporary Use Permit.

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; 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, associated with agriculture, except for a fence;
- 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, under Commercial, 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 – General Regulations, is amended by adding the following item after 4:
5. All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 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 by replacing item 6 with:
6. Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
6. Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 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)
- 1.17 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 Assessment Act”	✓	✓	✓

12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit	✓	✓	✓
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- 1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

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

Table 9 – 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.	✓	✓	✓

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

- 1.22 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 Assessment Act 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 Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

- 1.23 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 property over 4 ha and classified under the BC Assessment Act as “Farm”. 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”			

- 1.24 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	1	1
7.	On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	410m ²	410m ²
8.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	1	1
9.	On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot”	1	1	1

- 1.25 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.

- 1.26 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.

- 1.27 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”.
- 1.28 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”.
- 1.29 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	30.0m	30.0m”

- 1.30 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	✓	*Agri-tourism accommodation must be approved through a Temporary Use Permit	*Agri-tourism accommodation must be approved through a Temporary Use Permit

- 1.31 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.

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.

- 1.32 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 Temporary Use Permits for agri-tourism accommodation on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

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 are subject to Section 2.4.

Guidelines

- Guideline 1 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of

one (1) cabin.

- 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;
 - Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
 - The provision of adequate potable water and sewage disposal;
 - The provision of adequate off-road parking; and
 - Other requirements deemed necessary by the Local Trust Committee.”

File No.: 6500-02
LTC Project Report

DATE OF MEETING: February 7, 2023
TO: Denman Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
COPY: Renee Jamurat, Regional Planning Manager, Northern Office
SUBJECT: Local Trust Committee Projects and Priorities

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse the Active and Future Project List as presented in the February 7, 2023 regular business meeting agenda package.

REPORT SUMMARY

The Local Trust Committee (LTC) is being asked to review its 'Work Program' and provide direction for any changes to the Active and Future Projects lists. This report provides a summary of current and recently completed LTC Projects, an overview of the currently identified future projects, and identifies other potential projects the LTC may wish to consider this term. The report also provides a summary of the status of major applications.

Completed and On-going Projects

Over the course of past term the LTC undertook the following projects:

Project	Summary	Current Status	Comments
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.	February 7, 2023	IN PROGRESS – Consultants have completed a community survey and are compiling the results for LTC review and considerations of next steps prior to the end of the fiscal March 2023. Trust Council will be reviewing a business case in March for additional funds to continue the project into the next fiscal. Upon funding confirmation, the LTC can adopt a revised project charter to outline the workplan and deliverables.

Project	Summary	Current Status	Comments
Farming Regulations Review Project	Bylaws 228 (OCP) and 229 (LUB) are advancing to public hearing.	February 7, 2023	IN PROGRESS and anticipated to be completed in 2023. On Feb 7, 2023 agenda for discussion of next steps.

By Trust Council policy, an LTC can have one active Minor Project at a time, in addition to any Major Projects funded through a business case approved by Trust Council. The Farming Regulations Review Project would be considered MINOR for the next fiscal, and the continuation of the Housing Review Project would be considered MAJOR.

Potential Future Projects

The LTC should start to consider future projects, particularly any Major Projects, as scoping for business cases should start in April 2023.

Future Projects List: as issues are identified, an LTC can add potential projects to the 'Future Projects List'. These are tracked in a report included in each agenda package. The following table summarizes the items currently identified on the Future Projects List:

Date added	Issue	Description	Comments
July 2022	Update OCP and LUB: Undertake planning for a Protected Area Network on Denman Island	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	Should the LTC decide to keep this on the FUTURE project list, this would be classified a MAJOR project and would require a business case for funding approval in order to be advanced in the 2024/2025 fiscal.
July 2022	Land Use Bylaw Amendments	1. Review use of Temporary Use Permits for short-term vacation rentals and other uses. 2. Review subdivision requirements for lot line (boundary) adjustments with the goal of simplifying the process and requirements where no new density is created.	Should the LTC decide to keep this on the Future Projects List, it may be classified as a MINOR project to be undertaken upon completion of the Denman Farming Regulations Review Project in 2023.

The LTC should review the Future Projects List and remove any initiatives it considers out-of-date or any it no longer supports, or add any new initiatives it may want to consider.

Strategic initiatives: the following are potential projects that have been advanced through the Regional Planning Committee, with a brief description of each:

- a. Affordable Housing: a broader review of housing policies and regulations, including consideration of implementation of Islands Trust housing toolkit recommendations and coordination with [Northern Region Housing Needs Assessment](#).
- b. Coastal Douglas-fir Ecosystem Protection: Regional Planning Committee prepared a toolkit with options for protecting significant tracts of mature forest.
- c. Cultural Heritage Protection implementation: phase 1 of a project to develop criteria for identification of cultural heritage sites was undertaken last year, however that did not include delivery of mapping. Implementation could include designation of Heritage Conservation Areas, based on existing mapping, designation of shoreline areas or First Nations recommendations.
- d. Shoreline Review: Regional Planning Committee funded a report on shoreline protection last term. Several LTCs initiated projects to review shoreline and marine policies and regulations last term.

Other potential projects: the LTC should consider identifying other potential initiatives or issues, either as a LTC or through a process of community consultation.

The LTC may wish to consider scheduling a special meeting to engage in more detailed deliberations on identifying future projects or to engage in community consultation on future priorities.

Business Cases for Major Projects

Major projects are any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. The LTC submitted a business case for the 2023/2024 fiscal for the continuation of the OCP Review Project and funding will be confirmed at the March 2023 Trust Council.

LTCs wishing to undertake a Major Project in the next fiscal (2024/2025) should start developing a business case in the spring of 2023, and finalize and endorse the business case by July 2023 in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in October and November 2023 meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December 2023 Trust Council for inclusion in the budget for the following fiscal year.

Administrative Bylaws

All LTCs have administrative bylaws that govern the LTC's procedures. Recent amendments to the LTC's administrative bylaws include:

- Amendments to the meeting procedures bylaw to permit electronic meetings.

- Adoption of a new Fees Bylaw to implement application fee changes recommended by the Regional Planning Committee.

Pending Administrative Bylaw amendments that the LTC can expect next year include:

1. Amendments to the development procedures bylaw to allow for alternative notification for public hearings.
2. Adoption of a Land Use Permit Delegation Bylaw: this bylaw would delegate the approval of development permits to staff for all DPAs except Form and Character.
3. Amendments to the Freedom of Information Bylaw will be brought to all LTCs by the Director of Legislative Services in 2023.

Applications

Rezoning applications are the most complex and time consuming applications considered by LTCs. The LTC considered two rezoning applications in the last term:

1. DE-RZ-2017.1 (DCLTA) – 8 units of seniors affordable housing – ADOPTED
2. DE-RZ-2020.1 (DHA) – density transfer and up to 20 units of rental affordable housing – POST PUBLIC HEARING and on Feb 2023 agenda for further discussion.

