

Regular Meeting Revised Agenda

Date: March 16, 2021
 Time: 10:00 am
 Location: Electronic Meeting

			Pages
1.	APPROVAL OF AGENDA	10:00 AM - 10:05 AM	
2.	REPORTS	10:05 AM - 10:15 AM	
2.1.	Trustee Reports		
2.2.	Chair's Report		
2.3.	Electoral Area Director's Report		
3.	TOWN HALL	10:15 AM - 10:25 AM	
4.	DELEGATIONS	10:25 AM - 11:00 AM	
4.1.	Riane da Silva regarding Bylaw Enforcement and Housing		4 - 15
4.2.	Simon Palmer for Denman Housing Society regarding New Plans for an Affordable Housing Rezoning Application		16 - 17
4.3.	Harlene Holm regarding Suggested Amendments to Bylaw 228 (Farm Plan)		18 - 22
4.4.	David Graham regarding Bylaw Enforcement of Illegal Dwellings		
5.	MINUTES	11:00 AM - 11:05 AM	
5.1.	Local Trust Committee Minutes dated January 19, 2021- for adoption		23 - 33
5.2.	Local Trust Committee Special Meeting Minutes dated March 2, 2021		34 - 38
5.3.	Section 26 Resolutions-Without-Meeting Report - none		
5.4.	Advisory Planning Commission Minutes - none		
6.	BUSINESS ARISING FROM MINUTES	11:05 AM - 11:20 AM	
6.1.	Follow-up Action List dated March 8, 2021		39 - 43

6.2.	Guidelines for Correspondence and Meeting Participation - for discussion	44 - 45
7.	APPLICATIONS, REFERRALS AND BYLAWS	11:30 AM - 11:50 AM
7.1.	DE-SUB-2019.2 (Nielsen) - Staff Report	46 - 98
7.2.	PROPOSED BYLAW NOS. 233 and 234 (DE-RZ-2017.1) - consideration of further readings	99 - 111
8.	LOCAL TRUST COMMITTEE PROJECTS	11:50 AM - 12:05 PM
8.1.	Farm Plan Implementation Status Update - Memorandum	112 - 121
 ----- BREAK 12:05 PM TO 12:35 PM -----		
9.	CORRESPONDENCE	12:35 PM - 12:45 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
9.1.	Letter dated January 21, 2021 from Hornby & Denman Community Health Care Society regarding Transportation Issues	122 - 124
9.2.	Email dated February 22, 2021 from W. Northcut regarding Permit Transparency	125 - 125
9.3.	Letter dated March 6, 2021 from B. Engleson regarding Support for Denman Housing Society New Proposal	126 - 126
10.	NEW BUSINESS	12:45 PM - 12:55 PM
10.1.	Denman Island Cross island Trail - for discussion	
10.2.	<i>Denman Housing Association Request for Letter of Support - discussion</i>	
11.	REPORTS	12:55 AM - 1:15 PM
11.1.	Trust Conservancy Report dated January 26, 2021	127 - 129
11.2.	Applications Report dated March 8, 2021	130 - 135
11.3.	Trustee and Local Expense Report dated January, 2021	136 - 136
11.4.	Adopted Policies and Standing Resolutions	137 - 141
11.5.	Local Trust Committee Webpage	
12.	WORK PROGRAM	1:15 PM - 1:35 PM
12.1.	Top Priorities Report dated March 8, 2021	142 - 142

12.2. Projects List Report dated March 8, 2021 143 - 145

13. INFORMATION ITEMS 1:35 PM - 1:40 PM

13.1. Letter to Editor from Denman Local Trust Committee regarding Bylaw Enforcement Clarification 146 - 146

13.2. News Release dated January 21, 2021- Islands Trust Actively Promotes Regional Collaboration 147 - 148

13.3. Letter dated January 21, 2021 regarding Support for Association of Denman Island Marine Stewards (ADIMS) Application to BC Clean Waters (BCCCW) Fund 149 - 149

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for Tuesday, May 4, 2021 at 10:00 am via Zoom Electronic Meeting

15. CLOSED MEETING 1:40 PM - 1:50 PM

15.1. Motion to Closed the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering Adoption of In-Camera Meeting Minutes dated January 19, 2021 and Bylaw Enforcement and that the recorder and staff attend the meeting.

15.2. Recall to Order

16. ADJOURNMENT 1:50 PM - 1:50 PM

The Islands Trust and Local Trust Committee are already aware of the need for a minimum of 80 units of affordable housing on Denman Island

- The 2018 "Housing Needs Assessment was not specifically identified as an affordable housing study, but it became evident very quickly that the issue is not home purchase, but **affordable, secure, year round rental accommodation** for all demographics and household types."
- "The scope of work for the Housing Needs Assessment was, in part, to provide data to **guide planning and Bylaw development.**"
- "The median age for Denman Island is 61.3, with **"62.8% of our population 55 years of age and older"**
- "Less than 30% of the population of Denman is between the ages of 15-54 (young to young-ish service-provider ages)"
- "83% of respondents indicated that they are aware of people living in illegal and inappropriate housing on Denman Island. In addition, respondents indicated that those in need of affordable housing are using a range of means to meet housing needs, including rental housing, cottages, shared housing, illegal dwelling units, and trailers or mobile homes. The reliance on illegal suites and cottages indicates the **inability of residents to find legal, healthy, affordable housing** units."

More from the Islands Trust HNA Report of 2018

- "It is clear that the no, low and even moderate income **households have difficulty accessing the housing market**. This represents the young adults, seniors and families. While they may be able to rent, there is little secure appropriate rental accommodation available. The 2016 Census demonstrates that 25.4% of the population, or 150 people, have no or low income. These people are considered vulnerable."
- Based on the population projections, there could be a "**need for potentially 165 residential units** in the next 25 years."
- "Based on the population growth projected for 165 units and 48% need for affordable rental, **Denman Island now requires up to 80** affordable housing units."
- "Local Trust Committees can provide direction and set goals for affordable housing through the OCP's "
- "Based on the housing needs identified in this report, it is recommended:
 - That each island **review their OCP** to ensure that there are supportive policies for the development of safe, secure, appropriate, and affordable rental housing.
 - That the Islands Trust promote the ability to enter into **Housing Agreements with property owners** and not-for-profit organizations to ensure housing remains affordable.
 - That the Local Trust Committees support the efforts of not-for-profit organizations to increase the amount of safe, secure, appropriate, affordable housing on their islands."

There are many reasons people live in precarious housing on Denman Island, despite the threat of bylaw enforcement.

- It may be that all that is available to rent on Denman are illegal housing options.
- Some conditions pre-dispose people to living in precarious housing and or homelessness. These include childhood trauma, C-PTSD/PTSD, brain injury, Autism, ADHD, addiction, mental illness, divorce, family estrangement, single parenting, and more.
- Most people living in precarious housing are, as stated in the HNA, "**considered vulnerable.**"
- Vulnerable people, living in illegal housing (due to lack of options and other complex socio-economic factors) **under threat of eviction present negative health outcomes**, both mental (e.g. depression, anxiety, psychological distress, and suicides) and physical (poor self-reported health, high blood pressure and child maltreatment).*
- In light of the undisputed connection between eviction and health outcomes, **eviction prevention, through moratoria and other supportive measures**, is a key component of pandemic control strategies to mitigate COVID-19 spread and death.*

*Benfer EA, Vlahov D, Long MY, Walker-Wells E, Pottenger JL Jr, Gonsalves G, Keene DE. Eviction, Health Inequity, and the Spread of COVID-19: Housing Policy as a Primary Pandemic Mitigation Strategy. J Urban Health. 2021 Feb;98(1):1-12. doi: 10.1007/s11524-020-00502-1. Epub 2021 Jan 7. Erratum in: J Urban Health. 2021 Jan 25;; PMID: 33415697; PMCID: PMC7790520.

Eviction, threat of eviction, and bylaw enforcement are all incredibly disruptive to vulnerable people.

These each cause similar negative mental and physical health outcomes, for people living in precarious housing.

- The Islands Trust Bylaw Enforcement Officer visited several Denman Island properties on July 30, 2020, to inspect potential bylaw violations, including 'unlawful' housing. This visit was very hard on many Denman renters, some of whom felt intimidated, traumatized and reported receiving eviction notices from their scared land-owners.
- On January 19, 2021 the Denman Island LTC voted that: “standing resolution DE-2019-056 be amended as follows: that the word 'pursue' be replaced with 'temporarily withhold' and the word 'if' be replaced with 'unless' and that at the end of the resolution the following words be added, 'and that this policy will be reviewed in one year's time'.”
- Even with that partial "moratorium" bylaw enforcement can continue unchecked, when there is more than one complaint, or more than one "unlawful dwelling" on a property.
- The current situation for (illegal and legal) renters on Denman Island is very troubling and stressful.

In light of the aforementioned, 541 residents of Denman Island (as of March 2, 2021) signed a petition asking the Denman Island Local Trust Committee (LTC) to immediately:

1. 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.

(please find petition signatures and comments attached, in Appendices A, B & C)

Thank you to the LTC for your time and your attention to this very important matter. This feels like a wonderful opportunity for our community to make some strong strides in making our much needed homes legal, stable and affordable.

Pepper Lane's 8 units are advancing through the application process. Denman Green is making a new application for 20 units. With LTC followed by LUB support we can craft the conditions for the additional 52 units needed (to reach 2018 targets).

Togther we can co-create environmentally appropriate and community based ways to provide the 80 affordable homes that we already know we need - to house our current residents in safety and in health, and in exquisite care of our beautiful island ecosystems.

Sincerely,

Ríane da Silva

February 2021, Denman Island, BC, Canada

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

1. 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.

ATTACHMENT A

RECEIVED – IN PERSON PETITION
180 SIGNATURES

ATTACHMENT B

RECEIVED – ONLINE PETITION

361 SIGNATURES

ATTACHMENT C

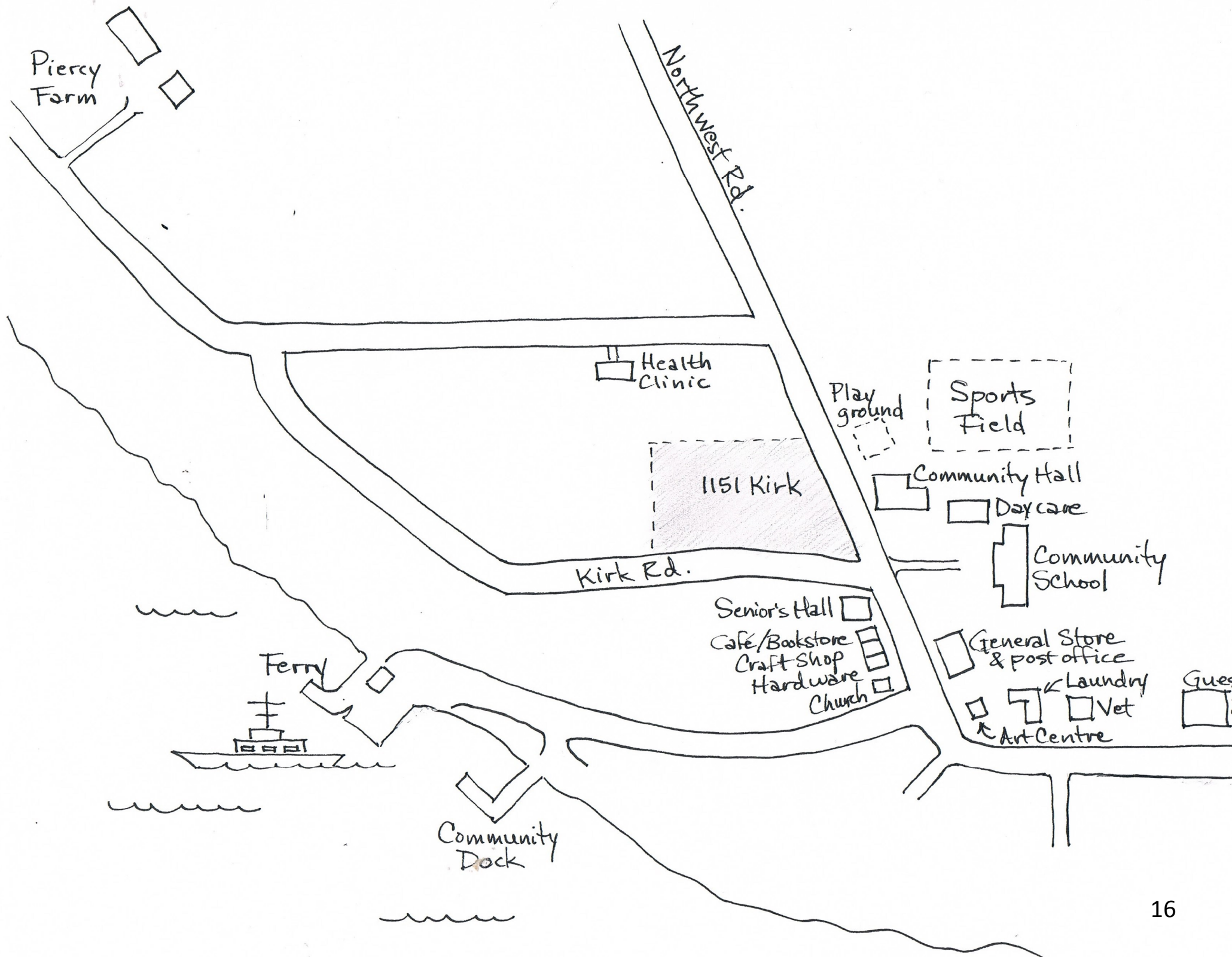
RECEIVED – PETITION COMMENTS

ATTACHMENT - C

Comments

Name	Location	Date	Comment
	Edmonton, Canada	2021-02-14	"As I understand it, this bi-law is there to prevent rampant development, and multiple holiday homes on a single lot. However the selective enforcement is currently effecting the most vulnerable of our community. Until there is a better alternative to the current living conditions enforcing this bi-law in this way is morally wrong"
	Denman Island, Canada	2021-02-14	"The time has come for the Island of Denman to start to create the utopian society we have always wanted. Hard when you can't find a place to live and IT wants to take away the only available option for so many. We need to start making our own decisions!"
	Denman Island, Canada	2021-02-14	"Other IT islands have implemented (quite successfully) the allowance of a secondary dwelling on all zones (except ALR).A similar approach could easily be done here, with a review/update of the LUB.Either apply to all zones, OR, apply to a min lot size of (1 or 2 acres).The benefit of following suit, is the ability to review existing results.There ARE options."
	Denman Island, British Columbia, Canada	2021-02-14	"I support the Trust but for years forces within the organization and within the community have not acknowledged the essential component to environmental continuity, the human element. Affordable housing for all is an absolute necessity. I hope we can get there without disparaging commentary."
	Denman Island, BC, Canada	2021-02-14	"Everyone deserves a home!"
	Denman Island, BC, Canada	2021-02-14	"Denman people, real people, need reliable rental spaces to live here."
	Denman Island, Canada	2021-02-14	"We need more affordable, secure housing"
	Denman Island, Canada	2021-02-14	"Signing to get more affordable housing options on the table for Denman. All options should be considered, and implemented as the need is large.Other options that do not involve construction, that other BC jurisdictions have implemented that have successfully increased rental supply, are empty home taxes (with collected taxes spent on local affordable housing), and banning STVRs."
	Denman Island, Canada	2021-02-14	"We can create bylaws that acknowledge our collective community responsibilities."
	Nanaimo, Canada	2021-02-15	"We have seen what lack of housing has done in other towns and cities. Denman Island should nip it in the bud before it get's any worse."
	North Vancouver, Canada	2021-02-15	"What currently is is not working. Homelessness and lack of affordable housing can be solved in our rural communities"

Name	Location	Date	Comment
[REDACTED]	Victoria, Canada	2021-02-15	"We need to support low income people to build the dwellings they need!"
[REDACTED]	Vancouver, Canada	2021-02-16	"leave people living in alternative dwellings alone, lets help with housing solutions not punish island residents who don't have an "approved" home!"
[REDACTED]	Denman Island, Canada	2021-02-18	"No evictions without local affordable housing in place."
[REDACTED]	Nanaimo, Canada	2021-02-19	"Bylaws are just bylaws, they must be adjusted to the community's needs."
[REDACTED]	Canada	2021-02-25	"I live on Denman and I support those who want to continue living here"
[REDACTED]	Duncan, Canada	2021-02-28	"Be the change I want to see."
[REDACTED]	Denman island, Canada	2021-02-28	"I believe q new OCP needs to be done"





DENMAN GREEN COMMUNITY HOUSING.
KIRK ROAD. DENMAN ISLAND.

PRELIMINARY SITE PLAN

FEB. 17, 2021

RONAN DESIGN
3075 CONVE ROAD
HONEY KLAND.

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

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

Schedule 1

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

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

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

“Guiding Objective – Agriculture

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

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

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

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

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

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

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

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

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:

“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:

- One dwelling per lot;
- One secondary suite per lot consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
- One temporary secondary dwelling per lot for immediate family consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”

- 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 prohibit the creation of panhandle lots.
- Policy 4 The Local Trust Committee supports the provision of farm help accommodation on land in the Agricultural Land Reserve, in association with a bona fide farm use, and subject to approval by the Agricultural Land Commission.
-  Policy 5 Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve and on lots where agriculture or horticulture are a permitted use.
-  Policy 6 Agri-tourism accommodation, in association with a bona fide farm use, should be regulated by Temporary Use Permit.
- Policy 7 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
-  Policy 8 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island."

1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:

 (a) Article – Policy 8 is amended by adding the words "Agriculture designation" and" before "Sustainable Resource designation"; and,

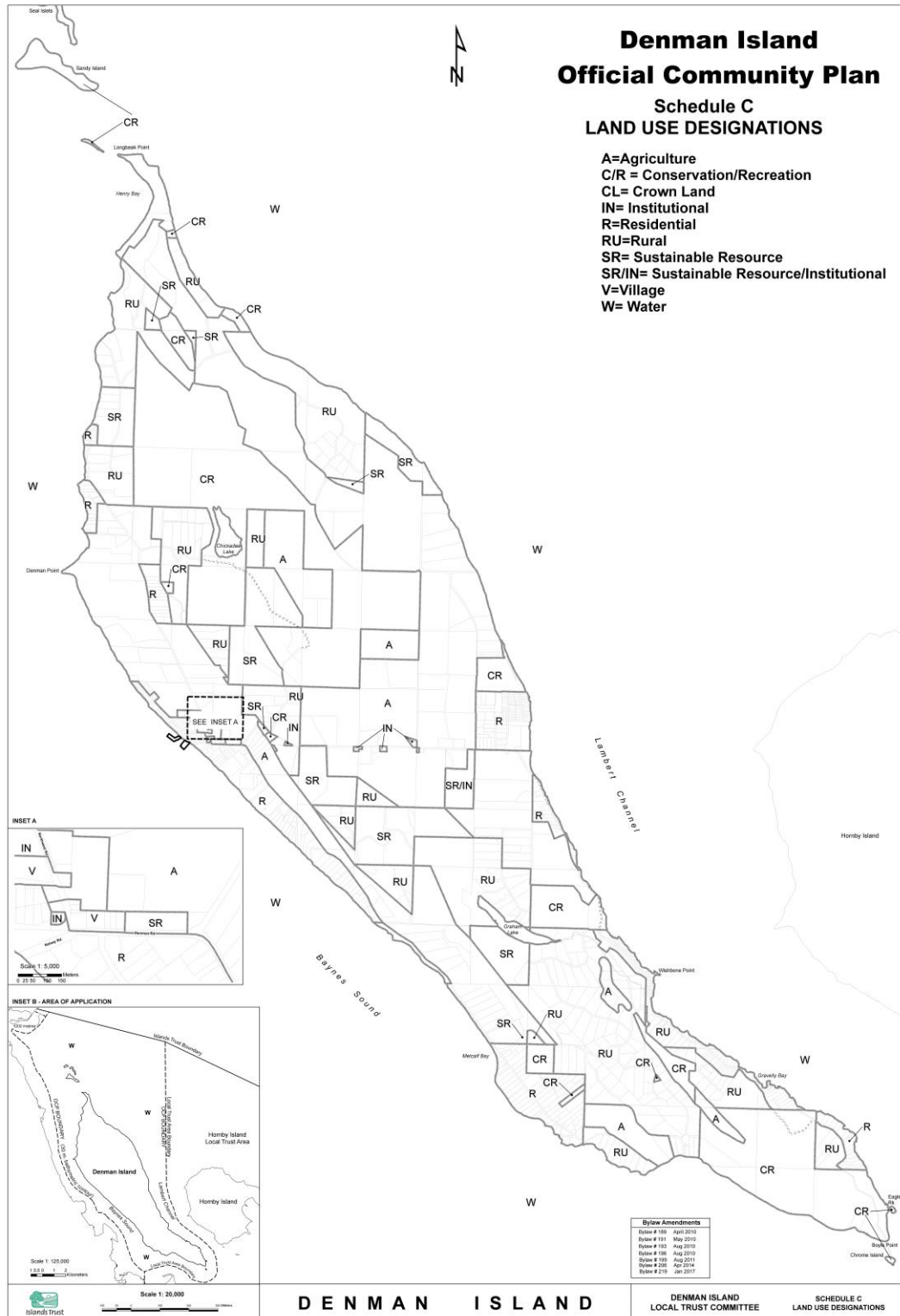
(b) Article – Policy 9 is amended by removing the words "area designated Sustainable Resource" and replacing with "areas designated Agriculture and Sustainable Resource" and adding the word "Agriculture and" before "Sustainable Resource designation".

1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words "Section 921 of".

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

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2





Denman Island Local Trust Committee Minutes of Regular Meeting

Date: January 19, 2021
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner
 Wil Cottingham, Administrative Assistant
 Vicky Bockman, Recorder

Others Present: Approximately twelve (12) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:02 am. She welcomed the public, introduced Trustees, staff and recorder, and acknowledged that the meeting was being held electronically in traditional territory of the K'ómoks and Coast Salish First Nations.

2. APPROVAL OF AGENDA

2.1 Resolution to Continue Holding Electronic Meetings

DE-2021-001

It was MOVED and SECONDED,

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Denman Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

The following addition to the agenda was presented for consideration:

- 11.2 Letter of Support for Association for Denman Island Marine Stewards.

DE-2021-002

It was MOVED and SECONDED,

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

CARRIED

3. RISE AND REPORT - IN CAMERA MEETING NOVEMBER 3, 2020

Chair Fast reported that at the November 3, 2020 In Camera meeting the In Camera minutes of July 7, 2020 and August 17, 2020 were adopted.

4. REPORTS

4.1 Trustee Reports

Trustee Critchley reported on his attendance at the following meetings:

- Trust Programs Committee - amendments to the Trust Policy Statement were discussed;
- Baynes Sound Lambert Channel Organizing Committee – providing secretariat services for interested parties;
- Ferry Advisory Committee – the last replacing of the plastic-coated ferry cables is occurring; bringing discretionary sailings into the contract was discussed;
- Baynes Sound Forum - Islands Trust and World Wildlife Fund together have organized the Baynes Sound/Lambert Channel Marine Ecosystem Forum;
- K'ómoks First Nation Community to Community event;
- Trust Council –included bringing a motion to have a review of Trust operations and management;
- Baynes Sound Forum Steering Committee – Daniel Arbour was elected as Chair.

Trustee Busheikin reported on the following:

- Trust Council – she supported the approved external review of the Islands Trust's governance, management and operations;
- Baynes Sound/Lambert Channel Marine Ecosystem Forum – stakeholders and community members met to discuss the health of Baynes Sound;
- K'ómoks First Nation meetings – encouraging opportunities to work more closely together;
- Regional Planning Committee – work includes review of fees and freshwater strategies;
- Financial Planning Committee – discussion of managing surplus and budget;
- Wrote a letter of support for a working group appealing to help bring high-speed fibre optic internet infrastructure to Hornby and Denman Islands through Connected Coast;
- Attended a monthly meeting with a Denman Island group to coordinate and share information regarding COVID response;
- Made a Delegation to Executive Committee to promote an increase of planning resources for Denman Island and to consider the allocation of planning resources to ensure fairness and advancing projects in a timely manner.

4.2 Chair's Report

Chair Fast reported that she attended the following meetings:

- Executive Committee;
- Financial Planning Committee;
- Trust Conservancy;
- Hornby and Gambier Islands Local Trust Committees;
- Bowen Island Municipal Council.

And noted the following:

- Items included in today's agenda for the public's information include Trust Council Decision Highlights, Islands Trust letters regarding development of BC Coastal Strategy and Law and a request to enhance jurisdiction over tree cutting;
- Public input is being sought for the Trust Council report on amending the Islands Trust Policy Statement; deadline for input is February 5th and details can be found on the Islands Trust website.

4.3 Electoral Area Director's Report - none

5. TOWN HALL

The start of the session was delayed due to technical difficulties, however once resolved, the following comments were noted:

- A member of the public objected to evictions of occupants residing in non-compliant housing that is occurring as a result of Bylaw Enforcement actions, including to her and her daughter. She commented that she has attempted to assist the Local Trust Committee (LTC) in the creation of bylaws to improve the situation to no avail, and asked what actions Local Trustees will be taking to protect renters from eviction.
 - A Trustee commented that he is not familiar with specific details in the evictions described in order to provide comment, however noted that actions have been taken by the LTC to support affordable housing; and while injustices in individual cases might be considered, he supports the following of bylaws in general.
- A representative of the Association for Denman Island Marine Stewards (ADIMS), provided an update regarding the correspondence in today's agenda item 11.1 concerning complaints of an aquaculture lease extending beyond their lease into W1 (conservation) waters. She advised that Transport Canada has responded that the rafts floating in marine channels, will be removed if compliance is not achieved.

She expressed concern and objected to a solution proposed by the Ministry of Forests, Lands, Natural Resource Operations to allow the expansion of a W3 marine industry zoning into W1 Marine Conservation Zone through application by the tenure holder for the area currently being used, and urged the LTC to oppose further expansion should the matter come before them for consideration.

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated November 3, 2020 - for adoption

DE-2021-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee minutes dated November 3, 2020 be adopted.

CARRIED

7.2 Section 26 Resolutions-Without-Meeting - none

7.3 Advisory Planning Commission Minutes - none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated January 11, 2021

Trustees considered the Follow-up Action List with the following noted:

- January 21, 2020 Activity "Staff to prepare a draft Water Sustainability Project Charter" – Trustees requested an update. Regional Planning Manager Kauer noted that she will consult with the Islands Trust Senior Freshwater Specialist and report back;
- July 7, 2020 Activity "Staff to forward the LTC request for a Denman Island OCP and LUB review to be prioritized" – has been completed and may be removed from the list.

