



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: June 4, 2024
Time: 10:00 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

- | | | |
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| 1. CALL TO ORDER | 10:00 AM - 10:05 AM | |
| <p>"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."</p> | | |
| 2. APPROVAL OF AGENDA | | |
| 3. REPORTS | 10:05 AM - 10:25 AM | |
| 3.1 | Trustee Reports | |
| 3.2 | Chair's Report | |
| 3.3 | Electoral Area Director's Report | |
| 4. PUBLIC COMMENTS | 10:25 AM - 10:45 AM | |
| 5. DELEGATIONS - none | | |
| 6. MINUTES | 10:45 AM - 10:50 AM | |
| 6.1 | Local Trust Committee Special Minutes dated February 20, 2024 - for adoption | 4 - 11 |
| 6.2 | Local Trust Committee Minutes dated April 9, 2024 - for adoption | 12 - 19 |
| 6.3 | Local Trust Committee Special Meeting Minutes dated May 7, 2024 - for adoption | 20 - 22 |
| 6.4 | Section 26 Resolutions-Without-Meeting Report - none | |
| 6.5 | Advisory Planning Commission Minutes - none | |
| 7. BUSINESS ARISING FROM MINUTES | 10:50 AM - 11:05 AM | |
| 7.1 | Follow-up Action List dated May 24, 2024 | 23 - 28 |
| 8. APPLICATIONS AND REFERRALS | 11:05 AM - 11:50 AM | |

8.1	DE-RZ-2024.1 - Triple Rock Land Cooperative - Staff Report	29 - 62
8.2	DE-RZ-2023.1 - Komas Ranch Ltd. - Staff Report	63 - 121
9.	LOCAL TRUST COMMITTEE PROJECTS	11:50 AM - 11:55 AM
9.1	Minor Project - Housing Related Temporary Use Permit Review- verbal update	
10.	CORRESPONDENCE - none	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.	NEW BUSINESS	11:55 AM - 12:05 PM
11.1	Annual Reporting Excerpt for Denman Local Trust Area - Memorandum	122 - 124
~ BREAK 12:05 PM - 12:35 PM ~		
12.	STAFF REPORTS	12:35 PM - 1:30 PM
12.1	Bylaw Compliance and Enforcement Policy - Staff Report	125 - 136
12.2	Trust Conservancy Report March, 2024	137 - 138
12.3	Trust Conservancy The Heron - Spring Edition	139 - 142
12.4	Applications Report dated May 24, 2024	143 - 146
12.5	Trustee and Local Expense Report dated March, 2024	147 - 147
12.6	Adopted Policies and Standing Resolutions	148 - 153
12.7	First Nations Relationship Building Update	
12.8	Local Trust Committee Webpage	
13.	WORK PROGRAM	1:30 PM - 1:45 PM
13.1	Active Projects Report dated May 24, 2024	154 - 154
13.2	Future Projects Report dated May 24, 2024	155 - 156
14.	UPCOMING MEETINGS	
14.1	Next Regular Meeting Scheduled for Tuesday, August 13, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
15.	CLOSED MEETING	

15.1 Motion to Close the Meeting

1:45 PM - 3:15 PM

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(2)(b)&(f) for the purpose of considering:

- (b)the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- (f)law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (k)negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

and that the Recorder and Staff attend the meeting.

15.2 Recall to Order

16. **ADJOURNMENT**

3:15 PM - 3:15 PM



Denman Island Local Trust Committee

Minutes of Special Meeting

Date: February 20, 2024

Location: Electronic Meeting

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

Staff Present: Narissa Chadwick, Island Planner
Vicky Bockman, Recorder

Others Present: There were approximately two (2) members of the public in attendance.

1. CALL TO ORDER

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

Chair Maude called the meeting to order at 2:00 pm. He welcomed the public; introduced himself, Local Trustees, staff and recorder; and acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

He explained that the purpose of this meeting is to review and discuss the staff review of the Housing Advisory Planning Commission (HAPC) Housing Report and is anticipated to be primarily an information gathering session for Trustees. He noted that there will be opportunity for public input during a future in-person meeting on Denman Island.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Denman Island Housing Review Project - Housing Options Based on Review of Denman Housing Advisory Planning Commission - Staff Report

Planner Chadwick commented that the purpose of this Staff Report is to present recommendations, options, and an opportunity for the Local Trust Committee (LTC) to discuss next steps.

Other points in the overview of the Staff Report included the following.

- There is an option to include an online public engagement process for this project through the “Plan Your Cowichan” website, which has been created by the Cowichan Valley Regional District to extend support for local governments including Denman and Hornby Islands. The site would be accessed through a link to its page within the Islands Trust website should next steps include participation in this service.
- The use of the Suitable Land Analysis mapping tool was suggested to provide information on where additional housing may be best located and areas that may be less appropriate. An information session for the LTC to review the tool was suggested.
- The primary emphasis of this project is land use-focused amendments that can be made to the Official Community Plan (OCP) and Land Use Bylaw (LUB). All options in the HAPC report supported by the LTC including affordability measures, education and engagement, and advocacy that are not considered land use options can be captured in a Housing Action Plan for consideration separately from this project.
- Attachment 4: Draft Islands Trust Housing Strategic Action Plan was distributed electronically to LTC members.

Staff and Trustees reviewed the attachments provided in the Staff Report with the following comments noted.

Table 1: Increase Opportunities for Primary Dwellings, Secondary Suites and Accessory Dwelling Units (ADUs)

HAPC No.	HAPC Recommended Actions	LTC Comments
HAPC 1	Legalize all existing housing	Legal non-conforming status comment needs to be expanded for clarity. This recommendation would have to be site-specific
HAPC 2	Permit dwelling units in all zones except for conservation, park, R4 and water zones	Supported
HAPC 3	Consistency with Agricultural Land Commission regulations	With a slight difference in cumulative footprint of all dwellings. Supported
HAPC 4	Permit secondary suites in all zones where dwellings are permitted	Supported
HAPC 5	Permit alternative types of accessory dwelling units (ADUs) in all zones where housing is permitted (e.g. yurts, RVs, tiny homes)	Defining an ADU is not necessary. They are all accessory dwelling units from a land use perspective. Supported with requirement for servicing by appropriate water or

		waste disposal service.
HAPC 6	Permit accessory dwelling units in all zones where residential use is permitted	Supported with number and size of dwellings proportional to the size of the lot
HAPC 7	Allow room rentals with a number of requirements	This is currently allowed. No change to room rental requirement
HAPC 8	Remove the temporary use permit (TUP) requirement for ADUs	Supported
HAPC 9	Eliminate Density Bank	Supported
HAPC 10	Restrict Vacation Rentals to home-based guest accommodation contained in the primary dwelling unit	Report from Bylaw Compliance on this issue is forthcoming. Consider decision after receipt of analysis

<u>STAFF No.</u>	<u>Staff-identified Options</u>	<u>LTC Comments</u>
STAFF 1	Permit subdivision in all land use designation where dwellings are permitted if land is being donated to a not-for-profit or government agency providing affordable housing	Supported on a case-by-case basis
STAFF 2	Permit a reduction of minimum parcel size in some designations to facilitate donation of land for affordable housing	Supported
STAFF 3	Allow subdivision only if a portion of land is being donated for affordable housing	Supported. This downzoning approach encourages more market and affordable housing
STAFF 4	Require workforce housing as a condition of rezonings for commercial/institutions and industrial purposes	Limited interest in this option, given Denman Island context
STAFF 5	Include policies related to ALR exclusion to support affordable housing options	Review OCP policies. Does current language capture this?

Table 2: Increase Opportunities for Multi-Tenant and Multi-Land-Ownership Affordable Housing Projects

HAPC No.	HAPC Recommended Actions	LTC Comments
HAPC 11	Expediting approvals for multi-tenant housing	Support for action through OCP policies rather than pre-zoning
HAPC 12	Medium-Density Multi-Family Zone	Action not recommended at this time.
HAPC 13	Home-Based Assisted Living Zone	Ensure OCP policies support this type of development
HAPC 14	Pre-zone for Tiny Home Village	Ensure OCP policies support this type of development
HAPC 15	Create an Eco-Zone	Flexibility in definition of ADU keeps this a possible option

STAFF No.	Staff Identified Options	LTC Comments
STAFF 6	Allow variations in housing that support use of shared facilities	Supported
STAFF 7	Review zoning of properties that are currently zoned for multiple dwellings	Supported

Table 3: Minimize the Environmental Impact on Land

HAPC No.	HAPC Recommended Actions	LTC Comments
HAPC 16	Implement maximum combined floor area for dwellings	Supported with attention given to lot coverage detail
HAPC 17	Properties with an existing primary dwelling built before this bylaw should be allowed an ADU with a maximum floor area	Generally supported. Staff requested to provide suggestion based on Siting and Use Permit information or other island examples
HAPC 18	Cistern requirements for new builds and additional housing	Supported
HAPC 19	Encourage re/use of existing buildings, and alternative forms of housing	Related to education and advocacy which might be a Trust-wide initiative. Add to Housing Action Plan
HAPC 20	Encourage the use of natural building materials and “off-grid” systems	Difficult to administer. Related to education and advocacy. Add to Housing Action Plan
HAPC 21	Encourage and promote conservation focused innovation	Supported

	in new affordable housing	
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STAFF No.	Staff Identified Options	LTC Comments
STAFF 8	Update potable water requirements for subdivision	Generally supported. Staff requested to review
STAFF 9	Establish floor area lot coverage maximums where appropriate	Supported. Include impervious surfaces as well as structures
STAFF 10	Prohibit groundwater fed swimming pools	Staff requested to review with creative solutions possible

Table 4: Implementing Affordability Measures

HAPC No.	HAPC Recommended Actions	LTC Comments
HAPC 22	Use a “density bonus” approach to allow additional units on single privately owned lots in exchange for those units being rented at affordable rates	Ensuring and enforcing affordability of units is difficult other than through property owner housing agreements which require unavailable staff and time to administer. Staff recognized that currently the only way to ensure affordability is through the “purpose-built” approach through not-for-profit providers with housing agreements, and suggested that work can be done to support this approach.

Table 5: Other Related OCP and LUB Changes

HAPC No.	HAPC Recommended Actions	LTC Comments
HAPC 23	Update and Amend the OCP and LUB	Supported
HAPC 24	Changing references to “the Village” to “Downtown Denman”	Supported
HAPC 25	Preserve and enhance public walkways and cycle paths	Advocacy related. Add to Housing Action Plan

Staff No.	Staff Identified Options	LTC Comments
STAFF 11	Update policies that are outdated	Supported
STAFF 12	Revisit site-specific exemptions in light of potential changes to secondary dwelling policy	Supported

STAFF 13	Review definitions to ensure consistency with OCP and LUB update	Supported
STAFF 14	Revise OCP and LUB format to support readability	No need to consider at this time

Table 6: Bylaw Enforcement

<u>HAPC No.</u>	<u>HAPC Recommended Action</u>	<u>LTC Comments</u>
HAPC 26-33	Various bylaw enforcement recommendations involving site visit requirements, training, complaint process, decisions to be made by Denman Islanders	Current focus is land use amendments. Review of bylaw enforcement policies is currently being undertaken. Could be an opportunity for broader Trust-level involvement with educational engagement

Table 7: Education and Engagement

<u>HAPC No.</u>	<u>HAPC Recommended Action</u>	<u>LTC Comments</u>
HAPC 34-37	Various education actions to encourage affordable housing, cost-efficient building methods, government incentives and subsidies for housing, encourage natural building materials and off-grid systems	There are opportunities here for Trust-wide and Comox Valley Regional District (CVRD) education activities.

<u>Staff No.</u>	<u>Staff Identified Options</u>	<u>LTC Comments</u>
STAFF 15	Set up bi-annual meeting with Comox Valley Regional District related to housing	Supported in general.

Table 8: Advocacy

<u>HAPC No.</u>	<u>HAPC Recommended Actions</u>	<u>LTC Comments</u>
HAPC 38-49, 52	Various directed to Islands Trust, CVRD, Province	Advocacy is out of scope for the Housing Review project. Some of these suggestions are included in the Islands

		Trust Housing Strategic Action Plan and can be considered on Trust-wide basis
HAPC 50	Advocating to Island Health to find ways to legalize composting toilets and outhouses	When designing zones, include text to permit use of systems with grey water and composting toilets
HAPC 51	Advocate to Island Health to find ways to legalize greywater systems without requiring a septic system	

Trustees discussed possible next steps in the project with the following noted:

- Prior to drafting bylaw amendments, staff will provide a Staff Report with a summary of options supported by the LTC in a Housing Action Plan along with identifications of actions that might benefit from additional analysis.
- Addressing the more straightforward amendments separately from those that might benefit from more analysis and engagement would be possible through the creation of a part one and part two approach should the LTC prefer that strategy.
- The recent Open House was well attended and served to acquaint the community with the HAPC's report and recommendations. LTC members recommended additional community engagement be held after the draft bylaws have received first reading.
- Entering into the "Plan Your Cowichan" engagement website was not considered to be a necessary initiative at this time.
- Review of the Suitable Land Analysis Mapping tool to familiarize Trustees with its functions was supported.

DE-2024-021

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to develop an action plan to inform draft bylaws regarding the Housing Review.

CARRIED

DE-2024-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to begin drafting bylaws relating to options identified in the February 20, 2024 Special Meeting Staff Report.

CARRIED

DE-2024-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a special meeting to review the Suitable Land Analysis Mapping tool.

CARRIED

A Trustee recognized that the Suitable Land Analysis Mapping tool is an option with applications that may be useful for some developments; and noted that the Local Trust Committee can use, or not use, the tool at its discretion.

A Trustee spoke to the issue of First Nations Engagement, expressing a concern that it is important that consultation on this Housing Review project be separated from all other First Nation engagements; an application will be coming forward which will likely involve a cost-recovery agreement. Planner Chadwick will advise staff working on First Nation engagement activities of this concern.

4. ADJOURNMENT

By general consent the meeting was adjourned at 4:06 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: April 9, 2024
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Narissa Chadwick, Island Planner (attended electronically)
 William Shulba, Senior Freshwater Specialist (attended electronically)
 Marlis McCargar, Island Planner
 Vicky Bockman, Recorder

Others Present: There were approximately three (3) members of the public in attendance.

1. CALL TO ORDER

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

Chair Maude called the meeting to order at 10:00 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He welcomed the public and introduced himself, Local Trustees, Staff and Recorder.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. REPORTS

3.1 Trustee Reports

Trustee Graham reported that the Islands Trust 2024/25 budget was approved at Trust Council last month after much discussion and work to keep the impact on constituents as low as possible.

Trustee Borthwick reported on the following:

- He also attended the Trust Council meeting last month and noted that there were some good components achieved in the approved budget.

- He advised that the Ferry Advisory Committee has been suspended since last year by BC Ferries and, as the Trustee sitting on the Committee, he is frustrated that there is no forum to discuss the community's concerns and rising negative impacts related to ferry travel.

3.2 Chair's Report

Chair Maude reported on the following:

- He noted that the Islands Trust 2024/25 budget was approved after much discussion with a 5.9% increase in taxation which he considered reasonable especially in comparison with other local governments and given rising costs.
- He is involved with the committee working to hire a new Chief Administrative Officer; progress is being made.
- He has had meetings with government officials regarding the proposed National Marine Reserve which Parks Canada has been working on establishing. Public consultation will be conducted and while the Reserve may not extend as far as Denman Island, there may be impacts.

3.3 Electoral Area Director's Report – none.

4. PUBLIC COMMENTS

- Last spring it was reported that the Federal government was offering a housing grant and that while the application deadline might be difficult to meet this year, it might be approached next year more successfully. What is the status of this opportunity?
 - An application was made to Canada Housing and Mortgage Corporation for the housing grant; however, it was not successful. Additional funding opportunities through that program have not been identified at this time.
- Objection was made to adding additional items to the Housing Review project at this point in the process. The Suitable Land Analysis, Water Availability Assessment and a Housing Action Plan were not supported as a part of this project, are out of scope, and would cause delay in the Housing Review.
- The total of residential densities remaining in the Density Bank reported in Standing Resolution DE-2020-022 are incorrect. When will this be corrected?
 - The total is correctly reported in Standing Resolution DE-2023-073; the original Standing Resolutions was not amended, but a new Standing Resolution was added with the correct information.
- What is the status of the Bylaw Enforcement Notification bylaw changes made last year?
 - The changes, limited to environmental concerns, Short-Term Vacation Rentals and Siting and Use infractions were approved by Executive Committee.
- Can Trustees explain why Denman residents were surprised by a Bylaw Officer on January 30th without notice? And what recourse is available to community members if the Bylaw Compliance and Enforcement rules are not followed?

- A Trustee responded that his initial understanding is that a complaint was received about machinery cutting trees in the lake area and that the Officer was attempting to discover on which property it occurred. Community members may speak to Local Trustees or to make an administrative fairness complaint regarding staff contact the CAO.
- Is a secondary suite considered a home-based guest accommodation or Short-Term Vacation Rental?
 - Secondary Suites are permitted in certain zones and information on regulations can be found in the Land Use Bylaw or by speaking to a Planner. There are specific regulations regarding home-based guest accommodations. For example, must be contained within a principal dwelling unit, limit on number of bedrooms and beds, length of stay, etc.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated February 13, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of February 13, 2024 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated April 2, 2024

A Trustee requested an update on the status of the February 13, 2024 activity regarding coordination of an introduction meeting between the Local Trust Committee (LTC) and K'ómoks First Nation Chief and Council. Planner McCargar will follow up on this inquiry with Regional Planning Manager Jamurat, who is tasked with organizing the meeting.