In addition to the rezoning applications, last term the following applications/referrals were processed for the Local Trust Area:

- Development Permits – 7
- Development Variance Permits – 4
- Temporary Use Permits (including renewals) – 1
- Siting & Use Permits – 74
- Subdivisions – 7
- Crown Leases – 11
- ALR – 2
- Other – 1 (Eradication of invasive intertidal cordgrasses designated as noxious weeds under the *BC Weed Control Act*).

Summary reports with the current status of all active applications are provided in each agenda package. Staff reports are included in agendas when an LTC decision or direction is required.

Standing Policies and Resolutions

The LTC has, over the years, adopted a number of policies in the form of standing resolutions. These resolutions direct how staff act in certain instances, and can provide guidance to the LTC itself. A report of standing resolutions is included in each Agenda and the LTC should review these policies early in the term and considering rescinding outdated policies.

Rationale for Recommendation

The Work Program identifies active and future LTC projects. At the start of the term, the LTC should consider whether to proceed with the existing active projects and should also identify future priorities. Deliberation on the setting of strategic priorities for the term may best be undertaken by scheduling a special meeting.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a special meeting to review the Work Program. The resolution can be worded as:

That the Denman Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities for the new term.

2. Amend the Work Program

The LTC can amend either list. The resolution may be worded as:

That the Denman Island Local Trust Committee amend the [Active Projects List/Future Projects List] as follows: [indicate amendments].

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner, Northern Office	January 27, 2023
Concurred By:	Renée Jamurat, MCIP RPP, Regional Planning Manager	January 30, 2023

From: HHolm [REDACTED]
Sent: Monday, January 23, 2023 8:45 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Jan. 23-23 submission to DILTC February 7/23 meeting

Hello Info,

Would you please add the document, attached below, to the agenda package for the Feb. 7/23 LTC meeting with this preface:

Local Trust Committee:

I will not be able to attend the Feb. 7/23 LTC meeting; however, I would like the LTC to consider the attached document which will appear in the February edition of the *Flagstone*. Although it is addressed to the community, the issues raised apply directly to decisions made at the Local Trust level as well as within Trust Council and Trust Committees.

Thank you for taking time to read and respond to the document.

Harlene Holm
[REDACTED]

Denman Island

Housing in Context

Submitted by Harlene Holm

Lack of affordable housing is the child of the federal government. Unfortunately, local communities, like Denman Island, are left holding the baby without resources other than the capacity to look the other way.

The Standing Resolution to suspend bylaw enforcement against unlawful dwellings is in its third year and may be renewed at the Feb. 7th Local Trust Committee (LTC) meeting. Giving up should not be a regulatory option, particularly if it may benefit landowners more than renters.

The rate and volume of population growth on an island of roughly 5100 hectares impacts the environment, the social fabric and efforts to address climate change. For a sense of scale, the Douglas Ranch in B.C.'s interior is equivalent in size to 40 Denman Islands.

The Feb. 7th LTC meeting may, also, consider a motion to advance the Housing Needs consultants' recommended alterations to the Official Community Plan (OCP) and Land Use Bylaw (LUB) now that the 'engaging' survey results are compiled, and the LTC may consider a motion to allow restriction-free acceptance of the new Agricultural Land Commission Guidelines thus doubling the number of dwellings permitted on parcels designated in the Agricultural Land Reserve (ALR) —roughly 50% of the island.

The bylaw enforcement suspension, consultant-based OCP and LUB tunnel-vision alterations, and doubling density on ALR add to an entirely unknown island population as demonstrated in the consultants' report for the Farm Plan Implementation which bizarrely identifies only two parcels on Denman with a second dwelling.

Realistically, no bylaw enforcement effort could find footing if the LTC ever resumes its land use planning function. Many unlawfully housed residents have put down roots on Denman, contribute to island life and have kids in the school. Community sentiment would be on the side of these folks. Unfortunately, who's to know the residents from new arrivals?

Hopefully, this Gordian Knot can be resolved before Farm Plan Implementation and Housing Needs consultants rewrite our bylaws and OCP with little or no regard for the preserve and protect mandate of the Trust.

The agenda for the Feb. 7th meeting should be uploaded to the Denman Island Trust website by the publishing date of the Flagstone. The public traditionally has 2 minutes per person allotted in a Town Hall session before the LTC tackles its hours-long agenda. Our new LTC needs to hear that support for affordable housing should fit within the context and reality of this island.

[side note: Please put pressure on the federal government to finance appropriate and much needed affordable housing in communities and to make investments in housing as real estate unprofitable. While you're at it, the Premier and Provincial Minister of Housing need to hear that adding densities for affordable housing must go hand in hand with strong Housing Agreements to protect housing from morphing into real estate.]

From: Steve Carballeira [REDACTED]
Date: January 12, 2023 at 9:10:31 AM PST
To: dgraham@islandstrust.bc.ca, Sam Borthwick <sborthwick@islandstrust.bc.ca>, David Maude <dmaude@islandstrust.bc.ca>
Subject: Steve Carballeira, 3060 Lake Road, Denman Island, Lot Line Adjustment

Gentlemen,

I have attached a letter explaining a situation that has arisen with Islands Trust while trying to do a simple lot line adjustment on my property. I would very much appreciate a timely review and response.

Thank you.

Sincerely,

Steve

January 12, 2023

Islands Trust
700 North Road
Gabriola, BC V0R 1X3

Attn: Mr. David Graham, Mr. Sam Borthwick, Mr. David Maude

**Re: Request for Setting Aside Subdivision Requirements for a Lot Line
Adjustment
Lot 4, Sec. 27, Denman Island, Nanaimo District, Plan 26275 and
MOTI File #: 2022-00841**

Mr. Graham, Mr. Borthwick and Mr. Maude,

I am writing this letter to request that the attached conditions for a subdivision from Islands Trust be largely set aside and the sale of the property be allowed to proceed. The sale will not create any new lots and no density changes will be associated with the lot line adjustment.

Background

The two houses located on the property were both built before Islands Trust was created. The property has always been considered legal, non-conforming. This was verbally confirmed by the Islands Trust when my late wife and I purchased the property in 2004. We were moving from a house purchased in 1997 on East Road.

There was an orchard on the upper 2 hectares (ha) of the property at the time of the purchase. It had been severely neglected by the previous owners for at least 12 years. The neighbours to the east (Fawkes) and the west (McNabb/Ulovec) maintained organic orchards on their properties then and through to the present. Both neighbours recommended removing most of our orchard due to disease in the apple trees. This was done in 2005. Approximately 125 apple trees were saved in the south portion of the original orchard and have been pruned and cared for since the property was purchased.

Current Plans

The homeowners adjacent to the east, Jane and Patrick Fawkes, wish to purchase a portion of my property with the purpose of expanding their apple orchard. I have a deposit and a contract in place for the sale of the property, dependent on the completion of lot line adjustment. Their two sons will be moving to Denman Island and working the orchards.