9. APPLICATIONS AND REFERRALS

9.1 DE-RZ-2017.1 (Denman Community Land Trust Association (DCLTA)) - Staff Report - for decision

Planner Zupanec presented the Staff Report that identifies and explains minor changes to proposed Bylaw Nos. 234 and 239, recommends readings, asks the LTC to endorse a draft public Question & Answer (Q&A) document and draft restrictive covenant, and proposes scheduling of a Community Information Meeting (CIM) and Public Hearing (PH) for the project.

Trustees discussed the matters before them for consideration and the following was noted:

- Trustee Busheikin will forward suggested minor changes to the Q&A document to Planner Zupanec;
- Holding the PH on an evening prior to the next LTC meeting might be preferable for the public's ability to participate and would allow Trustees time to reflect on submissions from the Hearing.

The LTC paused discussion of this agenda item to return to Town Hall submissions.

By general consent the meeting recessed at 11:27 am and reconvened at 11:35 am.

9.1 DE-RZ-2017.1 (Denman Community Land Trust Association (DCLTA)) - Staff Report - for decision (continued)

- Concerns have been received from a bordering neighbour and a Trustee suggested mitigating measures be taken to address these: a requirement for a fence along the

driveway next to the adjacent property, and to allow natural screening on the north side to revegetate. An additional concern was raised regarding the neighbour's ability to access their backyard with vehicles.

Chair Fast invited the agent for the applicant, Doug Olstead, to speak to the concerns:

- DCLTA has no objection to the request for screening by allowing the natural vegetation on the north boundary to regenerate and remain;
- Discussions with the neighbour regarding the fencing for some distance along the eastern boundary have occurred and DCLTA is willing to work with them;
- DCLTA is not agreeable to registering an easement for the benefit of the neighbour's access, however are agreeable to allow the use of the access to their property for a number of years, suggesting 15 years, or until they sell the property; and they consider this to be a matter of private negotiation.

DE-2021-004

It was MOVED and SECONDED,

that the draft covenant for DE-RZ-2017.1 (Denman Community Land Trust Association) be amended to include a requirement for a solid fence suitable to mitigate noise and dust between the driveway and the neighbouring property at 3716 Denman Road, and to include provision for access to that portion of the driveway for the residents of 3716 Denman Road for a period of 15 years; and to require the reestablishment of the natural vegetated buffer between the subject property and the lot line of 3716 Denman Road.

There was discussion of the motion. The agent for the application requested that the matter of access be conducted as a private negotiation rather than in a covenant against the title. He advised that DCLTA is entering into a formal agreement with other neighbours surrounding the project that stipulates they will allow access for 15 years or the duration of their ownership of that property whichever is the lessor, and requested that a similar agreement be made for this property. Trustees supported this approach and proposed an amendment to the motion.

DE-2021-005

It was MOVED and SECONDED,

that the motion be amended by removing "and to include provision for access to that portion of the driveway for the residents of 3716 Denman Road for a period of 15 years".

CARRIED

There was discussion on the motion to amend. Chair Fast invited the bordering neighbour to speak. Sean Maher stated that the creation of eight units next to his property was not anticipated when he purchased the property and access to the back of his property is important to him. He requested reconsideration to add the easement to the covenant.

Trustees discussed the issue and considered that handling the matter in a civil rather than a regulatory manner with an agreement such as those being drafted for other affected neighbours to be an acceptable option.

Trustee Busheikin based her concurrence on the assurance that there will be an agreement entered into and agreed upon, ensuring a resolution fair to all neighbours.

When asked by the Chair if there is any further discussion on the motion, a Trustee requested an amendment by deleting the word “solid”. There were no objections to the motion as amended.

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

DE-2021-004

It was MOVED and SECONDED,

that the draft covenant for DE-RZ-2017.1 (Denman Community Land Trust Association) be amended to include a requirement for a fence suitable to mitigate noise and dust between the driveway and the neighbouring property at 3716 Denman Road; and to require the reestablishment of the natural vegetated buffer between the subject property and the lot line of 3716 Denman Road.

CARRIED

The LTC resumed discussion of the application. A Trustee requested an explanation of the purpose of the Water Champion Covenant Annual Report form that has been developed for submission of the groundwater monitoring requirement to the Islands Trust. Planner Zupanec advised that the report would be attached to the raw data and provide a skilled interpretation, review, and summary for the Islands Trust and the applicant’s benefit to easily identify trends and to use for discussion purposes.

DE-2021-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Bylaw No. 234 (Land Use Bylaw) cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” as follows:

- a. 1.20 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations, R4(2)10 is amended by reducing the minimum lot size from 0.8 hectares to 0.7 hectares.

CARRIED

DE-2021-007

It was MOVED and SECONDED,

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

CARRIED

DE-2021-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Bylaw No. 239 cited as “Denman Island Housing Agreement Bylaw No. 239, 2020” as follows:

- a. Section C. Affordable rental housing eligibility – subsection iii. and schedule B, Section 6. i) be amended by increasing the annual household income percentage from 120% to 160%.

CARRIED

DE-2021-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 239 cited as “Denman Island Housing Agreement Bylaw No. 239, 2020” be given second reading.

CARRIED

DE-2021-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorize the release of up to \$100 from the communications budget to insert the "Question and Answer" document as presented, into one edition of the "Islands Grapevine" community paper prior to the scheduled Community Information Meeting.

CARRIED

DE-2021-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Public Hearing prior to the March 16, 2021 regularly scheduled business meeting for Proposed Bylaw Nos. 233 (Official Community Plan) and 234 (Land Use Bylaw).

CARRIED

DE-2021-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend schedule "D" of the section 219 restrictive covenant by removing the words "Denman Island Land Use Bylaw and" from the Purpose section.

CARRIED

DE-2021-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee accept the section 219 restrictive covenant as amended and authorize the Chair and one Trustee to be signatories upon registration.

CARRIED

By general consent the meeting was recessed at 12:40 pm and reconvened at 1:10 pm.

10. LOCAL TRUST COMMITTEE PROJECTS - none

11. CORRESPONDENCE

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

11.1 Letter dated December 14, 2020 to Trustee Critchley from Association for Denman Island Marine Stewards (ADIMS) regarding Aquaculture File 1400036

Received.

11.2 Letter of Support for Association for Denman Island Marine Stewards (ADMINS)

Trustee Critchley advised that provincial funding is now available to assist with beach cleanup and ADIMS has requested a letter of support for their application. Trustees supported the initiative.

DE-2021-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee write a letter of support for the application for beach cleanup funding by the Association for Denman Island Marine Stewards.

CARRIED

Trustee Critchley offered to draft the letter of support for the Chair's signature.

12. NEW BUSINESS

12.1 Forest Conservation Outreach Briefing - for information

Received.

12.2 K'ómoks Community to Community Meetings and Planning Process - for discussion

Regional Planning Manager Kauer reported that K'ómoks First Nation is in the process of instituting changes to their permitting process, however, there is no change to the administering of referral requests at this time.

12.3 Denman Community Land Trust Association (DCLTA) Housing Agreement - 3900 Lacon Road - Schedule B - Memorandum

Received.

13. REPORTS

13.1 Trust Conservancy Report dated November 24, 2020

Received.

13.2 Applications Report dated January 11, 2021

Trustees reviewed the Applications Report with the following comments noted:

- Planner Zupanec reported that Denman Housing Association has withdrawn their application DE-RZ-2018.1; all four associated bylaws will be removed from the Applications Report and Denman Island webpage and will proceed no further as the property acquisition agreement with the property owner has expired and is not renewed;
- A Siting and Use Permit for construction of a pool was noted; there are no regulations regarding pools in the Denman Island LUB; this might be considered when reviewing groundwater regulations.

13.3 Trustee and Local Expense Report dated October, 2020

Received.

13.4 Adopted Policies and Standing Resolutions

Trustee Busheikin addressed Standing Resolution DE-2019-056 regarding bylaw enforcement against unlawful dwellings with the following comments:

- Concern was expressed that the wording of the current resolution does not reflect the intention which is to place a hold on this enforcement with some exceptions;
- Removing current exceptions a) and b) was proposed due to the ongoing shortage of housing and the social and human impacts of homelessness on Denman Island;
- A review of the secondary housing issues was to be reviewed in five years and is overdue;
- This action will help protect vulnerable people, who are usually living lightly on the land, until longer term solutions can be determined.

Trustee Busheikin proposed a draft resolution in this regard for LTC discussion. Other Trustees were not supportive of the proposed resolution, remarking that making allowances for substandard housing is not an acceptable land use policy for the Islands Trust and that this proposal is too broad, creating illegal situations.

Trustees discussed amending Standing Resolution DE-2019-056 with edits for clarity.

By general consent the meeting recessed at 2:06 pm and reconvened at 2:08 pm.

DE-2021-015

It was MOVED and SECONDED,

that DE-2019-056 be amended as follows: that the word “pursue” be replaced with “temporarily withhold” and the word “if” be replaced with “unless”; and that at the end of the resolution the following words be added “and that this Standing Resolution will be reviewed in one year’s time”.

CARRIED

13.5 Local Trust Committee Webpage

No changes or additions were requested.

14. WORK PROGRAM

14.1 Top Priorities Report dated January 11, 2021

Trustees discussed revising the Top Priorities list with budgetary and staffing resource considerations acknowledged.

DE-2021-016

It was MOVED and SECONDED,

that the Denman Island Top Priority list read as follows:

- 1) Farm Plan Implementation
- 2) Land Use Bylaw Review
 - Housing
 - review of secondary suites regulations
 - further opportunities to support housing options
 - limit on gross floor area of a dwelling (and/or use of floor area ratio to measure density)
 - amend Land Use Bylaw definition of “occasional” in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days/year regardless of who is staying there

- review of travel trailer regulations
- Home occupations
 - Temporary Use Permits for Short Term Vacation Rentals in limited circumstances
 - Temporary Use Permits for home occupations (to be considered: retreats, camps and courses; seasonal mobile food and beverage operations; others)
 - Clarify visitor accommodation regulations regarding kitchen facilities and 45-day limit

3) Water sustainability Project.

CARRIED

14.2 Projects List Report dated January 11, 2021

Received.

15. INFORMATION ITEMS

15.1 Trust Council Decision Highlights - December 1-3, 2020

Received.

15.2 Letter dated November 30, 2020 from Chair Luckham to Premier and Ministers regarding Development of BC Coastal Strategy and Law

Received.

15.3 Letter dated November 30, 2020 from Chair Luckham to The Honourable Josie Osborne, Minister of Municipal Affairs regarding request to Enhance Islands Trust's Jurisdiction Over Tree Cutting

Received.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Tuesday, March 16, 2021 at 10:00 am at - Location to be determined

Trustees confirmed the next regular meeting date and time.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

DE-2021-017

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated November 3, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 2:51 pm.

17.2 Recall to Order - none

17.3 Rise and Report - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:51 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee Minutes of Special Meeting

Date: March 2, 2021
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
William Shulba, Islands Trust Senior Freshwater Specialist
Wil Cottingham, Administrative Assistant
Vicky Bockman, Recorder

Others Present: Approximately twenty-three (23) members of the public
Doug Olstead, Denman Community Land Trust 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 Fast called the meeting to order at 7:00 pm, welcomed the public, and acknowledged that the meeting was being held electronically in traditional K'ómoks and Qualicum First Nations territory. She introduced herself, Local Trustees, staff, recorder and the representative from Denman Community Land Trust Association (DCLTA).

She advised that this Special Local Trust Committee (LTC) meeting was being held to conduct a Community Information Meeting (CIM) presentation and facilitated question and answer session where members of the public will hear information and can ask questions about application DE-RZ-2017.1 (Denman Community Land Trust Association), proposed Bylaw Nos. 233 (Official Community Plan), 234 (Land Use Bylaw), and 239 (Housing Agreement).

2. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 233, 234 and 239

Regarding DE-RZ-2017.1 - Denman Community Land Trust Association (DCLTA) - Denman Seniors Affordable Housing Project (Pepper Lane)

By general consent the agenda was approved as presented.

2.1 Planner Presentation

2.1.1 Community Information Meeting Slides

Planner Zupanec explained that this CIM provides an opportunity for the public to learn about the proposed seniors affordable housing project development, determine if interests are affected, and encourages submission of written or verbal questions prior to the Public Hearing scheduled for March 15, 2021. She

advised that a facilitated question and answer session will follow this Planner Presentation.

She provided information on the following topics:

- Status of the application with a timeline of progress to date;
- Next steps necessary to consideration of adoption and finalizing of the process;
- Current zoning of the subject property “A” Agriculture Zone, and proposed zoning of R4(2) for the proposed Seniors’ Affordable Strata Lot B and subdivision layout;
- Existing Infrastructure, Agriculture Land Reserve Exclusion of 0.8 hectares approved for affordable housing requiring a vegetated buffer, and proposed redevelopment identified with an approximate layout for discussion purposes;
- Proposed Water System includes a rainwater cistern for a toilet flush system and a well on the property which has a provincial conditional water license with requirements on the maximum quantity of water which may be diverted per day, water quality sample collection, and submission of a report on water quality data;
- Proposed Wastewater System needs to meet provincial requirements for subdivision;
- A summary of agency and First Nation referrals of proposed Bylaw Nos. 233 and 234.

2.1.2 Proposed Bylaw No. 233 (Official Community Plan (OCP))

This application seeks to rezone a 1.62 hectare (4.01 acre) property near the Denman village to allow for subdivision into two lots with one lot for development of eight units of seniors affordable housing and the other lot maintaining the existing single dwelling residential use.

To accomplish this, amendments to the OCP are required including:

- New policies to support multi-family affordable housing, rental tenure housing, and new dwellings complying with BC Energy Step Code requirements;
- Mapping changes relating to changes in zoning from Sustainable Resources to Residential;
- This development, if approved, would utilize eight residential densities from the Density Bank, leaving 25 remaining.

2.1.3 Proposed Bylaw No. 234 (Land Use Bylaw (LUB))

A summary was provided of amendments in bylaw language and mapping that are necessary to reflect the changes being proposed.

2.1.4 Proposed Bylaw No. 239 (Housing Agreement)

The Housing Agreement is contained in proposed Bylaw No. 239, an administrative bylaw that allocates potable water quantity per unit and sets out requirements intended to ensure that the development remains affordable in perpetuity.

2.1.5 Proposed Restrictive Covenant

The proposed Restrictive Covenant would be registered on title and would require:

- Installation and maintenance of a vegetative buffer and fencing along the Agricultural Land Reserve boundary;
- Installation of fencing to mitigate noise and dust along 3716 Denman Road;
- Installation of a groundwater monitoring data logger in the well with reporting requirements;
- Construction of all dwellings to a minimum of Step 2 of the BC Energy Step Code.

2.2 **Applicant Presentation**

Doug Olstead, DCLTA Co-Chair, spoke to the application with the following noted:

- This proposed development addresses a pressing need on Denman Island for secure, affordable housing designed and dedicated for low income, aging residents;
- A brief history of the process to enable this project was given;
- Details of the Housing Agreement and eligibility framework were provided;
- The water system and rainwater collection system were described;
- Funding of the development is in early stages;
- DCLTA will investigate costs to consider the construction of net zero buildings;
- This project has received generous, broad-based community support.

2.3 **QUESTION AND ANSWER SESSION**

Chair Fast opened the floor for the Question and Answer Session, and noted that questions will be directed to the applicant, Trustees or staff for response.

- Are there plans for fencing or soundproof barriers between the development and the north end of their property to mitigate sound problems that might arise, especially when the Earth Club Factory's musical evenings recommence?
 - There are no plans for specific requirements for noise abatement fencing or barriers at the property location described; a neighbourly agreement was suggested as a means to address this concern.
- Why was the R4 zone used for the Pepper Lane development versus the R3 zoning used for the Coho Housing development and what are the differences?
 - The R4(2) zoning is a site-specific zone, customized to accommodate the specifics of this requested proposal. The R4 zone is intended to be a broad zone category for affordable rental housing developments. It will create an umbrella category for other such developments that may be considered in the future.
- Why are the data logger and related demands on DCLTA necessary for the Pepper Lane well?
 - One condition of the water license is to test annually for saltwater intrusion. Continuous monitoring would provide early warning of potential problems and allow for proactive addressing of any concerns. The data logger automatically collects the data, making it as easy as possible to collect and submit data for collaboration with the Province. The Denman village aquifer is considered to be vulnerable and this system will support sustainable use of groundwater.

- What is the estimated annual cost that DCLTA will be incurring to meet the requirement for a professional analysis of the data?
 - The data could be submitted to a professional for analysis electronically and might take a few hours of time to produce at an estimated \$100-\$200 per hour. Doug Olstead advised that DCLTA would prefer to eliminate this cost by transmitting the data directly to the Islands Trust Freshwater Specialist for analysis; and suggested that this would be justified given that the protection of the aquifer and collection of the data will benefit the wider Islands Trust. Senior Freshwater Specialist Shulba described the difficulty with that approach and maintained the need to retain a professional for the analysis.
- Why was this application zoned R4 and not considered on its own merits as an affordable housing zone with an additional definition?
 - The LTC has taken this approach on the advice of Planning staff and in a public process to address the application through bylaws that would result in this application coming to fruition.
- As an adjacent neighbour, is DCLTA willing to guarantee them permanent access to their backyard in the form of an easement on the access road?
 - DCLTA has agreed to allow access to the back of the property through the laneway for a number of years, however, this agreement will not be registered on the title.
- Is there a methodology built into the Housing Agreement to consider cost-of-living increases for proposed tenants' income level limits?
 - Yes, there is an inflationary element included that periodically adjusts the income level limitations based on Statistics Canada figures.
- Is the remaining stock of densities for this type of use adequate; and how can more be obtained?
 - There is a provision in the Denman Island OCP that permits a variance of 5% over the density cap for affordable, seniors' and special needs housing which could amount to an estimated 35-50 densities in addition to the 25 remaining densities in the Density Bank. An OCP review would likely be required to amend that number.
- Will the residential units be built on-site or will they be prefabricated and brought over to the site?
 - This is unknown at this time.
- How should the Denman Island Fire Department's recommendations for adequate access for a safe turnaround for Fire Department vehicles and development of a Fire Safety Plan be addressed?
 - Since receipt of the referral response, the Fire Department has indicated that the turnaround would not be necessary as equipment could be staged from Denman Road if necessary. Staff will investigate for LTC consideration if completion of a satisfactory Fire Plan might be included as a requirement on the Siting and Use Permit.
- Is there any other step relating to the Restrictive Covenant that needs to be addressed before the bylaws can receive final approval?
 - There are currently no recommendations from staff for changes to the Restrictive Covenant; LTC consideration prior to the Public Hearing could result in a change.

Chair Fast thanked everyone for their participation at this CIM and encouraged the public to contact Trustees, Planner Zupanec, or DCLTA representatives with any further questions about this project so that comments can be provided at the Public Hearing, scheduled for March 15, 2021.

3. ADJOURNMENT

By general consent the meeting was adjourned at 8:37 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
1 Amend Bylaw No. 228 (OCP) by replacing item 1.15 Policy 3 (as per Feb. 7, 2019 staff report).	Becky McErlean Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
2 Amend Bylaw No. 229 (LUB) for LTC consideration: a. Include TUP and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family; b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms; c. Reduce the lot line setback for feedlots from 50 m to 30 m. - d Remove the term feedlot e. Add a new defined term, confined livestock area. f. remove agriculture as an accessory use in the R1 zone, while retaining horticulture as an accessory use in this zone; - g remove the term intensive agriculture; h. amend the definition of horticulture to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner; i. permit the keeping of animals for personal use as an accessory use in the R1, R2, R3 zones. j. Remove horticulture as a permitted use in the A, F, and RE zones, while retaining agriculture as a principal permitted use in these zones.	Becky McErlean Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

04-Jul-2019

Activity	Responsibility	Dates	Status
1 David Marlor to bring forward draft procedures for cell tower application consultation for LTC consideration.	David Marlor		In Progress

03-Oct-2019

Activity	Responsibility	Dates	Status
1 Staff to follow up with the Farm Industry Review Board (FIRB) to arrange a meeting and a tour as per their letter dated September 25, 2019 and include invitation to the Hornby LTC. <i>2020-09-08 update: presentation held at Denman LTC meeting</i> <i>2020-09-08. FIRB availability for Tour - summer 2021.</i>	Becky McErlean Penny Hawley Sonja Zupanec Wil Cottingham		In Progress

21-Jan-2020

Activity	Responsibility	Dates	Status
1 Staff to prepare a draft Water Sustainability Project Charter.	William Shulba		In Progress

08-Sep-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

08-Sep-2020

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

19-Jan-2021

Activity	Responsibility	Dates	Status
1 DE-RZ-2017.1 (DCLTA) BL 234 (LUB) amended and given 1st reading as amended. BL 239 (Housing Agreement) amended and given 2nd reading. Schedule an evening CIM in February and evening PH in March prior to Mar 16 LTC meeting date. <i>CIM Mar 2/21 - 7:00pm, PH Mar 15/21 - 7:00pm</i> Insert amended Q+A into one edition of Grapevine prior to CIM. <i>Submitted to Grapevine for inclusion in Feb 11/21 issue</i> Amend draft restrictive covenant with fencing provisions as per LTC direction in time for CIM.	Becky McErlean Sonja Zupanec Wil Cottingham		In Progress

Follow Up Action Report

Denman Island

19-Jan-2021

Activity	Responsibility	Dates	Status
2 LTC has revised their standing resolution DE-2019-056 'Bylaw Enforcement Against Unlawful Dwellings' as per the minutes of Jan 19, 2021. Update database and notify Bylaw Enforcement Team. Standing Resolution DE-2019-056 be amended as follows: that the word "pursue" be replaced with "temporarily withhold" and the word "if" be replaced with "unless" and that at the end of the resolution the following words be added "and that this Standing Resolution will be reviewed in one year's time". CARRIED	Penny Hawley Warren Dingman		Completed
3 Amend the Top Priorities List as per LTC resolution Jan 19 2021 1. Farm Plan 2. LUB Review 3. Water Sustainability Project (remove if WS is working on this) And amend the project list as per LTC resolution.	Sonja Zupanec		Completed
4 LTC request that staff bring back a memo explaining the difference between a bed and breakfast and secondary suite, as per the Denman Land Use Bylaw.	Warren Dingman		In Progress

How to Share Your Ideas with the Denman Island Local Trust Committee

Guidelines for correspondence and meeting participation

Town Hall

What? Town Hall is a chance for people to talk to the Local Trust Committee (LTC). You can talk about any subject connected to Denman Island.

When? Town Hall is usually at the beginning of a meeting.

How? You don't need to sign up in advance. Just show up, and when the meeting chair asks who wants to speak, put your hand up.

How long can I speak for? Usually, people have about two minutes to talk, but it might be less if lots of people want to speak. We will try to hear everyone, but might need to place limits.

Guidelines are different for applicants. See the section called *Applicants*, below, to learn about the best time for you to have input.

Delegations

What? A delegation is a more formal presentation. It's a chance to talk about ideas and information that aren't on the agenda. Delegation presenters and topics are listed on the agenda ahead of time.

When? Delegations usually happen near the beginning of a meeting, after the Town Hall.

How? To speak as a delegation:

- Send a request to northinfo@islandstrust.bc.ca
- [Deadline: two weeks before the meeting](#)
- Include your name and address, your topic, and any materials you plan to present

How long can I speak for? Delegations can speak for up to 10 minutes. The LTC can allow extra time if there's a good reason. Sometimes the LTC will limit the number of delegations at a meeting, because it needs time to complete all the work on the agenda.

What kind of follow-up can I expect? The LTC does not typically make decisions on delegation requests at the same meeting. They may ask staff to report back with more information.

Guidelines are different for applicants. See the section called *Applicants*, below, to learn about the best time for you to have input.

Correspondence

You can send correspondence to the LTC at any time to northinfo@islandstrust.bc.ca. If you are an applicant, please send correspondence to the staff member assigned to their application.

How does correspondence get recorded?

- Correspondence about LTC projects or complex applications is typically posted to the LTC website
- Correspondence about other issues can be included in the LTC agenda package
- If you want your correspondence included in an LTC agenda package, send it at least two weeks before the LTC meeting.

The Islands Trust does not accept anonymous correspondence.

Applicants

If you, or a group you represent, has put in an application, here are guidelines to help you communicate with the LTC and staff:

At meetings:

- You will be invited to speak when your application appears on the agenda
- Staff will present a report and recommendations to the LTC
- You then can speak for up to five minutes
- After the LTC makes a decision, you can ask questions about the decision and next steps

We encourage you to contact staff before the meeting if you have questions or concerns about a staff report. Applicants can participate in meetings by computer or phone.

Thinking about making an application?

Talk to Islands Trust staff about how the process works. Contact staff at northinfo@islandstrust.bc.ca or visit <http://www.islandstrust.bc.ca/islands/land-use-planning/application-guides-forms/> for further information.

Please keep in mind

Meetings are workplaces for Islands Trust staff. As employers, we are committed to providing a safe, supportive environment. Personal critique, shouting, insults and harassment will not be tolerated.

The LTC does not have to accept delegations, town hall comments, correspondence, or other submissions that it considers defamatory or offensive.



DATE OF MEETING: March 16, 2021

TO: Denman Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

SUBJECT: Consideration and approval of water treatment covenant for proposed 6 lot Subdivision
Applicant: Pandesign (Henning Nielsen)
Location: Danes Road; THE EAST ½ OF SECTION 28, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS VIP87737 AND VIP88293; (PID 006-660-495)

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee, in respect of application DE-SUB-2019.2, accept a water treatment covenant under Section 219 of the *Land Title Act* from the registered owners of THE EAST ½ OF SECTION 28, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS VIP87737 AND VIP88293 (PID 006-660-495), attached as Attachment 1 to this Staff Report, dated March 16, 2021, and designate the Chair and *[any member]* of the Local Trust Committee to sign the covenant.

REPORT SUMMARY

This staff report concerns a Section 219 covenant for a proposed 6-lot subdivision of the subject property. The covenant requires water treatment to meet potable drinking water standards in accordance with Section 2.8 – Subdivision Regulations in the Denman Island Land Use Bylaw (LUB) No. 186.

Staff recommend the Denman Island Local Trust Committee (LTC) consider acceptance of the covenant and designate the Chair and one Trustee to sign the covenant (see Attachment 1). The covenant is a condition of subdivision.

BACKGROUND

As a condition of subdivision approval, the applicant is required to obtain written certification from a qualified professional that there is a minimum of 1200 litres of potable water a day for each permitted residential dwelling unit per lot. The applicant has submitted well reports by Ken Woods, P.Eng., for each of the six proposed lots to satisfy this condition. While the well reports indicate that the amount of water required by the LUB is available, the water for proposed lots 1, 3 and 5 do not meet maximum acceptable concentration (MAC) for various parameters in the [Guidelines for Canadian Drinking Water Quality](#) and the [Drinking Water Protection Regulation](#). The well reports indicate that with treatment the water quality for lots 1, 3 and 5 could be improved and produce “acceptable potable water”.