7.2 Groundwater - Memorandum

Senior Freshwater Specialist Shulba presented the Memorandum that responded to a LTC request for the status of the Freshwater Sustainability Strategy (FWSS) with regards to the Denman Island Local Trust Area.

- He provided background on the development of the FWSS and related projects, identified focused work on Denman Island groundwater conditions (1970's) and water allocation (1994), and the Islands Trust Area Groundwater Recharge Potential Mapping project (2021).
- The project reports data will be available in the Islands Trust Freshwater Atlas.
- There are no planned Freshwater Sustainability Strategy projects specifically for Denman Island at this time.

- In fiscal year 2024/25 the Islands Trust Area Water Balance project will commence with Gabriola Island as the case study island which will help determine next steps and methodology.

Trustees continued the discussion with response from Senior Freshwater Specialist Shulba with the following noted:

- Water is of great importance to the Denman Island community and was a source of concern during the recent Farming Regulations Review.
- Trustees acknowledged the significant local knowledge of water on the island and asked how can that knowledge or existing mapping be utilized or how interfacing with the project can occur. Is there a simple methodology that could be shared with community groups to facilitate them being able to collect and report information in a useful way?
 - The next step would be for the Islands Trust to undertake a tailor-made Water Balance Assessment for Denman Island. A Water Balance Assessment could be funded before the LTC term concludes and would include consultation with the community. PDF maps of different projects that have been done on Denman Island can be requested.
- A Trustee noted that residents can contribute knowledge of their water usage, and community input on water issues can help inform LTC decisions.
- Observing the outcome and costs of the Gabriola Island Water Balance case study was considered as a next step to inform whether to advance a Denman Island Water Balance Assessment funding request.

8. APPLICATIONS AND REFERRALS - none

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Denman Housing Advisory Planning Commission Reporting - verbal update

There was no verbal update provided.

9.2 Major Project: Denman Housing Review Project - Staff Report

Planner Chadwick reported that staff is recommending the LTC schedule a Special Meeting in May to review next steps for the Housing Review project. She anticipated the focus would include discussion of a draft Housing Action Plan and consideration of options from the Housing Advisory Planning Commission's work and the February 20th LTC Special Meeting to inform the drafting of related bylaws.

Discussion included the following key points:

- A Special Meeting was supported with an expedited timeline requested.
- Some aspects of the proposed project amendments might be considered as a minor project, a process that would advance a piece of the work ahead of the major project.

DE-2024-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Special Meeting as soon as possible via Zoom to review a draft Denman Island Housing Action Plan and process options related to the drafting of bylaws to support the Denman Island Housing Review project. **CARRIED**

- Funding for the next phase of the project has been approved.
- Engagement with K'ómoks First Nation has begun on a staff-to-staff basis. The Suitable Land Analysis tool would help inform protection of their cultural heritage sites.
- Trustees expressed frustration that their repeated request for an introductory meeting with K'ómoks First Nation, a community that is important to this process, has not moved forward. Staff will bring this issue to the attention of Regional Planning Manager Jamurat.

9.3 Local Trust Committee Project Prioritization - Staff Report

Planner McCargar summarized the Staff Report that asks the LTC to consider selection of a minor project for the 2024/25 fiscal year as the Farming Regulations Review project is in the final stages of completion. She outlined potential projects and provided rationale for recommending that review of the Temporary Use Permit regulations related to secondary dwelling units be identified as the minor project priority for the upcoming fiscal year.

DE-2024-025

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to remove the requirement for a Temporary Use Permit in Section 5, Area 2 of the Land Use Bylaw and in any Official Community Plan references. **CARRIED**

Trustees expressed their hope that this work can be expedited, given the limited scope and previously identified community support for removal of this requirement.

By general consent the meeting recessed at 11:55 am and reconvened at 12:15 pm.

10. CORRESPONDENCE

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

10.1 Email dated March 25 from H. Holm regarding Cross-Island Traffic

LTC members discussed options to continue to seek a solution to the cross-island traffic concerns on Denman Island. They acknowledged that Trust Council does not generally advocate for specific island issues and, as BC Ferries has not been responsive to the concerns and plans to increase capacity, they considered that advocating at a provincial Ministerial level might prove the most effective. Trustees offered to discuss this strategy with Hornby Island Trustees who might consider initiation of the correspondence with the Minister to demonstrate the extent of concerns, with invitation to the islands as an option. Trustees appreciated the email from H. Holm and will respond.

11. NEW BUSINESS

11.1 Intent for C2C Funding Application - verbal update

Staff reported that the previously discussed C2C funding application is not proceeding at this time as the deadline did not allow sufficient time to align the proposed activities with the program objectives; if there is another funding opportunity the LTC will be advised with more time to prepare.

12. STAFF REPORTS

12.1 Short-Term Vacation Rental Enforcement Policy Update - Staff Report

LTC members supported the recommended Staff Report resolutions, noting that the action combines three adopted Standing Resolutions into one policy and provides a distinction between Short-Term Vacation Rentals and home-based guest accommodation uses for clarity.

DE-2024-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind Standing Resolutions DE-2018-056, DE-2018-100, and DE-IC-2021.007.

CARRIED

DE-2024-027

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the following policy as a Standing Resolution:

That the Denman Island Local Trust Committee direct staff to use the following policy in dealing with unlawful Short-Term Vacation Rentals (STVRs), or other forms of commercial vacation rentals:

1. There will be proactive monitoring, investigation, and reporting to the Local Trust Committee regarding Short-Term Vacation Rentals on Denman Island.

2. Bylaw Officers will prioritize the investigation of Short-Term Vacation Rentals in the following manner:
 - a) There are issues related to health and safety on the property;
 - b) There are written complaints regarding nuisance issues such as noise or parking congestion related to Short-Term Vacation Rental operation;
 - c) There are operations by persons who have not established a residential use on the same property as the Short-Term Vacation Rentals; and
 - d) Accessory buildings or structures are being used as part of a Short-Term Vacation Rental operation.
3. It is understood that home-based guest accommodation home occupations complying with section 2.4 of the Denman Island Land Use Bylaw No. 186 are not interpreted to be Short-Term Vacation Rentals, or commercial vacation rentals, and that those home-based guest accommodations may be operated year around.

CARRIED

Following up on earlier discussion, the LTC requested additional information as follows.

DE-2024-028

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request a written staff report regarding Bylaw Compliance and Enforcement staff visits on Denman Island on January 30, 2024 that is appropriate for public contemplation.

CARRIED

12.2 Trust Conservancy Report - none

12.3 Applications Report dated April 2, 2024

A Trustee requested a status report on DE-SUP-2022.2 given the length of time this file has been open. Planner McCargar will ask the Planner responsible for the file to follow-up on this request.

12.4 Trustee and Local Expense Report dated February, 2024

Received for information.

12.5 Adopted Policies and Standing Resolutions

Trustees acknowledge the need for clarity with Density Bank updated densities and suggested that a comment be added to Standing Resolution DE-2020-022 such as "see updated resolution DE-2023-073."

12.6 First Nations Relationship Building Update – none.

12.7 Local Trust Committee Webpage

There were no changes or additions requested.

13. WORK PROGRAM

13.1 Active Projects Report dated April 2, 2024

Planner McCargar will update the report based on the decision from this meeting to advance the Housing-Related Temporary Use Permit Review as a minor project.

13.2 Future Projects Report dated April 2, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, June 4, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

15. ADJOURNMENT

By general consent, the meeting was adjourned at 12:45 p.m.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee

Minutes of Special Meeting

Date: May 7, 2024
Location: Electronic Meeting

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

Staff Present: Renée Jamurat, Regional Planning Manager
 Marlis McCargar, Island Planner
 Lisa Millard, Meeting Administrator / Recorder

Others Present: There was 1 member of the public in attendance.

1. CALL TO ORDER

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

Chair Maude called the meeting to order at 2:00 pm. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

A Town Hall was added to the agenda as Item 3 and subsequent agenda items were renumbered.

By general consent the agenda was approved as amended.

3. TOWN HALL

No members of the public spoke during the Town Hall.

4. BUSINESS ITEMS

4.1 Bylaw Nos. 228 (OCP) and 229 (LUB) Adoption - Staff Report

Planner McCargar stated that the bylaws have proceeded through public hearing, third reading, Executive Committee approval, and approval from the Minister of Municipal Affairs, and that the next step is for the Local Trust Committee to grant final adoption.

DE-2024-29

It was MOVED and SECONDED

that the Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018”, be adopted.

CARRIED

DE-2024-30

It was MOVED and SECONDED

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

CARRIED

3.2 Major Project: Denman Housing Review Project - Review of Process Options - Staff Report

Planner Chadwick noted the following:

- The revised project charter and action plan reflect previous direction from the Local Trust Committee; and
- Staff have proposed a process to help move the project forward with consideration of fair and respectful engagement with the K’ómoks First Nation and have identified areas where a more detailed engagement process might be required, as well as areas that will require limited analysis.

Planner McCargar summarized the Housing Project Temporary Use Permit Review aspect of the project charter and noted that there will be a community information meeting followed by a public hearing on the same day.

Discussion ensued and Trustees confirmed that the amendment to remove the Temporary Use Permit was supported by the community. They also noted that this will result in the removal of the density bank; however, the reasons that the bank was created in the first place are no longer relevant to community discussions and concerns.

Planner Chadwick, then, reviewed the revised project charter for the Housing Review project and the Trustees commented as follows:

- They are not interested in densities being applied to parkland;
- They do not think there is interest in allowing housing on properties zoned institutional;
- They can look at legalizing housing on a site specific basis;
- If they are going to allow alternative dwelling units on residential lots it is important to capture the properties that have already been providing housing;
- If a land owner has been supplying housing and they get missed in the changes there should be opportunity for them to request the Local Trust Committee to create a site specific zone;

- An agricultural land reserve exclusion would require a Local Trust Committee decision and there is opportunity to create guidelines around that;
- Subdivision and reduction of parcel size are not a direction they want to go;
- They would not necessarily agree to facilitating a land donation for the development of affordable housing;
- Remove the reduction of parcel size aspect and permit subdivision in exchange for donation of land;
- Remove the suggestion to only allow subdivision if the land is donated;
- It is important to let the K'ómoks Nation know that the Local Trust Committee will not be considering changes that would negatively impact the environment;
- Tiny homes on wheels can be looked at in more detail; and
- They want to maintain the siting and use permitting tool.

DE-2024-031

It was MOVED and SECONDED

that the Denman Island Local Trust Committee endorse the Project Charter, dated May 7, 2024 for the Housing Related Temporary Use Permit Review Project as a minor project.

CARRIED

DE-2024-032

It was MOVED and SECONDED

that the Denman Island Local Trust Committee endorse the Denman Island Housing Action Plan As amended and as shown in Attachment 5 of this staff report dated May 7, 2024.

CARRIED

DE-2024-033

It was MOVED and SECONDED

that the Denman Island Local Trust Committee endorse the revised project charter for Phase 2 of Stage 2 of the Denman Island Housing Review Project based on the process recommended in the May 7, 2024 staff report.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:18 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder

Follow Up Action Report

Denman Island

25-Jul-2023

Activity	Responsibility	Dates	Status
1 Actions for the Major Project - Denman Island Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference): 1. Staff to post Project Charter to project website, re: Denman Island Housing Review Project. - <i>complete</i>. 2. Staff note the endorsed amended project charter for the Denman Island Housing Review Project Stage 2, Phase 1 and 2. - <i>complete</i>. 3. Staff note the endorsed amended business case for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3. - <i>complete</i>. 4. Staff note the endorsed amended Terms of Reference for the Housing Advisory Planning Commission (HAPC). - <i>complete</i>. 5. Staff note the endorsed amended Engagement Plan for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3. 6. Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island's Housing Review Project. - <i>FN has requested an overall update for all projects from IT and included sharing information on the project. Date to be scheduled</i>. 7. Lead Planner to request the Regional Planning Committee submit a business case to Trust Council regarding water availability assessment and prioritize Denman Island in fiscal 2024/25. 8. Staff to schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.	Chloe Straw Narissa Chadwick Wil Cottingham		In Progress

Follow Up Action Report

Denman Island

14-Nov-2023

Activity	Responsibility	Dates	Status
1 RPM to advise LTC on options to update or rescind Standing Resolution #6 First Nations Reconciliation, February 7, 2019, based on current approaches to reconciliation actions; confirm with TAS. <i>*December 4, 2023: RPM advises to keep current Standing Resolution unchanged until update provided from TAS Director Frater. Director Frater to advise and update based on discussion and direction needed through Trust Council.</i>	Clare Frater Renee Jamurat		In Progress
2 DE LTC requests regular reporting from the Bylaw Compliance & Enforcement Manager so that the Local Trust Committee can review and prioritize enforcement and enforcement resources, where there is a completed investigation. <i>This is an ongoing requirement and the LTC will see regular reporting from BE.</i>	Warren Dingman	Target: 17-Nov-2023	In Progress

13-Feb-2024

Activity	Responsibility	Dates	Status
1 Request staff prepare a report regarding the current policies for screening officer appointments, powers, duties and procedures. <i>Report anticipated for June 4 agenda</i>	Warren Dingman		Completed

20-Feb-2024

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

20-Feb-2024

Activity	Responsibility	Dates	Status
1 Complete suitable land analysis draft. Schedule meeting with Trustees RE: suitable land analysis. <i>Special Meeting held on May 7</i>	Narissa Chadwick Wil Cottingham	Target: 15-Apr-2024	Completed
2 - Draft Housing Action Plan - Draft Bylaw language for review	Narissa Chadwick		In Progress

09-Apr-2024

Activity	Responsibility	Dates	Status
1 Schedule a special meeting ASAP (late April/early May) via zoom to review items related to the Denman Islands Housing Review Project. <i>Meeting scheduled for May 7</i>	Lisa Millard Narissa Chadwick		Completed
2 Add Housing Related TUP Review Project to the project list as a minor project with top priority. Develop Project Charter ASAP and begin the process to remove the requirement for a TUP in section 5, Area 2 of the LUB and in any OCP references.	Marlis McCargar		Completed
3 Chair Maude to send an email to Chair of Hornby Island LTC to gauge interest in having a joint meeting with Minister regarding ferry and road issues. Trustee Borthwick to respond to correspondence from H. Holme regarding issues.	Marlis McCargar		Completed

Follow Up Action Report

Denman Island

09-Apr-2024

Activity	Responsibility	Dates	Status
4 Update Standing Resolutions No. 8 Re. Density Bank. Add "see updated resolution" to reduce confusion.	Marlis McCargar		Completed

Follow Up Action Report

Denman Island

09-Apr-2024

Activity	Responsibility	Dates	Status
5 1. That the Denman Island Local Trust Committee rescind standing resolutions DE-2018-056, DE-2018-100, and DE-IC-2021.007. 2. That the Denman Island Local Trust Committee adopt the following policy as a standing resolution: That the Denman Island Local Trust Committee direct staff to use the following policy in dealing with unlawful short-term vacation rentals (STVRs), or other forms of commercial vacation rentals: ·There will be proactive monitoring, investigation, and reporting to the Local Trust Committee regarding STVRs on Denman Island. Bylaw Officers will prioritize the investigation of STVRs in the following manner: ·there are issues related to health and safety on the property; ·there are written complaints regarding nuisance issues such as noise or parking congestion related to STVR operation; ·there are operations by persons who have not established a residential use on the same property as the STVRs; and ·accessory buildings or structures are being used as part of an STVR operation. 3. It is understood that home-based guest accommodation home occupations complying with section 2.4 of the Denman Island Land Use Bylaw No. 186 are not interpreted to be short-term vacation rentals, or commercial vacation rentals, and that those home-based guest accommodations may be operated year round.	Warren Dingman		In Progress

Follow Up Action Report

Denman Island

09-Apr-2024

Activity	Responsibility	Dates	Status
6 A report (for public consumption) is requested from Manager of Bylaws regarding the January 30 2024 incident where bylaw staff violated the 24-hour notice requirement for a site visit.	Warren Dingman	Target: 04-Jun-2024	Completed

07-May-2024

Activity	Responsibility	Dates	Status
1 Bylaw 228 and 229 adopted. Staff to consolidate and update the OCP and LUB to reflect the policy and regulatory changes.	Marlis McCargar Nadine Mourao		In Progress



File No.: DE-RZ-2024.1 (Triple Rock
Land Cooperative)

DATE OF MEETING: June 4, 2024

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: Application to amend the OCP and LUB to allow for additional density
Applicant: Laura Busheikin on behalf of Triple Rock Land Cooperative
Location: 5201 Denman Road, Denman Island
PID 028-101-677

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008 to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456.
2. That the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit the following to the Local Trust Committee prior to Second Reading being considered:
 - a) Confirmation from a qualified professional that the subject property has adequate conditions to support wastewater systems, compliant with the BC Sewerage System Regulation under the *Health Act* for the proposed increase in density; and
 - b) A Water Management Plan to address:
 - i. minimum onsite storage capacity for potable water; and
 - ii. treatment, maintenance plan and delivery system for potable water;
 - c) A Fire Suppression Plan to address:
 - i. water needs and types of storage being considered; and
 - ii. emergency considerations should temporary water demand be greater than designed storage or well capacity.
3. That the Denman Island Local Trust Committee request the applicant for DE-RZ-2021.1 (Triple Rock Land Cooperative) enter into a cost recovery agreement with the Islands Trust for the purposes of drafting an amended housing agreement.
4. That the Denman Island Local Trust Committee request staff to send an early referral of DE-RZ-2024.1 (Triple Rock Land Cooperative) to the Denman Island Fire Department and Islands Trust Freshwater Specialist for comment.