The sale involves only the upper approximately 2 ha of my property. The remainder lot size will still be within the minimum lot size for R2 zoning. Please see Figures 1 and 2 for the lot line adjustment particulars.

No development other than planting hundreds of apple trees is planned at this time. No densities will be affected. No more dwellings are allowed to be built on the properties. Septic system inspections for both properties were completed in 2022 and all three systems were found to be without problems.

This sale will allow me to stay in my home of 19 years as the purchase price will significantly reduce my mortgage.

The Ministry of Transportation and Infrastructure requires nothing from the application other than a line on the final survey that delineates a road dedication of 10 metres on the north property line of the Fawkes' lot.

Islands Trust Requirements

The Islands Trust documents are also attached to this letter. To summarize:

1. *Complete Development Permit for DP Area 4 – Streams, Lakes and Wetlands (RAR application)*. I have commissioned Current Environmental from Courtenay to proceed with this study.
2. *Change to frontage requirement on Lot 5 due to increased size*. I understand this is a fairly common variance granted without problems.
3. *Potable water of 1,200 litres/day required*. Both properties have water licenses attached to title for allowing 2,270 litres per day for domestic use.
4. *Determination of availability of area for installation of septic system on each lot*. No more dwellings can be built. Current systems are operating well.
5. *Removal/conversion/obtain TUP of one of the two homes*. As mentioned above, the property is legal non-conforming. Diminishing the size of the lot should not affect the legality of the non-conformation, since the lot will still be legal for R2. The cottage rental is a large portion of my future income, allowing me to age in place on Denman Island.
6. *Refers to creating a non-conformity from subdivision*. This lot line adjustment does not create any new non-conformity. It has been legal non-conforming since the inception of the Islands Trust.
7. *Written confirmation from IT as to conditions being met before "subdivision" is approved*.

Discussion and Conclusions

I understand that there is no separate "Lot Line Adjustment" category in the Denman Island LUB 186. This kind of sale is lumped into "Subdivision". It is not a subdivision as it does not create any new lots.

I have no objection to the DP Area 4 requirement. This information will be added to the general wetland/stream information for Denman Island and I am happy to contribute to that database.

I have already paid for the septic system inspections to verify that no wastewater is contaminating our water supplies via a failing system.

Agriculture, family owned businesses and aging in place for seniors is outlined and recommended in the Denman Island Official Community Plan. These are the exact issues in jeopardy with the existing requirements from Islands Trust concerning this project.

I request that Items 3, 4, 5 and 6 be set aside due to the above described conditions and circumstances. Item 2 will be dealt with during the permitting process, according to the Islands Trust Planner, Stephen Baugh.

I would also request a written response from Islands Trust to all issues described above.

Sincerely,


Steven M. Carballeira



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
Phone: (250) 405-5151
Fax: (25) 405-5155
E-mail: info@islandstrust.bc.ca
WWW: <http://www.islandstrust.bc.ca>

Date: April 14, 2022

MOT File #: 2022-00841
IT File #: DE-SUB-2022.1
(Carballeira)

To: Tallina McRae
Development Services Officer
VIA EMAIL (tallina.mcrae@gov.bc.ca)

MOT District Office:
Courtenay Area Office
550 Comox Rd
Courtenay, BC V9N 3P6

From: Stephen Baugh
Planner 2, Local Planning Services – Northern Office

Re: Proposed lot line adjustment application for:

PID: 002-747-430 & 002-748-258
LOT 4, SECTION 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26275; &
LOT 5, SECTIONS 26 AND 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN
26275

Referral Response Summary:

Islands Trust recommends that the following be made conditions precedent of any Preliminary Layout Approval, based on Denman Island Land Use Bylaw (LUB) No. 186

1. Pursuant to Subsection 4.4.1 of the LUB, the **Owners of lots PID 002-747-430 & 002-748-258 be in receipt of an approved Development Permit** for Development Permit Area 4 – Streams, Lakes and Wetlands (RAR Applicable).
2. Pursuant to Section 994 of the Local Government Act, **the applicant be in receipt of an exemption from the Denman Island Local Trust Community of the required 10% lot frontage requirement for Proposed Lot 5 (PID: 002-748-258).**
3. Pursuant to Subsection 2.8.8 of the LUB, **The applicant obtain written certification from a qualified professional that the required amount of potable water per day (1200 Litres) for each of Proposed Lot 4 and Proposed Lot 5 can be provided.**



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4. Pursuant to Subsection 2.8.18 of the LUB the **applicant demonstrates the availability of an area of each of the lot for the installation of a conventional septic tank or package treatment sewage disposal system** with the characteristics required by the Sewerage System Regulation under the *Public Health Act*;
5. To address the density of Proposed Lot 4, **the applicant remove one of the existing dwellings, convert one of the existing dwellings to an accessory building, or obtain a Temporary Use Permit for one of the existing dwellings to allow it as a secondary dwelling unit** so that the lot meets the permitted density for the R2 zone.
6. Pursuant to Subsection 2.8.1 of the LUB, **no non-conformity may be created with respect to the use, siting or density of any existing use, building or structure** as a result of the subdivision.
7. Prior to final approval, the applicant and MOTI **obtain written confirmation from the Islands Trust that the proposed subdivision meets the above conditions and conforms to all Denman Island Local Trust Committee Bylaws.**

This referral response is based upon the attached subdivision layout plan (Attachment 1). Details of the application's compliance or non-compliance with specific bylaw regulations are provided on the attached pages. Should the proposed plan of subdivision be amended in any way from what was referred to our office, the applicant must obtain written confirmation from the Islands Trust that the proposed subdivision conforms to all Denman Island Local Trust Committee Bylaws.

Please quote file number **DE-SUB-2022.1** in all correspondence to the Islands Trust related to this file.



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WWW: <http://www.islandstrust.bc.ca>

1. General Information:

Applicant:	Steven Carballeira
Land Owner:	Lot 4: Steven Carballeira Lot 5: Jane Fawkes and Patrick Fawkes
Legal Description:	LOT 4, SECTION 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26275 (PID: 002-747-430); & LOT 5, SECTIONS 26 AND 27, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 26275 (PID: 002-748-258)
Area:	Lot 4: 4.28 ha Lot 5: 4.33 ha
Details of Proposal:	Lot line adjustment

2. Property Title Information: LTC Covenant/Easement/Right-of-Way/Permits

Legal Notations:	Lot 4: Easement: B45317, B43924, B43926, B66743, B78337, C35579 Lot 5: Easement: B45317, B43924, B43926, B66743, B78336
Comments:	None

3. OCP Information:

OCP Designation:	Rural
Development Permit Area:	DPA4 – Streams, Lakes and Wetlands (RAR Applicable Water Features). See Attachment 2
Development Permit Required:	Yes
Comments:	*Condition of PLR: the Owner of lots PID 002-747-430 & 002-748-258 be in receipt of an approved Development Permit for



Islands Trust

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Development Permit Area 4 – Streams, Lakes and Wetlands (RAR Applicable).