ANALYSIS

Policy/Regulatory

Land Use Bylaw:

The Denman Island Land Use Bylaw (LUB) No. 186 contains the following pertinent regulations:

- 2.8.8** 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.
- 2.8.9** 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.
- 2.8.12** 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.
- 2.8.15** 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.

Issues and Opportunities

Potable Water

For a proposed subdivision, the LUB requires proof of sufficient potable water for the uses, buildings and structures permitted on a lot. The LUB does not currently provide a definition of “potable”; however, where a definition is not provided, staff refer to provincial and/or federal legislation or regulations. Under the *Drinking Water Protection Act*, “potable water” is defined as:

“potable water” means water provided by a domestic water system that
(a) meets the standards prescribed by regulation, and
(b) is safe to drink and fit for domestic purposes without further treatment;

Private landowners are responsible for the care and maintenance of their groundwater well, and the safety and treatment of the drinking water from their well. While it is noted that the *Drinking Water Protection Act* (the “Act”) is applicable to water systems (with exception), and is not applicable to groundwater wells, the threshold for potable water specified in the Drinking Water Protection Regulation under the *Act* provides guidance for

meeting potable water parameters. In the absence of specified standards of “potable water” in the Denman LUB, staff refer to Schedule A of the Drinking Water Protection Regulation and the Guidelines for Canadian Drinking Water Quality.

The applicant has submitted well reports that indicate the quality of water for several of the proposed lots do not meet the standards set out in the Guidelines for Canadian Drinking Water Quality, nor the Drinking Water Protection Regulation. Specifically:

- Lot 1 – Total coliform bacteria exceeds the drinking water standards. The professional report recommends, “The Total Coliforms can be treated with physical filtering for particles which may harbour microorganisms, and ultraviolet light disinfection, to produce an acceptable potable water from well #60715.”
- Lot 3 – Total coliform bacteria and *Escherichia coli* (*E. coli*) exceed the drinking water standards. The professional report recommends, “Physical filtration and ultra violet light disinfection is recommended for the household water supply, and other water treatment may be added to the water supply system at the discretion of the homeowner.”
- Lot 5 – Total coliform bacteria, *Escherichia coli* (*E. coli*), and manganese exceed the drinking water standards. The professional report recommends, “Water treatment such as physical filtering, ultraviolet light disinfection, and reverse osmosis will produce an acceptable potable water source from this well.”

Since the lots in the proposed subdivision are undeveloped, and there is no existing residential use or buildings, it would be difficult to ascertain whether the required amount of potable water can be supplied “as measured at the tap”, as required by Subsection 2.8.15 of the LUB. The water treatment covenant specifies which lots – lot 1, 3 and 5 – require water treatment, as recommended in the well reports by Ken Woods, P.Eng. The covenant would restrict the use of these lots unless the property owner is in full compliance with the terms of the covenant. Namely, the covenant requires that a water treatment system be installed to treat the water from the wells in terms of the Drinking Water Protection Regulation and the Guidelines for Canadian Drinking Water Quality, and provide documentation that the water treatment system produces safe (potable) water for residential use. Documentation would be requested at the time of application for a Siting and Use Permit (SUP), as there is no building inspection/building permitting on Denman Island.

Review of Subdivision Regulations – Water Requirements

The Denman Island Land Use Bylaw is the only bylaw in the Northern region of the Islands Trust that regulates proof of water supply for proposed subdivisions. In the subdivision regulations for the other Northern region Local Trust Areas, the bylaws defer to the Province’s proof of water requirements.

The Province’s requirements are provided in the Ministry of Transportation and Infrastructure’s “[Guide to Rural Subdivision Approvals](#)”, which requires proof of 2500 litres per day per dwelling unit, as well as a laboratory statement for potable water supply. In comparison, Denman’s LUB requires 1200 litres per day per dwelling unit; and if the amount of “potable water” cannot be supplied, “as measured at the tap” or under written certification of a qualified professional, then an applicant must either provide a community water system or grant a restrictive covenant.

Given the increasing concerns related to water supply (both quality and quantity) on Denman Island, and in consideration of future subdivision applications, staff recommend that the LTC include a review of the water supply (“proof of water”) regulations for subdivisions in the LTC top-priority project “Denman LUB Review”.

Rationale for Recommendation

The covenant the LTC is asked to accept identifies which lots in the proposed subdivision require water treatment to satisfy the potable water requirements in Section 2.8 – Subdivision Regulations in the Denman Island LUB.

Staff recommend accepting the covenant as it is consistent with the Section 2.8 – Subdivision Regulations of the Denman Island LUB.

NEXT STEPS

Should the LTC accept and sign the covenant, staff will forward the signed covenant to the applicant for registration with the Land Title and Survey Authority of British Columbia (LTSA), and request a copy of the registered covenant upon its registration with LTSA.

The covenant is the final condition identified in the Subdivision Referral Report dated October 3, 2019 (revised January 28, 2021).

Submitted By:	Jaime Dubyna Planner 2	February 23, 2021
Concurrence:	Marnie Eggen, RPP, MCIP A\ Regional Planning Manager	March 5, 2021

ATTACHMENTS

1. Water Treatment Covenant

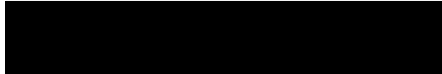
PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference _____, 2021 is

AMONG:

TOMAS PILGAARD NIELSEN



PANDESIGN INC. (Inc. no. BC533170)
3223 Lacon Road
Denman Island, BC V0R 1T0

(collectively, the “Owner”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE, a Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at Suite 200-1627 Fort St., Victoria, BC V8R 1H8

(the “Local Trust Committee”)

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Denman Island, British Columbia which is legally described as:

Parcel Identification Number: 006-660-495

Legal Description: THE EAST ½ OF SECTION 28, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS VIP87737 AND VIP88293

(the “Land”)

- B. The Owner proposes to subdivide the Land, according to a plan of subdivision completed and certified correct on the 8th day of September, 2020 by Steven R. Hoerburger, BCLS, a copy of which is attached hereto as Schedule “A”, into Lots 1, 2, 3, 4, 5 and Remainder East ½ Section 28 as indicated on Schedule “A”, which proposed six Lots are referred to as such in this Agreement.
- C. The Denman Island Land Use Bylaw No. 186, 2008 (the “Land Use Bylaw”) requires each lot created by subdivision to have a source of potable water.

- D. The Land will not be connected to a community water system and instead, water will be supplied by a private well provided on each of Lots 1, 2, 3, 4, 5 and Remainder East ½ Section 28 (the “Wells”).
- E. The Owner has had reports, dated January 17, 2021 (Lot 1), August 19, 2020 (Lot 2), December 15, 2020 (Lot 3), January 19, 2021 (Lot 4), December 16, 2020 (Lot 5), and August 19, 2020 (Lot 6), prepared by Ken Woods, P.Eng. (“the Reports”) copies of which are attached hereto as Schedules “B”, “C”, “D”, “E”, “F” and “G”.
- F. The Report in Schedule “B” indicates that water in the amounts required by the Land Use Bylaw is potentially available on Lot 1; that the water for Lot 1 does not meet the Guidelines for Canadian Drinking Water Quality standards or the Drinking Water Protection Regulation (*Drinking Water Protection Act*) standards for Total coliform bacteria; and that the water would meet or exceed these standards if properly treated.
- G. The Report in Schedule “C” indicates that the water for Lot 2 meets the Guidelines for Canadian Drinking Water Quality and the supply standards required by the Land Use Bylaw.
- H. The Report in Schedule “D” indicates that water in the amounts required by the Land Use Bylaw is potentially available on Lot 3; that the water for Lot 3 does not meet the Guidelines for Canadian Drinking Water Quality standards or the Drinking Water Protection Regulation (*Drinking Water Protection Act*) standards for Total coliform bacteria and *Escherichia coli* (*E. coli*); and that the water would meet or exceed these standards if properly treated.
- I. The Report in Schedule “E” indicates that water in the amounts required by the Land Use Bylaw is potentially available on Lot 4; that the water for Lot 4 meets the Guidelines for Canadian Drinking Water Quality standards and the supply standards required by the Land Use Bylaw.
- J. The Report in Schedule “F” indicates that water in the amounts required by the Land Use Bylaw is potentially available on Lot 5; that the water for Lot 5 does not meet the Guidelines for Canadian Drinking Water Quality standards for manganese, nor the Guidelines for Canadian Drinking Water Quality standards or the Drinking Water Protection Regulation (*Drinking Water Protection Act*) standards for Total coliform bacteria and *Escherichia coli* (*E. coli*); and that the water would meet or exceed these standards if properly treated.

- K. The Report in Schedule "G" indicates that water in the amounts required by the Land Use Bylaw is potentially available on Remainder ½ Section 28; that the water for Remainder ½ Section 28 meets the Guidelines for Canadian Drinking Water Quality and the supply standards required by the Land Use Bylaw.
- L. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land.
- M. The Approving Officer and the Local Trust Committee require, as a condition of subdivision, that the Owner grant to the Local Trust Committee (the "Transferee") a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Land in the interests of confirming that groundwater management and treatment methods will be implemented by the Owner and all future owners, tenants, and other occupiers of Lot 1, 3 and 5 in the manner specified in the Reports.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Local Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Restriction on Use

- 1. The Owner shall not use the Land including any lots into which the Land may be subdivided, nor occupy any building or structure located on the Land for any residential or domestic purpose, unless the Owner is in full compliance with the terms of this Agreement.

Water Treatment System

- 2. The Owner shall, in respect of Lots 1, 3 and 5:
 - (a) install and operate in accordance with the manufacturer's and installer's instructions a water treatment system (the "**Water Treatment System**") which is effective to make the water from the Well on that lot potable in terms of the health and aesthetic criteria set out in the Land Use Bylaw from time to time, the Drinking Water Protection Regulation under the *Drinking Water Protection Act* and the Guidelines for Canadian Drinking Water Quality (collectively, the "**Applicable Standards**").
 - (b) provide documentation to the Local Trust Committee that the Water Treatment System on the lot produces water that is safe to drink and suitable for domestic purposes, and at a minimum specifically treats

to the required level those water quality parameters that did not meet the Applicable Standards as identified in the Report prior to occupying any building or structure located on the Land for any residential or domestic purpose.

- (c) be solely responsible for all aspects of the Water Treatment System, including its installation, monitoring and effectiveness.
3. In circumstances where the Owner in respect of any of Lots 1, 3 and 5 is not the tenant or occupier of the Lot, the Owner shall ensure that the tenant or occupier is taking all reasonable measures required to ensure that the Owner's obligations under this Agreement are fully performed.

No Effect On Laws or Powers

4. This Agreement does not
- (a) affect or limit the discretion, rights, duties or powers of the Transferees under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Transferees any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Transferees to enforce this Agreement, which is a policy matter within the sole discretion of the Transferees;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

5. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner permits or allows, in respect of the Owner's particular lot or lots. The Owner is liable only for the covenants and obligations contained in this Agreement and breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

6. The Owner hereby indemnifies and saves harmless the Transferees, and their

respective elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Owner may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

7. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

8. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

9. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.
10. The Owner shall be entitled to a discharge of this Agreement, upon presentation of a registrable discharge document for execution by the Transferees, in the event that the Owner's application to subdivide the Land in the manner described in Schedule "A" has been refused in writing by the approving officer having jurisdiction and the Owner has provided a copy of the refusal letter to the Transferees, or the Owner has withdrawn the application and the approving officer has confirmed the withdrawal in writing to the Transferees.

Waiver

11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Transferees of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

13. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

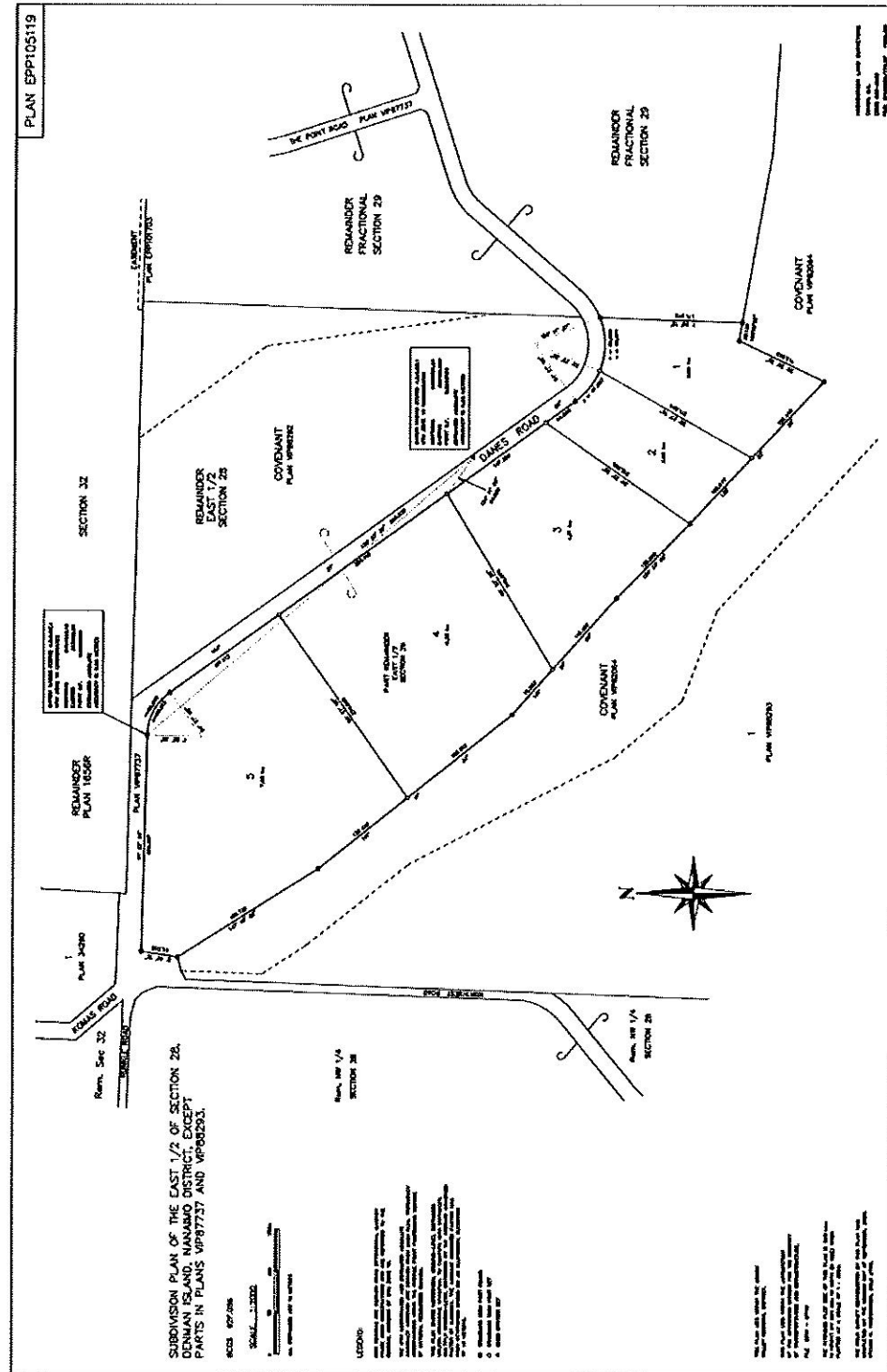
Deed and Contract

16. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

Execution Using Form C

17. As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

Schedule A



Schedule B

Ken Woods P.Eng.

2351 Barbara Road Courtenay, B.C. V9J 1L9
250-897-8584 email: kenwoodspeng@gmail.com

Microbiological Retest - Well # 60715
Lot 1 - Danes Road, Denman Island

Date: January 17, 2021

Attention: Islands Trust
Denman Island, B.C.

Client: Henning Nielsen
3223 Lachon Road
Denman Island, B.C. V0R 1T0
henning@pandesign.ca

Land Owner: Formstate Design Inc.



Legal Description: The East 1/2 of Section 28, Denman Island, Nanaimo District, Except
Parts in Plans VIP87737 and VIP88293

PID# 006-660-495

Street Address: Lot 1 Danes Road
Denman Island, B.C.

Location: Denman Island to Northwest Road, then east onto Danes Road,
Proposed Lots 5,4,3,2,1 are on the west side of Danes Rd.

For Lot 6 continue on Danes Road, North on The Point Road, access
to Lot 6 is on the west side

GPS location: 49.578694 124.822500

Lot Size: 2.6 hectares

Introduction:

In the Certificate of Analysis report date July 8, 2020, the Drinking Water Scan reported 1.0 MPN/100ml Total Coliforms and 0.0 MPN/100ml E. coli at Lot 1 - well #60915.

A second water sample from this well was tested for Microbiology December 12, 2020.

Results of Microbiological Retest:

The Microbiological test of December 9, 2020 reported E. coli of 0.0 MPN/100ml.

This test also reported Total Coliforms of 2.0 MPN/100ml.

Observations:

E. Coli is not a concern in this well. Two tests for E. coli were done and both reported 0.0 MPN/100ml.

Testing for Total Coliforms reported in Test 1 - 1.0 MPN/100ml and Test 2 - 2.0 MPN/100ml.

Total coliforms are a group of bacteria not harmful to humans, with a few exceptions of a variety of bacteria, parasites, and viruses known as pathogens.

The disturbance of the soil/subsoil during well drilling and/or the addition of down the well pump, pipe and power lines are the likely source of the Total Coliforms.

The Total Coliforms can be treated with physical filtering for particles which may harbour microorganisms, and ultraviolet light disinfection, to produce an acceptable potable water from well # 60715.

Conclusion:

The Pumping Test Interpretation of August 18, 2020 calculated a sustainable yield of 8.9 L/min. which exceeds the water flow criteria of 0.83 L/min. required for a residence on Denman Island.

Potable water can be attained from this well with physical filtering and ultraviolet disinfection.

Aesthetic Objectives are subjective parameters (taste, colour, odour, suspended solids) that can be treated at the discretion of the homeowner.

With the treatment referred to, well #60715 on Lot 1 is satisfactory for the intended purpose.

Limitations:

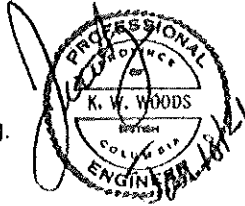
1. The recommendations and scope of this report are based upon data provided, and by visual inspections of the well onsite that did not include other subsurface investigations regarding the uncertainty of unrecognized conditions in connection with an aquifer.
2. The recommendations provided are provided based upon conditions and information presented and are meant to reduce, but not eliminate, uncertainty regarding the long term capacity of the drilled well on site given the limits of the investigation and the reasonable time and cost consistent with general engineering practices.

Microbiological Retest Test, Lot 1, Danes Road Sub-Division, Denman Island, BC 2 of 3

3. No other warranty, expressed or implied, is made.
4. If other conditions become known during further construction or unanticipated conditions become evident, the recommendations may be altered or modified in writing by the undersigned engineer.

Thank you for the opportunity to be of service.

Ken Woods, P.Eng.
1-250-897-8584





BV LABS

BV Labs Job #: C091154
Report Date: 2020/12/17

McGILL WELL SERVICES

Site Location: LOT #4 SHALLOW - WELL/ LOT #1 DENMAN - WELL

MICROBIOLOGY (WATER)

BV Labs ID			ZA2598	
Sampling Date			2020/12/09 14:00	
COC Number			WI024307	
	UNITS	MAC	LOT #1 DENMAN - WELL	QC Batch
Microbiological Param.				
Total Coliforms (QT)	MPN/100mL	0	2.0	A112330
E. coli (QT)	MPN/100mL	0	0	A112330
No Fill	No Exceedance			
Grey	Exceeds 1 criteria policy/level			
Black	Exceeds both criteria/levels			

Schedule C

Ken Woods P.Eng.

2351 Barbara Road

Courtenay, B.C. V9J 1L9

250-897-8584 email: kenwoodspeng@gmail.com

Pumping Test Interpretation - Well # 60914

Lot 2 - Danes Road, Denman Island

Date: August 19, 2020

Attention: Islands Trust
Denman Island, B.C.

Client: Henning Nielsen
3223 Lachon Road
Denman Island, B.C. V0R 1T0
henning@pandesign.ca

Landowner: Formstate Design Inc.



Legal Description: The East 1/2 of Section 28, Denman Island, Nanaimo District, Except
Parts in Plans VIP87737 and VIP88293

PID# 006-660-495

Street Address: Lot 2 Danes Road
Denman Island, B.C.

Location: Denman Island to Northwest Road, then east onto Danes Road,
Proposed Lots 5,4,3,2,1, on the west side of Danes Rd.

For Lot 6, continue on Danes Road, North on The Point Road, access
to Lot 6 is on the west side

GPS location: 49.5793333 124.8236111

Lot Size: 2.08 hectares

Introduction:

The intent of this paper is to provide Pumping Test analysis for Lot 2 of the proposed Danes Road Sub-division, Denman Island, to be submitted to the Islands Trust. This report is prepared by Ken Woods, P. Eng. a qualified professional, who attended a portion of the pump testing and completed the pumping test analysis.

Drillwell Enterprises drilled a domestic water well, #60714, to a depth of 54.8 meters on April 20, 2020. The Lot 2 well has an estimated flow of 6 usgm.

The Pumping Test was performed by McGill Well Services on June 30, 2020.

Water quality testing by the accredited Bureau Veritas Laboratories on July 13, 2020.

Pumping Test:

Rational:

The well is required to supply 1200 liters per day for sub-division purposes. The required supply rate of 1200 liters per day converts to a sustainable pump rate of 0.83 liters per minute. The pumping test flow volume of 11.3 L/minute (3 usgm) was selected as a sustainable rate of supply for the Pumping Test at Lot 2.

Method of Testing:

Water level measurements were determined with a battery operated water level meter. Static Water Level was recorded prior pumping, drawdown measurements were recorded at selected times, and during the recovery phase of the test.

The selected flow rate of 11.3 L/minute was controlled by a manual valve and the flow rate periodically checked during the pumping test. The well was pumped for 206 minutes (3 hr 26min) for a total of approximately 2,328 liters of water removed from the well.

Results:

The Static Water Level is the resting level of water in the well casing, measured from the top of well casing. Static water level was measured at 17.95 meters below top of casing (btoc).

The drilled depth of the well is 54.8 meters deep.

The location of the pump is approximately 1 meter above the bottom of the well, at 53.8 meters.

The Available Drawdown is 35.8 meters, which is the measured water column between the Static Water Level and the pump level.

The diameter of the well casing is 15 cm. A 15 cm well casing has a volume of 18 usg per meter. The theoretical drawdown volume with no dynamic recharge with 2,328 liters removed would be 129 meters theoretical drawdown.

The total drawdown after pumping for 206 minutes (3 hr 26 min) was 1.69 meters (17.95m static - 19.64m = 1.69 m). The well recovered to 84.6% of its static water level after 79 minutes elapsed time.

A TDS of 2000, 1960, and 1880 was found in the first 2 hours of pumping. At approximately 170 minutes the pump was raised 11.6 meters where the TDS was tested again, resulting in a lower value of 500 TDS. After pumping continued TDS readings elevated, so the pump was raised 6.7 meters where a TDS result was lower at 309 TDS.

Analysis:

The pumping Test was briefly interrupted with raising the pump in the well to avoid high TDS readings (1700 to 2000 TDS). Likely seawater in the well was replacing the fresh water as the water column in the well was being pumped out. Raising the pump in the well put the pump back into fresh water and the TDS readings were lower (309 to 500 TDS). Continuous pumping drew the seawater up the column.

Reducing the pump rate drawing from the well and locating the pump elevation higher in the well casing may avoid the intrusion of the High TDS ground water.

The well water level decreased approximately 1.25 meters in the first 50 minutes, a drawdown rate of 1.5 m per hour. After 50 minutes the drawdown decreased to a slower rate.

The following 110 minutes (3 hrs 35 minutes) the water level decreased 0.39 meter more to end the drawdown test. This rate of drawdown averaged 0.21 meters per hour. The slower rate of drawdown from 1.25 m/hr to 0.21 m/hr indicates the well is being replenished at a much faster rate at this depth.

The well in recovery rose 2.74 meters in 72 minutes, the water elevation rising an average of 2.28 meters per hour.

Long Term Capacity:

The Long Term Capacity of a well is described as the sustainable rate the well can be pumped for 100 days.

The Specific Capacity of a well is defined as the pumping rate divided by the drawdown at any time during the pumping cycle. Specific Capacity = Q/St , where Q is the pumping rate in liters per second, and St is the drawdown in meters after time t . Using late time data from the Pump Test the drawdown in the well was graphically extended by logarithm to 100 days of pump time. With a pump rate of 11.3 liters/minute, the drawdown is extrapolated to approximately 3.15 meters after 100 days.

The available drawdown in the well at time of testing was 35.8 meters. The Long Term Capacity (Q) is estimated by using a safety factor of 30% of the available drawdown of the well, then multiplying by the specific capacity of the well after the inferred level after 100 days of pumping. A safety factor of 30% is used for the longterm capacity.

$$Q = 70/100 \times (\text{specific capacity @ 100 days}) \times \text{available drawdown}$$

$$Q = 0.7 \times (0.189\text{L/sec} / 3.15\text{m}) \times 35.8\text{m} = 1.50 \text{ L/sec}$$

The calculated longterm pumping rate of 1.50 L/sec, or 90 L/min, exceeds the minimum rate of 0.83 L/min required for a well to supply a minimum of 1200 L/day.

Water Quality Analysis Results:

The well water was sampled near the middle of the pump test and the sample delivered to the laboratory in timely fashion. The Certificate of Analysis is attached to this report.

The important parameters in well testing are for human health and aesthetics. Maximum Acceptable Concentrations (MAC) and aesthetic objectives are outlined in the Canadian Drinking Water Quality Guidelines (CDWQG).

Health related concerns are bacteriological testing and chemical testing. Bacteriological safety is determined by testing for indicator organisms called total coliform and E. coli. Chemical testing may reveal a variety of metals, anions, and other general parameters. CDWQG defines the health concerns and the maximum allowable concentrations (MAC) of parameters.

Aesthetic objectives are not health related, but are related to the quality of taste, odour, colour, and suspended solids. These are subjective parameters and treatment is left up to the individual homeowner.

Potable water is to be safe and suitable for human consumption, and acceptable within the guidelines defined by the CDWQG. Well testing should be done when the well is completed then annually thereafter. If there is no significant change after 2 years, then testing can be done every 5 years.

Analytical Results:

Total Aluminum is reported as 406 ug/L. This is an Operational Guideline with a guideline level of less than 100 ug/L.

Health related Results:

No coliforms and E. coli are present in the water sample.

Maximum Allowable Concentration of other parameters were not exceeded

Aesthetic Related Results:

Total Iron is reported at 796 ug/L. The Aesthetic Objective guideline level is 300 ug/L. Iron is a naturally occurring metal.