REPORT SUMMARY

The staff report provides the Denman Island Local Trust Committee (LTC) with a preliminary overview of the proposal; identifies land use planning issues associated with the application; and seeks direction from the LTC on next steps.

This application proposes amendments to the Denman Island [Land Use Bylaw](#) (LUB) to increase the number of units on the subject property by four and permit secondary suites in all units. The current zoning allows 15 dwelling units on the subject property and with this amendment request, the applicant is asking for a total of 19 units and up to a maximum of 19 secondary suites permitted in all dwellings. In addition, the applicant is proposing to increase the maximum gross floor area of the single family dwellings to allow for secondary dwellings (from 139.4 m² to 186 m²). Also proposed is an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m² to 2174 m²).

The applicant has provided a comprehensive summary document as part of the bylaw amendment application (Attachment 4). The application addresses a number of OCP policies (Attachment 3). However, information pertaining to adequate water and sewage disposal for secondary suites have not yet been submitted.

Staff recommends the LTC request the information specified by the OCP policies identified in this report and request draft amendments to the LUB be prepared for LTC consideration.

BACKGROUND

The application proposes to amend the LUB to increase the number of dwelling units permitted at the Triple Rock Land Cooperative (TRLC). The applicant has provided a summary of their intended changes as part of the bylaw amendment application (Attachment 4).

All relevant professional reports and background information are posted to the [Islands Trust applications page](#).

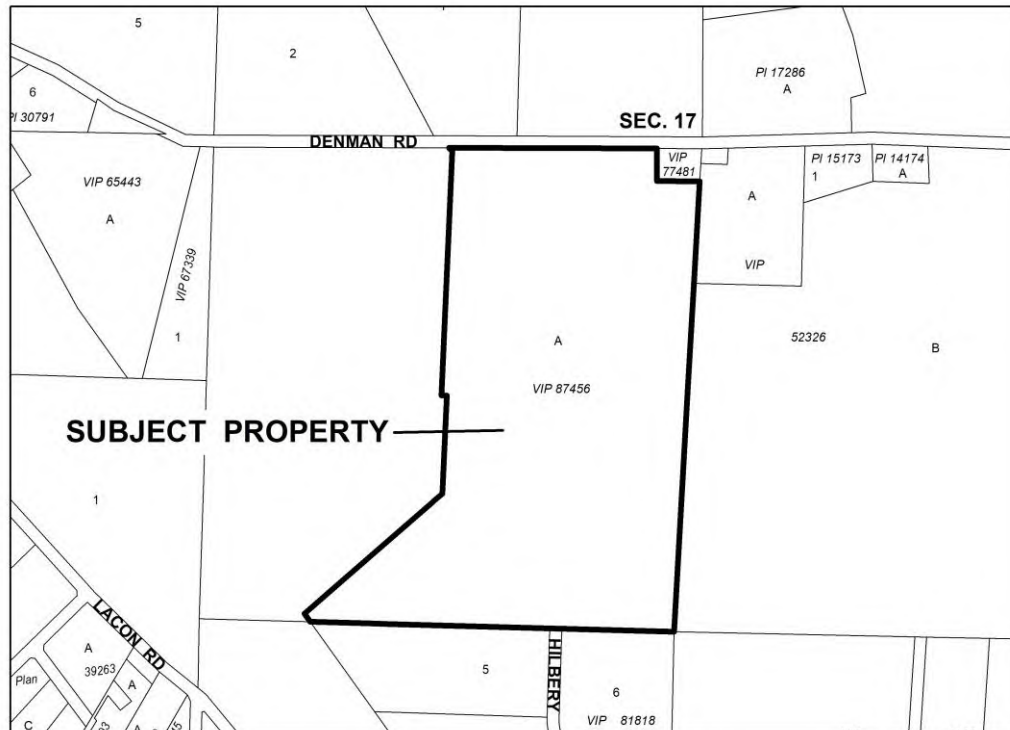


Figure 1: Subject Property Map – 5201 Denman Road, Denman Island

Project Rationale

Renters, seniors, and families are at high risk of falling into core housing need, with affordability and inadequate living conditions being major concerns. According to the Denman Housing Association, 80 residents are currently either unhoused or insecurely housed.

Cohousing developments, like TRLC, provide a unique housing option that addresses the gap in home ownership and affordable rentals. These communities emphasize supportive, inter-generational living, shared facilities, and a consensus-based decision-making process involving all members. They foster a strong sense of community and mutual support among residents.

Applicant Project Rationale

The following section presents a summary of the information provided by the applicant.

The TRLC, known as CoHo Landing, is a non-profit land cooperative consisting of 15 single family dwellings. It is financed and managed by members.

In October, 2008, the TRLC property was rezoned from Forestry to a new site-specific zone, Co-housing (R3), which permitted 15 affordable units, regulated by a housing agreement. The portion of the property which is in the Agricultural Land Reserve (ALR) was rezoned to a site specific Agriculture (5) zone, which does not permit any dwellings.

The project is considered a success by everyone involved in it. It provides stable, affordable housing for 15 households, people who otherwise would be reliant on the unpredictable and often unaffordable rental market. With intentions to expand, the project aims to enhance vibrancy, sustainability, and diversity, while addressing

the critical need for affordable housing. The expansion project is “shovel-ready” for new units, and the secondary suites would be created through strategic renovations or modest additions.

This application would create four new units of affordable housing as well as potential for up to 19 affordable secondary suites which could be used to house extended family members, caregivers, other cooperative members, or participants in the cooperative (people who participate but are not members). The suites would be the only secondary units on Denman Island *required* to be affordable (via a Housing Agreement).

Pending approval, the project does not anticipate further land approvals to moving ahead – no need for subdivision, land acquisition, or grant procurement. TRLC has an established structure for membership and proven strategies for infrastructure.

Pre-application Community Meeting

The applicant held an independently facilitated Community Information Meeting (CIM) on March 21, 2023 on Denman Island. A summary report of the proceedings was provided with the application and is available in Attachment 4.

Executive Committee Fee Sponsorship

The Islands Trust Executive Committee (EC) passed the following resolution on January 17, 2024 to approve a development application fee sponsorship for this bylaw amendment application:

EC-2024-009

It was MOVED and SECONDED,

that the Executive Committee approve financial sponsorship for the \$1,530.00 application fee for rezoning application DE-RZ-2024.1 from the Triple Rock Land Cooperative.

CARRIED

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. There are a number of Islands Trust policies, OCP policies and LUB regulations that are pertinent to the consideration of this proposal, detailed in Attachments 2 and 3 and summarized as follows.

Islands Trust Policy Statement:

Staff note that an ITPS Checklist (Directives Only) will be completed at the time that draft bylaw amendments are presented to the LTC. Attachment 2 outlines Islands Trust Policy Statement (ITPS) directive policies that are relevant to the application for early consideration by the LTC.

Official Community Plan:

Attachment 3 of this report provides a comprehensive overview of relevant OCP policies related to this application. The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP amendment.

There are several policies in the OCP that are applicable to the application, including addressing climate change, transportation, water management, waste management and housing needs. A number of OCP policies support this proposal in principle (Section C.4 Climate Change Adaptation and Mitigation and E.1 Housing Policies); still,

there are policies that are not addressed by the application and additional information is recommended to support the application.

Concurrently with this application, staff are working on a minor project for the Denman LTC that will remove the density bank and Housing Policy 12 regarding the five percent allowable density increase from the OCP, as an OCP amendment. If this project proceeds as anticipated, there will be no requirement to amend the OCP to withdraw four densities from the density register (OCP Appendix D Density Banking Policy 2; Housing Policy 12).

Land Use Bylaw:

The subject property requires rezoning with site specific regulations to address density, accessory uses and floor area.

Covenant:

The Covenant currently attached to the property restricts tree cutting within 30 metres of the eastern, western and southern property boundaries effectively creating a buffer area for development. The covenant also stipulates that each dwelling unit must have one cistern with a minimum capacity of 4546 litres (1000 gallons). The LTC can consider amending the covenant to require additional cistern capacity or other requirements.

Housing Agreement:

Amendments to the housing agreement will be required to ensure the affordability of the secondary suite rental units is protected in perpetuity.

Issues and Opportunities

All professional reports submitted by the applicant have been posted to the [application page](#). Staff have identified the following preliminary issues and opportunities, discussed in more detail below and in Attachment 3 (Relevant OCP policies):

- Density
- Wastewater Systems
- Groundwater Management
- Rainwater Collection/Harvesting

Density

The applicant requests an increase in the density, adding four units to the 15 units that are currently permitted by zoning. Additionally, the applicant requests that secondary suites be permitted in all dwellings. According to the OCP, secondary suites do not count towards the density calculation. Therefore, if approved, this request would allow a total of up to 19 units and introduce a new permitted use for secondary suites.

The secondary suites would be included in the maximum number of dwelling units allowed on the property. There are two potential OCP policies that would support this request; however, as mentioned above, the LTC has endorsed a minor project which will eliminate the density bank and Housing Policy 12. The following two OCP policies are relevant for the LTC to consider in the event that the minor project does not proceed. However, they are not being applied to this rezoning at this time due to the concurrent minor project, which aims to eliminate these policies from the OCP.

1. Housing – Policies, Use and Density Policy 12 – this allows an increase in density on Denman Island of five percent to accommodate affordable housing from the existing residential density beyond that permitted by existing zoning on the date of the OCP. This rezoning proposal seeks to add four new densities to the subject property, the LTC is contemplating eliminating this policy from the OCP; however, it is relevant to mention here in the event the minor project does not move forward.
2. Appendix D – Density Banking – The use of the density bank is reserved for affordable housing. As referenced above, staff are working on a minor project concurrently that would eliminate the density banking policy. If the minor project does not proceed and the LTC wishes to withdraw densities from the bank for this application, an OCP amendment would be required by the applicant.

Staff anticipate this application can move forward concurrently with the minor project. The LTC-initiated minor project eliminates the need for an OCP amendment for this rezoning. However, the timing of bylaw readings for this rezoning may be affected and will be determined by further staff analysis.

Wastewater Systems

The applicant has provided a report prepared by a qualified professional on the feasibility of additional wastewater systems on the property (Attachment 5). The report states that there is adequate space and suitable soils for up to five additional wastewater systems. More information is needed to determine if each dwelling site has a wastewater system (including greywater tank and dispersal field capacity) that can accommodate a secondary suite.

LTC Direction: Staff recommend requesting further information from a qualified professional regarding the feasibility of accommodating wastewater systems for up to 19 secondary suites.

Groundwater Management

As per OCP Section D.3 Water Management Policy 6, the LTC should consider implementing measures to conserve water and protect groundwater resources in areas with limited groundwater supply. OCP Section E.1 Housing policy 29 states that the LTC should require affordable housing proposals to demonstrate an adequate potable water supply. The groundwater supply status in the area where the applicant proposes an increase in density is unknown. However, the current dwellings rely on rainwater catchment and do not use the groundwater supply, nor do they have the infrastructure to connect to it. Currently, groundwater is only used for watering the common garden.

LTC direction is needed to determine whether the applicant must provide a hydrogeological assessment of the groundwater supply, considering the proposed development expansion and potential impacts on the water supply if the dwellings need to connect to the groundwater.

Rainwater Collection/Harvesting

OCP Section C.2 Freshwater Policy 9 stipulates that zoning regulations should encourage rainwater collection. Section D.3 Water Management Policy 6, stipulates that zoning changes should require mitigating measures to conserve water. The applicant has indicated that rainwater harvesting, collection, treatment and use for potable water supply will be the only source of water for residential dwellings. Draft zoning regulations or a covenant for all permitted dwelling units can include specific requirements for minimum cistern capacity, water treatment, maintenance plan, etc. at the time a Siting and Use Permit is requested.

The applicant is proposing up to 19 secondary suite rental units. According to Section 7 of the Public Health Act's Health Hazards Regulation, landlords cannot rent a domestic rental unit that lacks a connection to a water supply

system unless they can provide tenants with potable water for domestic use. As such, more information is needed to determine the applicant's potable water plan. Specifically, information is required on how each rental unit will be equipped with a system for rainwater storage, treatment, and delivery to ensure a potable water supply.

LTC direction is needed to determine if the applicant will be required to provide a water management plan. Staff recommend that the plan should address the minimum onsite storage capacity, treatment, maintenance and delivery for potable, non-potable rainwater. Additionally, the plan should cover onsite storage capacity for fire suppression and emergency measures should temporary demand exceed the designed storage or well capacity.

Timeline

As the project will likely not involve an OCP amendment, the LTC is not required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. However, in the spirit of relationship building, this is considered to be good practice. The LTC should consider if it wishes to undertake additional consultation and direct staff accordingly.

Decision to Not Hold a Public Hearing

The LTC is prohibited from holding a Public Hearing under Sections 464(3) of the *Local Government Act* that states:

A local government must not hold a public hearing on a proposed zoning bylaw if

- a) an official community plan is in effect for the area that is the subject of the zoning bylaw,*
- b) the bylaw is consistent with the official community plan,*
- c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and*
- d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.*

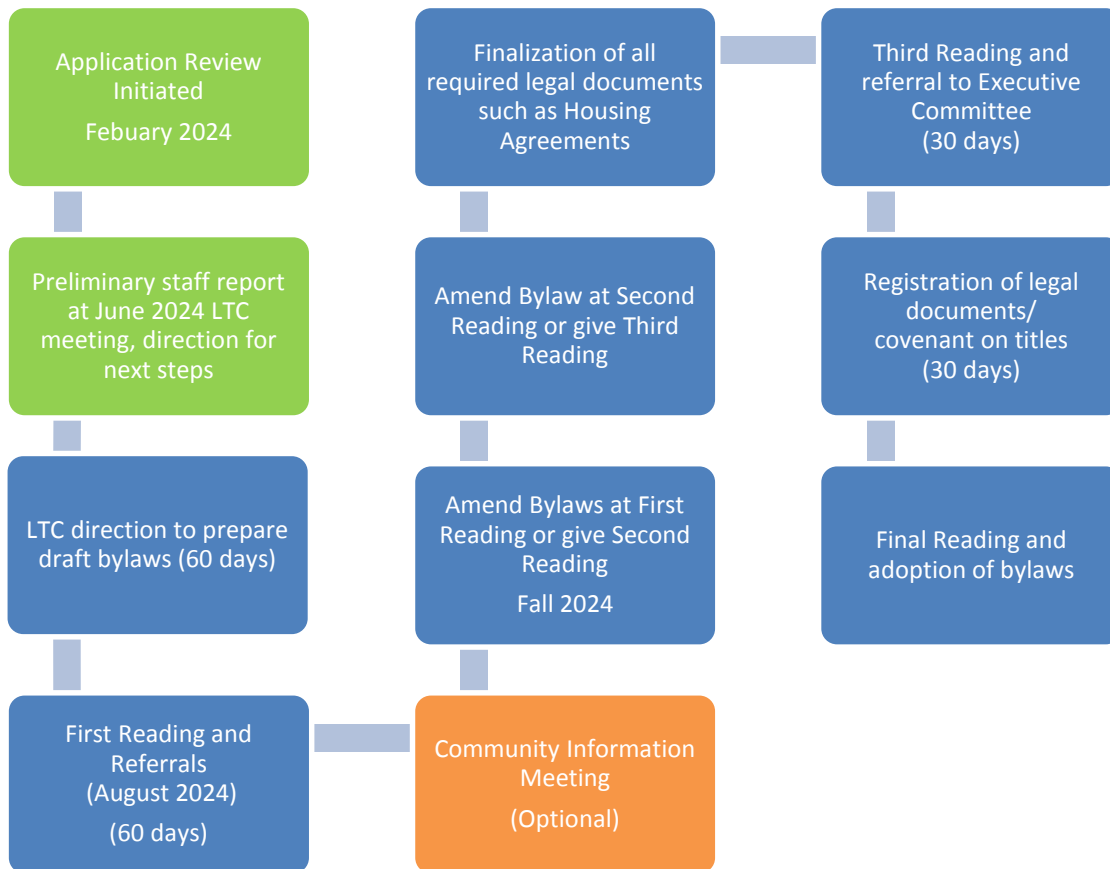
As a separate OCP amendment, staff are working on a minor project that would eliminate the need for an OCP amendment. If the minor project does not proceed, an OCP amendment would be required through the applicant and thus a Public Hearing would need to be held.

Protocols

Protocols and agreements exist and are relevant to the consultation/engagement process for this file with the K'ómoks First Nation, Comox Valley Regional District and adjacent (Hornby Island) LTC.