4. Zoning Information:

Zone Classification:	Residential 2 (R2)
Average lot area:	4.0 ha
Minimum lot area:	2.0 ha
Comments:	Minimum lot area does not apply per regulation 2.8(20) of the Denman Island LUB

5. Lot Sizes and Density:

Proposed lot areas:	Proposed Lot 4: 2.26 ha Proposed Lot 5: 6.35 ha
Compliance with lot area:	Yes
Compliance with lot density:	Yes
Covenant required:	No
Comments:	

6. Section 946, Subdivision for a Relative:

Local Government Act requirements:	n/a
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7. Depth/Width Ratio:

Depth/width ratios of new lots:	Proposed Lot 4: Complies Proposed Lot 5: Complies
Comments:	All proposed lots meet the depth/width ratio required by Subsection 2.8.6 of the LUB.

8. Park Dedication:

Park dedication required:	no
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If Yes, Amount required:	n/a
Comments:	Proposed subdivision is exempt from park dedication under Subsection 510(3) of the <i>Local Government Act</i>: <i>(3) Subsection (1) does not apply to the following:</i> <i>(a) subject to subsection (4), a subdivision by which fewer than 3 additional lots would be created;</i> <i>(b) a subdivision by which the smallest lot being created is larger than 2 hectares;</i> <i>(c) a consolidation of existing parcels.</i>

9. Ten Percent Waiver:

Lots Requiring Exemption:	Proposed Lot 4: $119.26 / 654.46 = 18.22\%$ Proposed Lot 5: $97.51 / 1332.47 = 7.32\%$ Exemption required for Proposed Lot 5
Comments:	*Condition of PLR: the applicant be in receipt of an exemption from the Denman Island Local Trust Community of the required 10% lot frontage requirement for Proposed Lot 5 (PID: 002-748-258). All proposed lots meet the minimum highway frontage of 20 metres required by Subsection 2.8.7 of the LUB.

10. Agricultural Land Reserve:

Proposed Lots within ALR:	No
Comments:	None



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11. Servicing Requirements:

Proof of Potable Water:

Pursuant to Subsection 2.8.8 of the LUB, each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by the LUB, according to the standards set out in regulations 9 to 11 of Section 2.8.

Pursuant to Subsection 2.8.12 of the LUB, where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a qualified professional that there is sufficient available groundwater to provide the required amount of potable water on a continuous basis for each building, structure or use of land permitted by the bylaw; and, that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the water quantity from any existing well or surface water that is used as a source of water.

Pursuant to Subsection 2.8.15 of the LUB, if the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Subsection 2.8.12 cannot be met, the applicant must: provide a community water system complying with the requirements of Subsection 2.8.17, or grant a covenant complying with Subsection 1.2.4 restricting the development of the subdivision to the buildings, structures and uses in which water can be supplied in accordance with Subsection 2.8.9 and a certification has been made under Subsection 2.8.12.

Sewage Disposal:

Pursuant to Subsection 2.8.18 of the LUB, for any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the Health Act.



Islands Trust

SUBDIVISION REFERRAL REPORT

200 1627 Fort St.
Victoria, B. C., V8R 1H8
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WWW: <http://www.islandstrust.bc.ca>

Comments:	*Condition of PLR: The applicant obtain written certification from a qualified professional that the required amount of potable water per day (1200 Litres) for each of Proposed Lot 4 and Proposed Lot 5 can be provided. *Condition of PLR: The applicant demonstrates the availability of an area of each lot for the installation of a conventional septic tank or package treatment sewage disposal system.
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12. Road Standards:

Roads to be Constructed:	Existing roads. None proposed as part of application.
Road Classification:	n/a
Comments:	Should the MOTI require further dedication or widening of existing roads, any new road construction should be consistent with the Letter Of Agreement between the Ministry and Islands Trust

13. Buildings and Structures:

Does subdivision create non-conformity with Bylaws:	Yes, plans submitted contravene the bylaw density provision from subsection 3.3 Table 3(1) of the Denman Island Land Use Bylaw: Minimum lot area per principal single family dwelling unit. Non-conformity will be increased because the number of dwellings per hectare of lot area will increase.
Existing non-conforming buildings or structures:	Proposed Lot 4 exceeds the permitted density, temporary use permit is required for a Secondary Dwelling Unit.



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Comments:	*Condition of PLR: The applicant remove, convert to accessory building, or obtain a Temporary Use Permit for one of the existing dwellings on Proposed Lot 4. *Condition of PLR: No non-conformity may be created with respect to the use, siting or density of any existing building or structure as a result of the subdivision.
-----------	--

14. Environmental Features, Islands Trust Ecosystem Mapping:

Sensitive ecosystems identified:	SEI – Wetland located on proposed lot 5 See Attachment 3
Raptor/Heron Nests identified:	None mapped
Watercourses:	See Attachments 2 (DPA) and 3 (SEI)
Riparian Areas Regulation – applicable stream or watershed:	Yes, proposed lot 4 and 5 are located within DPA4 - Streams, Lakes and Wetlands (RAR Applicable Water Features). See Attachment 2.
.Steep Slope Hazard Classification:	None mapped
Comments:	

15. Intrinsic Groundwater Susceptibility Mapping:

Susceptibility:	Islands Trust mapping indicates the lots are primarily within High Vulnerability areas, with some areas of Moderately high Vulnerability
Comments:	See Attachment 4

16. Cultural Features:

Archaeological Sites Identified:	Unknown.
----------------------------------	----------



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Comments: | No currently mapped archaeological sites or
archaeological potential within 100m as shown on
Provincial RAAD

17. Boundary Adjustments Only:

Complies with regulations: | n/a
Comments: | n/a

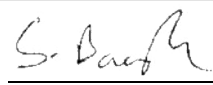
18. Panhandle Lots Only:

Complies with regulations: | n/a
Comments: | n/a

19. Split (Hooked) Lots Only:

Complies with regulations: | n/a
Comments: | n/a

Name: Stephen Baugh
Title: Planner 2

Signature: 
Date: April 14, 2022

cc: Denman Island Local Trust Committee (via email)
Applicant, Steven Carballeira (via email: scdenman22@gmail.com)