Observations:

Aluminum salts are naturally occurring, a type of metal with no consistent evidence of diverse health effects in humans.

Iron is not hazardous to your health but may cause taste and appearance problems.

Total sodium is below the Aesthetic Objective of 200mg/L, registering 134 mg/L.

Dissolved chloride is below the Aesthetic Objective of 250 mg/L, registering 110 mg/L.

There are aesthetic related objectives of iron and aluminum that a homeowner may want to address if desired.

Naturally occurring minerals of iron and aluminum, the presence of sodium and dissolved chloride (both at acceptable limits), are likely a result of some sea water intrusion.

Conclusions:

The results of the pumping test show the well #60914 at Lot 2 can provide a sustained yield of 90 L/min. This well yield exceeds the water flow criteria of 0.83 L/min required for a residence on Denman Island. Therefore, this well has an acceptable volume of water for the intended purpose.

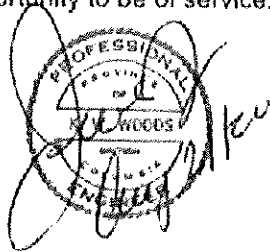
The water quality would be improved by physical filtration and reverse osmosis to reduce the aluminum, iron, and other anions and minerals. This will also improve the esthetic appeal.

Limitations:

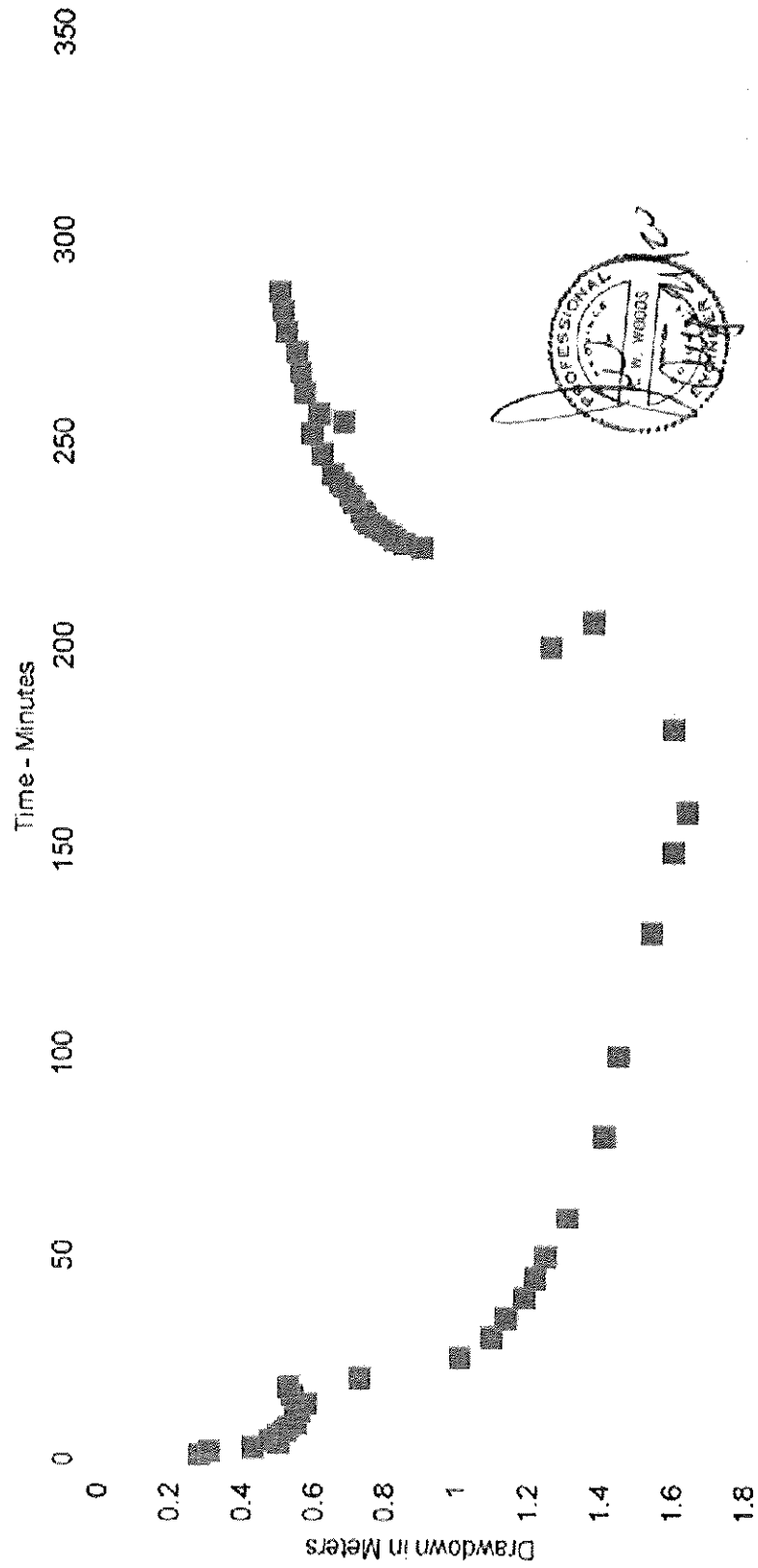
1. The recommendations and scope of this report are based upon data provided, and by visual inspections of the well onsite that did not include other subsurface investigations regarding the uncertainty of unrecognized conditions in connection with an aquifer
2. The recommendations provided are provided based upon conditions and information presented and are meant to reduce, but not eliminate, uncertainty regarding the long term capacity of the drilled well on site given the limits of the investigation and the reasonable time and cost consistent with general engineering practices.
3. No other warranty, expressed or implied, is made.
4. If other conditions become known during further construction or unanticipated conditions become evident, the recommendations may be altered or modified in writing by the undersigned engineer.

Thank you for the opportunity to be of service.

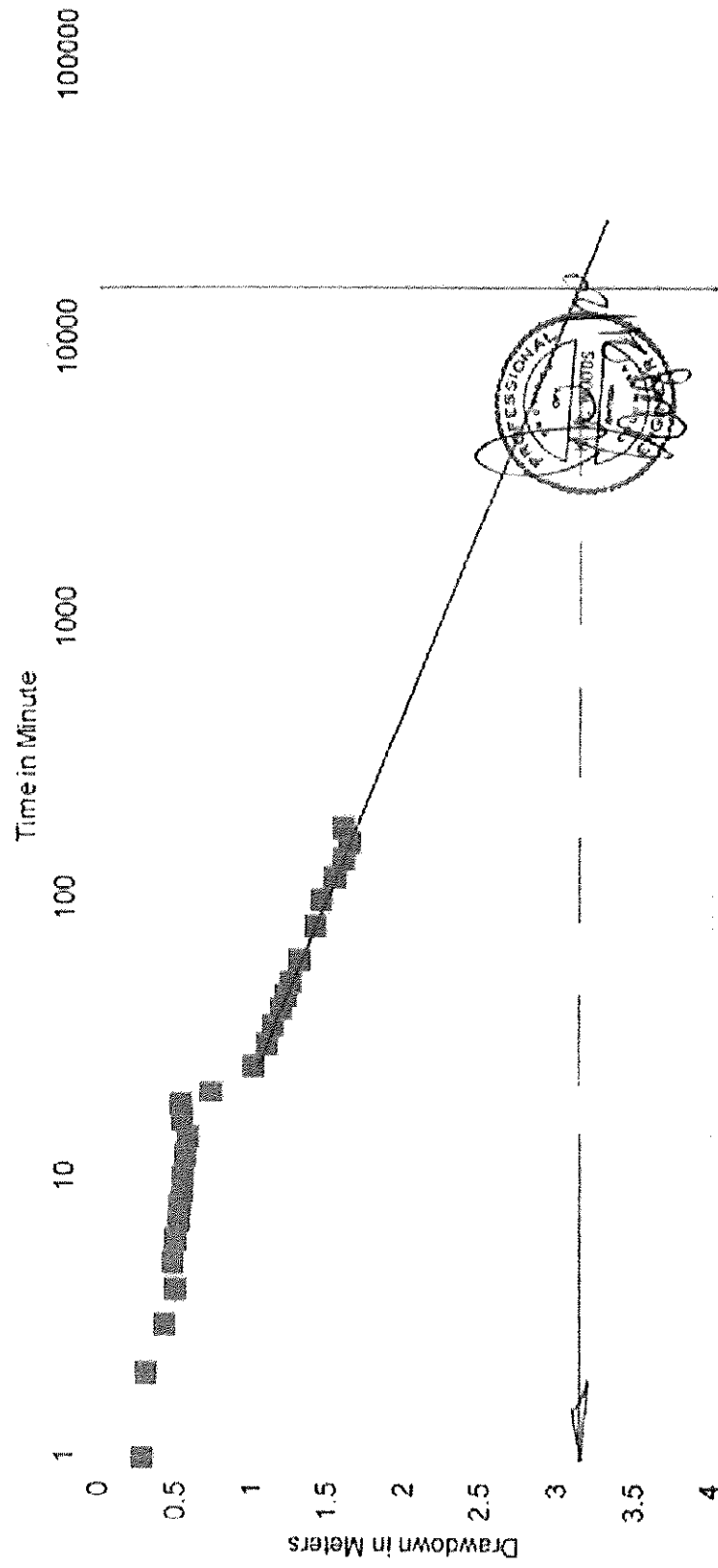
Ken Woods, P.Eng.
1-250-897-8584



Lot 2 - Drawdown & Recovery



Lot 2 100 Day Inferred Drawdown



Schedule D

Ken Woods P.Eng.

2351 Barbara Road
Courtenay, B.C. V9J 1L9
250-897-8584 email: kenwoodspeng@gmail.com

Pumping Test Interpretation - Well # 60913

Lot 3 - Danes Road, Denman Island

Date: December 15, 2020

Attention: Islands Trust
Denman Island, B.C.

Client: Henning Nielsen
3223 Lachon Road
Denman Island, B.C. V0R 1T0
henning@pandesign.ca

Land Owner: Formstate Design Inc.



Legal Description: The East 1/2 of Section 28, Denman Island, Nanaimo District, Except
Parts in Plans VIP87737 and VIP88293

PID# 006-660-495

Street Address: Lot 5 Danes Road
Denman Island, B.C.

Location: Denman Island to Northwest Road, then east onto Danes Road,
Proposed Lots 5,4,3,2,1, on the west side of Danes Rd.

For Lot 6, continue on Danes Road, North on The Point Road, access
to Lot 6 is on the west side

GPS location: 49.58500000 124.83138889

Lot Size: 7.87 hectares

Introduction:

The intent of this paper is to provide Pumping Test analysis for Lot 3 of the proposed Danes Road Sub-division, Denman Island, to be submitted to the Islands Trust. This report is prepared by Ken Woods, P. Eng. a qualified professional, who attended a portion of the pump testing and completed the pumping test analysis.

Drillwell Enterprises drilled a domestic water well, #60913, to a depth of 68.6 meters on May 6, 2020. The Lot 5 well has an estimated flow of 5 usgm.

The well has undergone remediation to reduce the minerals which exceeded the Maximum Allowable Concentration (manganese, barium), exceeded the Aesthetic Objective (chloride, sodium, manganese), and exceeded the Operational Guideline (aluminum).

Remediation of the well, done on November 09, 2020, included cementing the bottom of the borehole to reduce dissolved minerals and hydrofracturing farther up the borehole to increase "fresh" water flows.

After remediation of the well the estimated flow is reduced to less than 3 gpm.

A second Pumping Test was performed by McGill Well Services on December 8, 2020.

A second Water Quality Test by the accredited Bureau Veritas Laboratories issued December 17, 2020 (Version 2-Final).

Cementing the Borehole:

A large proportion of the mineralized water flow appeared to originate at the bottom of the drilled well. To stem the flow of mineralized water source the borehole was cemented from 49.3 m depth (162 ft) to 68.6 m (225 ft), the bottom of the borehole.

Hydro-Fracturing:

To increase the flow of the "fresh" water source fracking of the borehole was done at 19.8 m depth (65 ft) and at 16.7 m depth (55 ft).

At 19.8 m depth the frac pressure released to 0 psi indication a fracture occurred. At 16.7 m depth the frac pressure dropped 25% and stabilized indicating a weak fracture.

Pumping Test:

Rational:

The well is required to supply 1200 liters per day for sub-division purposes. The required supply rate of 1200 liters per day converts to a sustainable pump rate of 0.83 liters per minute. The pumping test flow volume of 3.78 L/minute (1 usgm) was selected as a sustainable rate of supply for the Pumping Test at Lot 5.

Method of Testing:

Water level measurements were determined with a battery operated water level meter. Static Water Level was recorded prior pumping, drawdown measurements were recorded at selected times, and during the recovery phase of the test.

The selected flow rate of 3.78 L/minute was controlled by a manual valve and the flow rate periodically checked during the pumping test. The well was pumped for 300 minutes (5hours) for a total of approximately 1134 liters of water removed from the well.

Results:

The Static Water Level is the resting level of water in the well casing, measured from the top of well casing. Static water level was measured at 5.97 meters below top of casing (btoc).

The depth of the well, after cementing, is 49.4 meters deep.

The location of the pump is approximately 1 meter above the bottom of the well, at 48.4 meters.

The Available Drawdown is 42.4 meters, which is the measured water column between the Static Water Level and the pump level.

The diameter of the well casing is 15 cm. A 15 cm well casing has a volume of 18 usg per meter. The theoretical drawdown volume with no dynamic recharge with 1134 liters removed would be 63 meters theoretical drawdown.

The total drawdown after pumping for 300 minutes (5 hr 00min) was 3.69 meters (9.66 m - 5.97m static = 3.69 m).

The well recovered to 80.1% of its static water level after 239 minutes elapsed time after pump shutdown.

Analysis and Observations::

The well water level decreased 2.2 meters in the first 80 minutes, a rate of 1.65 meters drawdown per hour.

After 80 minutes the drawdown decreased to a slower rate. The following 220 minutes of pumping (80 minute mark to 300 minutes) the water level decreased an additional 1.47 meters in elevation to end the drawdown test. This rate of drawdown averaged 0.40 meters per hour. The slower rate of drawdown from 1.65 m/hr to 0.40 m/hr indicates the well is being replenished at a much faster rate at this depth.

In comparison, the well in recovery rose 2.98 meters in 240 minutes, the water elevation rising an average of 0.75 m/hr.

During the Pumping Test the Total Dissolved Solids (TDS) was measured at 6 intervals. The TDS values in chronological order are 540, 780, 310, 230, 165, and 225. The final measurement is 225 TDS.

TDS is the combined total organic and inorganic substances contained in a liquid. TDS are primarily minerals, salts, and organic matter. Dissolved solids are the leading cause of turbidity and sediments.

The measured TDS in the remediated well 60913 has been greatly reduced to manageable levels.

Long Term Capacity:

The Long Term Capacity of a well is described as the sustainable rate the well can be pumped for 100 days.

The Specific Capacity of a well is defined as the pumping rate divided by the drawdown at any time during the pumping cycle. Specific Capacity = Q/St , where Q is the pumping rate in liters per second, and St is the drawdown in meters after time t. Using late time data from the Pump Test the drawdown in the well was graphically extended to 100 days of pump time. With a pump rate of 3.78 liters/minute, the drawdown is extrapolated to approximately 10 meters after 100 days.

The specific capacity of the well after 100 days of theoretical pumping at 0.063 L/sec is 0.0063 l/sec/m

The available drawdown in the well at time of testing was 28.9 meters. The Long Term Capacity (Q) is estimated by using a safety factor of 30% of the available drawdown of the well, then multiplying by the specific capacity of the well after the inferred level after 100 days of pumping.

$Q = 70/100 \times (\text{specific capacity @ 100 days}) \times \text{available drawdown}$

$Q = 0.7 \times (0.063 \text{ L/sec} / 10\text{m}) \times 42.4\text{m} = 0.187\text{L/sec}$

The calculated long term pumping rate of 0.187 L/sec, or 11.2 L/min, exceeds the minimum rate of 0.83 L/min required for a well to supply a minimum of 1200 L/day.

Water Quality Analysis Results:

The well water is to be sampled near the middle of the pump test and the sample delivered to the laboratory in Courtenay December 9, 2020. Final version-2 report dated December 17, 2020. The Certificate of Analysis is attached to this report.

The important parameters in well testing are for human health and aesthetics. Maximum acceptable concentrations (MAC) and Aesthetic Objectives (AO) are outlined in the Canadian Drinking Water Quality Guidelines (CDWQG).

Health related concerns are bacteriological testing and chemical testing. Bacteriological safety is determined by testing for the indicator organism's total coliform and E. coli. Chemical testing may reveal a variety of metals, anions, and other general parameters. CDWQG defines the health concerns and the maximum allowable concentrations (MAC) of parameters.

Aesthetic objectives are not health related, but are related to the quality of taste, odour, colour, and suspended solids. These are subjective parameters and treatment is left up to the individual homeowner.

Potable water is to be safe and suitable for human consumption, and acceptable within the guidelines defined by the CDWQG. Well testing should be done when the well is completed

then annually thereafter. If there is no significant change after 2 years then testing can be done every 3 years.

Analytical Results:

After the well was remediated, no minerals or elements exceeded the Maximum Allowable Concentrations (MAC).

Notes:

After well remediation:

- Total Manganese is reduced from 346 ug/l to **84.2 ug/l** (MAC of 120 ug/l)
- Total Strontium is reduced from 26,400 ug/l to **214 ug/l** (MAC of 7000 ug/l)
- Total Barium is reduced from 35,000 ug/l to **150 ug/l** (MAC is 1000 ug/l)

Health related Results:

No reported minerals or elements related to health problems exceeded the Maximum Allowable Concentrations.

The original scan for microbiological parameters (July 14, 2020) showed no total coliforms or E. coli was found in the water sample.

After the well remediation, re-testing the water resulted in Total Coliforms of 43 MPN/100ml and E. Coli of 2.0 MPN/100ml. This spike in total coliforms may be a result of the work performed on the wells, and/or a bloom in the sample. The water sample was received in the lab December 9/20 and the report posted on December 17/20.

Aesthetic Related Results:

Total manganese is reported as 84.2 ug/L. The Aesthetic Objective of manganese is 20 ug/L. Manganese can discolour water and stain laundry and fixtures.

Note:

After well remediation:

- Total Iron is reduced from 1410 ug/L to **275 ug/l** (AO of 300ug/l)
- Total Sodium is reduced from 2470 mg/l to **17.6 mg/l** (AO of 200mg/l)
- Total Dissolved Chloride is reduced from 5800mg/l to **5.7 mg/l**. (AO of 250mg/l)

Iron is not hazardous to your health but may cause taste and appearance problems.

Observations and Recommendations:

The Long Term Capacity pumping rate for Lot #3 well is 11.2 liters per minute, exceeding the required 0.83 L/minute, or 1200 l/day.

As the pumping rate for this well test was 3.78 L/minute (1 usgm), the homeowner may consider a water cistern to store a readily available volume of water throughout the wet and dry seasons.

A water storage cistern should be sized to allow easy access for scheduled cleaning.

Physical filtration and ultra violet light disinfection is recommended for the household water supply, and other water treatment may be added to the water supply system at the discretion of the homeowner.

Conclusions:

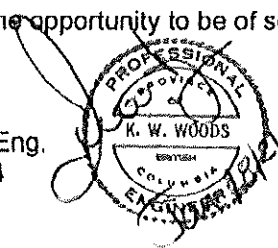
The results of the pumping test show the well #60913 at Lot 3 can provide a sustained yield of 11.2 L/min. This well yield exceeds the water flow criteria of 0.83 L/min required for a residence on Denman Island. With physical filtration, ultraviolet disinfection, and Aesthetic Related considerations at the homeowners discretion, the residential well 60913 is satisfactory for the intended purpose.

Limitations:

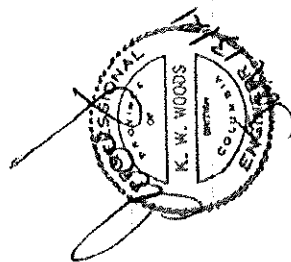
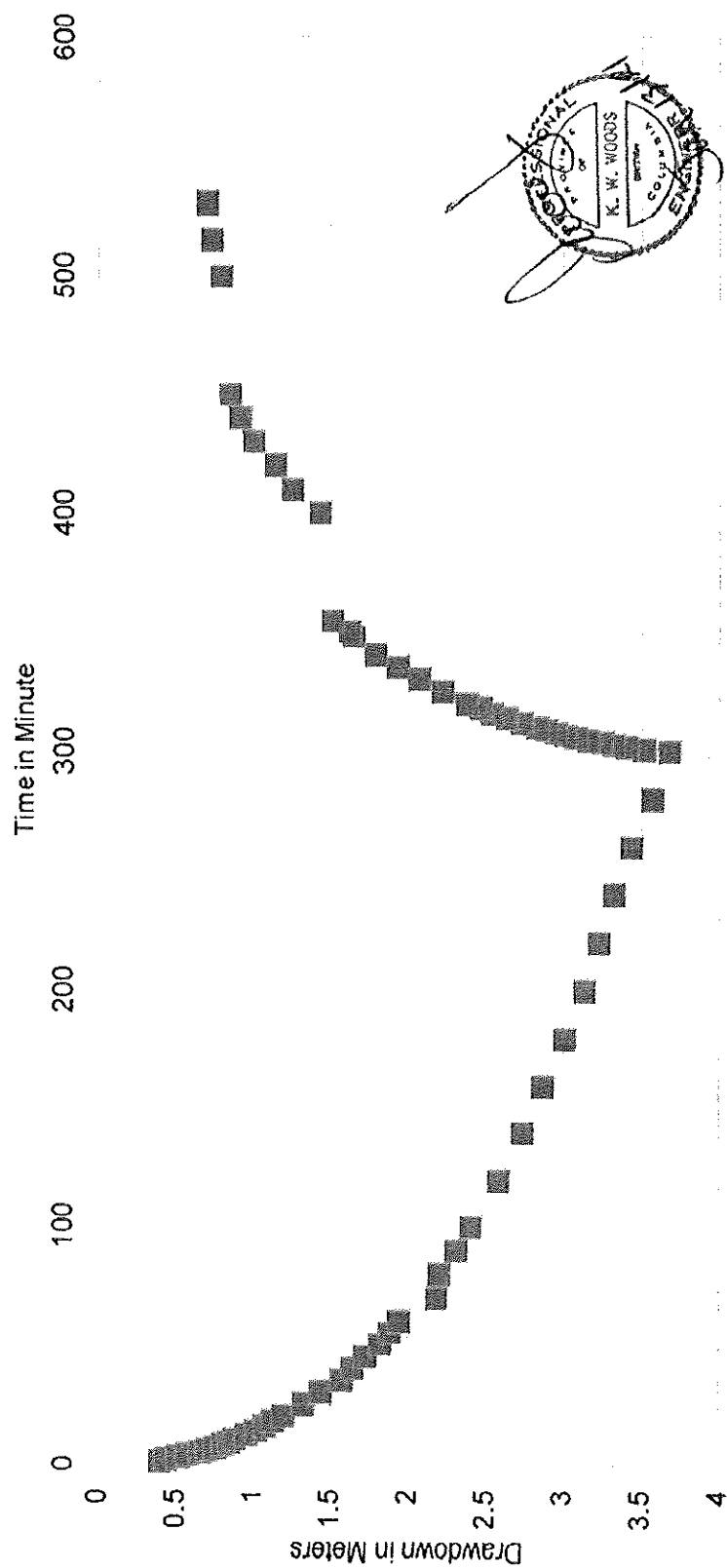
1. The recommendations and scope of this report are based upon data provided, and by visual inspections of the well onsite that did not include other subsurface investigations regarding the uncertainty of unrecognized conditions in connection with an aquifer.
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3. No other warranty, expressed or implied, is made.
4. If other conditions become known during further construction or unanticipated conditions become evident, the recommendations may be altered or modified in writing by the undersigned engineer.

Thank you for the opportunity to be of service.

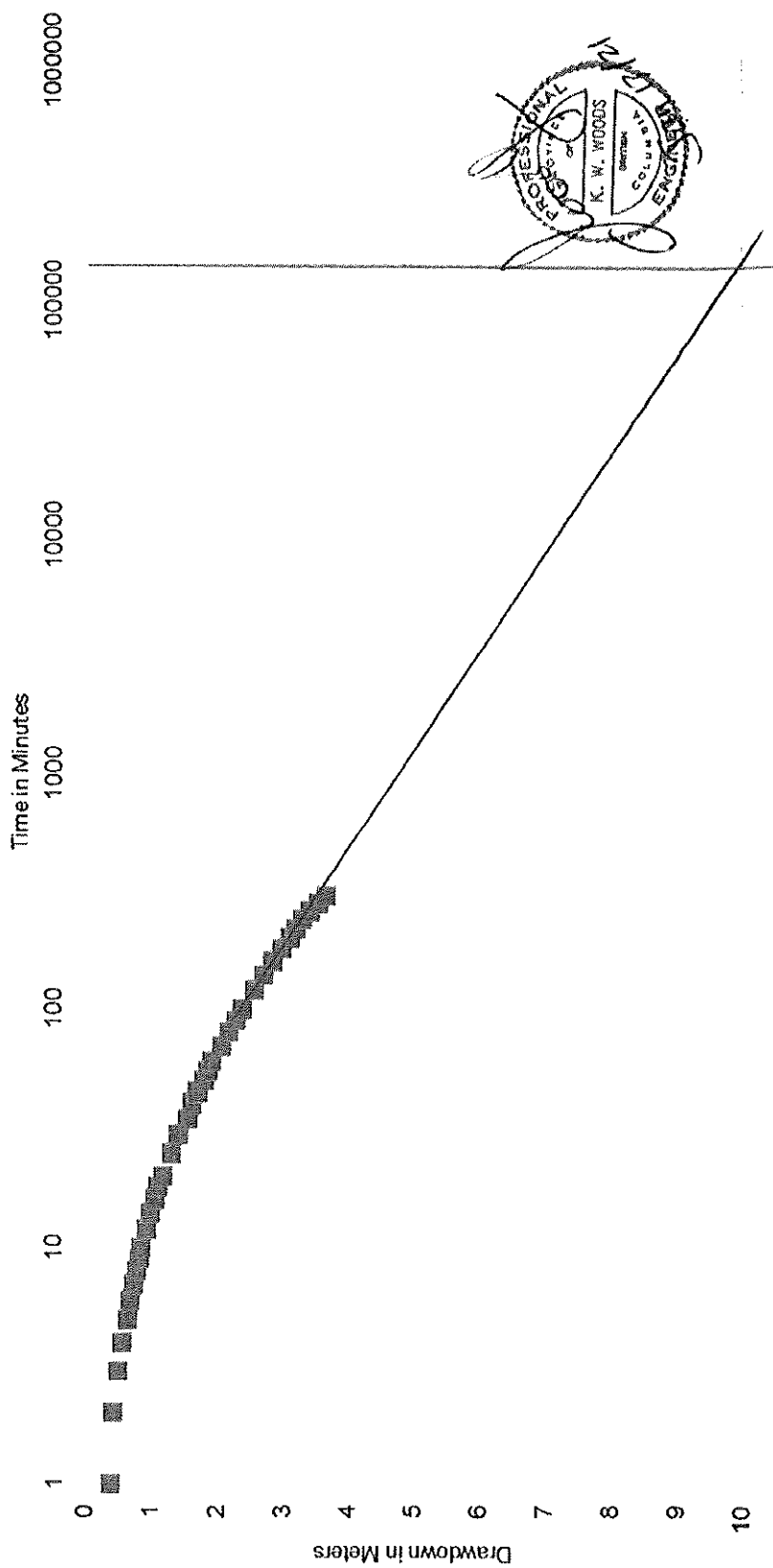
Ken Woods, P.Eng.
1-250-897-8584



Lot 3 Drawdown & Recovery



Lot 3 100 Day Inferred Drawdown



Schedule E

Ken Woods P.Eng.