Application Process Steps and Timing

The following process steps and approximate timelines may assist in managing applicant and community expectations in how a LUB amendment application such as this, can be processed:



Rationale for Recommendation

Staff is recommending a number of key information pieces to support advancement of the application and to inform the development and timing of draft bylaws.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by a Professional Engineer, which identifies the potential impacts of the proposed development on local pedestrian and vehicular transportation routes and patterns.

2. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

3. Receive for information

The LTC may receive the report for information

NEXT STEPS

Should the LTC move forward with staff recommendations, staff will advise the applicant of necessary next steps and prepare a draft bylaw and amended Housing Agreement for LTC consideration.

Submitted By:	Marlis McCargar, Island Planner	May 16, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 17, 2024

ATTACHMENTS

1. Site Context
2. Relevant ITPS Policies
3. Relevant OCP Policies
4. TRLC Supporting Document
5. Feasibility of Wastewater Systems
6. Rainwater Catchment Information

ATTACHMENT #1 – SITE CONTEXT

FILE NO.: DE-RZ-2024.1 (TRIPLE ROCK COOPERATIVE)

LOCATION

Legal Description	LOT A SECTION 17 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP87456
PID	028-101-677
Civic Address	5201 Denman Rd, Denman Island

LAND USE

Current Land Use	Residential; agricultural
Surrounding Land Use	Vacant forested, agriculture (ALR), residential

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-2004.1	To create a one acre lot to expand the existing fire hall site on Denman Road.
DE-ALR-2009.2	To subdivide to 2 properties. 35.5 hectares to become co-housing for 15 families - that will farm the ALR portion Lot A. The other 27.5 hectares to be single family residential and will include portion of ALR.
DE-RZ-2004.2	Proposed ambulance station.
DE-RZ-2006.2	Co-housing project.
DE-SUB-2004.1	Three lot residential subdivision.
DE-SUB-2008.5	To create two parcels.
DE-SUP-2010.5	1 Common House and 15 small dwelling units.

POLICY/REGULATORY

Official Community Plan Designations	Sustainable Resources (SR) - large forested and agriculture lots No DPAs
Land Use Bylaw	R3 and A(5) split zone
Other Regulations	ALR in the north portion of the lot 
Covenants	EJ49175 Undersurface Rights

	EM21741 Undersurface Rights FB315901 Easement FB326319 Statutory Right of Way FB326320 Statutory Right of Way FB326547 Covenant with DELTC CA3198134 Statutory Right of Way CA3198135 Statutory Right of Way FB269464 Housing Agreement
Bylaw Enforcement	None.

SITE INFLUENCES

Regional Conservation Strategy	
Species at Risk	None mapped.
Sensitive Ecosystems	None mapped. Young Forest.
Hazard Areas	None mapped.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated climate-change induced hazards on the proposed development.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – ITPS POLICIES DE-RZ-2024.1 (TRIPLE ROCK COOPERATIVE)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	YES	Portion of the property in the ALR. Site-specific Agriculture zone that does not permit residential dwellings. No new development being proposed with current application.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: - neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, - water quality is maintained, and - existing, anticipated and seasonal demands for water are considered and allowed for.	Pending receipt of additional information from the applicant	Existing dwellings on rainwater only. Proposed new development to operate with rainwater catchment only. LTC can request a water management plan that outlines rainwater collection methods (storage, treatment, maintenance and delivery system). The LTC can request the rainwater harvesting system plans be certified by an ASSE-certified designer, professional engineer or geoscientist
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	YES	Existing dwellings on rainwater only. Proposed new development to operate with rainwater catchment only.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	YES	Application addresses positive social impacts of development through provision of affordable rental housing.
5.2.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.	YES	Young forest, applicant is currently working with forest management practices to maintain undeveloped areas as forested.
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	Pending LTC decision.	LTC has initiated a minor project that would eliminate density limits. If this application proceeds concurrently with the minor OCP amendment project, there will be no density limit. Density increase is balanced with maximum gross floor area limitations.

ITPS Policy	Complies	Planner Comments
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	YES	Development located relatively close to village (within 2km).
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.	YES	Proposed development provides an opportunity for LTC and K'omoks First Nation consideration.
5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.	YES	
5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	YES	Proposal seeks to address community's current and projected housing requirements for affordable housing.

ATTACHMENT 3 –OCP POLICIES DE-RZ-2024.1 (TRIPLE ROCK LAND COOPERATIVE)

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185, 2008

OCP Objective/Policy	Complies	Planner Comments
C.2 Freshwater Policy 9 - Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	Yes and pending further application review	Dwellings on the subject property currently rely on 100% rainwater with an individual rainwater harvesting, collection, storage, treatment and use systems. The Cooperative provides one cistern per dwelling. Rezoning process can identify options to ensure this is a requirement of new construction for all dwellings. Given the applicant is proposing affordable rental units, there is special consideration for how the applicant will be providing potable water to the tenants. Landlords are legislated by the Public Health Act's Health Hazards Regulation to provide potable water to tenants. As such, more information is needed confirm water storage capacity, water treatment, maintenance and delivery of potable water. The property has a well which, at the time of the rezoning in 2006, was tested for quality and quantity and proven to be sufficient for the requested density at that time. The groundwater is currently only used to water the common garden.
C.4 Climate Change Policy 2 - The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	Yes and pending further application review	Current development operates on a sustainability model with a concerted effort to reduce water usage, common garden for local food production, natural habitat preservation and effective waste management. The common house has shared laundry facilities and kitchen. Rezoning process can identify options to ensure specific standards of construction for energy efficiency is a requirement of new construction.
C.4 Climate Change Policy 4 - The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	Yes	See above.
D.2 Transportation and Utilities Policy 8 - When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	Pending further application review	Rezoning process can identify options to ensure non automotive transportation is adequately incorporated into the proposal (i.e. requirements for bicycle parking)

D.3 Water Management Policy 6 -When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	Pending LTC direction	The applicant is proposing that all additional dwellings will be 100% rainwater catchment and therefore, will not impact the ground water. LTC can request adequate groundwater data from the applicant in the form of a groundwater assessment report. LTC can request a water management plan that outlines rainwater collection methods (storage, treatment, maintenance and delivery system). The LTC can request the rainwater harvesting system plans be certified by an ASSE-certified designer, professional engineer or geoscientist.
D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.	Yes and pending further application review	As per Coho Bylaws, all residential toilets must be composting toilets. Applicant has provided a wastewater system report for 5201 Denman Road; however, the report only identifies up to five more wastewater systems on the subject property. There is no information on how the current wastewater systems will be impacted or adapted to allow for secondary suites. LTC can request adequate data from the applicant on sewage disposal capability and conditions to support up to 19 secondary suites. More information is needed to determine if each dwelling site has a greywater system (tank and dispersal field capacity) that can accommodate a secondary suite.
E.1 Housing Policy 12 - The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 27, 28 and 29 of this Section. Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.	Pending LTC direction	Four additional units are proposed. The secondary suites do not count towards the density calculation. This policy allows an increase of five percent to accommodate affordable housing from the existing residential density beyond that permitted by existing zoning on the date of the OCP. LTC has initiated a minor project that would eliminate this 5% allotment and the density bank. If this application proceeds concurrently with the minor OCP amendment project, there will be no need to address this OCP policy in the context of this rezoning application.
E.1 Housing Policy 14 - In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.	Pending LTC direction	The subject property has a split designation of 'Sustainable Resource' and 'Agriculture'. The decision was made during the previous rezoning to keep the subject property as 'Sustainable Resource' likely due to the portion

		that is agricultural and the rest being a forested, large lot. With the recent adoption of Bylaw No. 228, a new Agricultural (A) designation was created and all parcels in the ALR were re-designated to 'A'. This has resulted in a split designation on the subject parcel. However, there still is not another land designation that would be better fit. The LTC can consider re-designating the southern portion of the subject property to 'Rural' or 'Residential', but those designations are also intended for single family residential. As such, this is not recommended by staff.
E.1 Housing Policy 17 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	Yes	Applicant's site plan attempts to cluster new housing units near other dwellings and common house.
E.1 Housing Policy 18 - The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	Yes	LTC and Executive Committee have supported the financial sponsorship of the bylaw amendment fees for the application.
E.1 Housing Policy 24 - Zoning regulations should establish sufficient setbacks for septic disposal systems: - to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and - to protect adjacent properties from effluent or odours.	Pending further application review	Applicant has provided a report prepared by a qualified professional regarding the feasibility of additional wastewater systems on the subject property. However, the report stipulates that there is adequate space and soils for up to five additional waste water systems. LTC can request further information regarding the feasibility of the wastewater systems and ability to accommodate up to 19 secondary suites.
E.1 Housing Policy 25 - Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.	Yes	Already addressed with previous rezoning.
E.1 Housing Policy 26 - The Local Trust Committee should not approve a zoning amendment application that could fragment large areas of forested or agricultural land.	Yes	The portion of the property in the ALR will remain undeveloped and continues to remain in the ALR and protected by site specific Agricultural zoning which prohibits residential use.
E.1 Housing Policy 29 - The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: - that the proposal is not located in a connectivity area identified on Schedule D; - that the proposal does not impact negatively on adjacent properties; - that the proposal is small-scale; - that the proposal is clustered and the siting and height are sensitive to surrounding land uses;	Yes and pending further application review	Adequate volume of water has not been provided as the proposal is operating with rainwater catchment. The quality of rainwater will be maintained through individual treatment systems. LTC can request a water management plan that outlines rainwater collection methods (storage, treatment, maintenance plan and delivery system). The LTC can request the rainwater harvesting system plans be certified by an ASSE-certified designer, professional engineer or geoscientist.

- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; - that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; - that the proposed development will not place a strain on existing public services and infrastructure.		
E.2 Economic Activities Policy 6 - The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	Pending further application review	Applicant has not provided details on green technology or green building. The LTC can request that new building meet or exceeds Canadian Green Building Council certification or other green technology alternatives. For example, the LTC can request a restrictive covenant registered on title for compliance with BC Energy Step Code.
E.4 Resource Policy 9 - The area designated Sustainable Resource in this Plan are designated to ensure that land uses involving renewable resources are sustainable and compatible with the small-scale rural character of the Island. The objectives of the designation of this area as an area within which development approval information may be required, include protecting the Agricultural Land Reserve; encouraging diverse agricultural activities; promoting employment through agricultural activities that have minimal negative environmental impact; promoting local employment through sustainable, ecologically sensitive silvaculture; and fostering sustainable use of resources. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Sustainable Resource designation.	Pending LTC direction	As mentioned above, the 'Sustainable Resource' designation is likely the best fit for this land use. See comments above regarding ALR. Denman does not currently have a DAI Bylaw.
Appendix D Density Banking Policy 2 - The Local Trust Committee may consider applications for transfer of banked densities providing the land receiving the densities will be used for affordable housing and a suitable mechanism is in place ensuring this use is maintained over time. For the purpose of the density bank, affordable housing means adequate, suitable housing that is available to meet a continuum of needs including housing for the homeless and/or special needs; housing for those at risk of homelessness;	Pending LTC decision	The LTC has given staff direction to remove the density bank as part of the Housing Review TUP minor project. It is anticipated that this minor project will proceed concurrently with the rezoning application and therefore the application, will not require an OCP amendment.

housing with rental assistance; and entry level ownership opportunities.		
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Triple Rock Land Cooperative rezoning supporting document

Purpose: to add four new densities + secondary suites for all dwellings



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Introduction

The Triple Rock Land Cooperative (TRLC), commonly known as CoHo Landing, is a non-profit land cooperative with 15 households. It is financed and managed by members.

In October, 2008, the TRLC property was upzoned from F (allowing one dwelling unit) to a new site-specific zone, R3, which permitted 15 affordable units, regulated by a housing agreement. The portion of the split-zoned property which is in the Agricultural Land Reserve was rezoned to a unique A3 zone, which does not allow any dwellings. Development took place gradually. For the last decade or so, the cooperative has been operating as a self-managed “village” based on principles of reciprocity, living lightly on the land, and balancing collective values and practices with individual self-determination. Decisions are made by consensus and the members work together to plan, problem-solve, create policy, manage finances, and build and maintain buildings and infrastructure.

The TRLC property was heavily logged 20-30 years ago and the forest around the housing cluster is regrowing. Buffer zones of 30 metres from neighbouring lot lines, enshrined in a covenant, protect much of this forest. There are no riparian areas or environmentally sensitive features on the land. The proposed new units are within or adjacent to the area already developed. The project includes composting toilets, rainwater catchment, homes of up to 139 m², and a limit on floor area of outbuildings, creating an environmentally sustainable approach to increased density.

The project is considered a success by everyone involved in it. It provides stable, affordable housing for 15 households, people who otherwise would be reliant on the unpredictable and often unaffordable rental market. The property has been on the Denman Island sustainability tour, has been studied by academics, hosted a Land Share Summit in 2022, and has hosted Uvic Environmental Studies students as part of their summer field school for the past two years.

The TRLC is ready to grow—partly to enhance the vibrancy, sustainability, and diversity of the project, and partly to offer more opportunities for affordable housing at a time when this is so direly needed. If the rezoning goes ahead, the project would be “shovel-ready” for new units, and the suites could be created through strategic renovations or modest additions.

Proposed new uses

In the R3 zone

- Four more single family homes
- Option of secondary suites for all dwellings, to be used for extended family, caregivers, and cooperative members/prospective members. These will be contained within the main dwelling
- Increased maximum floor area for homes (from 139.4 m²– 186 m²) to support secondary suites
- Increased maximum floor area for outbuildings (to meet ongoing needs and to support new units) from 1275 m² to 2174 m²

TRLC rezoning at a glance		
	Current	After rezoning
Number of units	15	19
Dwelling type	Single family	Single family + optional secondary suites
Maximum floor area—each dwelling	139.4 m ²	186 m ²
Maximum floor area—all outbuildings	1275 m ²	2174 m ²

Regulatory amendments requested

Official Community Plan amendment requested

Withdraw four densities from the density bank (Appendix D of the OCP) or clarify that the four additional units will come from the 5% as per OCP Policy E1 11 (we understand that the secondary suites, like other secondary suites on Denman, do not count as densities for the purposes of the density cap).

Land Use Bylaw amendments requested

- Change section 3.3, Table 3, line three, under R(3), to read 19 instead of 15
- Change section 3.3, Table 1, line nine, under R(3), to include a tick mark, with text to clarify that only secondary suites that are within the main dwelling are permitted
- Change section 3.3, Table 6, so that
 - line 3, column 3 (R3) (dwelling maximum gross floor area) changes from 139.4 m² to 186 m²
 - line 6, column 3 (R3) m² (maximum gross floor area of all accessory buildings and structures) changes from 1275 m² to 2174 m²

Housing agreement amendments requested

- In item 1.a., change number of units from 15 to 19 and include provisions for attached secondary suites in each dwelling unit
- In item 7, if necessary, include “a family member or caregiver of the co-op member or a participant in the cooperative” (although perhaps the existing language suffices)
- In item 9, which deals with purchase price, include language specifying that the total purchase price of a housing unit and shares cannot exceed the maximum cap as indicated in the

cooperative's resale policy (this is not essential for this rezoning but is a bit of housekeeping to bring the document in alignment with TRLC policies and increase long-term affordability)

- If appropriate, include provisions to ensure secondary suites remain low-impact and affordable, such as
 - Guidelines for who can occupy a secondary suite (a family member of, or a caregiver for, the cooperative member; someone who wishes to participate in cooperative activities and culture; or a cooperative member)
 - A requirement that cooperative members apply to the cooperative whenever they want to have a resident in a suite
 - A prohibition on advertising availability of a secondary suite
 - A guideline for affordability for suites (the TRLC Rules of Association and Memorandum of Understanding, registered with the B.C. Corporate Registry, require the cooperative to provide "affordable housing" and the suites will not be used for commercial rentals, so an affordability provision in the housing agreement is not necessary, but if needed can provide certainty for the LTC)

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

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

As well, the TRLC will need to update its **Rules of Agreement** to reflect the increased density, include criteria for occupancy of secondary suites, and include guidelines for the use of secondary suites. This is not within the jurisdiction of the LTC, but since the Rules of Agreement are attached to the Housing Agreement and play a key role in ensuring affordability, it needs to be amended at the same time or immediately after the rezoning.

Existing uses of the land

In the R3 zone:

- 14 single family homes of no more than 139.4 m² each
- One inhabited travel trailer (temporary)
- One common house of 209 m²
- Three electricity metering station sheds, 5.6 m² each
- Five workshop/studios, 28 – 74 m² each, personal use (art, woodworking, etc) (serviced with Hydro; no running water or plumbing; not residential)
- 16 woodsheds, approx. 167 m² combined
- Total outbuilding floor area: 866 m²

In the A3 zone (ALR):

- A fenced garden and orchard
- A garden shed, 9 m²



Family dwelling

Existing water and sewage disposal infrastructure

Water: Homes rely 100% on rainwater. Each household is responsible for their own catchment, filtration, and treatment system. The cooperative provides one cistern per home and members can add more storage capacity if needed. Homes have opportunity to increase catchment surface by also collecting from outbuildings. There is considerable combined expertise on rainwater catchment and treatment in the group and members help each other with design, construction, and maintenance. See attached rainwater catchment report for more detail.

The Common House water is supplied by four 5000-gallon cisterns. The Common House rainwater catchment system is maintained by members of the cooperative (gutter cleaning and repair, preventing freezing, filtration, monitoring).