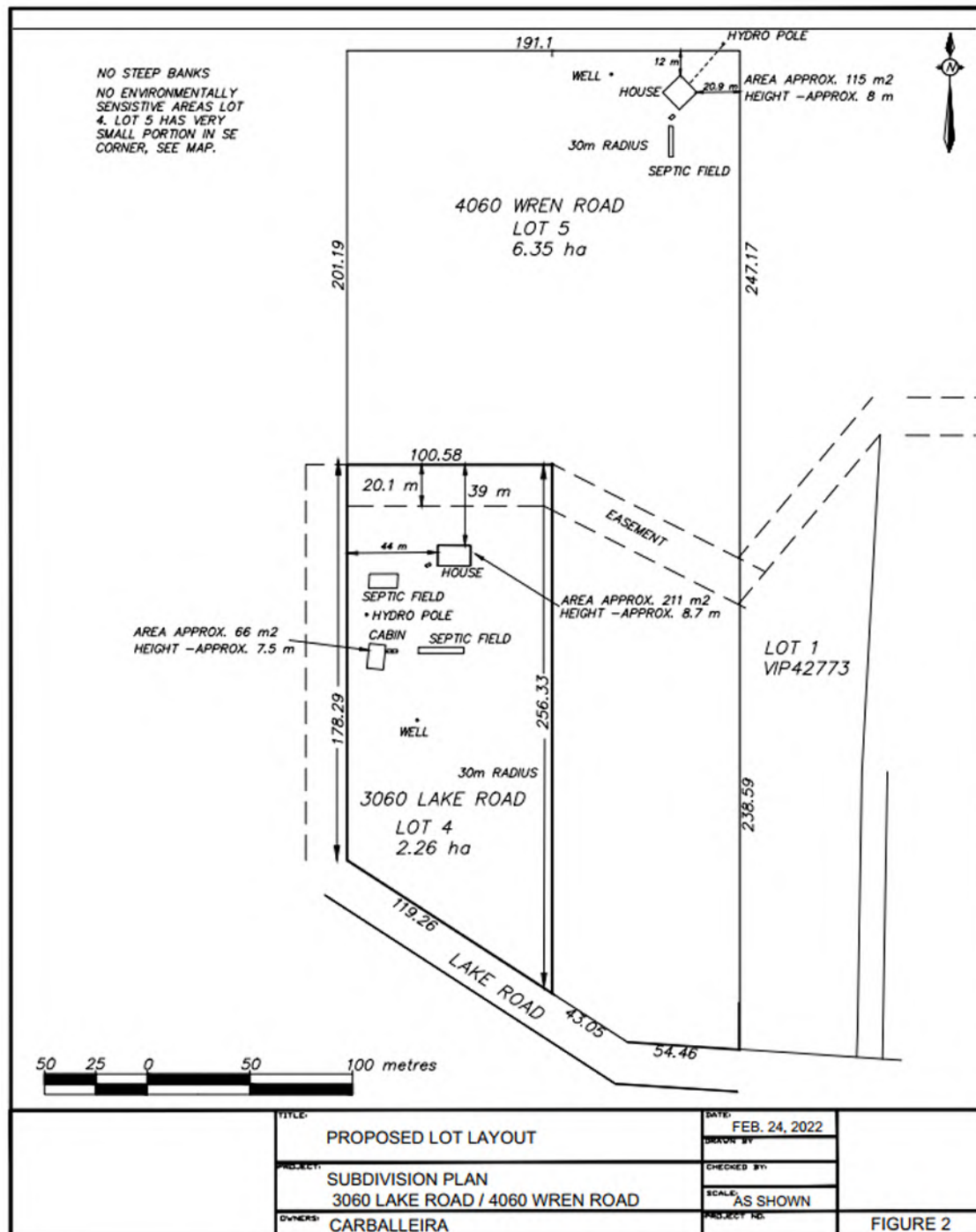


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Attachment 1: Subdivision Layout Plan





SUBDIVISION REFERRAL REPORT

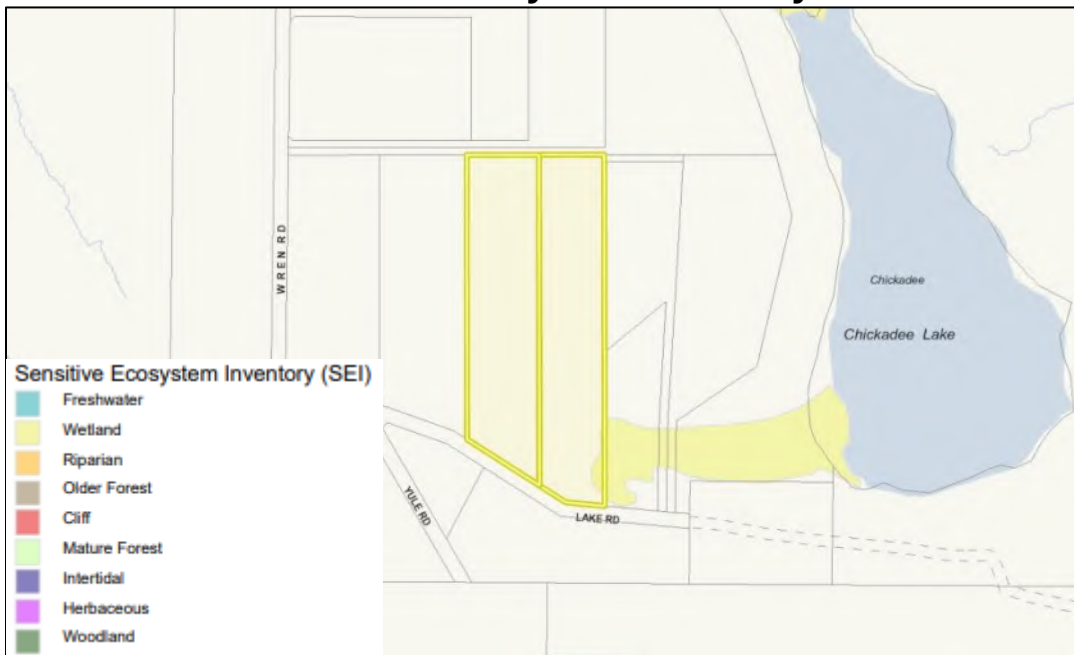
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Attachment 2: Development Permit Area 4 – Streams, Lakes and Wetlands (RAR Applicable)



Attachment 3: Sensitive Ecosystem Inventory - Wetland



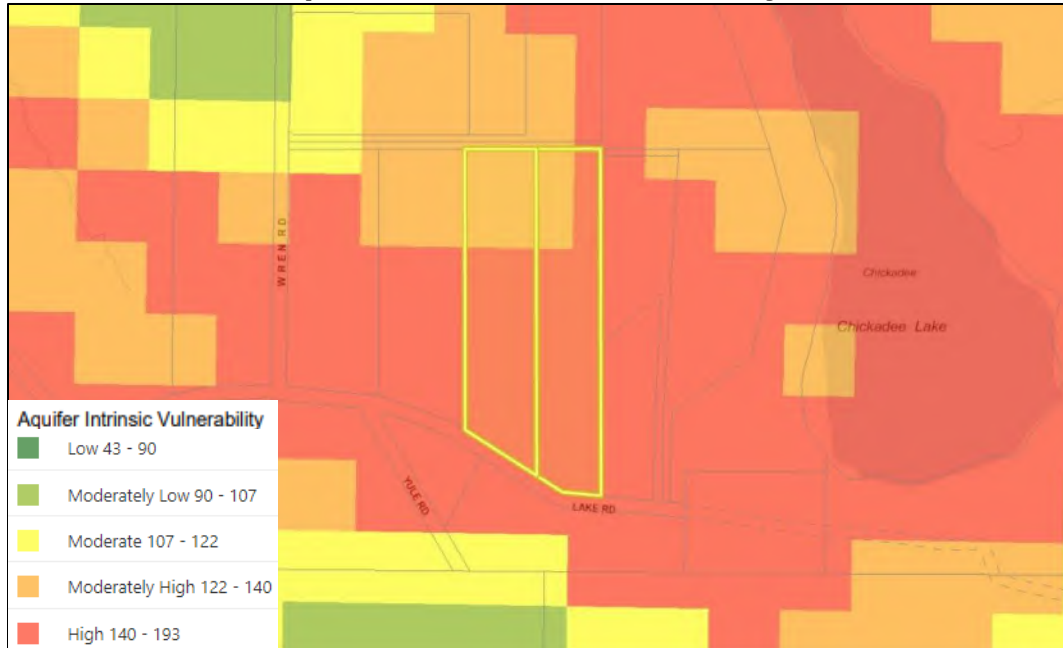


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Attachment 3: Aquifer Intrinsic Vulnerability