2351 Barbara Road Courtenay, B.C. V9J 1L9
250-897-8584 email: kenwoodspeng@gmail.com

Pumping Test Interpretation – Shallow Well

Lot 4 - Danes Road, Denman Island

Date: January 19, 2021

Attention: Islands Trust
Denman Island, B.C.

Client: Henning Nielsen
3223 Lachon Road
Denman Island, B.C. V0R 1T0
henning@pandesign.ca

Land Owner: Formstate Design Inc.


Legal Description: The East 1/2 of Section 28, Denman Island, Nanaimo District, Except
Parts in Plans VIP87737 and VIP88293

PID# 006-660-495

Street Address: Lot 4 Danes Road
Denman Island, B.C.

Location: Denman Island to Northwest Road, then east onto Danes Road,
Proposed Lot 4 on the west side of Danes Rd.

GPS location: 49.5822222 124.8236111

Lot Size: 6.29 hectares

Introduction:

The intent of this paper is to provide Pumping Test analysis for Lot 4 of the proposed Danes Road Sub-division, Denman Island, to be submitted to the Islands Trust. This report is prepared by Ken Woods, P. Eng. a qualified professional, who attended a portion of the pump testing and completed the pumping test analysis.

Drillwell Enterprises drilled a domestic water well, #60911, to a depth of 67.0 meters on May 5, 2020. Due to water quality concerns the well was altered by cementing the well bottom from 67 m to 53.3 m on November 9, 2020, and hydrofracturing at 19.8 m of depth on November 26, 2020.

The remediation was not successful, and the well was sealed and closed.

A shallow, dug well was built as a new water source.

The Pumping Test was performed on the shallow well by McGill Well Services on January 5, 2021

Water quality testing on the shallow well by the accredited Bureau Veritas Laboratories, completed on January 12, 2021.

Pumping Test:

Rational:

The well is required to supply 1200 liters per day for sub-division purposes on Denman Island. The required supply rate of 1200 liters per day converts to a sustainable pump rate of 0.83 liters per minute. The Shallow well was pumped to the bottom level and the recovery rate measured.

Method of Testing:

Water level measurements were determined with a battery operated water level meter. Static Water Level was recorded prior pumping, drawdown measurements were recorded at selected times, and during the recovery phase of the test.

Results:

The Static Water Level is the resting level of water in the well casing, measured from the top of well casing. Static water level was measured at 1.52 meters below top of casing (btoc).

The depth of the well casing is 3.66 meters deep.

The location of the pump is at the bottom of the well, at 3.6 meters.

The Available Drawdown is 2.08 meters, which is the measured water column between the Static Water Level and the pump level.

The well was pumped for 32 minutes (9:52 to 10:24 am) at a measured 10 gal. / 8 seconds, or 75 gal / hour, for an estimated 2400 gal. (10,900 liters) of water removed.

The static water level is 1.52 m below top of casing (BTOC). After pumping for 32 minutes the water level was static at 3.23m BTOC, with 0.43 m of water remaining in the well.

The diameter of the well casing is 1.22 m. A 1.22 m well casing has a volume of 1160 L per meter. The theoretical drawdown volume with no dynamic recharge with 10,900 liters removed would be 9.4 meters theoretical drawdown.

The total drawdown after pumping for 32 minutes was 1.71 meters (3.23 m - 1.52 m static = 1.71m). The well recovered to 100% of its static water level after 8 hours 23 minutes elapsed time.

Analysis:

The 3.65 m (12') deep shallow well is built with 1.22 m (48") diameter well casing. At the bottom are 2 extra 48" id x 4' tall well casing with concrete caps as additional storage. The total storage volume available from the static water level of 1.52 m is approximately 5300 liters.

After pumping at 75 gal/hour (340 L/hour) for 32 minutes the water level remained static at 3.23 m BTOC. Drawdown pumping removed approximately 10,900 liters from 1.52 m BTOC to 3.23 m BTOC.

The calculated volume of water, for the same well casing where water was removed, is approximately 3550 L. The volume of water removed during the drawdown indicates this well recovers at a fast rate.

The soils where the well is built are loose, single grain sand in mixed well graded gravels. Gravels are porous and allow easy movement of water, where water is present.

In the first 2 hours and 46 minutes of recovery the water rose 0.79 meters in 3 well casings side by side (2 storage + main column), a rate of 995 L/hour. The remainder of well recovery was in the main well column, water recovering 0.91 meters in 5 hours and 51 minutes. A rate of 181 L/hour.

Long Term Capacity:

The Long Term Capacity of a well is described as the sustainable rate the well can be pumped for 100 days.

The Specific Capacity of a well is defined as the pumping rate divided by the drawdown at any time during the pumping cycle. Specific Capacity = Q/St , where Q is the pumping rate in liters per second, and St is the drawdown in meters after time t . Using late time data from the Pump Test the drawdown in the well was graphically extended to 100 days of pump time. With a pump rate of 340 liters/minute, the drawdown is extrapolated to approximately 5.9 meters after 100 days (see graph).

The available drawdown in the well at time of testing was 2.08 meters. The Long Term Capacity (Q) is estimated by using a safety factor of 30% of the available drawdown of the well, then multiplying by the specific capacity of the well after the inferred level after 100 days of pumping. A safety factor of 30% is used for the long term capacity.

$Q = 70/100 \times (\text{specific capacity @ 100 days}) \times \text{available drawdown}$

$Q = 0.7 \times (5.67 \text{ L/sec} / 6.0 \text{ m} \times 2.08 \text{ m}) = 1.37 \text{ L/sec}$

The calculated long-term pumping rate of 1.37 L/sec, or 82 L/min, exceeds the minimum rate of 0.83 L/min required for a well to supply a minimum of 1200 L/day.

Water Quality Analysis Results:

The well water was sampled near the end of the drawdown test and the sample delivered to the laboratory January 5, 2021. The Certificate of Analysis Report, dated January 12, 2021, is attached to this report.

The important parameters in well testing are for human health and aesthetics. Maximum Acceptable Concentrations (MAC) and Aesthetic Objectives (AO) are outlined in the Canadian Drinking Water Quality Guidelines (CDWQG).

Health related concerns are microbiological testing and chemical testing. Microbiological safety is determined by testing for the indicator organisms, Total coliform and E. coli. Chemical testing may reveal a variety of metals, anions, and other general parameters. CDWQG defines the health concerns and the Maximum Allowable Concentrations (MAC) of parameters.

Aesthetic Objectives are not health related, but are related to the quality of taste, odour, colour, and suspended solids. These are subjective parameters and treatment is left up to the individual homeowner.

Potable water is to be safe and suitable for human consumption, and acceptable within the guidelines defined by the CDWQG. Well testing should be done when the well is completed then annually thereafter. If there is no significant change after 2 years then testing can be done every 3 years.

Analytical Results - Maximum Allowable Concentration (MAC):

No Maximum Allowable Concentrations of the reported minerals or elements were exceeded.

All tested minerals and elements are with the allowable concentrations.

Health related Results:

There are no Total Coliforms (reported at 0 MPN/100ml) or E. coli (reported at 0 MPN/100 ml) detected in the water sample.

Aesthetic Related Results:

Total Iron - reported at 796 ug/L Aesthetic Objective (AO) is 300 ug/L

Total Manganese - reported at 23.4 ug/L AO is 20 ug/L

Total Manganese can discolour water and stain laundry and fixtures. Total Iron is not hazardous to your health but may cause taste and appearance problems.

Operating Guideline:

Total Aluminum - reported at 570 ug/L Operating Guideline (OG) is 100 ug/L

Aluminum salts are naturally occurring. There is no Maximum Allowable Concentration limit or Aesthetic Objective limit required to meet.

There is no consistent, convincing evidence that aluminum in drinking water causes adverse effects in humans (Health Canada Guidelines).

Observations and Recommendations:

This well was recently dug prior to testing. The disturbance of the ground to construct the well is a probable cause of the turbidity reported at 30 NTU. Turbidity is a measurement of naturally occurring inorganic clays, silts, metal precipitates, and organic decomposed plant and animal debris, and microorganisms.

Direct filtration can reduce turbidity below the recommended 1.0 NTU entering systems using groundwater.

Turbidity can harbour metal precipitates shown as the increased levels of reported Total Iron, Total Manganese, and Total Aluminum reported.

The dug well should be given more time to settle and stabilize the water in the well.

Health Canada's Operating Guideline of pH for acceptable drinking water is a pH of 7.0 to 10.3. The drinking water scan reports a pH of 7.03.

Total Silicon is reported as 5.27 mg/L (5270 ug/L). Silicon is mainly present as Silicic acid and need not to be removed with regard to human health.

Silica has a range of 5 to 25 mg/L in natural water.

Conclusions:

The results of the pumping test show the shallow well of Lot 4 can provide a sustained yield of 82 L/min. This well yield exceeds the water flow criteria of 0.83 L/min required for a residence on Denman Island.

Direct physical filtration of the household water supply can reduce the turbidity and the metal precipitates. Aesthetic treatment, or enhanced treatment, is up to the discretion of the homeowner.

Considering the above recommendations, the residential well at Lot 4 can supply the required amount of potable water on a long term basis and is satisfactory for the intended purpose.

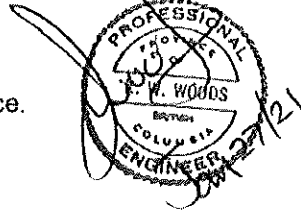
Limitations:

1. The recommendations and scope of this report are based upon data provided, and by visual inspections of the well onsite that did not include other subsurface investigations regarding the uncertainty of unrecognized conditions in connection with an aquifer.

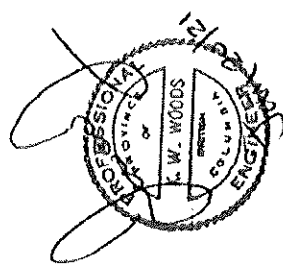
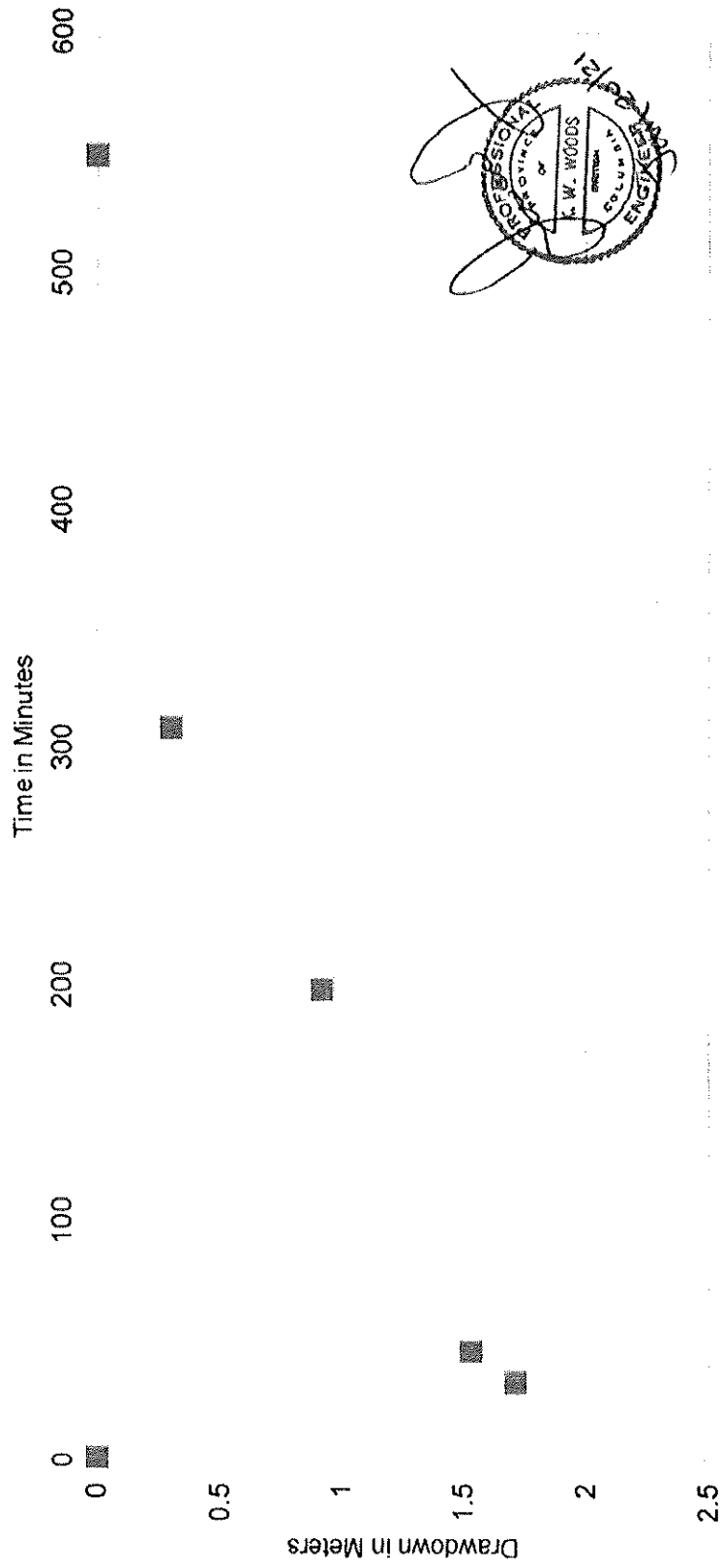
2. The recommendations provided are provided based upon conditions and information presented and are meant to reduce, but not eliminate, uncertainty regarding the long term capacity of the drilled well on site given the limits of the investigation and the reasonable time and cost consistent with general engineering practices.
3. No other warranty, expressed or implied, is made.
4. If other conditions become known during further construction or unanticipated conditions become evident, the recommendations may be altered or modified in writing by the undersigned engineer.

Thank you for the opportunity to be of service.

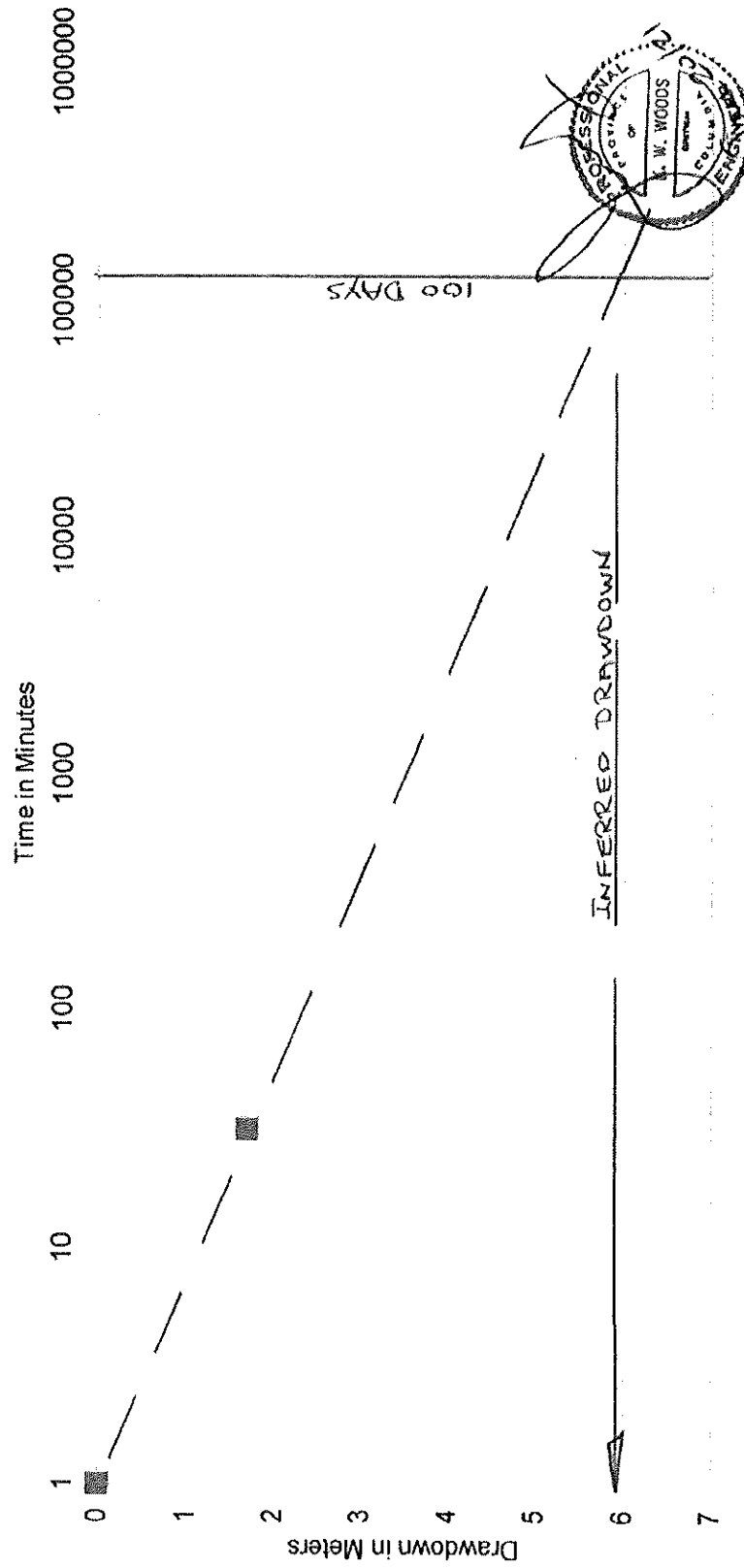
Ken Woods, P.Eng.
1-250-897-8584



Lot 4 Drawdown & Recovery



Lot 4 100 Day Inferred Drawdown



Schedule F

Ken Woods P.Eng.

2351 Barbara Road
Courtenay, B.C. V9J 1L9
250-897-8584 email: kenwoodspeng@gmail.com

Pumping Test Interpretation - Well # 60910

Lot 5 - Danes Road, Denman Island

Date: December 16, 2020

Attention: Islands Trust
Denman Island, B.C.

Client: Henning Nielsen
3223 Lachon Road
Denman Island, B.C. V0R 1T0
henning@pandesign.ca

Land Owner: Formstate Design Inc.

Legal Description: The East 1/2 of Section 28, Denman Island, Nanaimo District, Except
Parts in Plans VIP87737 and VIP88293

PID# 006-660-495

Street Address: Lot 5 Danes Road
Denman Island, B.C.

Location: Denman Island to Northwest Road, then east onto Danes Road,
Proposed Lots 5,4,3,2,1, on the west side of Danes Rd.

For Lot 6, continue on Danes Road, North on The Point Road, access
to Lot 6 is on the west side

GPS location: 49.58500000 124.83138889

Lot Size: 7.87 hectares

Introduction:

The intent of this paper is to provide Pumping Test analysis for Lot 5 of the proposed Danes Road Sub-division, Denman Island, to be submitted to the Islands Trust. This report is prepared by Ken Woods, P. Eng. a qualified professional, who attended a portion of the pump testing and completed the pumping test analysis.

Drillwell Enterprises drilled a domestic water well, #60910, to a depth of 68.6 meters on May 6, 2020. This well was too salty for domestic use therefore on November 10, 2020 Drillwell sealed and closed this drilled well.

A new location on Lot 5 was chosen for a dug well. The dug well was installed utilizing extra well casing at depth for added storage, drain rock added around the lower well casing, and then sealed to surface water intrusion. The top well casing is raised above ground to prevent surface water entry.

The Pumping Test of the new dug well was performed by McGill Well Services on December 8, 2020.

Water quality testing by the accredited Bureau Veritas Laboratories issued December 17, 2020, Certificate of Analysis - Final Version.

Pumping Test:

Rational:

The well is required to supply 1200 liters per day to Lot 5 for sub-division purposes. The required supply rate of 1200 liters per day converts to a sustainable pump rate of 0.83 liters per minute. The dug well was pumped to the bottom level and the recovery rate measured.

Method of Testing:

Water level measurements were determined with a battery operated water level meter. Static Water Level was recorded prior pumping, drawdown measurement is to the well bottom. The recovery phase of the test recorded the water rise in the well over selected times

The well was pumped for approximately 13 minutes at an approximate rate of 75 gal. per minute to remove all the water from the well. The approximated pump rate and time indicates ~1000 gal (4430 L) was pumped from #5 well.

The calculated volume of water in well #5 is 6400 liters.

Results:

The Static Water Level is the resting level of water in the well casing, measured from the top of well casing. Static water level was measured at 0.0 meters below top of casing (btoc).

The dug depth of the well is 3.35 meters deep.

The location of the pump is at the bottom of the well, at 3.2 meters.

The Available Drawdown is 3.2 meters, which is the measured water column between the Static Water Level and the pump level.

The well recovered to 80% of its static water level after 325 minutes (5hrs 25 min.) elapsed time.

Analysis:

The inside diameter of the well casing is 122 cm (48" id). A 122 cm id. well casing has a volume of 1915 L per meter. The calculated volume removed from the single column of well casing is 6130 liters. A second well casing 1.22 m id. and 1.07 m tall is placed at depth as added storage. The second well casing adds 2050 L of stored water for a total volume of approximately 8180 liters.

During the initial recovery, the well gained 1.37 meters in 3 hours and 45 minutes (0 to 225 minutes). This portion of recovery included the extra storage casing (~2050 L) with the main well column (~2620 L). The recovered water volume is approximately 4670 liters in 225 minutes, or approximately 1245 liters per hour recovery.

In the following 1 hour and 40 minutes (100 minutes) the well recovered another 1.23 meters in the main column only, a volume of approximately 2350 liters. A recovery of approximately 1400 liters per hour.

Overall, the well recovered from 3.2 m to 0.6 meters BTOC in 325 minutes. This recovered volume will include ~1950 L in the second storage well casing plus ~4980 L in the main well column, for a total of ~6900 L recovered volume in 325 minutes.

Volume of water in recovery averages approximately 1270 L/Hr.

During the Pumping Test the suspended solids were observed to be high. The water was cloudy and needed more time to settle or be pumped clean. Having cloudy water in a newly dug well is common and this condition should clear over time. TDS readings were not taken at that time due to the cloudy water.

Long Term Capacity:

The Long Term Capacity of a well is described as the sustainable rate the well can be pumped for 100 days.

The Specific Capacity of a well is defined as the pumping rate divided by the drawdown at any time during the pumping cycle. Specific Capacity = Q/St , where Q is the pumping rate in liters per second, and St is the drawdown in meters after time t . Using late time data from the Pump Test the drawdown in the well was graphically extended to 100 days of pump time. With a pump rate of 340 liters/minute, the drawdown is extrapolated to approximately 15 meters after 100 days.

The available drawdown in the well at time of testing was 3.35 meters. The Long Term Capacity (Q) is estimated by using a safety factor of 30% of the available drawdown of the well, then multiplying by the specific capacity (75 gpm) of the well after the inferred level after 100 days of pumping. A safety factor of 30% is used for the long term capacity.

$$Q = 70/100 \times (\text{specific capacity @ 100 days}) \times \text{available drawdown}$$

$$Q = 0.7 \times (4.75 \text{ L/sec} / 15\text{m} \times 3.2\text{m}) = 0.7 \text{ L/sec}$$

The calculated long term pumping rate of 0.7 L/sec, or 42 L/min, exceeds the minimum rate of 0.83 L/min required for a well to supply a minimum of 1200 L/day.

Water Quality Analysis Results:

The well water was sampled near the middle of the pump test and the sample delivered to the laboratory in Courtenay on December 10, 2020. The Certificate of Analysis report dated December 17, 2020 is attached to this report.

The important parameters in well testing are for human health and aesthetics. Maximum acceptable concentrations (MAC) and aesthetic objectives are outlined in the Canadian Drinking Water Quality Guidelines (CDWQG).

Health related concerns are bacteriological testing and chemical testing. Bacteriological safety is determined by testing for the indicator organism's total coliform and E. coli. Chemical testing may reveal a variety of metals, anions, and other general parameters. CDWQG defines the health concerns and the maximum allowable concentrations (MAC) of parameters.

Aesthetic objectives are not health related, but are related to the quality of taste, odour, colour, and suspended solids. These are subjective parameters and treatment is left up to the individual homeowner.

Potable water is to be safe and suitable for human consumption, and acceptable within the guidelines defined by the CDWQG. Well testing should be done when the well is completed then annually thereafter. If there is no significant change after 2 years then testing can be done every 3 years.

Analytical Results – Maximum Allowable Concentration (MAC):

- Total Manganese reported - 226 ug/L (MAC is 120 ug/L)

All other tested minerals and elements are within the maximum allowable concentrations.

Health related Results:

- Total Coliforms reported > 200 MPN/100 ml (MAC is 0)
- E. Coli reported 120 MPN/100 ml (MAC is 0)

Aesthetic Related Results - Aesthetic Objective (AO):

- Total Iron reported 12000 ug/L. (AO is 300 ug/L)
- Iron is not hazardous to your health but may cause taste and appearance problems.
- Total Manganese reported 226 ug/L. (AO is 20 ug/L)
- Manganese can discolour water and stain laundry and fixtures.

All other tested minerals and elements tested, including Dissolved Chloride and Total Sodium, are below the Aesthetic Objectives.

All other tested minerals and elements tested, including Dissolved Chloride and Total Sodium, are below the Aesthetic Objectives.

Operational Guideline:

Total aluminum reported 11 mg/L Maximum Allowable Concentration - None
Aesthetic Objective - None

Operational Guideline 0.2 mg/L

Aluminum salts are naturally occurring. There is no consistent, convincing evidence that aluminum in drinking water causes adverse health effects in humans. (Health Canada Guidelines).

Turbidity reported 200 NTU (nephelometric turbidity units)

Turbidity is naturally occurring particles: -inorganic clays, metal precipitates
-organic decomposed plant and animal debris and
microorganisms.

Observations and Recommendations:

This well was recently dug prior to testing. The disturbance of the ground to build the well caused many suspended solids in the well water. The ground disturbance from construction increased turbidity.