The property has a well which, at the time of the initial rezoning, was tested for quality and quantity and proven to be sufficient for the current density. **This well is not used by residences** and currently there is no infrastructure in place that would enable that. The well is used to water the common garden.

Sewage: Each home has a composting toilet. Maintenance of the toilet and proper treatment of the resulting material is the responsibility of the cooperative member resident in the home. Each home has a greywater treatment septic system designed by H2O Environmental Ltd in accordance with Ministry of Health standards (some systems are still under construction). Each treatment system has its own dispersal field on the ½ acre of land connected to the house.

The Common House has a flush toilet and a type-one septic system designed by H2O Environmental Ltd.

Photos: Common House cisterns (20,000 gallons in total), individual septic field under construction with family home behind it, metering station (for B.C. hydro)



Uses of land and buildings on adjacent properties

The property directly to the west has a sauna and walking trails, used for pleasure, and a single family dwelling under construction. The Denman Ambulance Station and the Fire Hall also share property lines with the subject property. Other adjacent properties are used for single family dwellings, and some are used for farming.

Reasons in support of proposed amendments

Denman Island's housing needs are urgent and varied, as evidenced by the Islands Trust Northern Region Housing Needs Assessment and many other studies. The housing crisis is rampant in most of BC and Canada and shows no signs of abating.

The Northern Region Housing Needs Assessment says about Denman Island, "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. This translates into three to four units per year."

No new affordable housing has been built on Denman since the report was released five years ago.

This request would create four new units of affordable housing as well as potential for up to 19 affordable secondary suites which could be used to house extended family members, caregivers, other cooperative members, or participants in the cooperative (people who participate but are not members). These suites would be the only secondary units on Denman *required* to be affordable (via multiple levels of regulation).

If these changes go forward, there would be no institutional barriers to moving ahead—no need to subdivide, finalize land purchase, get grants, etc. Time would be needed for the TRLC membership process, but nothing stands in the way of moving forward. TRLC has an established structure for membership and proven strategies for infrastructure. The Northern Region Housing Needs Assessment recommends that LTCs "support the efforts of not-for-profit organizations to increase the amount of safe, secure, appropriate, affordable housing on their islands" (page 131). This rezoning application provides an opportunity to do that.

Studio zone



FAQs

1. How will water, sewage, hydro, and vehicle access be provided to new units?

Water will be provided via water catchment only, as is currently the practice (see above for more info). The rainwater used eventually makes its way back into the aquifer after being treated in the greywater septic systems.

Sewage will be minimal, due to the use of composting toilets and the consistent practice of water conservation which accompanies reliance on water catchment. Each new unit will have a greywater treatment system, as per the current practice. Secondary suites will be attached to current wastewater systems, which may need expansion.

Environmental impact exists because space must be cleared for dispersal fields. However, these are small (approx. 26 m² per house) and are in areas that would likely be cleared to let in light and minimize fire risk for the houses.

Hydro comes up from Denman Road and is distributed through a combination of overhead and underground wires. No new utility corridor will be needed.

Vehicle access is already in place and no new access corridor needs to be created.

2. Will the secondary suites turn the TRLC into a commercial rental housing provider?

No. Secondary suites will be used only for extended family, caregivers, and cooperative members and participants (people involved in the cooperative but not members, including people interested in joining at some point). Residency will not be primarily a commercial arrangement although the resident may be asked to contribute to household costs. Suites must remain affordable, as designated by TRLC policies, by the Housing Agreement registered on title, and by the terms of the cooperative's Memorandum of Association (registered with the Corporate Registry in Victoria and governed by the BC Cooperative Act), which states that the purpose of the TRLC is the provision of affordable housing.

Openings will not be advertised. Cooperative members wanting to build a secondary suite and/or invite a new occupant in a secondary suite will need to bring an application to the cooperative in advance.



Photos: family dwellings

Legal and contractual arrangements for the use of secondary suites could happen in several ways: as part of an employment contract (for a paid caregiver), via a Licence to Occupy (used when occupancy is based on generosity rather than business considerations), or via the Residential Tenancy Act.

Cooperative members are required to understand and be responsible for complying with applicable regulatory requirements.

3. What role does the TRLC play in addressing the housing crisis on Denman Island?

The TRLC, since inception, has provided stable, secure housing with affordability situated approximately in the “community-housing” category of the Canada Housing and Mortgage Corporation’s continuum of affordability. This meets the housing needs of many people who otherwise would be unable to afford home/property ownership, but does not meet all needs on the island. This was clearly stated during the initial rezoning process and received support at the time from many community members and the LTC.

The TRLC does not receive any external funding from grants or government programs but has benefitted from various types of support from community members (a financial gift to help with the initial start-up, buying and holding land during the initial rezoning, volunteer labour).

The secondary suites will provide additional affordable housing for their occupants. As well, having an extended family member to contribute to household costs enhances affordability for cooperative members, which is a key goal for the TRLC.

THE HOUSING CONTINUUM



4. Will this proposal use up available densities in the density bank, taking away opportunity for other much-needed types of affordable housing?

This proposal will remove four densities from either the density bank or the “5%” source of densities available via OCP Policy E1-11. This would leave 43 densities available overall (adding the density bank to the remaining densities in Policy E1-11), according to [Denman LTC reporting](#) (although this reporting does not account for 20 units of affordable housing at the Denman Green project). The TRLC supports the use of these densities for a variety of types of affordable housing.

Neither Policy E1-11 nor the density bank have been reviewed in many years, and they do not reflect current housing and density realities (as, for instance, measured in the Islands Trust Housing Needs

Assessment for the Northern Region, which itself is out of date). The Denman Island LTC may want to adjust the 5% in E1-11 to reflect its own data on housing needs.

5. How do you choose new members?

Like all cooperatives, the TRLC has a membership intake process. Members are chosen via a year-long process that includes educating them on the cooperative, providing options for them to participate, a written application, an interview, and a trial period. The decision process looks at need, support for cooperative goals, experience with groups, contribution to diversity in the group, ability to meet financial needs, connection to Denman Island, ability to work in a consensus process. No one factor is paramount.

This process is structured differently than that of other housing organizations on the island. This is because the TRLC is a self-managed cooperative, whereas other groups are societies with charitable status managed by a board of directors. The TRLC is also unusual among cooperatives because it does not hire a management and maintenance company and did not hire a contractor for development. Rather, members do the physical and administrative work of running the cooperative. This is an essential component of affordability and group cohesion. It also allows the cooperative to customize and keep development small-scale.

For the above reasons, the membership process includes consideration of compatibility with project goals and commitment to the project.

Through fostering and putting into practice cooperative land-based practices, the TRLC is developing skills and capacity for collective, low-impact ways of living. As an example and a repository of skills, the cooperative has a positive impact on the Denman community, supporting various Official Community Plan objectives, such as Guiding Principal 6: “To acknowledge that this community finds its strength in the varied gifts and experiences of its members; and, within the framework of a limitation on population to support and encourage a diverse and self-reliant community,” and Guiding Principal #12, especially “to provide a neighbourly community.”

Photos: Common House septic tanks (under construction); Common House



Denman Island OCP policies that support the rezoning

E1 Housing—Guiding Objective: To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community.

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

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

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

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

E1 Housing—Policy 11 The overall residential density on Denman Island should not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

E1 Housing—Policy 16 Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.

Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.

E1 Housing—Policy 23 Zoning regulations should establish sufficient setbacks for septic disposal systems:

- to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and
- to protect adjacent properties from effluent or odours.

E1 Housing— Policy 24 Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.

E1 Housing— Policy 25 The Local Trust Committee should not approve a zoning amendment application that could fragment large areas of forested or agricultural land.

E1 Housing— Policy 28 The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal does not impact negatively on adjacent properties;
- that the proposal is small-scale;
- that the proposal is clustered and the siting and height are sensitive to surrounding land uses;

- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposed development will not place a strain on existing public services and infrastructure.

Also, as an innovative project built and managed by members on a voluntary basis, and owned and managed cooperatively, the TRLC fulfills this paragraph of the OCP vision statement:

Islanders historically have been an independent, diverse and creative people with a long history of volunteering for the benefit of the natural environment and the human community. We will be supportive, cooperative and respectful in our interactions. We will use innovative options to promote a diversity of age and financial means within the carrying capacity of the island.

The Islands Trust Policy Statement does not currently have up-to-date policies on housing. Nothing in the proposed uses is in violation with the Islands Trust Policy Statement.

Community, neighbour, Fire Department, and Agricultural Land Commission outreach

March 1, 2023: Letter sent to all adjacent neighbours.

Throughout March: information shared on Facebook

March 21, 2023: Community Information Meeting

Summary of Community Information Meeting

The meeting was advertised via a flyer and articles in local newspapers, posters, email to all neighbours and to groups involved in providing housing on Denman, and an event and postings on Facebook. Approximately 16 members of the public and 12 members of CoHo attended.

People asked about

- Oversight of who will live in secondary suites
- Where densities will come from (density bank or OCP Policy E1, 11)
- Potential to include Indigenous people
- Cost of cooperative membership
- Firefighting plans for the property
- Building permits and building timelines
- Insurance
- Will STVRs be allowed?
- What can and can't happen in the studio zone

No direct objections were raised. Questions suggested some concerns around traffic impacts and regulation of secondary suites to ensure they remain small scale and non-commercial.

Comments were generally positive.

Note: The application has changed slightly since this outreach, based on responses. Changes are as follows:

- No unit in the ALR
- Four more units, not five
- Clarification of use of secondary suites

Email Responses

After the meeting we received one email from the owner of an adjacent property stating that (text slightly paraphrased for clarity):

"We broadly support increasing the density of your development. Our only concern...is the addition of secondary suites. [This] would be a significant change in the neighbourly dynamic that we have.

"Allowing for the provision of 20 rental units has to assume that those 20 rental units will all be occupied...They would be tenants...This would significantly change the cohousing dynamic from property sharing to property monetization..."

We also received an email from a nearby (but not adjacent) property owner, stating that:

"I don't have any problems with you seeking to get [more] dwellings but I totally disagree with secondary dwelling[s] added to each existing and planned dwelling. This would turn your co-op into a commercial land development...It comes down to numbers...When we keep adding more spaces and houses on this Island for people, the beauty of the island that attracted people here in the first place is slowly but continually disappearing. Please try and help keep Denman's population down."

As a result, the original proposal has been amended to clarify the purpose of secondary suites. The TRLC will limit who can occupy secondary suites, prohibit advertising these suites, and ensure no cooperative member is using a suite in a commercial way. See FAQ #2, above, for more detail.

Correspondence with the Agricultural Land Commission

In the early stages, we asked the ALC for input. At that point, our plans included one possible dwelling unit on the ALR portion of the lot. We have since decided not to pursue that. Still, the ALC response is valid because it considered the overall proposal. On Feb 17, 2023, the TRLC sent an email to the ALC outlining all the planned changes. An ALC planner responded via email on Feb 23, 2023, stating that, "The ALC would likely not have an issue with the bylaw amendment," and also that "Prior to adoption of any proposed bylaw amendment, the LTC should forward a copy to ALC.Referrals@gov.bc.ca for official.

Correspondence with the Denman Island Volunteer Fire Department

In October, 2023, we invited the Denman Fire Department to comment on the proposed rezoning. Here is the response:

"Denman Island Fire Department has conducted an assessment of the property and have moved forward with creating a "pre-plan" for the eventuality of a fire incident at Coho.

"While Denman Island does not benefit from pressurized hydrants systems, Denman Island Fire Rescue is "Superior Shuttle Accredited" and every unit at Coho benefits from the same level of service as every residence within the 8-kilometer required response distance from the firehall. In fact, Coho happens to be adjacent to the Fire Department.

"The Fire Department does not have any specific concerns with increased development. They just want to be kept abreast of new structures being built and any industrial activities/projects, so they can readjust their "pre-plan."



3060 Lake Road, Denman Island, BC V0R 1T0
Tel: (250) 335-1864 Fax: (250) 335-1846
email: h2oenv@telus.net

March 18, 2023

H₂O File: 23-3

Triple Rock Land Cooperative
Denman Road
Denman Island, BC V0R 1T0

**Re: Feasibility of Additional Wastewater Systems
Triple Rock Land Cooperative Property**

Introduction

H₂O Environmental (H₂O) was asked to assess whether there is adequate space and soils for additional wastewater systems at the Triple Rock Land Cooperative (COHO) property (site). H₂O understands that COHO is planning for additional households that may result in up to five more wastewater systems being installed at the site.

H₂O has designed all the wastewater systems that exist at the site and is familiar with the soil characteristics as they pertain to wastewater dispersal and treatment.

In the bylaws for COHO, all residential toilets must be composting toilets. With this bylaw in place, H₂O can reduce the overall rated outflow from dwellings by 30%, which is the industry accepted value of the contribution to Daily Design Flow of a standard flush toilet.

Wastewater System Design

The general design of the greywater systems consists of a 2 chamber septic/pump tank with an in-ground dispersal field. The first chamber of the tank is used for settlement and the second is used for additional settlement and pumping to the pressurized dispersal field nearby. Tanks are sized in accordance with the BC Manual of Composting Toilet and Greywater Practice. The dispersal fields are designed consistent with the current Sewerage System Standard Practice Manual, Version 3.

The dispersal fields will range in size, depending on the soil characteristics and the daily flow from the dwelling. Generally speaking, the fields will consist of two or three PVC laterals with drilled orifices of specific diameter, placed on top of aggregate that is approximately 15 to 20 centimetres (cm) deep. These PVC lines are used to uniformly spread the effluent over the entire field area at every dose.

The systems are set to be socially controlled. That is, when a specific level of effluent is reached in the tank, a pump cycle occurs which transfers effluent from the tank to the dispersal field. The specific level in the tank is calculated for an 8 dose/day frequency, based on the Daily Design Flow. A generalized view of a wastewater system dispersal field is attached to this letter as Figure 1.

In previous work, the soils at the site were found to be loam to sandy loam with depths to bedrock varying from 80 cm to 100 cm below grade. The topographical grades vary throughout the site. These types of soil are very conducive to proper treatment and final polishing of the effluent. The moderate permeability rates, the speed with which the effluent moves through the soil, ensure that the effluent will have time to be adequately treated before moving horizontally down gradient.

Discussion

The COHO bylaw that limits use to composting toilets reduces the overall use of water in the dwelling. This, in turn, reduces the size of the tanks and dispersal fields necessary to safely treat and disperse the greywater.

Additionally, using the in-ground wastewater system model, which returns the treated water to the ground, where it is polished by the soil and returned to the local aquifer, the overall impact of water use is greatly reduced.

Soils vary in all locations. Generally speaking, during a review of the designs for other dwellings on the site, the soils were fairly consistent, with depth to bedrock varying the most. While this is no guarantee of similar soils in the new areas, H₂O is confident that greywater wastewater systems can be installed in the new areas of residence.

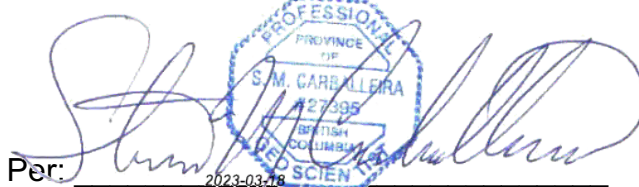
Conclusions

H₂O believes that the additional dwellings being proposed for the overall site can be serviced by greywater systems that will safely treat and disperse the effluent back into the environment.