Attachment 4: Denman Island Land Use Bylaw No. 186, Section 2.8 Subdivision Regulations

2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

- 1 Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- 2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.
- 3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

$$\frac{\text{Total area of all proposed lots including the remainder}}{\text{divided by}}$$

$$\text{Number of Proposed lots including the remainder.}$$

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum lot Area.

- 4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

Parcels Divided by a Zone Boundary

- 5 Where a lot to be subdivided is split by one or more zone boundaries, a separate calculation of the number of lots permitted shall be made for each portion, and no lot may be created in respect of any fractional areas resulting from such calculation.

Lot Configuration Regulations

- 6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the *Strata Property Act*.
- 7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

INFORMATION NOTE: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation, dated October 20, 1992 and amended July 18, 1996.

INFORMATION NOTE: For information on park dedication requirements of a subdivision see Section 941 of the *Local Government Act*, and for information on the 10 per cent frontage requirements see Section 944 of the *Local Government Act*.



Proof of Potable Water - Amounts

- 8 Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 9 to 11 of this section.
- 9 In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit
- 10 In the Commercial zone, the minimum amount of potable water that must be provided per day is 3600 litres for each one hectare of lot area.
- 11 In Public zones, the minimum amount of potable water that must be provided per day is:
- 50 litres for each classroom in a school; and
 - 1200 litres per lot for all other institutional uses.

Proof of Potable Water – Well and Surface Water Certification

- 12 Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a **qualified professional**:
- that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of **potable** water on a continuous basis; and
 - that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.
- 13 Where a surface water supply is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide proof of a water license that permits the withdrawal of the required amount of water.
- 14 If the applicant proposes to provide potable water from a well or surface water supply on another lot, the applicant must concurrently with the registration of the subdivision plan, register against title on the lot on which the well is located an easement in favour of each lot to which water is provided, and a statutory right-of-way complying with Regulation 4 of Section 1.2 for water supply purposes.
- 15 If the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Regulation 12 of this section cannot be made, the applicant must:
- provide a community water system complying with the requirements of Regulation 18 of this section, or
 - grant a covenant complying with Regulation 4 of Section 1.2 restricting the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied in accordance with regulations 9 through 11 and a certification has been made under Regulation 12 of this section.

Proof of Potable Water - Cisterns

- 16 Where a cistern is required by this Bylaw, the landowner must:
- provide one or more cisterns with a combined capacity of 8400 litres of potable water; and
 - provide a covenant complying with Regulation 4 of Section 1.2 prohibiting use of the property for which proof of potable water is required until cisterns are in place capable of holding the required amount of water.

Community Water System

- 17 Where a community water system is proposed to serve a subdivision:
- the community water system must comply in all respects with applicable provincial enactments;
 - the water supply for the community water system must be obtained on Denman Island; and
 - if the water system is to be supplied by a well, the immediate catchment area of the well, as defined by an Engineer, is to be protected from pollution by a covenant in accordance with Regulation 4 of Section 1.2 prohibiting the installation of sewage disposal fields or other sanitary facilities.



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Waste Disposal

- 18 For any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the *Health Act*.

Exceptions

- 19 Regulations 2 to 19 of this section do not apply:
- to a lot being created solely for the purpose of locating unattended equipment necessary for the operation of a community water or sewerage system, an automatic telephone exchange, an electrical substation, or a similar public service facility or utility, and where no sewage would be generated, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
 - to a lot being created for park purposes where such parcel is to be shown as park on the plan of subdivision or for an ecological reserve that does not contain buildings, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
 - to a lot being created solely for the purpose of sale or dedication to a conservation agency for conservation purposes, provided a covenant complying with Regulation 4 of Section 1.2 restricts the use of the lot to conservation.
- BL 200
- to a lot being created solely for the purpose of a cemetery
- 20 Minimum lot areas permitted by subdivision in Part 3 do not apply:
- to a lot resulting from a consolidation of two or more lots; or
 - to a lot resulting from a boundary adjustment between two or more lots, provided that no additional lots are created and no lot is increased in area such that it could be subdivided into more lots than would be permitted under this Bylaw, without the boundary adjustment.

INFORMATION NOTE: A lot created by subdivision for the provision of a residence for a relative under Section 946 of the Local Government Act is exempt from the minimum lot areas in Part 3 of this Bylaw.

- 21 The minimum area of a lot eligible for subdivision under Section 946 of the Local Government Act outside the Agricultural Land Reserve is 8.0 hectares.

INFORMATION NOTE: For land outside the ALR, section 946 of the Local Government Act requires that the landowner enter into a covenant with the local trust committee limiting the use of the newly created lot to a residence for a relative and prohibiting further subdivision of the lot.

Covenant Against Further Subdivision and Development

- 22 Where:
- a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
 - one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area
- the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every such lot prohibiting further subdivision of the lot.
- 23 Where:
- a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
 - one or more of the lots being created have areas equal to or greater than twice the applicable minimum average lot area
- the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every proposed lot prohibiting further subdivision of the lot so that the potential number of lots is no greater than the number of lots that would have been created if the previous subdivision had created the maximum number of lots permitted by the



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applicable minimum or average lot area specified in Part 3.

- 24 Where the approval of a bare land strata plan creates common property on which this Bylaw would permit construction of a principal building, if the common property were a lot, the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of the common property prohibiting the further subdivision of the common property, the construction of any principal buildings on the common property, and the disposition of the common property separately from the strata lots.

From: Riane daSilva [REDACTED]

Sent: Thursday, January 12, 2023 9:31 PM

To: northinfo <northinfo@islandtrust.bc.ca>; David Graham <dagraham@islandtrust.bc.ca>; David Maude <dmaude@islandtrust.bc.ca>; Sam Borthwick <sborthwick@islandtrust.bc.ca>

Subject: Letter to LTC re Special Meeting January 17th, 2023

Please find attached a letter to the Denman Island Local Trust Committee, regarding the January 17, 2023 Special Meeting.