The turbidity level of 200 NTU can entrap heavy metals and harbour microorganisms.

Disturbance of the topsoil and subsoil horizons while building the new dug well is the probable cause of increased Total Coliforms and the E. Coli, also the probable cause of increased levels of total manganese, total iron, and total aluminum.

Turbidity will also affect the true colour, reported testing at 15.3 Col. Units (AO is 15 Col. Units)

The dug well should be given more time to settle and stabilize the water contained.

Water treatment such as physical filtering, ultraviolet light disinfection, and reverse osmosis will produce an acceptable potable water source from this well.

Conclusions:

The results of the pumping test show the dug well at Lot 5 can provide a sustained yield of 42 L/min. This well yield exceeds the water flow criteria of 0.83 L/min required for a residence on Denman Island. With treatment to improve water quality considering the recommendations, the residential well 60910 is satisfactory for the intended purpose.

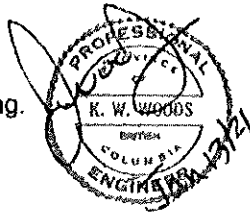
Limitations:

1. The recommendations and scope of this report are based upon data provided, and by visual inspections of the well onsite that did not include other subsurface investigations regarding the uncertainty of unrecognized conditions in connection with an aquifer.

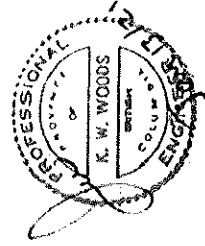
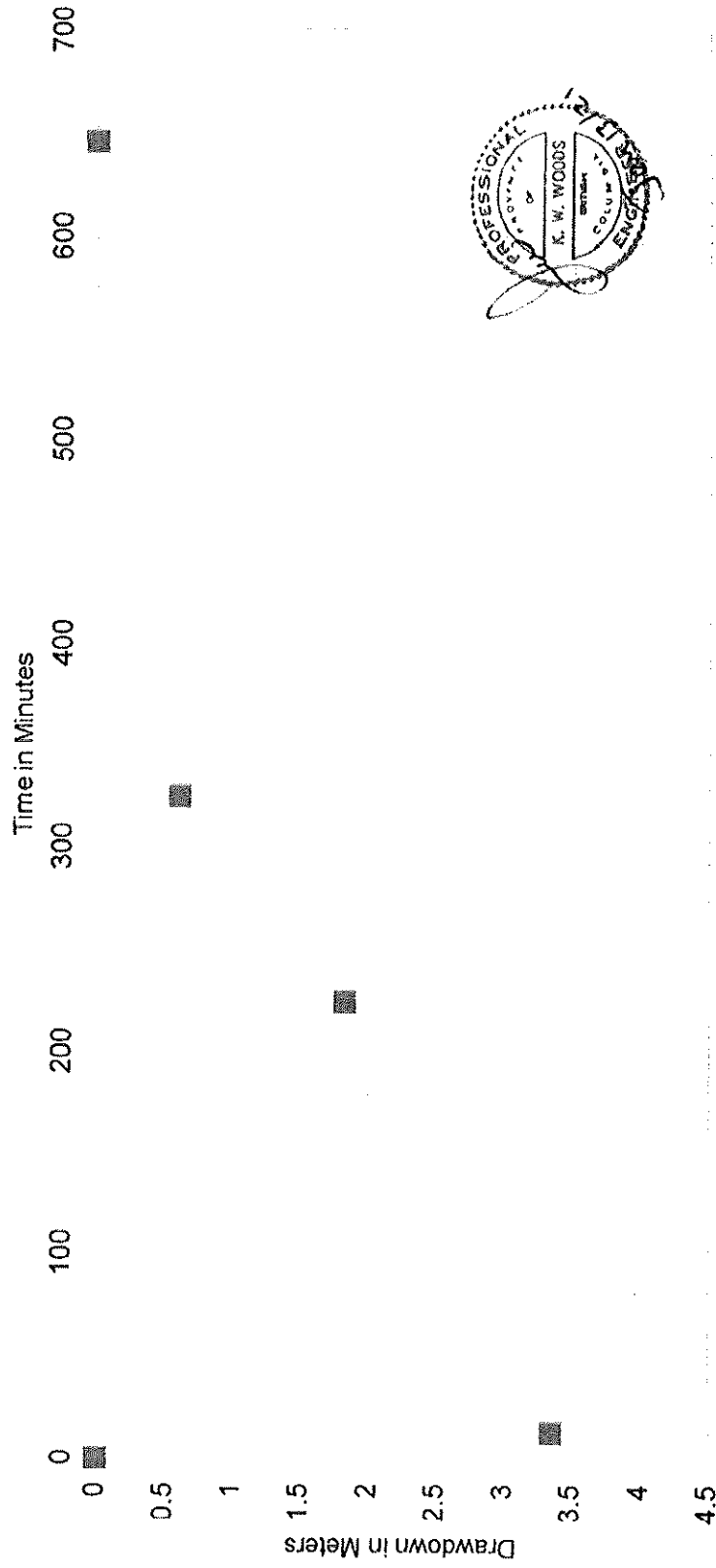
2. The recommendations provided are provided based upon conditions and information presented and are meant to reduce, but not eliminate, uncertainty regarding the long term capacity of the drilled well on site given the limits of the investigation and the reasonable time and cost consistent with general engineering practices.
3. No other warranty, expressed or implied, is made.
4. If other conditions become known during further construction or unanticipated conditions become evident, the recommendations may be altered or modified in writing by the undersigned engineer.

Thank you for the opportunity to be of service.

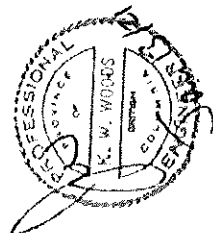
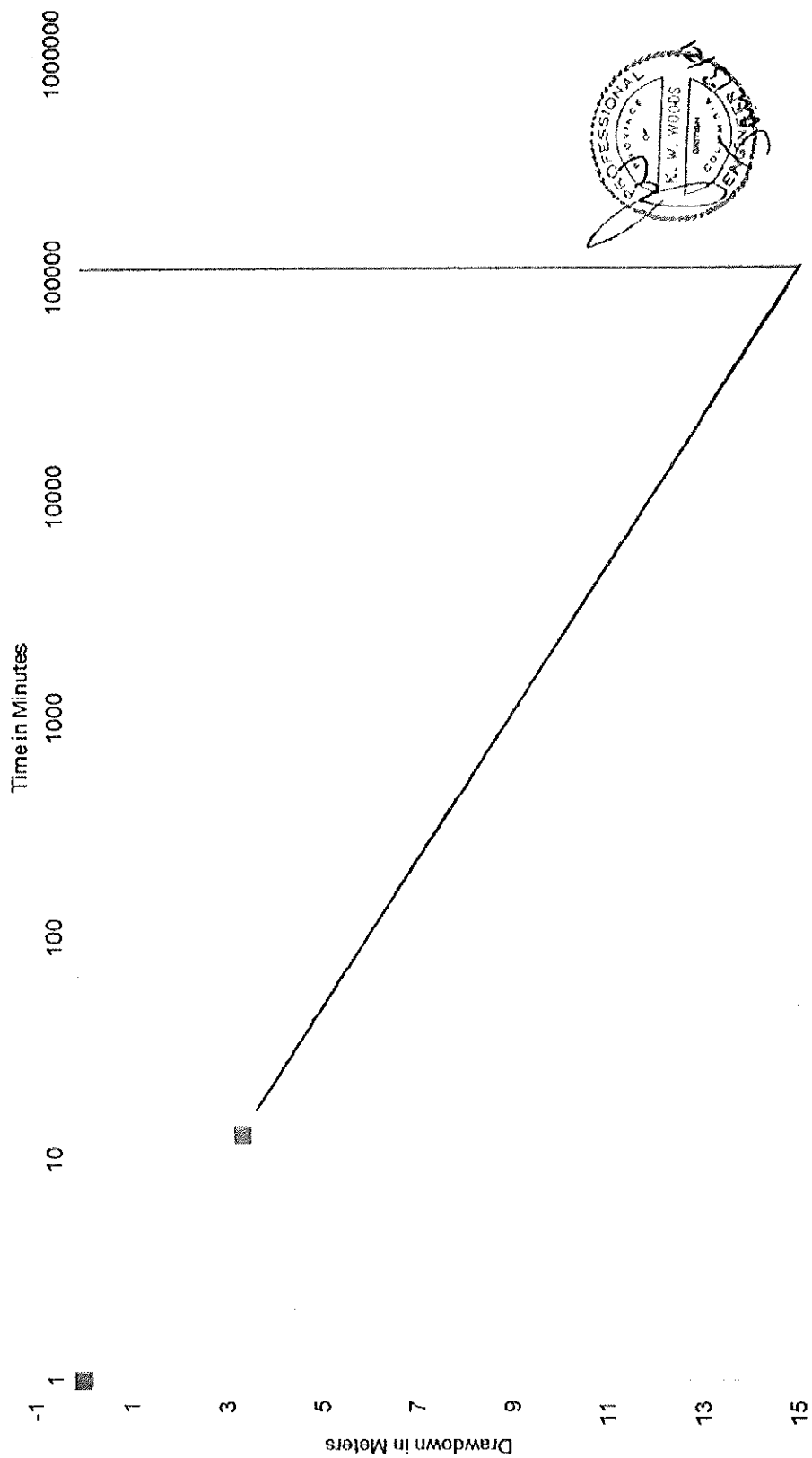
Ken Woods, P.Eng.
1-250-897-8584



Lot 5 Drawdown & Recovery



Lot 5 100 Day Inferred Drawdown



Schedule G

Ken Woods P.Eng.

2351 Barbara Road

Courtenay, B.C. V9J 1L9

250-897-8584 email: kenwoodspeng@gmail.com

Pumping Test Interpretation - Shallow Well

Lot 6 - Danes Road, Denman Island

Date: August 19, 2020

Attention: Islands Trust
Denman Island, B.C.

Client: Henning Nielsen
3223 Lachon Road
Denman Island, B.C. V0R 1T0
henning@pandesign.ca

Landowner: Formstate Design Inc.

Legal Description: The East 1/2 of Section 28, Denman Island, Nanaimo District, Except
Parts in Plans VIP87737 and VIP88293

PID# 006-660-495

Street Address: Lot 6 Danes Road
Denman Island, B.C.

Location: Denman Island to Northwest Road, then east onto Danes Road,
Proposed Lots 5,4,3,2,1, are on the west side of Danes Rd.

For Lot 6, continue on Danes Road, North on The Point Road, access
to Lot 6 is on the west side

GPS location: 49.588472222 124.82222222

Lot Size: 14.71 hectares

Introduction:

The intent of this paper is to provide Pumping Test analysis for Lot 6 of the proposed Danes Road Sub-division, Denman Island, to be submitted to the Islands Trust. This report is prepared by Ken Woods, P. Eng. a qualified professional, who attended a portion of the pump testing and completed the pumping test analysis.

The well on Lot 6 is a shallow well, dug to a depth of 3.7 meters (12 ft) and lined with 4 foot inside diameter concrete well casing. The soil horizon is single grain sand, white, and dry from the surface to the water table. There is approximately 1.8 meters (6 ft) of water depth in the well casing.

The Pumping Test was performed by McGill Well Services on June 23, 2020.

Water quality testing by the accredited Bureau Veritas Laboratories on July 13, 2020.

Pumping Test:

Rational:

The well is required to supply 1200 liters per day for sub-division purposes. The required supply rate of 1200 liters per day converts to a sustainable pump rate of 0.83 liters per minute. The pumping test flow volume of 170 L/minute (45 impg/m) for 10 minutes for a volume of 450 imp gal, or 540 usg.

Method of Testing:

The static water level was measured as 1.82 m (6ft) below the top of casing (BTOC).

The water volume of the well was pumped out at a rate of 45 gpm and timed to calculate the water volume. The water volume was also calculated mathematically to confirm the pumped volume.

Once the water volume was pumped out the Well Recovery data was recorded.

The well was pumped for 10 minutes at a pump rate of 45 gpm (54 usgm) or 205 L/min for a total of approximately 2050 liters of water removed from the well. The calculated total volume is 2138 L.

Result:

The Static Water Level is the resting level of water in the well casing, measured from the top of well casing. Static water level was measured at 1.82 meters below top of casing (btoc).

The dug depth of the well is 3.66 meters (12 ft) deep.

The location of the pump is at the bottom of the well, at 3.66 meters.

The Available Drawdown is 1.8 meters, which is the measured water column between the Static Water Level and the pump level

The diameter of the well casing is 1.22 m. A 1.22 m well casing has a volume of 1169 L/meter.

The total drawdown after pumping for 10 minutes was 1.83 meters. The well recovered to 108% of its static water level after 190 minutes elapsed time.

Analysis:

In the first 52 minutes of recovery the well the water elevation raised by 0.91 m (to 2.74m btoc)in 42 minutes. This is a volume of 1084 L and a calculated rate of recovery of 1519 L/hr.

In the following 158 minutes the well recovered 0.76m of elevation (to 1.98 m BTOC). This is a calculated volume of 888 L and a calculated rate of recovery of 337 L/hr.

The bottom 1.0 meter of well water recovers at an approximate rate of 1500 L/hr. or 25 L/minute.

Long Term Capacity:

The Long Term Capacity of a well is described as the sustainable rate the well can be pumped for 100 days.

The Specific Capacity of a well is defined as the pumping rate divided by the drawdown at any time during the pumping cycle. Specific Capacity = Q/St , where Q is the pumping rate in liters per second, and St is the drawdown in meters after time t. Using late time data from the Pump Test the drawdown in the well was graphically extended to 100 days of pump time. With a pump rate of 170 liters/minute, the drawdown is extrapolated to approximately 8.0 meters after 100 days.

The available drawdown in the well at time of testing was 1.8 meters. The Long Term Capacity (Q) is estimated by using a safety factor of 30% of the available drawdown of the well, then multiplying by the specific capacity of the well after the inferred level after 100 days of pumping .A safety factor of 30% is used for the long term capacity.

$$Q = 70/100 \times (\text{specific capacity @ 100 days}) \times \text{available drawdown}$$

$$Q = 0.7 \times (2.84 \text{ L/sec} / 8.0 \times 1.8 \text{ m}) = 0.447 \text{ L/sec}$$

The calculated long term pumping rate of 0.447 L/sec, or 26.8 L/min, exceeds the minimum rate of 0.83 L/min required for a well to supply a minimum of 1200 L/day.

Water Quality Analysis Results:

The well water was sampled and delivered to the laboratory in timely fashion. The Certificate of Analysis is attached to this report.

The important parameters in well testing are for human health and aesthetics. Maximum acceptable concentrations (MAC) and aesthetic objectives are outlined in the Canadian Drinking Water Quality Guidelines (CDWQG).

Health related concerns are bacteriological testing and chemical testing. Bacteriological safety is determined by testing for indicator organisms called total coliform and E. coli. Chemical

testing may reveal a variety of metals, anions, and other general parameters. CDWQG defines the health concerns and the maximum allowable concentrations (MAC) of parameters.

Aesthetic objectives are not health related, but are related to the quality of taste, odour, colour, and suspended solids. These are subjective parameters and treatment is left up to the individual homeowner.

Potable water is to be safe and suitable for human consumption, and acceptable within the guidelines defined by the CDWQG. Well testing should be done when the well is completed then annually thereafter. If there is no significant change after 2 years then testing can be done every 5 years.

Analytical Results.

None of the parameters exceeded the Maximum Allowable Concentrations.

Health related Results.

No coliforms or E. coli are reported in the analysis.

Aesthetic Related Results:

Total manganese is reported as 24.2 ug/L. This is an Aesthetic Objective (AO) with a guideline level of 20 ug/L.

Total iron is reported as 1620 ug/L. Iron has an AO of 300ug/L.

Total aluminum is reported as 2280 ug/L. Aluminum has an Operational Guideline of 100 ug/L.

pH is reported at 6.99. The Operational Guideline for pH is between 7.0 and 10.5.

Observations:

Total manganese is barely above the AO. Manganese can discolour the water and stain laundry and fixtures.

Total iron is not hazardous to your health but may cause taste and appearance problems.

Total aluminum is widely distributed in nature. Very high concentrations have possible effects on the nervous system. The value of 2280 ug/L is a moderate amount.

pH is within 0.01 of being acceptable.

Coliforms and E. coli was not detected

The TDS is reported with no value, therefore reported as negligible.

Conclusions:

The results of the pumping test show the shallow well at Lot 6 can provide a sustained yield of 26.8 L/min. This well yield exceeds the water flow criteria of 0.83 L/min required for a residence on Denman Island. Therefore, this well is acceptable for the intended purpose

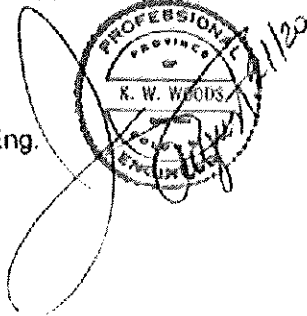
The issues with the water quality are limited to aesthetic objectives and operational guidelines. The elevated iron and manganese could be treated at the discretion of the homeowner.

Limitations:

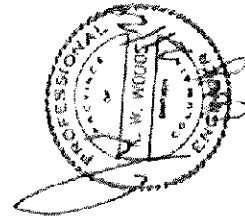
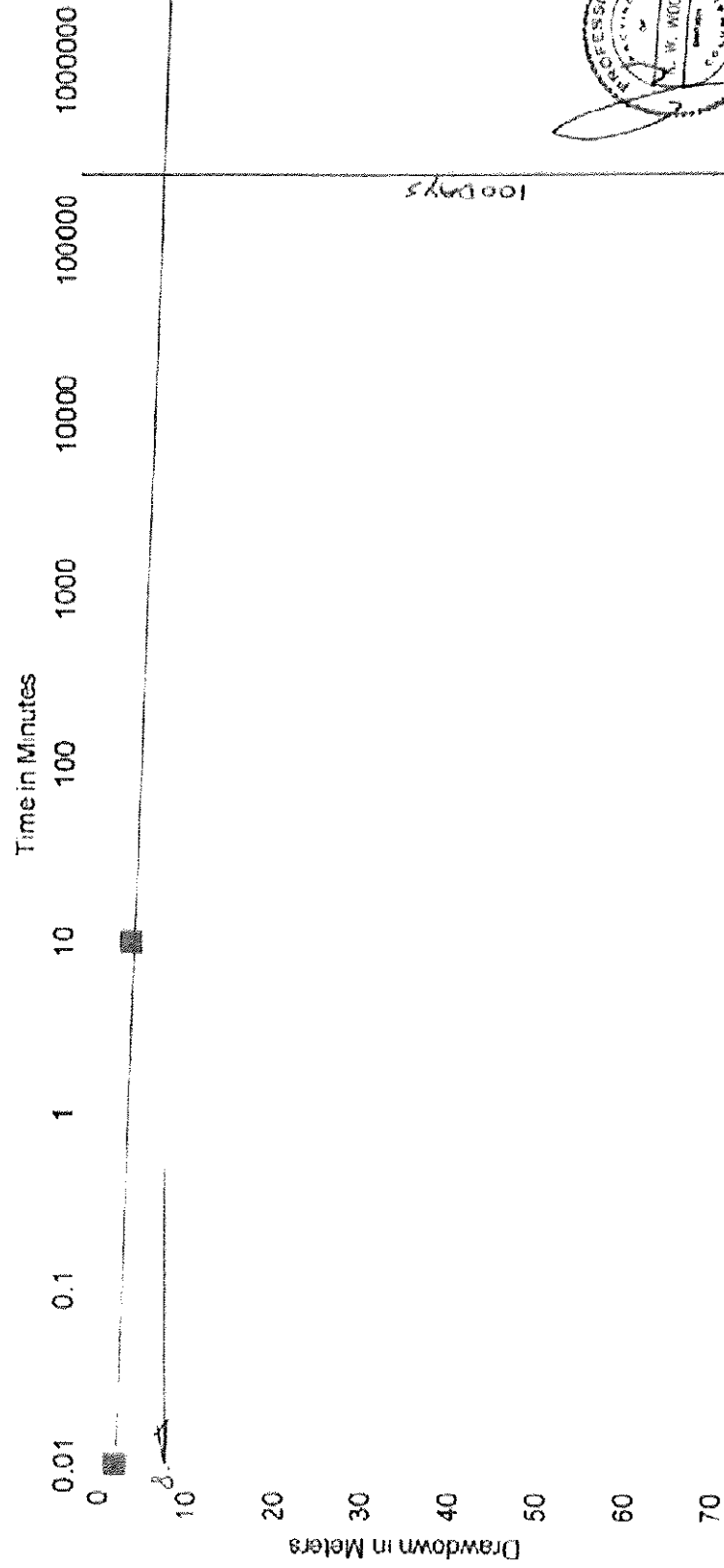
1. The recommendations and scope of this report are based upon data provided, and by visual inspections of the well onsite that did not include other subsurface investigations regarding the uncertainty of unrecognized conditions in connection with an aquifer.
2. The recommendations provided are provided based upon conditions and information presented and are meant to reduce, but not eliminate, uncertainty regarding the long term capacity of the drilled well on site given the limits of the investigation and the reasonable time and cost consistent with general engineering practices.
3. No other warranty, expressed or implied, is made.
4. If other conditions become known during further construction or unanticipated conditions become evident, the recommendations may be altered or modified in writing by the undersigned engineer.

Thank you for the opportunity to be of service.

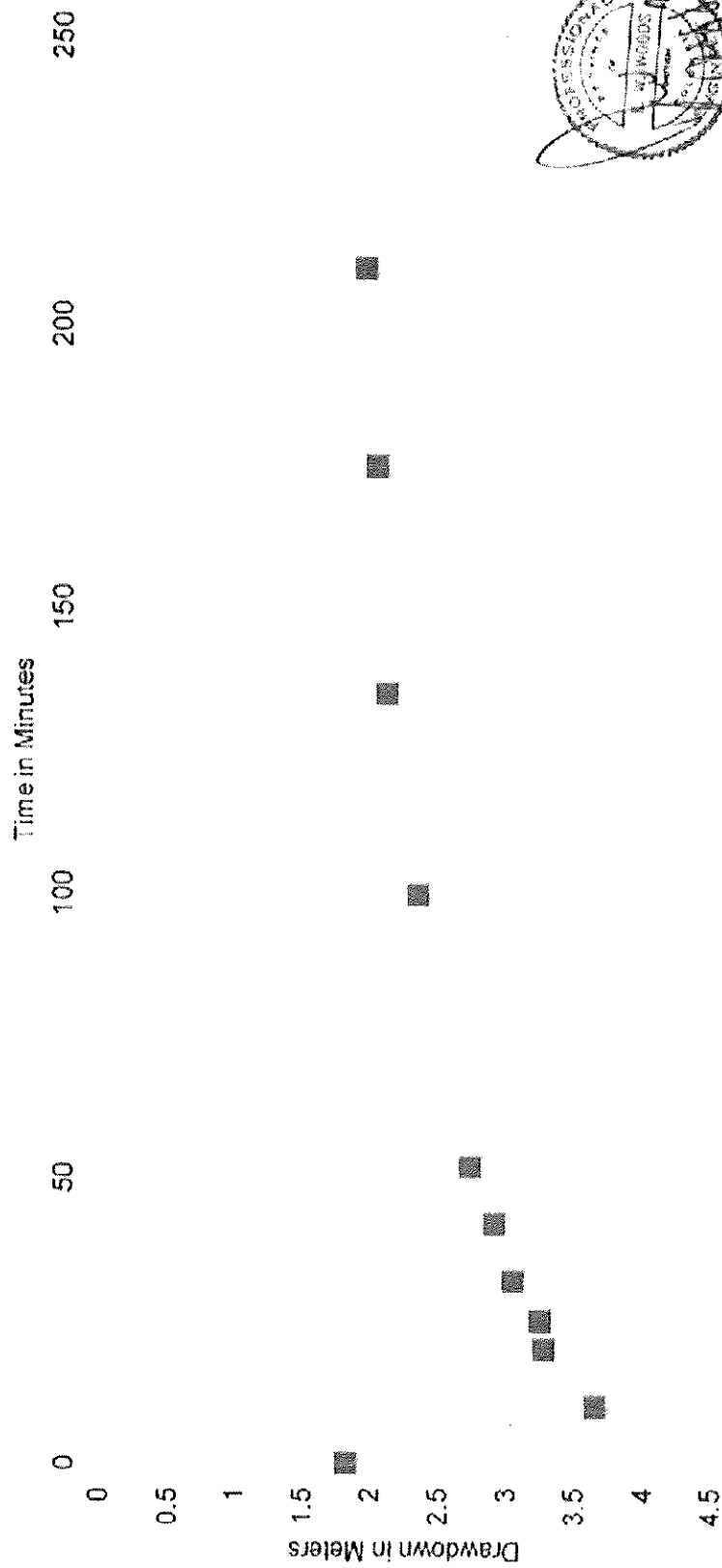
Ken Woods, P.Eng.
1-250-897-8584



Lot 5 100 Day Inferred Drawdown



Lot 6 Drawdown & Recovery



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 233

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

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

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

READ A SECOND TIME THIS _____ DAY OF , 20XX

READ A THIRD TIME THIS _____ DAY OF , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF , 20XX

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

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS
_____ DAY OF , 20XX

ADOPTED THIS _____ DAY OF , 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule “1”

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

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

“Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing subject to Agricultural Land Commission approval.”
 - 1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:

“In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:

 - The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
 - Multi-family affordable housing through the completion of a successful rezoning application.”
 - 1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing “Policy 29” to “Policy 30”.
 - 1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by adding “28, 29, or” after the word “Policy” and before the number “30.”
 - 1.9. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 27 is replaced in its entirety with the following:

“Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.”