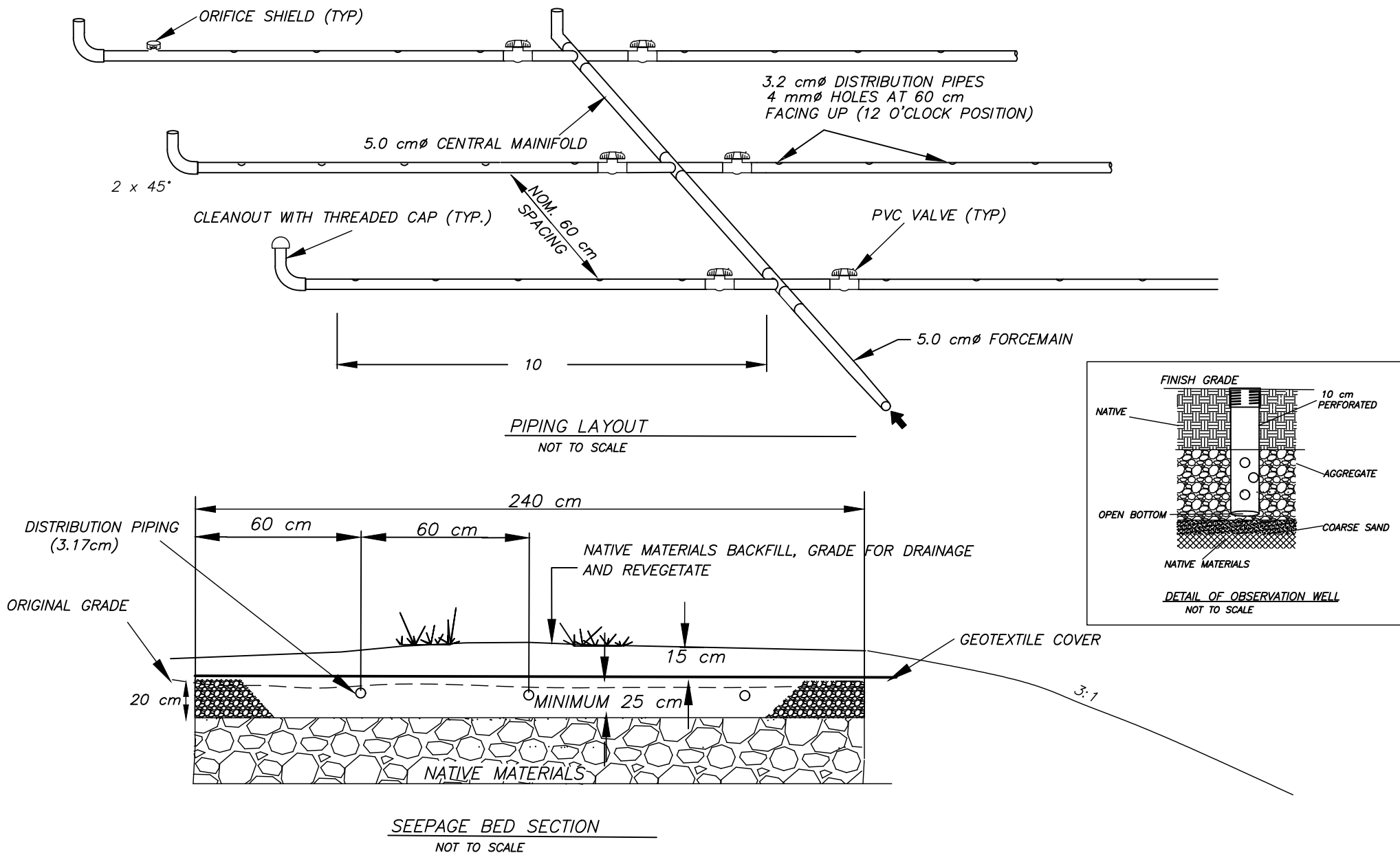
H₂O recommends that a certified maintenance provider be contracted who will regularly inspect and, if necessary, repair the greywater systems on the site. Regular maintenance is critical for safe, sustainable operation of wastewater systems.

Sincerely,

H₂O Environmental Ltd.

Per: 

Steven M. Carballeira, P.Geo.
Permit to practice #1001460



NOTES:
 1. In case of discrepancies between drawings and specifications, specifications will govern.
 2. All measurements in metres, except as noted.

TITLE: SHALLOW SEEPAGE BED PLAN	DATE:	
	DESIGN BY: SMC	
	DRAWN BY: SMC	
	SCALE: NTS	
PROJECT: GREYWATER SYSTEM DESIGN	PROJECT NO.:	FIGURE 1
CLIENT:		



Triple Rock Land Cooperative—rainwater catchment information

TRLC is committed to the use of rainwater catchment for all household needs, both inside and outside the house. Also, the common house relies solely on water catchment.

Reasons for this policy

- Protect groundwater and the health of the ecosystem
- Encourage a culture and mindset of careful resource use
- Encourage communal rather than individual activities (gardening, laundry, meals)
- Avoid the costs, environmental impacts, potential for personal conflict, and ongoing administration needs connected to building a communal water system
- Support adaptability to varying household sizes and a changing climate by adding or removing storage and catchment capacity

Overview

The system has been functioning well for 12 years. Some members have at times bought water, but this practice is diminishing as households add cisterns and/or catchment surfaces, and as common facilities and activities increase. The TRLC project is a complex organism of interrelated parts—the water catchment system is dependent on other elements of the project being in place. The past five years has brought major garden and orchard expansion, shared laundry facilities, a flush toilet, and a functional kitchen. As a result, members are letting individual gardens rewild, doing laundry at the common house, and attending common meals several times a week, thus cutting down on private water use.

Details

There are 98,850 gallons of rainwater catchment at the TRLC. Based on a survey of TRLC residents:

- Average water use per household: 14 gallons/day (winter)/44 (summer)
- Average water use per resident: 8 gallons/day (winter)/26 gallons/day (summer)
- Average water use per resident (average over the year): 15.5 gallons

Provincial average per person (average over the year): 82 gallons/day gallons

(<https://waterplanninglab.sites.olt.ubc.ca/files/2016/03/BC-Municipal-Water-Survey-2016.pdf>)

Each household is provided with one 1000-gallon cistern from the common budget, and otherwise is responsible for their whole system, including filtration and maintenance. Households use composting toilets (which they are responsible for), which cuts down household water use by approximately 1/3, according to standard estimate.

File No.: DE-RZ-2023.1
(Komas Ranch Ltd.)

DATE OF MEETING: June 4, 2024

TO: Denman Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Application to amend the OCP and LUB – Komas Ranch Land Use Contract Termination
Applicant: Komas Ranch Ltd.
Location: 7161 and 7676 Komas Rd, Denman Island, BC, V0R 1T0
(PIDs 000-211-338, 000-211-320, and 023-096-438)

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008 (OCP), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).
2. That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Land Use Bylaw, 2008 (LUB), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).
3. That the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of part of the Northern parcel and part of the Eastern parcel (PIDs 000-211-338 and 023-096-438) as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB.
4. That the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of Site Specific Rural Residential zones in the LUB to permit the existing residential density on each of the subject properties.
5. That the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding sewerage waste disposal on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320):
 - a) Sewage disposal filings for each sewage disposal system on the subject properties; and
 - b) A comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.
6. That the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding the existing water quality and quantity on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320):
 - a) Source of potable water for each building site;
 - b) Distribution of potable water to each building site;

- c) Any historic or current water quality tests for existing potable water sources supplying the building sites;
- d) Any additional sources of water for irrigation (non-potable); AND

That this information be forwarded to the Islands Trust Freshwater Specialist for comment.

7. That the Denman Island Local Trust Committee request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.
8. That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program (NAPTEP) covenant to protect an environmentally sensitive portion of the Northern parcel.
9. That the Denman Island Local Trust Committee request staff to engage with K'ómoks First Nation regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.
10. That the Denman Island Local Trust Committee request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the *Heritage Conservation Act*.
11. That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks First Nation.
12. That the Denman Island Local Trust Committee direct staff to send an early referral of the preliminary staff report and application DE-RZ-2023.1 (Komas Ranch Ltd.) to the following groups for comment:

K'ómoks First Nation; Qualicum First Nation; Tla'amin Nation; Homalco First Nation (Xwemalhkwa); Wei Wai Kum Nation; We Wai Kai Nation; Nanwakolas Council; Te'Mexw Treaty Association; Snaw'Naw'As Nation; Snuneymuxw First Nation; Halalt First Nation; Stz'uminus First Nation; Tsu'uubaa-asatx First Nation; Lyackson First Nation; Penelakut Tribe; Cowichan Tribes; Comox Valley Regional District; BC Archaeology Branch; the Denman Island Advisory Planning Commission; Islands Trust Conservancy; and the Islands Trust Senior Intergovernmental Policy Advisor.

REPORT SUMMARY

This preliminary staff report provides the Denman Island Local Trust Committee (LTC) with an overview of the proposal; identifies land use planning issues associated with the application; and seeks direction from the LTC on next steps.

This application proposes amendments to the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) to permit the existing use and density on three lots as permitted through a Land Use Contract (LUC) from 1977. This application proposes to increase the number of single family dwellings (SFDs) permitted on PID 000-211-320 from six to 17 units, and permit each of the 17 SFDs to have one accessory guest dwelling no larger than 400 square feet. It also proposes to decrease the number of SFDs permitted on a portion of PID 000-211-338 from five to three units, and permit each of the three SFD units to have one accessory guest dwelling no larger than 400 square feet. In addition, the application proposes to re-designate and re-zone a portion of each of PIDs 000-211-338 and 023-096-438 from 'Rural' to 'Conservation/Recreation' OCP land use designation and Conservation (CN) zoning.

BACKGROUND

Longbeak Point

Henry Bay

Sec 33

Sec 32

NORTHWEST RD

NORTHERN PARCEL
(PID 000-211-338)
Proposed rezoning and OCP amendment

WESTERN PARCEL
(PID 000-211-320)
Proposed rezoning

EASTERN PARCEL
(PID 023-096-438)
Proposed rezoning and OCP amendment (Non-ALR portion only)

SUBJECT PROPERTIES

Land Use Contracts (LUCs) were used for a short period in BC's history (1971-1978). They are contractual arrangements between local governments and landowners that allowed for more flexibility than traditional zoning. The LUC No. 267 that applies to Komax Ranch was agreed to by the Comox Valley Regional District, the Owners, and Komax Ranch Ltd. (Company) in 1977. The province repealed the LUC legislation in 1978 and no new LUCs could be created, however, existing contracts remained in place. In 2014, the Provincial government enacted legislation that will terminate all LUCs in the province as of June 30, 2024. Along with this announcement the province also required local governments, such as Islands Trust, to adopt zoning for any property where a LUC was in effect.

A copy of LUC No. 267 is found in Attachment 4. Komasa Ranch is divided into 20 shares amongst 20 or more Owners on property title. The LUC permits a total of 20 SFD units and one accessory guest dwelling for each SFD with a maximum gross floor area of 400 square feet. The LUC applies to three parcels as outlined in Figure 1 above. Once the LUC is terminated on June 30, 2024, the underlying zoning for the parcels will apply. Currently, the three parcels covered by the existing LUC are zoned Rural Residential (R2) and Agriculture (A). The Western parcel which has the highest existing density of 17 SFD units is only permitted to have six SFD units in the underlying zoning. After June 30, 2024 any buildings and structures that were lawfully used under the LUC and are not permitted by the current zoning may continue to be used as a non-conforming use under *Part 14 Division 14* of the *Local Government Act*.

Table 1 includes a summary of the subject property details outlining the existing density as permitted by the LUC versus the maximum permitted density in the underlying zoning.

Table 1. Subject Property Details

Property	Parcel Area	Existing OCP Designation	Existing LUB Zoning	Existing Density (# dwellings)	Maximum Permitted Density (LUB) (# dwellings)
Northern Parcel PID 000-211-338	20.6 ha	Rural (R) (change required)	R2 (change required)	3 SFDs + 3 accessory guest dwellings max. 400ft ²	5 SFDs + one <i>secondary suite</i> within each SFD (limited in floor area)
Western Parcel PID 000-211-320	27.13 ha	Rural (R) (no change required)	R2 (change required)	17 SFDs + 17 accessory guest dwellings max. 400ft ²	6 SFDs + one <i>secondary suite</i> within each SFD (limited in floor area)
Eastern Parcel PID 023-096-438	A: 18.0 ha R: 11.4 ha	Agriculture (A) (in ALR) + Rural (R) (change required to 'R' designation)	A/R2 (change required to R2 zone)	ALR area: 1 SFD R2 area: None	ALR area: 1 SFD + one <i>secondary suite</i> located within the SFD (per ALR regulations) + one <i>secondary dwelling</i> (per ALR regulations) R2 area: 2 SFDs + one <i>secondary suite</i> within each SFD (limited in floor area)
Total	77.07 ha (190.44 ac)	-	-	21 SFDs + 20 accessory guest dwellings	14 SFDs + 14 <i>secondary suites</i> (located within SFD) + one <i>secondary dwelling</i> per ALR regs
*LUC will terminate on June 30, 2024. Any development on the land that does not meet the requirements of the LUB zoning that applies upon termination becomes non-conforming under Part 14 Division 14 - Non-conforming Use and Other Continuations of the Local Government Act .					

Rationale

The LTC may consider the termination of a LUC as an opportunity to update what might be considered outdated zoning, especially if the underlying zoning does not reflect the existing uses and density.

The underlying zoning has been in place since at least 2008, well before the Provincial government amended the *Local Government Act* in 2014 to terminate all LUCs by June 30, 2024. This application is an opportunity for the

LTC to re-examine whether the underlying OCP land use designations and LUB use and density provisions should continue as is, or whether they should be updated to reflect the existing use and density.

This is also an opportunity for the LTC to identify and implement additional planning tools to better protect the existing sensitive environments and cultural heritage sites on the parcels.

Applicant Rationale

Through discussions with the Owners and staff, it is staff's understanding that the Owners would like to be able to continue the residential use and density on each of the parcels, as permitted by the LUC from 1977. Each Owner bought their share of the property under the assumption that up to 20 residential densities as well as 20 guest dwelling units are permitted (one for each Owner share) across the parcels. See Attachment 5 for a Key Plan of all 20 buildings sites.

If the Owners do nothing and the LUC expires, the next time an Owner intends to construct a new building or add to an existing building on the Western parcel, a re-zoning amendment will be required first. If the amendment is not approved by the Local Trust Committee at that time for that level of residential density, the Owners will not be permitted to construct new buildings or make additions.

Another reason the OCP and re-zoning is requested is because if a non-conforming building or structure burns down or is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by a building inspector; the Owners will not be permitted to rebuild without an approved re-zoning. This may have impacts on property values and insurance, since the permitted density is being reduced according to the underlying zoning.

The Owners are proactively applying for a re-zoning and beginning to address the discrepancies between the LUC and the LUB *before* the LUC is terminated, and is a favourable approach viewed by staff.

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided for all subject properties in Attachment 1. There are a number of Islands Trust policies, OCP policies and LUB regulations that are pertinent to the consideration of this application, detailed in Attachments 1-3 and summarized as follows.

Islands Trust Policy Statement:

Staff note that an ITPS Checklist (Directives Only) will be completed at the time that draft bylaw amendments are presented to the LTC. A comprehensive analysis of Islands Trust Policy Statement policies relevant to this proposal are provided in Attachment 2. Applicable ITPS policies include those for ecosystem preservation and protection; forest, agricultural, coastal, and freshwater resource stewardship, and sustainable communities. A number of ITPS policies support this proposal in principle, while other policies require further consideration and have informed staff recommendations.

Official Community Plan:

Attachment 3 of this report provides a comprehensive overview of relevant OCP policies related to this application, for LTC review. There are multiple policies in the OCP that are applicable to the application, including those that address protection of sensitive ecosystems and freshwater, shoreline protection, climate change, transportation, water management, waste management, archaeological, historic and natural sites protection, housing, and

conservation/recreation designation. A number of OCP policies support this proposal in principle, while other policies require further consideration and have informed staff recommendations.

The subject properties are designated 'Rural' and 'Agriculture' in the OCP. The proposed application appears to be inconsistent with the 'Rural' land use designation and would therefore justify an amendment to the OCP, to include portions of the Northern and Eastern subject properties in the 'Conservation/Recreation' designation rather than the 'Rural' designation. These areas are currently undeveloped (apart from limited recreational use on the Eastern parcel) and they do not contain residential development, therefore the application proposes to retain them as conserved, undeveloped land. The Western parcel does not require an OCP amendment.

There are three existing development permit areas (DPAs) in effect for the subject properties, detailed in Attachment 1. Should the LTC concur with the staff recommendations to prepare draft bylaws, staff recommend that the LTC request staff to report back on the options and implications of establishing an additional shoreline protection DPA. None of the existing DPAs require removal as part of this application.

Land Use Bylaw:

The Western and Northern parcels (PIDs 000-211-338 and 000-211-320) are zoned Rural Residential (R2) and require re-zoning with suggested site specific residential regulations to address use, density, siting, size and subdivision potential. The Eastern parcel (PID 023-096-438) is split zoned Agriculture (A) and Rural Residential (R2), and only the R2 portion of the lot requires re-zoning to the Conservation (CN) zone to protect undeveloped land. The 'A' zoned portion of the lot is in the ALR and the existing use and density is permitted.

Issues and Opportunities

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

- Cultural Heritage Protection;
- Groundwater Management;
- Sewage Disposal;
- Nature Conservation;
- Public Access to Longbeak Point; and
- Marine Shoreline Development Permit Area.

Cultural Heritage Protection

The OCP and re-zoning application processes provide an opportunity for K'ómoks First Nation (K'ómoks) consideration. Early consultation is already underway; Islands Trust staff, the Applicant, and K'ómoks staff members held a site visit to the property in March of 2024 and K'ómoks identified their strong interest in this application. A post-impact Preliminary Field Reconnaissance is recommended pending further consultation with K'ómoks to determine the extent of cultural heritage on the subject properties.

Given the LTC's broad jurisdiction over private lands and the many legal tools available through the *Local Government Act*, the *Community Charter*, and the *Land Title Act*, the LTC's authority and land use decisions will be important in protecting cultural heritage areas on private lands, beyond the protections provided through the *Heritage Conservation Act* and the BC Archaeology Branch. The tools available to the LTC for First Nations cultural heritage protection on private land are detailed on Page 8 of **Attachment 2 – ITPS Policies** and include:

- Heritage Conservation Areas (Part 15 of the *Local Government Act*);
- Section 219 Covenant (*Land Title Act s. 219*); and
- Section 218 Statutory Right of Way (SROW) (*Land Title Act s. 218*).

It is at the re-zoning stage that the LTC has the greatest discretion to require protections through all of these tools, and the LTC is asked to direct staff to provide more information before deciding which options to pursue, before preparing draft bylaws for consideration.