This letter is to be published on the public record as a submission to the LTC.

Thank you. Sincerely,

Riane da Silva

January 13, 2023

Dear Denman Local Trust Committee:

Our community elected you to lead us out of Denman's housing emergency and to help us co-create long-needed housing options, though a variety of means – including but not limited to:

1- Supporting Denman Green

2- Enthusiastically engaging in fixing our housing problems through solution focused and more frequent meetings

1. Why is the Denman Island LTC even considering whether to receive new information about Denman Green, well after the public hearing of June 2022? This flies in the face of what every resident of Denman Island has been told repeatedly at every public hearing - that once the public hearing is over no new information can be considered.

As per Stephanie Slater's recent article in the January Flagstone, every time the Islands Trust, or another governmental body, causes an affordable housing project to be delayed - construction prices increase, funding becomes trickier to secure, and landowners get tired of holding their property in limbo. These set backs have serious consequences on real human members of our community. The cruel results suffered by those who are forced to continue to endure chronic housing-insecurity and homelessness should be enough motivation for you to avoid further delays.

The human impact of this decades long "detente" in housing is harmful to our community members of all generations. Community children are growing up in housing insecurity and/or trauma, which cause devastating lifelong impacts. Elders are suffering through housing insecurity and decaying homes, because why would a landlord improve an "unlawful" dwelling? Parents are juggling work in the Denman gig economy, while searching quietly and politely for yet another rental (probably temporary) to move to – because their last one just sold for untold money. Singles survive and hide in isolation hoping their "unlawful" home isn't discovered or complained about anonymously. These people are part of our community fabric, and these are the people who Denman Green will provide homes for.

Denman Green has already been subject to a withdrawal of one possible site (Denman Rd), due to the landowner not wishing to continue with their asset being tied up in endless bureaucratic red tape. At that point Denman Green had to start all over at the beginning of the rezoning and consultation processes. A pattern of set backs and delay is exactly what killed Pepper Lane. Please do your part to keep history from repeating.

I am doing my part in changing history by continuing to draw your attention to the Human Right to Adequate Housing. The Islands Trust, as a state agent, and every employee and trustee within it, has a duty to affirm, support and uphold the Human Right to Housing. While instead IT consistently continues to systemically violate (unknowingly perhaps) the human right to housing.

Each one of these bureaucratic set backs is frustrating and breaks my heart as a human, a mother, and a compassionate member of our Denman community.

To reconsider unknown and unidentified evidence which will set our community housing efforts back to the public hearing, over 6 months ago, is cruel to the many residents (see NHNA of 2018) of Denman

Island who have been barely holding-on in substandard living conditions, while their human right to housing continues to be ignored and violated, rather than prioritized and upheld.

This new violation of the human right to housing will be used as yet another piece of evidence in an upcoming Human Rights complaint against the Islands Trust.

(Though I hope and pray that instead of that route, you are collectively able to change direction at the IT and begin to truly affirm, support and uphold the Human Right to Housing. I would rather put my energy into working together for the betterment of our community, than fighting against a colonial system filled with individuals who want to do better - but don't seem to know how.)

I strongly urge you to deny outright the application to consider new information, and allow Denman Green to carry on through its labyrinthine path.

2. I am concerned that the proposed meeting schedule for 2023 includes only 6 LTC regular business meetings.

<https://islandstrust.bc.ca/document/denman-ltc-meeting-schedule/>

(are you really supposed to meet just after midnight?!)

With important discussions, pending decisions on housing, as well as policy and administrative bylaw changes necessary to align with the Human Right to Housing, Denman Island (population 1391) needs 9 to 12 regular LTC business meetings to be effective in getting necessary work done. Mayne Island (population 1304) appears to have been conducting 9 to 12 regular LTC business meetings each year (for several years) to address their housing concerns.

I hope that our new LTC Chair David Maude can provide some leadership and insight into how to arrange the staff hours so as to support more meetings in which to do the necessary work on Denman housing.

How will you, our Denman Trustees, ensure that our island gets the meeting schedule needed to effectively meet and solve our very serious housing emergency?

I look forward to presenting a more thorough understanding of the Human Right to Housing and the responsibilities of local governments (including the Local Trust Committee and Islands Trust) to affirm, support and uphold the human right to housing, at your February 7th LTC meeting.

Sincerely,

Riane da Silva
rriane@yahoo.com

PS. Please receive and publish this letter as official correspondence to the Denman Island LTC

DATE OF MEETING: February 7, 2023
TO: Denman Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance & Enforcement Manager
Northern Team
SUBJECT: Bylaw Enforcement File Update

RECOMMENDATION

1. That the Denman Island Local Trust Committee receive this report for information only.

REPORT SUMMARY

The purpose of this report is to provide an update on current compliance and enforcement files.

BACKGROUND

On July 19th, 2022, the Local Trust Committee adopted the following resolution:

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.

There are 21 open files for Denman, and there have been no new files opened since July 2021. We have received complaints for properties with open files since that date but there have been no complaints received that initiated new investigations. Six files are open for short-term vacation rentals (STVRs); five for unlawful dwellings; four for development permit areas; three for siting; one for unenclosed vehicle (derelict); and one for non-permitted land use.

There have been nine bylaw violation notices (BVNs) issued for the above referenced files, and they are primarily for siting contraventions or no siting and use permit, but one was issued for the non-permitted dumping of waste. Three BVNs for siting still need to be reviewed by a screening officer. If the BVNs are upheld, and the disputant does not wish to enter into a compliance agreement, it will proceed to an adjudication hearing. All others have been resolved either by compliance agreements or LTC direction.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	January 27, 2023
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HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY OCTOBER 6, 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

- ***This meeting was the last Islands Trust Conservancy (ITC) Board meeting prior to the Islands Trust elections. Up to three new Board members will be elected at the first Trust Council meeting. ITC Board members appointed by the Minister of Municipal Affairs will continue on the ITC Board and are unaffected by local government elections.***
- The ITC Manager provided an update on the local government election, noted ITC staff are preparing orientation materials for incoming trustees.
- The ITC Board continues to have a vacancy for one Ministerial appointment. The posting for the vacancy closed on October 7, 2022 and the ITC Board is awaiting news from the [Crown Agencies and Board Resourcing Office](#) regarding a potential new member.

2. STRATEGIC PLANNING/ADMINISTRATION

- ITC Board considered a proposed budget for the 2023/24 fiscal year. The proposed budget included an approximate 13% increase for ITC a. The increase is comparable to other Islands Trust departments and includes BCGEU tentative agreement salary increases and a business case for capacity funding for First Nations Engagement for development of a five-year ITC Plan (2026-2030). ITC Board approved the draft 2023/24 ITC Budget as presented and directed staff to provide it for inclusion in the Islands Trust draft 2023/24 budget.
- ITC Board received an update regarding the Trust Council meeting, including notice that Trust Council gave first, second and third reading to a revised Natural Area Protection Tax Exemption Program (NAPTEP) Fees Bylaw and Guidelines for Executive Committee sponsorship of NAPTEP application fees. **These guidelines and the revised bylaw will allow the ITC Board and NAPTEP applicants to apply to the Executive Committee for sponsorship (waiver) of NAPTEP fees.**

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC Board approved a covenant over the Sandy Beach Nature Reserves (Keats Island) in favour of TLC The Land Conservancy of British Columbia and the Sunshine Coast Conservation Association.
- ITC Board approved and expansion for the Nighthawk Hill NAPTEP Covenant (North Pender Island), subject to receiving an updated Baseline Documentation Report that is acceptable to staff. Once the covenant is registered, staff will register a revised Natural Area Exemption Certificate on the land title.