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

DENMAN ISLAND LOCAL TRUST COMMITTEE

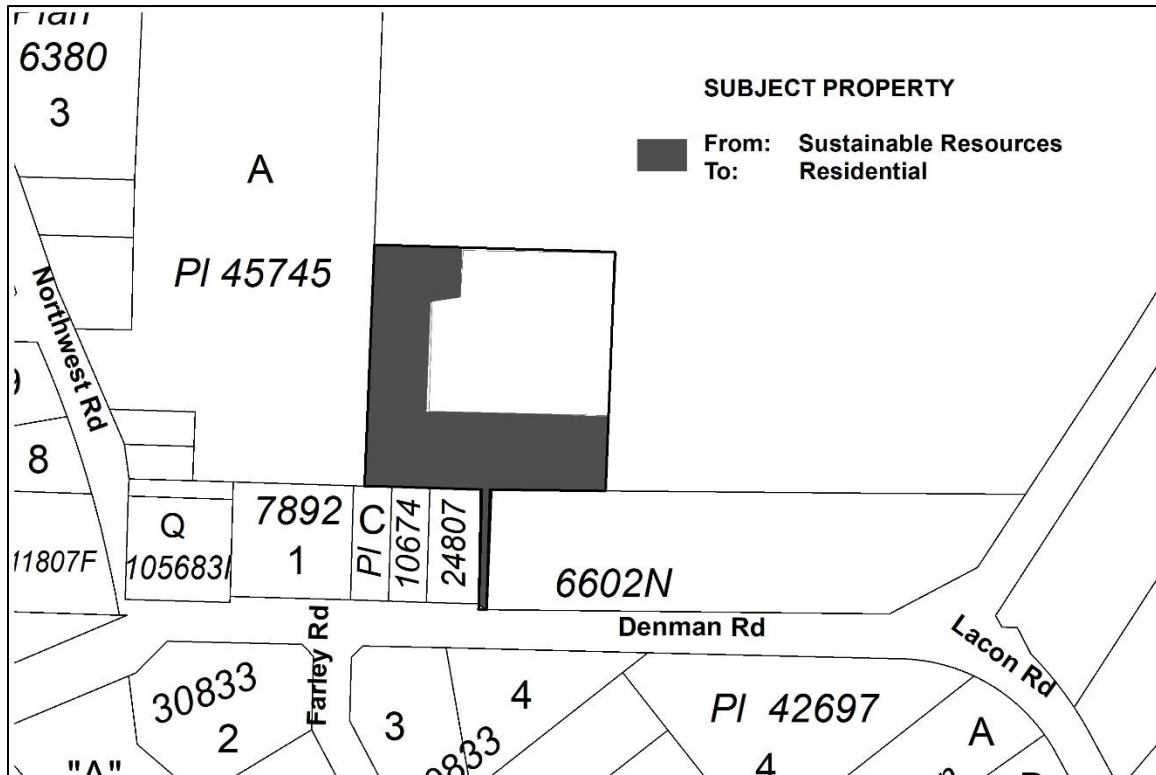
BYLAW NO. 233

Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of Lot A Section 18 Denman Island Nanaimo District Plan EPP68031 (PID 031-102-026) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

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



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

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

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

READ A FIRST TIME THIS 19TH DAY OF JANUARY , 2021

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 2020

READ A SECOND TIME THIS _____ DAY OF _____ , 2020

READ A THIRD TIME THIS _____ DAY OF _____ , 2020

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 2020

ADOPTED THIS _____ DAY OF _____ , 2020

Chair

Secretary

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

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

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

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

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

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

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit;"
 - 1.3 PART 2 GENERAL REGULATIONS, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Rental Housing (R4) Zone'." after the word "Bylaw".
 - 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Affordable Rental Housing (R4)'" after the word "accommodation".
 - 1.5 PART 2 GENERAL REGULATIONS, Section 2.4 **Home Occupation Regulations, Permitted Home Occupation Uses** is amended by adding the following new regulations 3 and 4 after regulation 2 and by making such consequential numbering alterations to effect this change:

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

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

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

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

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

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

- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:

- "one per one single family residential use"

And replacing it with:

- "one per one single family residential dwelling unit"

- 1.8 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:

- "two per dwelling unit in a multi-family dwelling"

- 1.9 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:

- "one per dwelling unit in a multi-family dwelling"

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

- 1.11 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing "R3 zone" and replacing with "R3 and R4 zones".

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

- 1.13 PART 3 ZONE REGULATIONS, Section 3.3 "Residential Zoning Tables", Table 1 – Permitted Uses is deleted in its entirety and replaced with:

Table 1 - Permitted Uses		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓

Accessory Uses

5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓		

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

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

Table 2 - Permitted Buildings and Structures		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	
2	Multi-family dwelling units				✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓	
4	Buildings and structures accessory to a constructed multi-family dwelling unit				✓
5	Buildings and structures to accommodate horticulture, agriculture and sale of horticultural and agricultural products	✓	✓	✓	✓
6	Buildings and structures for parks and utilities	✓	✓	✓	✓
7	Pit privies	✓	✓	✓	
8	Fences	✓	✓	✓	✓
9	Signs, subject to Section 2.6	✓	✓	✓	✓
10	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing	✓	✓	✓	
11	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓	✓
12	Common house			✓	✓

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

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3	R4
--	--	-----------	-----------	-----------	-----------

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

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

Table 4 – Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	9.0 m
2	Maximum height of buildings and structures				
	accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

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

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

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

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

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

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

1.20 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new R4(2) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

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

Site Specific Zoning Code	Site Specific Regulations
R4(2)	- Despite line 7 of Table 1 of this Section, the following is not permitted: - the keeping of chickens or other livestock; - the sale of agricultural and horticultural products, including their storage, processing and direct marketing; - Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance. - Despite line 12 of Table 2 of this Section, a Common House is not permitted. - Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. - Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.

- 6 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house
 - from the front lot line is 7.5 m
 - from the rear or side lot line is 3 m
 - from the exterior side lot line is 3 m
- 7 Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m.
- 8 Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m.
- 9 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 60 m².
- 10 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.7 hectares.
- 11 Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit.
- 12 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

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

Table 8 - Site Specific Regulations

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

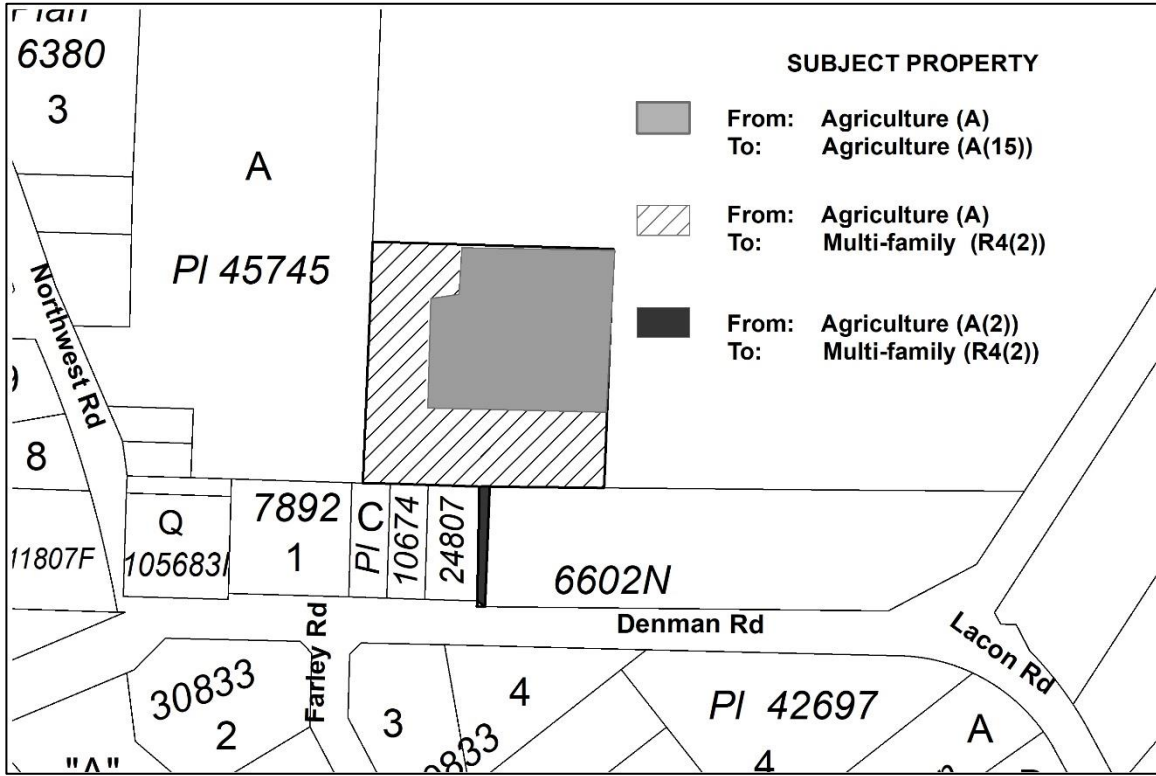
Site Specific Zoning Code	Site Specific Regulations
A(15)	1 Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

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

- 2.1. Schedule “B” – North Sheet is amended by changing the name “North Sheet” to “North Map”.
- 2.2. Schedule “B” – South Sheet is amended by changing the name “South Sheet” to “South Map”.
- 2.3. Schedule “B” – North Map, is amended by changing the zoning classification of Lot A Section 18 Denman Island Nanaimo District Plan EPP68031 (PID 031-102-026) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

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



MEMORANDUM

File No.: 6500-20
(Farm Plan)

DATE OF MEETING: March 16, 2021
TO: Denman Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Team
SUBJECT: Farm Plan Implementation Project Update

PURPOSE

The purpose of this memorandum is to advise the LTC of the status of the Farm Plan Implementation Project. All relevant background information pertaining to this project is available on the Islands Trust website <http://www.islandstrust.bc.ca/islands/local-trust-areas/denman/projects-initiatives/denman-island-farm-plan-implementation/>. The project has been on hold since May 2019 due to planning staff resources being prioritized to process two Denman affordable housing rezoning applications. As one of those rezoning applications is now post public hearing, the LTC is being advised of the status of the farm plan implementation project.

PROPOSED BYLAW Nos. 288 (OCP) and 289 (LUB)

Both bylaws have been given first reading (May 2018) and were presented at a Community Information Meeting (Aug 2, 2018) and a facilitated community workshop (April 24, 2019). Extensive referral responses from the Advisory Planning Commission and Growers and Producers Alliance have been received and incorporated into the proposed bylaws. Since May 2019, the Agriculture Land Commission (ALC) has been actively reviewing their provincial policy regarding the maximum size of and number of dwellings permitted in the Agricultural Land Reserve (ALR). Staff anticipate a small number of amendments will be required for Proposed Bylaw 289 (LUB) specific to size and density of housing, in order to align with the provincial requirements. An updated and revised project charter will need to be considered by the LTC as no budget currently exists for the completion of this project. A summary of all LTC resolutions pertaining to this project are outlined in Attachment 1.

NEXT STEPS

As planner resources become available in 2021, a report recommending specific revisions to the project charter (Attachment 2) and proposed bylaws can be presented to the LTC.

Submitted By:	Sonja Zupanec, Island Planner, RPP, MCIP	March 8, 2021
Concurrence:	Heather Kauer, Regional Planning Manager, RPP, MCIP	March 8, 2021

ATTACHMENTS

1. Table of LTC resolutions pertaining to the Farm Plan Implementation Project 2016-2019
2. Farm Plan Implementation Project Charter v4.3 (2019)

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
12 Jan 2016	2016-004 That the Denman Island Local Trust Committee move from the Projects List the item regarding the Farm Plan Implementation to the Top Priorities List and add to it as an Activity 'Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods' and remove from the Top Priorities List Item 5 regarding Medical Marihuana.
15 March 2016	2016-018 that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process.
17 May 2016	2016-035 that the Denman Island Local Trust Committee request staff to advertise for expressions of interest in a Steering Committee for Farm Plan Implementation.
20 Sept 2016	2016-061 that the Denman Island Local Trust Committee request staff to prepare a staff report on Farm Plan Implementation presenting options for process given that we do not have a steering committee, and providing comments on which items in Farm Plan sections 11, 13 and 14 could be prioritized.
15 Nov 2016	2016-083 that the Denman Island Local Trust Committee adopt the revised Project Charter for the Denman Island Farm Plan Implementation with the exception that within the section 'Out of Scope' the words 'OCP or LUB amendments concerning minimum lot sizes or removal of agriculture as a permitted use on small lots' be deleted and change the budget to \$3,500.
	2016-084 that the Denman Island Local Trust Committee refer the list of proposed Official Community Plan and Land Use Bylaw amendments to the Advisory Planning Commission for comment, such referral to include the comments made by the Local Trust Committee at the November 15, 2016 meeting.

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
15 Nov 2016	2016-085 that the Denman Island Local Trust Committee refer the Farm Plan Implementation Staff Report including updates based on the November 15, 2016 Local Trust Committee meeting discussion to the Denman Growers & Producers Alliance for its comments.
7 Mar 2017	2017-025 that a letter be sent to the Growers & Producers Alliance, signed by the Chair, thanking them for their comments on the Farm Plan Implementation project.
6 June 2017	2017-047 That Denman Island Local Trust Committee defer consideration of, or changes to, proposed Bylaw No. 223 cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2016' to occur simultaneously with the Denman Island Farm Plan implementation project.
1 Aug 2017	2017-064 that the Denman Island Local Trust Committee refer Bylaw No. 223 considerations (agriculture, intensive agriculture, feedlot definitions) to the Advisory Planning Commission and Growers and Producers Alliance as part of its work on Farm Plan Implementation.
14 Nov 2017	2017-086 that the Denman Island Local Trust Committee direct staff to investigate and report on the following matters: 1.Alternative definitions for intensive agriculture and/or a definition of intensive horticulture. 2.Possible amendments to permitted residential uses that could limit intensive horticultural uses. 3.Information about setbacks from streams, lakes and wetlands and the natural boundaries of the sea in relation to fences allowed up to their margins such that livestock may encroach upon these sensitive areas. 4.Information on alternative land tenure agreements. 5.A rationale for proposed policy 8 regarding panhandle lots.
	2017-087 that the Denman Island Local Trust Committee confirms the following regarding staff recommendations for Farm Plan Implementation: 1.That Temporary Use Permit areas for agri-tourism accommodation also be considered for bona fide farms outside of the Agriculture Land Reserve. 2.That Temporary Use Permit guidelines regarding clustering of dwellings (proposed regulation 17.1) include the word 'encourage' rather than 'require' clustering.

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
14 Nov 2017	2017-088 that the Denman Island Local Trust Committee direct staff to amend the Denman Island Farm Plan Charter by adding to the Deliverable/Milestone section (where it says Preparation of community information materials): 'including a plain language guide to the draft amendments.'
6 Mar 2018	2018-028 that the Denman Island Local Trust Committee proceed no further with Denman Island Local Trust Committee Bylaw No. 223, cited as 'Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2016'.
	2018-029 that the Denman Island Local Trust Committee endorse the revised draft Project Charter v 4.2, dated March 6, 2018.
	2018-030 that the Denman Island Local Trust Committee request staff to prepare draft bylaws to amend the Official Community Plan and Land Use Bylaw in accordance with the Denman Island Farm Plan Project Charter, and Local Trust Committee direction on each of the potential amendments outlined in Attachments 1 and 2 of the Staff Report dated March 6, 2018.
1 May 2018	2018-032 that the Denman Island Local Trust Committee amend draft Bylaw No. 228 by replacing the current Policy 14 with: In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit: -One dwelling per lot; -One secondary suite per lot consistent with the Agricultural Land Reserve use, subdivision and procedure regulation; -One temporary secondary dwelling per lot for immediate family consistent with the Agricultural Land Reserve use, subdivision and procedure regulation; and -Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.
	2018-033 that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as 'Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018,' as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
	2018-034 that the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018', be read a first time.
1 May 2018	2018-035 that the draft Bylaw No. 229 be amended by: in the definition for temporary secondary dwelling, removing the words 'concrete or other'.
	2018-036 that the draft Bylaw No. 229 be amended by: in Schedule 1, 1.1 Part 1 ii. 'feedlot', adding the word 'wholly' before the word 'sustained'.
	2018-037 that the Denman Island Local Trust Committee amend draft Bylaw No. 229 by inserting table headings above the checkmarks in sections 1.10, 1.12 and 1.13.
	2018-038 that the Denman Island Local Trust Committee request staff to bring back options for exemption of incidental sales and trades of agricultural products from the definition of 'intensive agriculture', and consider providing a definition of 'domestic purposes'.
	2018-039 that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018', is not contrary to or at variance with the Islands Trust Policy Statement.
	2018-040 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.
	2018-041 that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the following agencies and First Nations for comment: -Halalt First Nation - Wei Wai Kum First Nation -K'omoks First Nation - Snaw'Naw'As

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
	Nation -Lake Cowichan First Nation - Te'Mexw Treaty Association -Nanwakolas First Nation - We Wai Kai Nation -Qualicum First Nation - Denman Growers and Producers Alliance -Stz'uminus First Nation - Comox Valley Regional District -Tla'amin Nation - School District #71 (Comox Valley) -Cowichan Tribes - Ministry of Agriculture -Homalco First Nation (Xwemalhkwu) - Agricultural Land Commission -Laich-kwil-tach Treaty Society - Ministry of Municipal Affairs & Housing -Lyackson First Nation - Hornby Island Local Trust Committee -Penelakut Tribe - Ballenas-Winchelsea Islands Local Trust Committee (Executive Committee).
1 May 2018	2018-042 that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the Denman Island Advisory Planning Commission for comments, and that staff and at least one Trustee attend the meeting(s).
	2018-043 that the Advisory Planning Commission and the Denman Growers and Producers Association be asked to provide their analysis about the advisability of removing horticulture and agriculture as permitted uses in the R1 and/or R2 zone(s).
	2018-044 that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting in accordance with the Denman Farm Plan Implementation Project Charter v. 4.2.
26 June 2018	2018-063 that the following information be provided to the Advisory Planning Commission and Growers and Producers of Denman and Hornby Islands: Clarification of request to the Denman APC to provide analysis of prohibiting horticulture and agriculture on R1 and R2 lots: The LTC is aware that current definitions of horticulture and agriculture allow substantial operations to lawfully take place in relatively high-density small lot neighbourhoods. Over the years, community members have expressed concerns about this, and there are plenty of examples of difficult situations from other places. Before deciding whether to address this issue as part of the Farm Plan project, or as its own discrete project, the LTC is interested to hear community feedback in the form of comments from the APC and the Growers and Producers Association. The LTC is not considering prohibiting gardens, orchards or other personal-use growing anywhere on Denman. The LTC is asking the question, 'Is there reason to consider limits on the scale and type of agricultural and horticultural activities on some residential lots, and if so, do you have any recommendations about criteria (zoning, lot size, setbacks, type of activity, number of animals, types of crops, or other issues)?'

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
7 August 2018	2018-76 that the Denman Island Local Trust Committee request staff to bring back a staff report on the Farm Plan Implementation Project responding to information received to date and that this include alternative definitions of feedlot and comments on the following questions: General questions: 1.If 'intensive agriculture' is not allowed on R1, 2 and 3, but 'agriculture' is, however agriculture is defined by Farm Practices Protection Act as a business, and intensive agriculture includes anything where products are grown or raised for sale, what exactly is allowed on R1, 2 and 3? 2. Is subsistence farming in any way limited (compared to current regulatory situation) by these proposed changes? 3. Why do we need a definition of feedlot? Just for setbacks? 4.What is in place currently to ensure that potential housing units will have adequate sewage facilities and will not overtax the groundwater? 5. Will a cistern for rainwater catchment be required for secondary dwellings? (We require this for secondary dwellings generally.) Questions and follow-up based on Growers & Producers Alliance (GPA) referral: 1. GPA says 'agriculture' and 'farming' are used interchangeably in the bylaws. Can staff review the bylaws for consistency in this regard? 2. Answer to GPA question, 'How will the definitions of 'farming,' 'agriculture,' 'horticulture', and 'bona fide farm use' impact certain activities being allowed in R1 and R2?' (compared to current regulations). Also, how will nurseries (or small farms) in R1 or R2, not in Agricultural Land Reserve (ALR), be affected? 3. For E1, Policy 14-would this make any current dwellings legal non-conforming? 4. What are the implications of allowing some Agri-Tourism and housing options on bona fide farms not in the ALR? 5. Agri-Tourism does not mention wineries or activities and facilities associated with them. Where are those regulations? How can we on Denman Island know what is allowed for wineries? 6. GPA notes that definition of Agri-Tourism does not seem to include possibilities for permanent structures (i.e. farm classroom, wine tasting room, etc.); is this true and if so what are implications of considering allowing these? 7. Would animal husbandry (i.e. chickens) not for sale have any setbacks? (see bottom of first page, appendix a) Is this an issue that these proposed amendments would change?
	2019-77 that the Denman Island Local Trust Committee request staff to set up a telephone participation of a staff member from the Ministry of Agriculture at the next Local Trust Committee meeting to discuss definitions and concepts related to the Farm Plan Implementation Project.
9 Oct 2018	2019-89 that the Denman Island Local Trust Committee direct that the Staff Report on the Farm Plan Implementation Project be referred to the Growers and Producers Association for comments.
	2019-90 that the Farm Plan Project be placed on the next Local Trust Committee agenda with staff suggestions for a participatory public meeting format.

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
	2019-91 that the Denman Island Local Trust Committee request staff to amend the Farm Plan Implementation Project Charter to include an additional Community Information meeting and to seek budget approval for this.
February 7, 2019	2019-06 that the Denman Island Local Trust Committee amend Proposed Bylaw No. 228 (OCP), cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018' by replacing item 1.15 Policy 3 with the following text: 'Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots unless there is a demonstrated agricultural or community benefit to support panhandle parcel configuration.'
	2019-07 that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018' for Local Trust Committee consideration: a) Include Temporary Use Permit (TUP) and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family; b) Reduce the lot line setback for feedlots from 50 metres to 30 metres; c) Remove the term, 'feedlot'; d) Add a new defined term, 'confined livestock area'; e) Remove 'agriculture' as an accessory use in the R1 zone, while retaining 'horticulture' as an accessory use in that zone; f) Remove the term 'intensive agriculture'; g) Amend the definition of 'horticulture' to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner; h) Permit the 'keeping of animals for personal use' as an accessory use in the R1, R2, R3 zones.
	2019-08 that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018' for Local Trust Committee consideration: a) Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms; b) Remove 'horticulture' as a permitted use in the A, F, and RE zones, while retaining 'agriculture' as a principal permitted use in these zones.

Denman Farm Plan Implementation Project
LTC Resolutions 2016 - 2019

Date	LTC Resolution #
	2019-10 that the Denman Island Local Trust Committee request staff to schedule a special meeting for the purposes of holding a public consultation event to solicit input on proposed Bylaw No. 228 (OCP) and revised 229 (LUB), to be scheduled as early as March 7, 2019.
	2019-11 that the Denman Island Local Trust Committee revise the Denman Island Farm Plan Implementation Project Charter v.4.3, dated January 29, 2019 by adding to the 'Out of Scope' column: 'Cannabis regulations'. Chair Busheikin spoke to the motion, noting that over time and through gathering more information she has been convinced that the best way forward to addressing cannabis regulations is to separate it from the Farm Plan and to keep the momentum moving forward on that project. CARRIED Trustee Critchley Opposed

Denman Island Farm Plan Implementation Project - Charter v.4.3 Draft

Date: February 7 2019

Purpose The purpose of this project is to implement actions under recommendations 11, 13 and 14 of the Denman Island Farm Plan to inform the development of bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw.

Background The process of developing the Denman Island Farm Plan began in of 2009 and the Plan was endorsed by the Denman Island Local Trust Committee in June 2012. In January 2016, Farm Plan Implementation was added to the LTC Top Priorities List. In June 2016, consideration of new agriculture-related definitions and regulations was added to the Farm Plan Implementation project.

Objectives

- To prepare bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw, which implement Farm Plan Recommendations 11, 13, 14 and which align with the ALC Act and Regulation.
- To amend the LUB definitions of agriculture, intensive agriculture, feedlot and establish appropriate LUB set-backs for intensive agriculture and feedlots.
- To engage community members, the Advisory Planning Commission (APC), Grower and Producers Alliance (GPA), and other stakeholders in the development of policies and regulations to implement the Farm Plan.

In Scope

- Referral to Denman GPA and APC
- Community information meeting prior to second reading or public hearing of bylaws
- Project webpage maintenance

Out of Scope

- Farm Plan recommendations not related to LTC authority
- Creation of an Agricultural Enterprise Zone
- Review or amendment of existing DPAs
- Designation of new DPAs
- Consideration of landscape or screening requirements
- Water issues management
- Cannabis regulations

Workplan Overview

Deliverable/Milestone	Date
Adoption of Initial Project charter	Completed November 15, 2016
Referral of proposed OCP/LUB amendments to APC and GPA	Completed 2016 and 2017
LTC consideration of APC/GPA input and staff analysis/recommendations	Completed 2017 and 2018
Development of draft OCP/LUB bylaws and First Reading/Early Referrals	Completed 2018
Community information meeting (OCP and LUB)	Completed 2018
Community Consultation Event (LUB amendments)	Spring 2019
LTC consideration of revisions/further readings of proposed OCP/LUB bylaws	Spring 2019
Public Hearing, consideration of Third Reading, Forward to Executive Committee of the Islands Trust and the Minister of Municipal Affairs and Housing	Spring—Summer 2019
Consideration of Final Reading (adoption)	Summer– Fall 2019

Project Team

Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Island Planner/Planner 2	Project Support

RPM Approval:

Ann Kjerulf

Date:

LTC Endorsement (amended):

Resolution #: DE-2019-011

Date: 7 February 2019

Budget

Budget Source: Denman Farm Plan Implementation Project

Fiscal	Item	Cost
2018-2019	Community consultation event; advertising, legal review	\$3600
2019-2020	Public hearing	\$1,000
	Total	\$4,600

From: Bill Engleson [<mailto:bengleson@telus.net>]

Sent: Thursday, January 21, 2021 4:09 PM

To: Grant Scott; Alex Allen; Sue Ellen Fast; Laura Busheikin; David Critchley; josie osborne; Lori Nawrot
HDCHCS

Subject: re: SILO thinking regarding transportation matters pertaining to Denman and Hornby Islands

Dear Elected Officials,

Please find attached a letter from the HDCHCS that attempts to draw to your attention a somewhat disconcerting gap in planning service. I trust the letter is self-explanatory.

Regards,

Bill Engleson RSW (Retired and Non-Practicing)

Chair,

HDCHCS

Hm: 250-335-0897



January 21, 2021

Dear elected officials who serve Denman and Hornby Islands

Re: Transportation Issues/Planning Vacuums on Hornby and Denman Island

The HDCHCS recently received communication from a community partner enquiring whether we would be part of the Comox Valley Regional District involvement in the provincially funded Active Transportation Network Planning. Here is the link to explain its mandate.

<https://www.comoxvalleyrd.ca/projects-initiatives/past-current-projects/active-transportation-network-plan>

Our executive director asked CVRD planning manager Alana Mullaly as well as Beth Hurford Community Transportation Consultant with Urban Systems if our two islands would be part of the project. Ms Mullaly responded thusly:

“Denman and Hornby Islands are not included in the project area. Project area is limited to the planning jurisdiction of the CVRD. Thanks for reaching out.”

Alana Mullaly, MCIP RPP

Senior Manager of Sustainability and RGS Planning

Planning and Development Services Branch

Historically, Denman Island and Hornby island *have* had some transportation interface with the CVRD. Certainly, Denman Island has even appeared in planning documents. For instance, this 2014 document on future planning...