- **For LTC decision: LTC to consider requesting staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the *Heritage Conservation Act*.**
- **For LTC decision: LTC to consider requesting that the applicant submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks First Nation.**

Groundwater Management

There is limited information provided in the application package to address the quality and quantity of the supply of freshwater. Each individual building site has to supply their own freshwater, either through groundwater wells or surface water. The LUC from 1977 contains the following provision concerning water supply:

"6.d) The Owners or the Company shall provide proof that potable water in a minimum amount of three hundred gallons per day per dwelling unit is available to each unit"

It is unclear how the building sites are collecting and treating their potable water, how they are distributing water amongst dwellings, the quality of the potable water, and whether there are separate sources for non-potable uses. Staff recommends obtaining this information prior to bylaw drafting, and forwarding it to the Islands Trust Freshwater Specialist for comment.

- **For LTC decision: The LTC to consider requesting the applicant provide the following information regarding the existing water quality and quantity on the Northern and Western parcels:**
 - **Source of potable water for each building site;**
 - **Distribution of potable water to each building site;**
 - **Any historic or current water quality tests for existing potable water sources supplying the building sites; and**
 - **Any additional sources of water for irrigation (non-potable).**

Sewage Disposal

Of the 20 building sites, 11 appear to have sewerage systems including septic tanks and a septic field. Five building sites appear to have a septic tank or tanks but no septic field. There are 10 outhouses in total on the Western parcel, each corresponding to a different residential building site. Four building sites appear to have no sewerage disposal system in place, other than an outhouse. Further information about the existing sewerage disposal systems is required before proceeding. There is insufficient information to determine whether wastewater is being cleaned before entering the sea, wetlands, lakes, and other watercourses.

- **For LTC decision: The LTC to consider requesting that the applicant to provide sewage disposal filings for each sewage disposal system on the subject properties, as well as a comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.**

Nature Conservation

There is a significant area of Old Forest Ecosystem mapped on the Northern parcel (PID 000-211-338), also located partly within DPA No. 1: Komas Bluff. The Land Use Contract (LUC) from 1977 prohibits development in most of this area, indicating that the Owners and the Company (Komas Ranch Ltd.) shall retain the treed section of Longbeak Point in a natural state as indicated in green in Schedule “A” of the LUC. In addition to amending the OCP and LUB to align with the land use contract, the LTC may consider requiring a Section 219 restrictive covenant for further environmental protection of this area of the lot, prior to bylaw adoption.

The LTC may also encourage the applicant to apply for the Natural Area Protection Tax Exemption Program (NAPTEP) for this part of the lot, to further incentivise environmental protection. The applicant would be encouraged to contact the Islands Trust Conservancy’s Ecosystem Protection Specialist to determine whether the area qualifies for a NAPTEP covenant.

If the applicant does not pursue a NAPTEP covenant, the LTC may alternatively request the applicant enter into a cost recovery agreement with the Islands Trust for the purposes of drafting a Section 219 *Land Title Act* restrictive covenant regarding the protection of environmentally sensitive old forest ecosystem on part of the Northern parcel, instead.

- **For LTC decision: The LTC to consider requesting that the applicant confirm whether or not they will pursue a NAPTEP covenant for an environmentally sensitive portion of the Northern parcel.**

Public Access to Longbeak Point

An informal private pedestrian trail to Longbeak Point exists on the Western and Northern parcels. This application presents an opportunity to consider formalizing public trail access to Longbeak Point, which is otherwise only accessible by walking along the western shoreline of the Western and Northern parcels during lower tides. During the site visit, staff were made aware that access to the subject properties is a top priority for K’ómoks First Nation, alongside cultural heritage protection. Further engagement with K’ómoks is required before proceeding to formalize the access trail.

- **For LTC decision: LTC to consider requesting staff to engage with K’ómoks First Nation regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.**

Marine Shoreline Development Permit Area

The Northern and Western parcels comprise a large coastal marine region of the Island, with certain areas more prone to erosion, flooding, and instability than others due to differences in wave exposure, shoreline values and type, sediment movement, elevation, and vulnerability. Many marine areas adjacent to these properties are environmentally sensitive and contain eelgrass and forage fish habitat. The LTC may direct staff to explore the options and implications of adopting policies and regulations for a shoreline protection DPA prior to application approval.

- **For LTC decision: The LTC consider requesting staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.**

Consultation

Statutory Requirements:

As the application involves OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with First Nations and persons, organizations and authorities it considers will be affected. The statutory process for bylaw amendments is prescribed by the *Local Government Act* and *Islands Trust Act*.

First Nations

While no resolution is required as part of the application processes, the LTC may consider continuing early engagement with K'ómoks First Nation (e.g. before the bylaws have been drafted), considering their strong interest in this application and in cultural heritage protection for the subject properties. The LTC may also support early referral of the application to other First Nations, prior to bylaw drafting.

Advisory Planning Commission (APC)

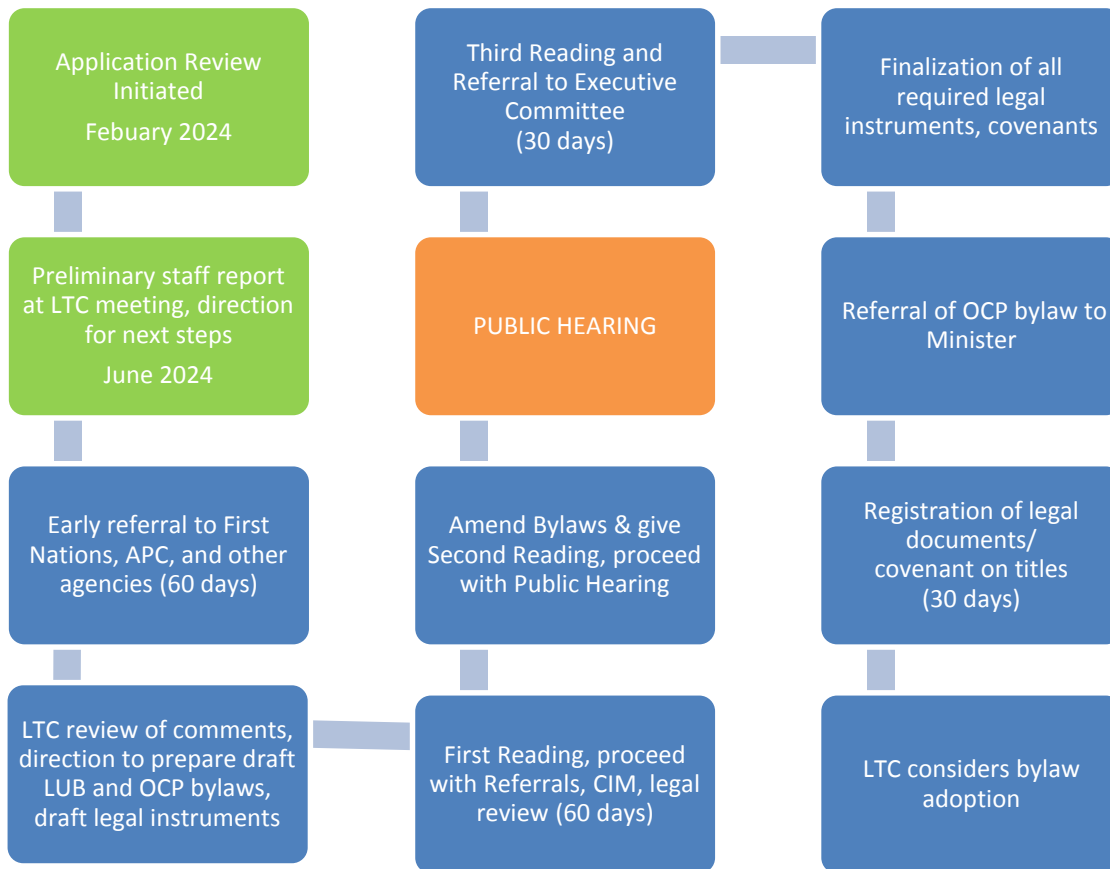
It is recommended that a referral of the application and this preliminary report is sent to the APC before the bylaws have been drafted. In addition to this early referral, the LTC could consider a second referral to the APC after the bylaws have been drafted. The LTC should determine at which stage(s) the APC may be involved.

Protocols

Protocols and agreements exist and are relevant to the consultation process for this file with the [Comox Valley Regional District and adjacent LTC](#) (Hornby Island). These delineate how the LTC and Regional District Board can cooperate, communicate, and effectively consult during OCP bylaw and LUB reviews.

Application Process Steps and Timing

The following process steps and approximate timelines may assist in managing applicant and community expectations in how a LUB and OCP amendment application such as this, can be processed. Staff note that the nature of these applications and LUC expiry may add a level of complexity to the proposed amendments, timeline and considerations:



The LTC should specify the format and frequency of community consultation during the draft bylaw review stage. The timeline above identifies a community information meeting prior to a public hearing being held. The LTC should specify any additional consultation requirements it wishes to be reflected in the timeline as it may impact the date of application completion.

Rationale for Recommendation

Staff is recommending a number of key information and consultation pieces to support advancement of the application and to inform the development and timing of draft bylaws.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by a Qualified Professional, which identifies the potential impacts of the proposed development on...

2. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant archaeological assessment/study (post-impact Preliminary Field Reconnaissance), or Denman Island Housing Review Project (Stage 2 Phase 2) process steps such as the Housing Action Plan/Bylaw Drafting, etc.

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Should the LTC move forward with staff recommendations, staff will advise the applicant of necessary next steps and prepare draft LUB and draft OCP bylaws for LTC consideration.

Submitted By:	Margot Thomaidis, Planner 2	May 27, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 27, 2024

ATTACHMENTS

1. Site Context
2. ITPS Policies
3. OCP Policies
4. Komasa Ranch Land Use Contract #267
5. Key Plan Survey of Komasa Ranch Building Sites (prepared by P. Mason, BCLS)

ATTACHMENT 1 – SITE CONTEXT – DE-RZ-2023.1 (KOMAS RANCH LTD.)

LOCATION

Legal Descriptions	- SECTION 33 DENMAN ISLAND NANAIMO DISTRICT - SECTION 32 DENMAN ISLAND NANAIMO DISTRICT EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND 26016 - LOT A SECTION 32 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP61295
PIDs	Northern parcel: 000-211-338; Eastern parcel: 023-096-438; and Western parcel: 000-211-320.
Lot Size	Northern parcel: 20.59 hectares (50.89 acres) Eastern parcel: 29.35 hectares (72.53 acres) Western parcel: 27.13 hectares (67.05 acres) Total: 77.07 hectares (190.44 acres)

LAND USE

Current Land Use	Northern parcel: Residential (3 building sites) and conservation/older forest Eastern parcel: Residential (1 building site) and Recreational use Western parcel: Residential (17 building sites)
Surrounding Land Use	<i>North:</i> Marine protection and park - Longbeak Point (community park), Sandy Island Marine Park (Provincial park). <i>West:</i> Marine aquaculture (Henry Bay). <i>South:</i> Rural residential, Provincial protected area, and conservation covenant (Grade Marsh). <i>East:</i> Rural residential and site specific agriculture use.

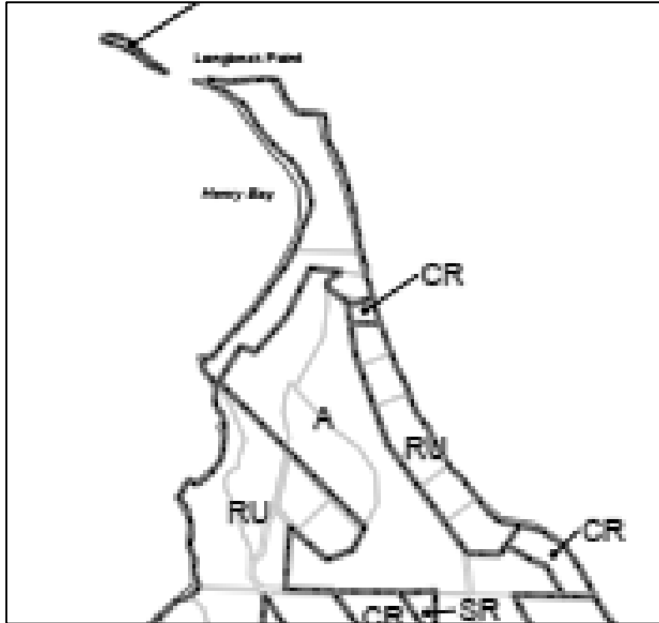
HISTORICAL ACTIVITY

File No.	Purpose
UN-SUP-1984.16	Site #1: Single Family Dwelling – 8067 Komas Rd.
UN-SUP-1991.26	Site #11: 400 square foot cottage/guest dwelling and utility shed. Septic tank/servicing also installed.
UN-SUP-1992.3	Site #11: Woodshed, 8ft in height.
UN-SUP-1992.4	File not retrieved.
DE-SUP-1993.18	Site #1: 2-storey addition to an existing cottage with connecting hallway to a living room and two bedrooms. 8067 Komas Rd. Xref. UN-SUP-1984.16.
DE-SUP-1994.9	Unknown site: 400 square foot dwelling. 7397 Komas Rd.
DE-SUP-1995.10	Unknown site: Addition to existing dwelling.
DE-SUP-1997.17	Unknown site: Addition to existing dwelling.
DE-SUP-1997.34	Unknown site. Dwelling.
DE-SUP-1997.35	Site #13: Dwelling, guest cabin, and two accessory buildings.

DE-SUP-1998.9	Site # 20: Cabin dwelling.
DE-SUP-2002.8	Unknown site. Residence/house – 7101 Komas Rd.
DE-SUP-2003.1	Site #20: Residence and carport.
DE-SUP-2004.15	Site #19: Residence + garage/combination workshop. 1 – 3 bedroom Residential Dwelling, Maximum Height 22’ 1 – Garage, Combination Hobby Shop, Maximum Height 19.68’ (6 m)
DE-SUP-2005.11	Site #12: 1 - Garage (Height 12'); and 1 - Residential Dwelling (Height 20') <i>Not issued – did not provide all owner signatures.</i>
DE-SUP-2008.11	Work shed - to store equipment (tools, etc.) and outdoor furniture when not in use. 3.1 metres x 3.7 metres (10' x 12'); ceiling height - 8', peak of gable - 12'. <i>Not issued – did not provide all owner signatures.</i>
DE-DVP-2010.2	Site #12: Existing residence exceeded the Land Use Bylaw by 13 inches in height. Approved. X-ref: DE-SUP-2010.2.
DE-SUP-2010.2	Site #12: Double Garage and Two Storey Residence. X-ref: DE-DVP-2010.2.
DE-SUP-2010.6	Site #15: Residence with deck + wood shed
DE-SUP-2010.7	Woodshed, Garden Shed, Boat Shed
DE-SUP-2010.8	File not retrieved.
DE-SUP-2010.10	Site #8: One Accessory Building – Storage Shed (3.4m high) One Dwelling – (3.9m high)
DE-SUP-2011.9	Site #17: Residence – permit for works completed (existing house)
DE-SUP-2011.21	Site #4: Addition to existing residence for attached storage, deck, and one-bedroom suite (including kitchenette and bathroom).
DE-SUP-2013.1	Site #20: To add an approx. 450 square foot addition connected to existing residence by a 13 foot covered walkway.
DE-SUP-2014.6	Site #7: Extension/addition to existing residence with covered porch.
DE-SUP-2015.10	Site #12: Proposed construction of new accessory building (600 square foot studio)
DE-SUP-2016.4	Site #5: Three bedroom and one bathroom addition to existing residence
DE-SUP-2017.6	Site #20: Shed/workshop
DE-SUP-2018.20	Site #5: Garage
DE-SUP-2021.13	Site #20: Boatshed (5m x 7m)
DE-SUP-2021.14	Site #3: One Single Family Dwelling (15m x 40m “Proposed House”); and One Accessory Building (6m x 12m “Tractor Storage Shed”)

POLICY/REGULATORY

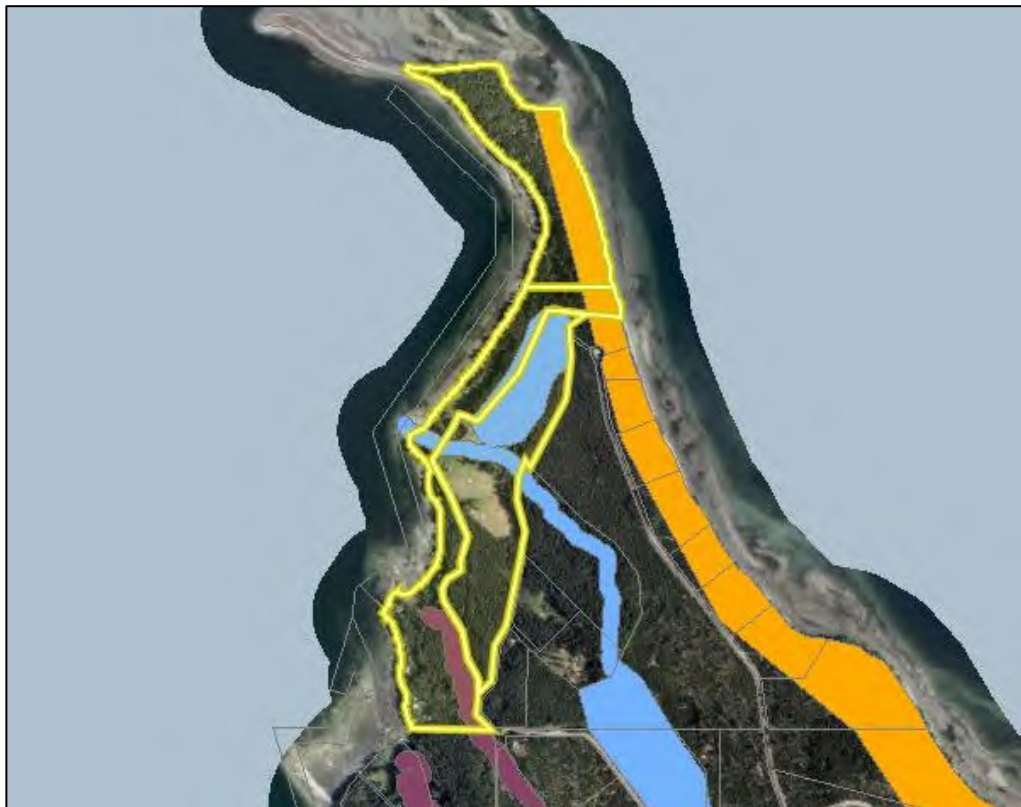
Denman Island Official Community	Land Use Designations: • Rural (RU) • Agriculture (A)
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Applicable OCP Policies are included in Attachment 2.