4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a request for tree planting by the Pender Islands Parks and Recreation Commission in Enchanted Forest Covenant (South Pender Island).

5. COMMUNICATIONS AND OUTREACH

- Trustee Smith will attend the Conference of the Parties (COP) to the UN Convention on Biological Diversity December 7–19, 2022 and will highlight ITC work at COP15.
- A copy of the recent [Covenant Landholder Newsletter Fall 2022](#) was provided to the ITC Board. This is a newsletter for landholders of ITC conservation covenants.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved an Opportunity Fund Grant award of \$5,400 to the Thetis Island Nature Conservancy for delivery of their Nature Stewards Program on Thetis Island.

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

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2022.2	Wright, Doug	23-Dec-2022	PID: 009-711-678 Building house for family member. Civic address: 2961 Northwest Road, Denman Island, BC.
Planner: Stephen Baugh			
Planning Status			
<u>Status Date:</u>			

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2022.3	Etienne Design	31-Oct-2022	PID: 028-879-465 Addition to SFD. Civic address: 8330 Owl Crescent, Denman Island, BC.
Planner: Stephen Baugh			
Planning Status			
<u>Status Date:</u>			

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2021.1	Denman Housing Association (Denman Green)	11-Mar-2021	PIDs: 009-704-523, 000-393-941, 006-660-495. Affordable housing units. Civic address: 1151 Kirk Road, Denman Island, BC.
Planner: Sonja Zupanec			
Planning Status			
<u>Status Date:</u> 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.			
<u>Status Date:</u> 12-Mar-2021			
File opened & assigned.			

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: 04-Oct-2022 Applicant seeking permit from Arch Branch			
Status Date: 21-Sep-2022 Update requested from applicant within 30 days.			
Status Date: 11-Jan-2022 File reassigned.			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.18	Barua & Schlegel, Bacchus & Jessica Planner: Charly Caproff	07-Oct-2022	PID: 028-639-944 New SFD Civic address: 4170 Pinecrest Road, Denman Island.
Planning Status			
Status Date: 13-Dec-2022 Documents have not been received as of current.			
Status Date: 24-Nov-2022 Applicant aims to have documents to IT by next week			
Status Date: 22-Nov-2022 Applicant out of country and will provide documents when available.			

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: 26-Jul-2022 Followed up with applicant. No response received.			
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.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.20	Etienne Design Planner: Stephen Baugh	31-Oct-2022	PID: 028-879-465 Addition to SFD. Civic address: 8330 Owl Crescent, Denman Island, BC.
Planning Status			
Status Date:			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
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DE-SUP-2022.23 Denman Farmhouse 24-Nov-2022

Inc. (Alastair Bird -
Leckie Studio)

Planner: Charly Caproff

Planning Status

Status Date: 09-Jan-2023

KFN response is 'no comment' -- CHIP permit not required.

Status Date: 03-Jan-2023

Applicant sent floor plans showing intended uses. Two dwellings and one farm workers. Applicant will need to apply for non-adhering use permit with ALC for farmworker's housing. The proposed second dwelling would need to be reduced to 90 m2 to conform to ALR regulation. Applicant notified of options - see correspondence for additional information.

Status Date: 03-Jan-2023

Spoke with applicant over the phone -- he will be speaking with client and get back to me regarding next steps

File Number	Applicant Name	Date Received	Purpose
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DE-SUP-2023.1 Hayward, Keyolynn 05-Jan-2023 PID: 001-032-186 Addition of outbuildings. Civic address: 1421 Schmidt Road, Denman Island, BC.

Planner: Charly Caproff

Planning Status

Status Date:

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.3	Klimmer, Ula & Ronald	11-Jan-2023	PID: 002-638-207 Building garage. Civic address: 6226 East Road, Denman Island, BC.

Planner: Charly Caproff

Planning Status

Status Date: 30-Jan-2023

No response KFN. Draft permit sent to Penny for issuance with note that "This property may require a K'omoks First Nation CHIP permit for development. Onus is on the applicant to comply with requirements specified by jurisdictions external to Islands Trust."

Status Date: 18-Jan-2023

KFN Notification required. Sent to KFN

Status Date: 18-Jan-2023

Property within 200 m of natural boundary of sea. KFN sent plans for review of whether CHIP permit is required. Applicant informed.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.4	Geddes, Lisa & Bill	17-Jan-2023	PID: 000-409-651 Accessory building. Civic address: 6351 Gladstone Way, Denman Island, BC.

Planner: Charly Caproff

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2023.5	Randy Cleveland	25-Jan-2023	PID: 002-938-812 Renovation Civic address: 1466 Baikie Road, Denman Island, BC.

Planner: Charly Caproff

Planning Status

Status Date:

Applications

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.			
File Number	Applicant Name	Date Received	Purpose
DE-SUB-2022.2	McElhanney Ltd.	09-Nov-2022	PIDs: 006-657-931 and 017-541-115 Lot line adjustment. Civic address: 2900 Swan Road, Denman Island, BC.
Planner: Margot Thomaidis			
Planning Status			
Status Date:			

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending November 2022

615 Denman	Invoices posted to Month ending November 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	190.00	226.11	-36.11
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,513.00	1,655.20	1,857.80
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-615	LTC - Local Exp - Communications	250.00	280.00	-30.00
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>4,438.00</u>	<u>1,935.20</u>	<u>2,502.80</u>
Projects				
73001-615-4011	Denman Farm Plan	7,314.00	12,948.31	-5,634.31
73001-615-4124	Denman Housing Review	13,500.00	384.51	13,115.49
TOTAL Project Expenses		<u>20,814.00</u>	<u>13,332.82</u>	<u>7,481.18</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.			
11.	September 27, 2022	DE-2022-097	Model Strategy for Antenna Systems	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” dated May 3, 2018 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 Island Local Trust Area.			

Active Projects 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

Future 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

Review subdivision requirements for lot line (boundary) adjustments with the goal of simplifying the process and requirements where no new density is created.

Future Projects Report

Denman Island

4. *Administrative: Administrative Bylaws, Processes, and Procedures*

Responsible

Date Received

19-Jul-2022

5. *Advocacy, Education, and Communications*

Responsible

Date Received

19-Jul-2022

6. *Bylaw Enforcement*

Responsible

Date Received

19-Jul-2022