[file:///C:/Users/Bill/Downloads/4501_COM_TF_Report_web\(1\).pdf](file:///C:/Users/Bill/Downloads/4501_COM_TF_Report_web(1).pdf)

I would refer you to pg. 99 which says...*Commence Community Transit Service Discussion Document for Denman and Hornby Islands* and on pg. 101 *If supported by the feasibility study, explore the implementation of a community bus service on Denman Island connecting Hornby and Denman residents to the Ferry enabling transfers to the transit service at Buckley Bay.*

These points are also nicely summarized on pg's 5 and 6 in the Executive Summary.

Admittedly these idealized thoughts are extracted from mid term 6-10 years planning and 10-25 year planning respectively. However, evidently Ms. Mullaly is somewhat incorrect about the CVRD's "planning jurisdiction."

From our reading at any rate, transportation planning for the two Islands is not nor should it be excluded from the functions of the CVRD.

With regard to Islands Trust and transportation planning, years ago (somewhat before my time), the Islands Trust Local Trust Committee on Denman did have a transportation advisory committee. What its exact role was is unclear to me. It does still nominally exist in the OCP-Policy 5 pg. 38: *The Local Trust Committee should work with the Transportation Advisory Planning Commission to relay community wishes with regard to roads to the Ministry of Transportation and Infrastructure.*

In a singularly ineffective advocacy policy on pg.41, it says: *BC Transit, British Columbia Ferry Services Inc. and the Comox Valley Regional District are encouraged to provide an integrated public transit link from Courtenay to Buckley Bay, to Denman Island and across Denman Island.*

I am less familiar with discussions historically regarding transportation matters on Hornby Island except to say I recognize that some discussions have occurred regarding Bus Transportation on Hornby. Denman also of late has had some “wrong bus” discussions.

We hope to be forwarding this missive to the MoT and perhaps others. For the time being, we want to express our concern that we strongly believe that this particular issue of transportation planning highlights a gap in how our two communities are served by those charged with working with our communities in some aspects of planning. As a side note, the matter of affordable housing seems to be buried in overlapping and under functioning planning jurisdictions, to borrow from Ms. Mullaly’s reflection.

To summarize, there does seem to be some SILO systems thinking with regard to who if anyone is responsible for transportation matters on the two Island. We would appreciate some clarity.

Regards,

Bill Engleson

Chair, HDCHCS

250-335-0897

To: *Daniel Arbour (CVRD);*

Laura Busheikin; David Critchley; (Denman Island Trustees)

Sue Ellen Fast; Chair of both Hornby and Denman Local Trust Committees;

Alex Allen; Grant Scott; Hornby Island Trustees;

Hon Josie Osborne MLA, Mid Island-Pacific Rim and Minister of Municipal Affairs

Lori Nawrot; ED, HDCHCS

From: Wendy Northcut [REDACTED]
Sent: Monday, February 22, 2021 12:17 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Permit Transparency

Hello Trustees,

I am a resident of Denman Island and would like to make a recommendation on Site and Use Permits. I think they should be posted on the Trust website when a resident gets a permit approved. My thoughts on this are several fold. When people see someone starting construction on a property, they are curious as to what's going to happen on it, especially if they live adjacent to it, or in some way affected by it. They could go to the Trust website, see what is being constructed, and rest assured, or if still concerned, go to the owner and discuss it. I know that our trustees have mentioned that we should all go to the neighbor in question and just ask them. Sometimes this isn't possible, because only the contractors are on site, not the owner, and the contractors don't feel it's their place to discuss the owners' plans. By not having that information public, it leads to speculation and rumor, which is way more damaging than the truth. In other areas where I have lived, all building permits were made public on the county, municipalities, city websites. I could see who the builder was, what plan they were building, etc. No speculation, just knowledge. I think this would help all residents feel confident in the process of the SUP, knowing that their neighbors are following the guidelines. It would also help the permit applications by the fact that anyone who lives in the area would be able to see what they are planning on building and not feel that anyone could be trespassing, and peeking over fences to see what they have going on.

Thank you very much for your time, and please, let me know if I can clarify in any way. Also, if you are planning on having a discussion at a Trust meeting, I'd like to know so that I can zoom in.

Make it a good week.

--

Wendy Northcut

"Strive not to be a success, but rather to be of value." Albert Einstein

To the Denman LTC,

Re: Denman Green Redux

Dear Denman Island Trustees,

March 6th 2021

As I am sure you are aware, the process by which affordable housing projects are approved on Denman (*I sense we are on the verge of the first real one, Pepper Lane, in quite a few years*) would give new and unflattering meaning to the term snails pace.

The Denman Housing Association, of which I am a supporter, has announced that it has new life. And new land. The Association has bounced back from their recent disheartening and expensive disappointment with perhaps even a better location and vision, one that perhaps previous opponents might be willing to endorse.

Many of the stated objections to the previous project strike me as being moot.

Regardless, this letter, which may be jumping the support gun a tad prematurely, is meant to do three things.

1. Emphasize that I and, I think, many others would appreciate some level of fast-tracking to get the anticipated proposal processed.
2. Emphasize what I have referred to recently in a Facebook post as the moral imperative. In a nutshell, I believe the Trust and any other authorities who may have to/need to weigh in, should do so with as much warp speed as they can muster to diligently assure that this initiative is not mired in equivocating quicksand.
3. Emphasize that those who perhaps had legitimate concerns about the previous application consider the possible end result of this new project that will produce a substantial inventory of well-constructed affordable housing units that will benefit, in a variety of ways, all of the people of Denman.

Regards,

Bill Engleson, RSW (Retired and Non Practicing)

[REDACTED]

Denman Island, BC

VOR1T0

[REDACTED]



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality January 26, 2021

Islands Trust Conservancy Board News

Due to the COVID-19 pandemic, the Islands Trust Conservancy (ITC) Board continues to hold meetings electronically due to Ministerial Orders under the Emergency Program Act and requirements or recommendations under the Public Health Act. Meetings are live-streamed and recorded, and the public can participate by connecting to the link or the phone number provided in the meeting notice. Electronic meetings have resulted in cost savings to ITC as well as reductions in travel time and greenhouse gas emissions for Board members.

Staff have posted the ITC Board meeting schedule for 2021 here:

www.islandstrustconservancy.ca/about-us/meetings/.

The ITC Board directed staff to add “Public Comments and Delegations”, a town hall opportunity, to the standing agenda, allocating 15 minutes to this new section.

An election was held for Board Chair and Vice Chair positions as required by the ITC Meeting Bylaw. Trustee Kate-Louise Stamford was elected ITC Board Chair and Trustee Sue-Ellen Fast as Vice Chair. Both positions were election by acclamation.

An update regarding ITC staffing was provided, including notes as follows:

1. ITC Manager – Kate Emmings confirmed as permanent Manager Jan 11
2. Ecosystem Protection Specialist – posted internally, confirmed Kathryn Martell in the role Feb 16
3. Communications and Fundraising Specialist – position temporarily divided into two part-time roles: Communications Specialist (Erin Coulson) and a Fundraising Specialist (Carla Funk)
4. Species at Risk Program Coordinator role (see below) – hiring expected before end of March
5. Summer Co-op Student – Field work technician, job description in development

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of Islands Trust Conservancy (ITC). ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Islands Trust Area. For more information, visit

www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

The project charter for the Species at Risk (SAR) program was reviewed and approved as interim, pending a few adjustments as discussed by the Board. The project coordinator who will ultimately complete the planning and oversee the implementation of SAR at a detailed level is still being recruited.

Goal 2 – Strong relationships with First Nations

Staff continue to work to deepen relationships with First Nation communities and governments, notably through upcoming management planning for several nature reserves and participation in the Sidney

Island Ecological Restoration Project. Staff also participated in a January training session regarding residential schools.

Goal 3 – Protection of core conservation areas

Property Management

Currently, four management plans are in development and set to complete before the end of March, including two on Gabriola Island, one on Salt Spring Island, and one on Thetis Island. See reference to open house events below regarding these four for the current year.

Land Acquisition and Covenants

The Sandy Beach Nature Reserve on Lhek'tines/Keats Island became ITC's 30th in 30 years in December 2020 and the ITC Board received a donation of land on North Pender in February 2021 (see below). Management planning will begin in the next fiscal year to create the first management plan for these new nature reserves.

Staff continue negotiations on 144 ha of land: eight covenants (S. Pender, Salt Spring [3], Keats, Bowen, Thetis, and Lasqueti) and two land acquisitions.

Goal 4 – A strong voice for nature conservation

The ITC Fund Development Action Plan was reviewed and approved as drafted, with staff directed to implement the plan.

*Please feel free to contact Islands Trust Conservancy for more details.
Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca
Islands Trust Conservancy itcmail@islandstrust.bc.ca*

Activities by Local Trust Area/Island Municipality

Bowen – \$5,000 Opportunity Fund Grant paid out to Bowen Island Conservancy.

Gabriola – A management planning open house for the S’ul-hween X’pey/Elder Cedar Nature Reserve and the Coats Millstone Nature Reserve will be held on February 22, 2021. Two public surveys continue to March 15 – one for [Elder Cedar](#) and one for [Coats Millstone](#).

Galiano – ITC Manager Kate Emmings advised the Board of a declared conflict of interest regarding the Crystal Mountain conservation proposal on Galiano, and noted the file will be managed by Trust Area Services Director Clare Frater and Ecosystem Protection Specialist Kathryn Martell.

Gambier/Keats – The transfer of the Sandy Beach Nature Reserve, Keats Island, was completed on December 18, 2020, and marks the 30th nature reserve in 30 years of Islands Trust Conservancy history. News coverage of [the announcement](#) included local outlets, [Pacific Yachting](#), and the [Toronto Star](#). The ITC received a \$12,000 contribution as part of the land transfer and the ITC Board has allocated \$10,000 to create a property management fund.

Lasqueti – The ITC Board considered a response to the Lasqueti Official Community Plan referral. The Board resolution has been provided to planning staff for consideration by the Lasqueti Island Local Trust Committee.

Funded through grant programs, increased wetlands restoration work is being planned for the Salish View and John Osland nature reserves, in partnership with Lasqueti Island Nature Conservancy.

North Pender/Sidney – Funded through grant programs, restoration work is planned at Dragonfly Pond on Sidney Island. Work will pilot removal techniques for invasive parrot’s feather and American bullfrog.

The ITC received a land donation on North Pender Island in February. A formal announcement for this donation is pending.

Salt Spring – The Board approved both the 2020 update of the Deep Ridge Nature Reserve Management Plan and the Lower Mount Erskine Nature Reserve Management Plan. These will be posted to the ITC website shortly.

A management planning open house was held on February 11, 2021, with regards to the Ruby Alton Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

Thetis - A management planning open house was held on February 10, 2021, with regards to the Moore Hill Nature Reserve management plan refresh. [Public survey](#) continues to March 15.

Please feel free to contact Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2018.1	Kirk, JARRAH	05-Nov-2018	PID: 027-381-447 Cider production from other sources. Civic address: 1100 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 18-Jan-2021

Applicant submitted photos and supporting letters. Request to proceed to LTC for consideration.

Status Date: 30-Jun-2020

Planner completed review of Water License referral from FLNRORD.

Status Date: 28-Jan-2020

No change in status. Planner awaiting submission of requested information, pursuant to LTC resolution 2019-025.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2021.1	Gamble, Eugene & Shirley	09-Feb-2021	PID: 005-299-161 Addition to SFD. Civic address: 5621 Lacon Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 26-Feb-2021

In review. Planner awaiting survey plan and Arch Branch information.

Status Date: 17-Feb-2021

Opened companion SUP file. Combination fee is the same as DVP, so no extra charge.

Status Date: 12-Feb-2021

File opened & assigned. Waiting for Etransfer.

**Applications****Rezoning**

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association Planner: Sonja Zupanec	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC
Planning Status			
Status Date: 11-Jan-2021 Draft Q+A document; minor amendments to BL 234 and 239 and draft restrictive covenant to be considered by LTC Jan 19, 2021			
Status Date: 08-Dec-2020 File reassigned.			
Status Date: 03-Nov-2020 Bylaw Nos. 233, 234 are given 1st reading as amended. Bylaw No. 239 (Housing Agreement) given 1st reading.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.16	Baker, Dorian Planner: Stephen Baugh	30-Sep-2020	PID: 028-819-209 Building various accessory buildings. Civic address: 3980 Park Road, Denman Island, BC.
Planning Status			
Status Date: 04-Feb-2021 File reassigned.			
Status Date: 09-Nov-2020 Waiting for additional information from applicant			
Status Date: 09-Oct-2020 File opened and assigned.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.21	1165860 BC Ltd. - Dianna Bridge	03-Nov-2020	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Request for further information

Status Date: 25-Nov-2020

Under planner review

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.22	1165860 BC Ltd. - Dianna Bridge	12-Nov-2020	PID: 017-449-995 Building a pool. Civic address: 6351 Hinton Road, Denman Island, BC.

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Waiting for additional information from applicant

Status Date: 25-Nov-2020

Under planner review



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.24	Ellen Frisch & Associates	18-Nov-2020	PID: 024-355-992 To update existing SUP. Civic address: 9000 Rayelyn Lane, Danman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 24-Feb-2021

Screening plan received, permit approved, file to PTA and LC for issuance and closure. BE notified.

Status Date: 12-Jan-2021

Under review and awaiting vegetative screening confirmation from applicant.

Status Date: 27-Nov-2020

File opened & assigned. Awaiting Etransfer.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 16-Nov-2020

Copy of modified covenant CA7481577 received.

Status Date: 08-Sep-2020

LTC approved request to modify 2(b) in Covenant CA7481577. LTC requested supporting documentation from applicant to build within covenant area of CA7485176; staff to bring back staff report for LTC consideration.

Status Date: 26-Aug-2020

Applicant submitted request to LTC regarding covenant CA7485176 requirements. Applicant correspondence to be added to Sept. 8 DE LTC meeting agenda.



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.1	Auchterlonie, Starsa & Thomas	05-Jan-2021	PID: 026-826-437 SFD & barn on ALR land. Civic address: 3940 Park Road, Denman Island, BC.
Planner: Stephen Baugh			
Planning Status			
Status Date: 08-Mar-2021 Permit approved. File to PTA for issuance and closure.			
Status Date: 13-Jan-2021 File opened & assigned.			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.2	Richardson, Heather	12-Jan-2021	PID: 004-359-518 Building shop/office/studio & septic system, replacing deck. Civic address: 9100 Reginald Drive, Denman Island, BC.
Planner: Ian Cox			
Planning Status			
Status Date: 26-Feb-2021 Permit approved. File to PTA and LC for issuance and closure.			
Status Date: 08-Feb-2021 Awaiting further info from applicant.			
Status Date: 28-Jan-2021 Under review.			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.3	Hansen, David & Susan	12-Jan-2021	PID: 003-805-891 New moved on house Civic address: 4051 Nixon Road, Denman Island, BC.
Planner: Stephen Baugh			
Planning Status			
Status Date: 20-Jan-2021 File opened & assigned.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.4	Eugene & Shirley Gamble	17-Feb-2021	PID: 005-299-161 Adding kitchen & den to house. Civic address: 5621 Lacon Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 26-Feb-2021

In review. DVP approval required before SUP issuance.

Status Date: 17-Feb-2021

Opening SUP file at same time as DVP. Combination fee is the same as the DVP, so no extra charge for the SUP.

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2020.2	Denman Community Land Trust Association (Harlene Holm)	30-Sep-2020	PID: 031-102-026 2 lot subdivision. Civic address: 3730 Denman Road, Denman Island, BC.

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Dec-2020

File reassigned.

Status Date: 09-Nov-2020

Referral report sent to MOTI.

Status Date: 02-Oct-2020

Application received. Planner reviewing.

Islands Trust
 LTC EXP SUMMARY REPORT F2021
 Invoices posted to Month ending January 2021

615 Denman	Invoices posted to Month ending January 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	289.00	230.58	58.42
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,906.00	2,028.19	1,877.81
65210-615	LTC - Local Exp - APC Meeting Expenses	405.00	283.05	121.95
65220-615	LTC - Local Exp - Communications	250.00	829.78	-579.78
65230-615	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,855.00</u>	<u>3,141.02</u>	<u>1,713.98</u>
Projects				
73001-615-4112	Denman Ferry Signage	1,000.00	0.00	1,000.00
TOTAL Project Expenses		<u>1,000.00</u>	<u>0.00</u>	<u>1,000.00</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	DE-2019-056 DE-2021-015	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.' This Standing Resolution will be reviewed in one year's time. *Amended by DE-2021-015
8.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing

			19th for background 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) BL 200 (Land Use Bylaw)</td><td>August 15, 2011</td><td>14</td><td>35</td></tr><tr><td>BL 204 (Land Use Bylaw)</td><td>September 24, 2013</td><td>1</td><td>34</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) BL 200 (Land Use Bylaw)	August 15, 2011	14	35	BL 204 (Land Use Bylaw)	September 24, 2013	1	34
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) BL 200 (Land Use Bylaw)	August 15, 2011	14	35																
BL 204 (Land Use Bylaw)	September 24, 2013	1	34																

				DE-TUP-2016.2	March 31, 2017	1	33
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Top Priorities Report

Denman Island

1. *Denman Island Farm Plan Implementation*

Responsible

Dates

Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)

Sonja Zupanec

2. *Denman LUB Review*

Responsible

Dates

Housing - review of secondary suites regulations - further opportunities to support housing options - limit on gross floor area of a dwelling (and/or use of floor area ratio to measure density) - amend Land Use Bylaw definition of "occasional" in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days/year regardless of who is staying there - review of travel trailer regulations Home occupations - Temporary Use Permits for Short Term Vacation Rentals in limited circumstances - Temporary Use Permits for home occupations (to be considered: retreats, camps and courses; seasonal mobile food and beverage operations; others) - Clarify visitor accommodation regulations regarding kitchen facilities and 45-day limit		Rec'd: 19-Jan-2021
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Projects Report

Denman Island

1. *Protected Area Network*

Responsible

Date Received

Undertake planning for a Protected Area Network on Denman Island

15-Mar-2011

2. *Alternative Energy*

Responsible

Date Received

Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems.
Monitor recommendation from Trust Council.

15-Aug-2011

3. *Dwelling Floor Area Regulation*

Responsible

Date Received

Consider regulations to limit the gross floor area of a dwelling

25-Oct-2011

4. *Climate Change*

Responsible

Date Received

Consider climate change adaptation and mitigation measures

25-Oct-2011

5. *Development Procedures Review*

Responsible

Date Received

Review and update Development Procedure Bylaw No. 71

11-Dec-2012

6. *Alternative Dispute Resolution*

Responsible

Date Received

To be considered as part of the enforcement tool kit, possibly in cooperation with the
Hornby Island Local Trust Committee

26-May-2015



Projects Report

Denman Island

7. *Denman Village Plan*

Responsible

Date Received

Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.

26-May-2015

8. *Travel trailers*

Responsible

Date Received

LUB amendments and enforcement policies regarding the use of travel trailers

07-Mar-2017

9. *Occasional use of accessory buildings*

Responsible

Date Received

Amend LUB definition of the term occasional in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days per year regardless of who is staying there

07-Mar-2017

10. *Greenshores Workshop*

Responsible

Date Received

01-May-2018

11. *Incorporate the Regional Conservation Plan into land use planning.*

Responsible

Date Received

To foster preservation and protection of the Denman Island Ecosystems (based on the Islands Trust Conservancy Report, dated July 17, 2018)

07-Aug-2018

Projects Report

Denman Island

12. *Facilitating affordable, attainable and seniors housing.*

Responsible

Date Received

Secondary suites review and consideration of further opportunities to support housing options. Consideration of DCLTA and Northern Housing Needs Assessment report recommendations.

20-Nov-2018

13. *Coastal Douglas-fir protection*

Responsible

Date Received

Implementation of the report, Protection of the Coastal Douglas-fir and Associated Ecosystems: An Island Trust Tool Kit (2018).

07-Feb-2019

14. *naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas*

Responsible

Date Received

Reference Staff Report dated November 7, 2019

07-Nov-2019

15. *Temporary Use Permits*

Responsible

Date Received

To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

09-Oct-2018

Dear Editor,

We are writing to clarify a few facts about local trust area bylaw enforcement. From a review of recent communications on this, there seems to be a lot of misunderstanding circulating and we believe we can help.

The Denman Island Local Trust Committee recognizes that, given the dual challenge of COVID-19 and a growing housing crisis, rental housing needs special protection at this time. Our response to these two complex and ever-evolving challenges includes two separate but related decisions to temporarily ease enforcement activity to help our community through each one.

First, a standing resolution was made pre-COVID (in June 2019) by your local trust committee in recognition of the housing crisis (see page 3, number 7 [here](#)). This standing resolution is temporary.

Second, in March 2020, an Islands Trust-wide decision was made not to pursue enforcement on unlawful or non-permitted dwellings that would result in tenants being evicted. We have kept to that policy through the public health emergency, and we have informed complainants, property owners, and – where possible – tenants, of this fact.

A few more facts:

- The Denman Island Local Trust Committee has never issued an eviction order
- In 2020 and (to date in) 2021, Islands Trust bylaw enforcement staff did not issue any demands or requests to vacate unlawful housing, nor any deadlines related to this
- Individual bylaw enforcement officers do not have discretion to initiate bylaw enforcement on their own (i.e., not directed by policy)
- There is no enforcement campaign aimed at people living in trailers
- There has been no proactive action or enforcement campaign aimed at housing

There is a possibility that some of the misunderstanding around this subject lay in confused identities of Islands Trust Area bylaw enforcement officers and Provincial Agricultural Land Commission (ALC) officers, but if this is the case of course we can only speak to our own actions and policies, as above.

Sincerely,

Trustees Laura Busheikin, Sue Ellen Fast, and David Critchley

January 21, 2021 – for immediate release

2021-02-IT

Islands Trust actively promotes regional collaboration

Lək̓ʷəŋən, METULIYE/Victoria, B.C. – Islands Trust Council has launched a new program to promote regional cooperation and collaboration in the Islands Trust Area, the region between the British Columbia Mainland and southern Vancouver Island. Through the new program, the Islands Trust is formalizing its commitment to provide administrative support to coordination groups comprised of First Nations, organizations and/or stakeholders that meet to share information and collaborate, or to determine, implement or carry out First Nation, regional district, improvement district, or government of British Columbia policies in the Trust Area.

The Islands Trust is mandated through the provincial Islands Trust Act to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” In response to a desire to more actively promote inter-jurisdictional relationship-building and dialogue, Trust Council has allocated budget and staff time to support the administrative needs of cooperation groups and has adopted a new [Secretariat Services policy](#).

“The Islands Trust Policy Statement, approved by the Minister of Municipal Affairs, describes that cooperative actions are required of other agencies, organizations, and individuals to ensure that activities in the Trust Area are carried out in a manner that is sensitive to the needs of Trust Area ecosystems and communities,” said Peter Luckham, Islands Trust Council Chair. “With the many challenges facing the region, it has never been more important to help people and governments come together regularly to coordinate their efforts to preserve and protect the Trust Area and to build the relationships needed to address the opportunities of the future.”

Quick Facts

Secretariat services includes professional services such as administrative support, meeting organization, meeting administration, public notices, recording and distribution of meeting notes or minutes, and website hosting and updating.

The Trust Programs Committee has approved secretariat support to the following coordination groups:

2020/21

- \$5,000 plus staff time and resources – Baynes Sound Lambert Channel Ecosystem Forum
- \$3,800 – to support the Howe Sound (Atl'ka7tsem) Community Forum
- \$3,000 – to start the Southern Gulf Islands Regional Forum
- \$800 – to support the Coastal Douglas-fir Conservation Partnership

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Bowen, Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, N. Pender, Salt Spring, Saturna, S. Pender, Thetis

2019/20

- \$2,900 – to support the Baynes Sound Lambert Channel Ecosystem Forum
- \$3,000 – to support the Howe Sound (Atl'ka7tsem) Community Forum and related task forces

2018/19

- \$6,000 plus staff time and resources – to start the Baynes Sound Lambert Channel Ecosystem Forum

- 30 -

The Islands Trust is a federation of special-purpose local government bodies representing 26,000 people living within the Islands Trust Area and another 10,000 non-resident property owners. The Islands Trust Area is located within Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. The Islands Trust is responsible for preserving and protecting the Islands Trust Area's unique environment and amenities by planning and regulating land use, development management, education, cooperation with other agencies, and land conservation. The area covers the islands and waters between the British Columbia mainland and southern Vancouver Island. It includes 13 major islands and more than 450 smaller islands covering 5,200 square kilometres.

Contact:

Peter Luckham, Chair, Islands Trust Council 250.210.2553

Russ Hotsenpiller, Chief Administrative Officer, Islands Trust, via Erin Coulson, A/Communications Specialist 250.405.5197



700 North Road, Gabriola Island, BC V0R 1X3

Telephone **250-247-2063** Fax 250-247-7514

Toll Free via Enquiry BC in Vancouver 604.660.2421 Elsewhere in BC **1.800.663.7867**

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

January 21, 2021

DE-6410-03

Province of British Columbia,
Attention: BC Clean Coast Waters Fund

Re: Support Letter for funding application to BC Clean Coast Waters (BCCCW) Fund

To Whom It May Concern,

The purpose of this letter is to offer our support for the Central Salish Sea Cleanup Group's (CSSCG) application for beach debris retrieval and management funding under the BC Clean Coast Clean Waters Fund. We understand CSSCG to be a collaborative partnership of Ocean Legacy, as lead applicant, and the Association of Denman Island Marine Stewards (ADIMS), representing our local Trust area, together with other groups active in various regions of the central Salish Sea.

We are aware that both Ocean Legacy and ADIMS have a long history of successfully organizing shoreline cleanups in collaboration with other Comox Valley shoreline cleanup groups.

In particular, we can confirm that our local Denman Island group, ADIMS, has worked diligently and effectively to organize and execute annual collaborative shoreline cleanups for the past 15 years. They have been stalwart and practical supporters of reducing microplastics and marine debris as well as being actively supportive of plastic and marine debris legislation and related initiatives. Their work for the preservation and protection of the marine environment has been exemplary. In addition to their cleanup works, the organization has regularly made submissions to both the Denman Island Local Trust Committee and the twenty-six member Trust Council to raise awareness of marine debris issues and to encourage action.

The waters of Baynes Sound and Lambert Channel are particularly rich in biodiversity and have significant economic importance with regard to the herring fishery, shellfish aquaculture and tourism. Unfortunately, we continue to see large quantities of plastic debris, especially from shellfish operations, despite the best efforts of community volunteers.

The legislated mandate of the Islands Trust is to preserve and protect the environment and unique amenities of the Trust Area in cooperation with others, see attached. This mandate includes not just the land but also the waters of much of the Salish Sea. The funding of this application would be highly consistent with the mandate of the Islands Trust and therefore we strongly support it.

Please don't hesitate to contact us should clarification or elaboration about any aspect of this letter of support be required.

Sincerely,

Sue Ellen Fast,
Chair, Denman Island Local Trust Committee

cc: Denman Island Local Trust Committee

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