Development Permit Areas:

- Komas Bluff
- RAR Applicable Water Features
- Non RAR Applicable Water Features



Development Permit Area No. 4: Streams, Lakes and Wetlands

- RAR Applicable Streams, Lakes and Wetlands
- Non-RAR Applicable Streams, Lakes and Wetlands.
- Property containing seasonally flooded agricultural fields that are within the ALR



[Denman Island
Land Use Bylaw
No. 186](#)

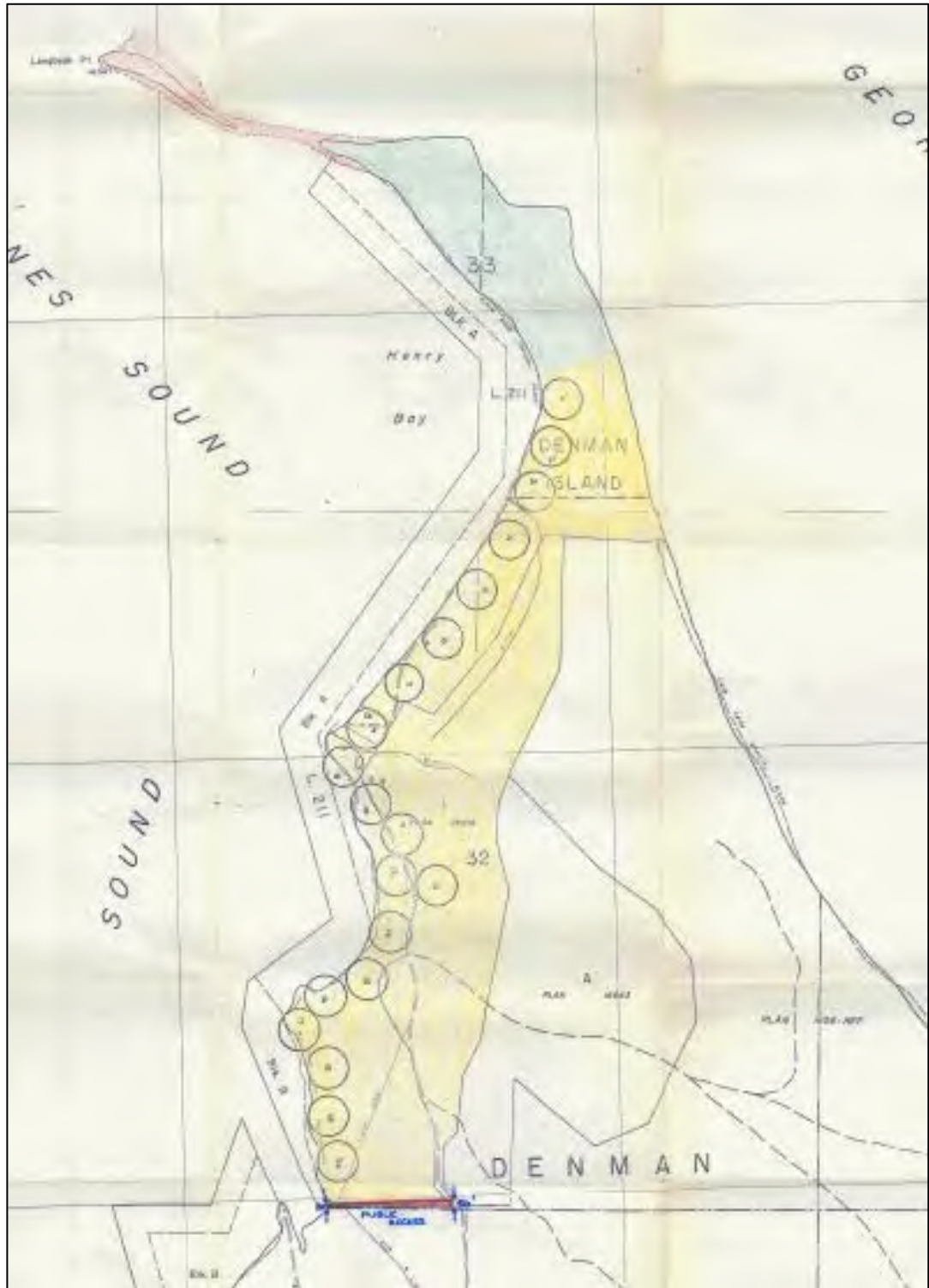
Land Use Contract #267 (LUC)

This contract applies to all three properties and will terminate on June 30, 2024, at which time only the underlying zoning will apply.

See excerpt from Schedule “A” map of the LUC below indicating 20 building sites each permitting one single family dwelling and one guest dwelling (maximum gross floor area of 400 square feet). The construction of customary accessory structures including but not restricting the generality of the foregoing: garage, workshop, greenhouse, boathouse, storage sheds, and common recreation facilities is also permitted.

A public beach right-of-way access along Runkle Rd. is indicated south of the Western parcel, in blue/red.

According to the LUC, a treed section of Longbeak Point north of proposed building site 1 as shown in green on Schedule "A" below shall be retained in a natural state.

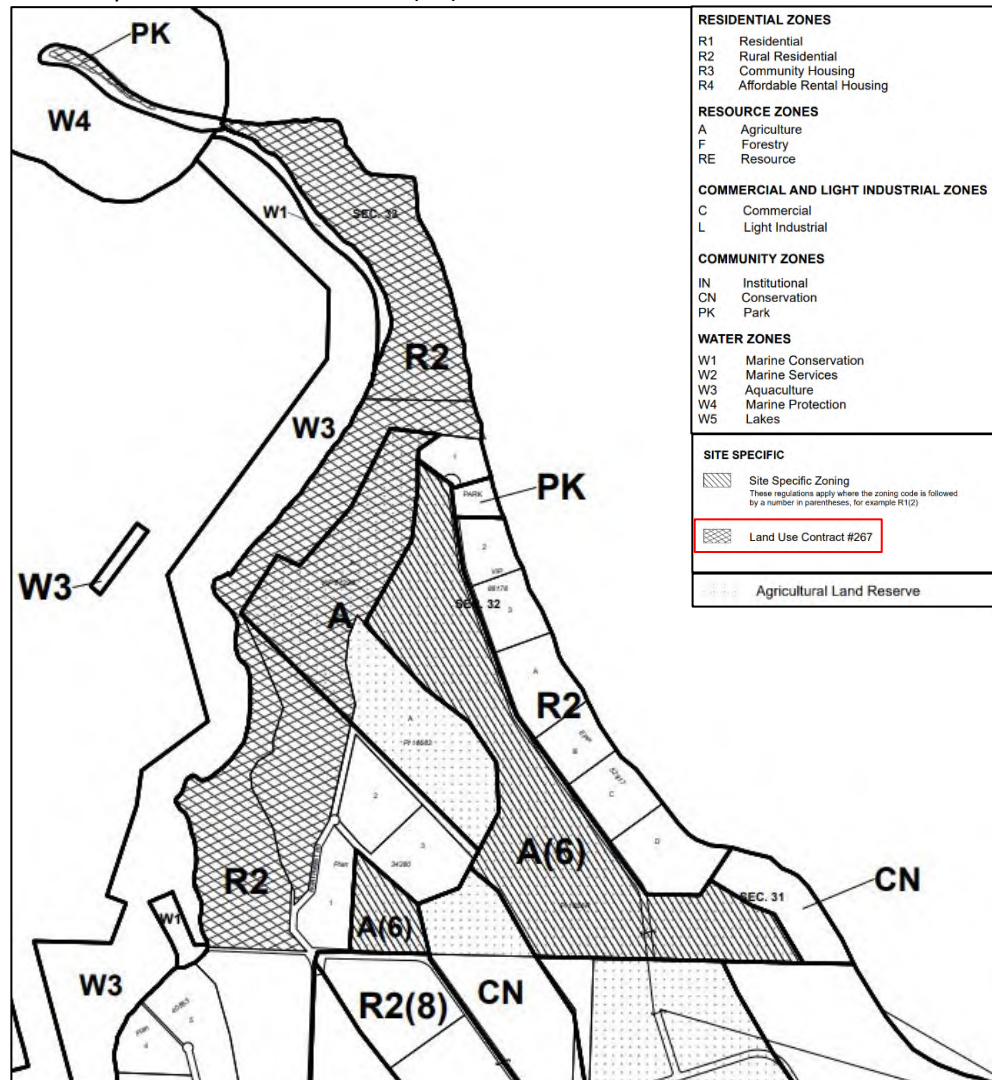


Underlying zoning (see below):

Northern parcel: Rural Residential (R2)

Eastern parcel: Split Zoned Agriculture (A) and Rural Residential (R2)

Western parcel: Rural Residential (R2)



Other Regulations and Notes

Property Access:
VIP3488OS – BC Ministry of Highways, Highway Notices Regulation – Public Highway Designation (Foot Path for Runkle Road). See OCP Schedule F Beach Rights-of-Way Map.

Utilities:

PID 023-096-438: F11256 – Right of Way – BC Hydro and Power Authority
PID 000-211-320: F9269 – Right of Way – BC Hydro and Power Authority
PID 000-211-338: F9269 – Right of Way – BC Hydro and Power Authority

Heritage Conservation Act:

There are known archaeological sites mapped on the properties. Proposed development or ground disturbance must meet The *Heritage Conservation Act*.

ALR:

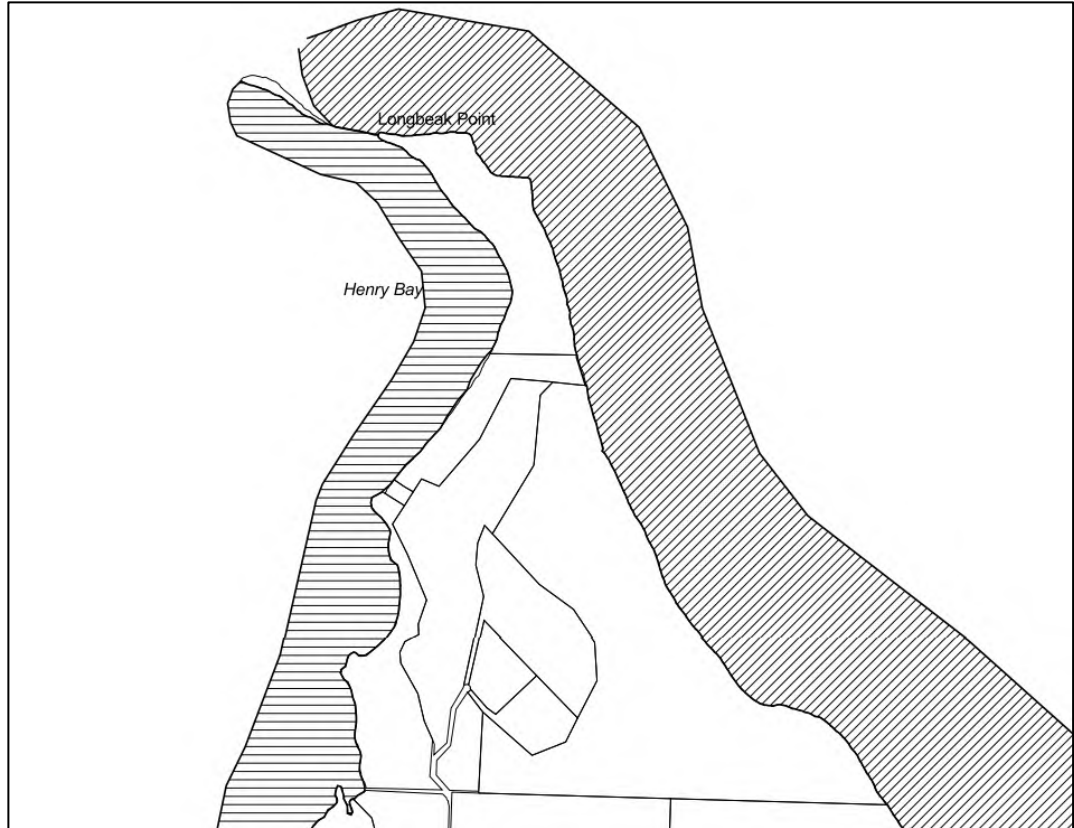
The eastern parcel (PID 023-096-438) is partly in the Agricultural Land Reserve and must adhere to the *Agricultural Land Commission Act* and the *Agricultural Land Reserve Use Regulation*.

Covenants and other legal agreements	There are no Section 219 <i>Land Title Act</i> covenants with the Denman LTC registered on title. All parcels have a Right of Way from BC Hydro and Power Authority registered on title. All parcels have the following legal agreements registered on title: G8685 – Land Use Contract with Corporation of the Regional District of Comox-Strathcona EX99010 – Right of First Refusal – Komasa Ranch Limited
Bylaw Enforcement	None.

SITE INFLUENCES

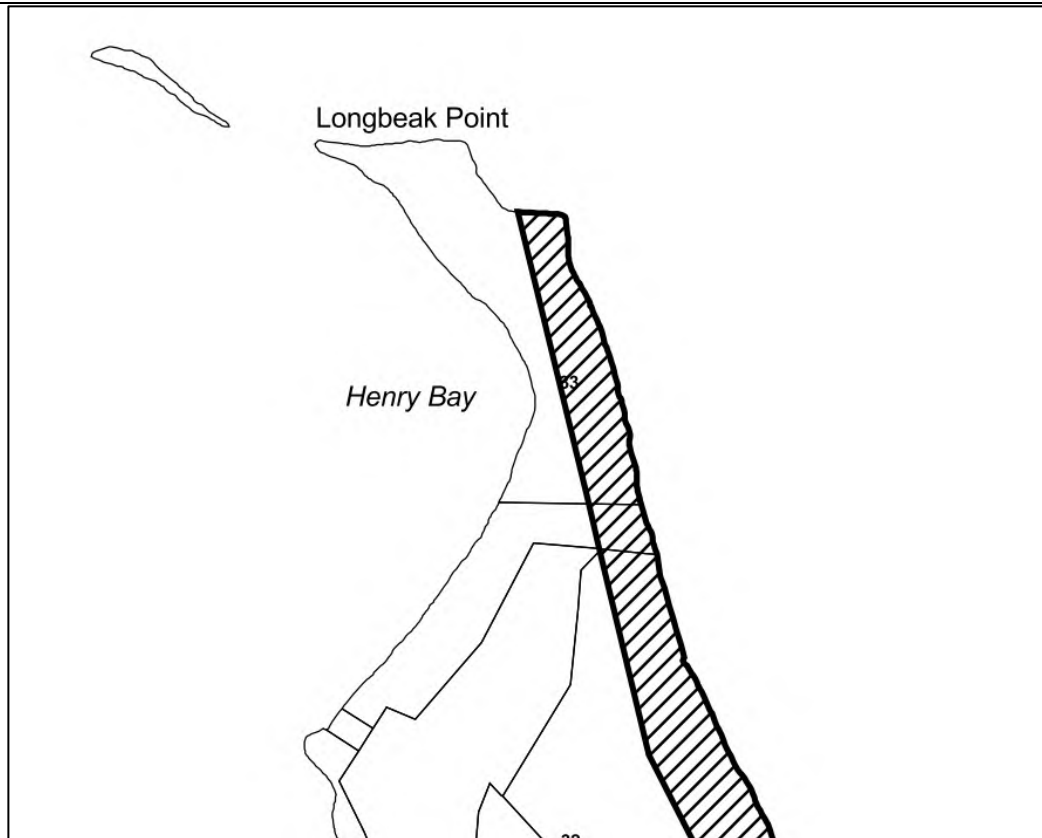
Islands Trust Conservancy (ITC)	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) – owned property or conservation covenant, nor directly affects a property directly adjacent to an ITC-owned property or conservation covenant. However, there is significant opportunity for the LTC to work with the Owners to register a conservation covenant on title to protect existing Older Forest Ecosystem on the Northern parcel. Referral to ITC staff for further review is recommended.
ITC Regional Conservation Plan (2018-2027)	Appendix II of the Regional Conservation Plan 2018-2027 estimated importance of habitat composition is MEDIUM-HIGH on the subject properties. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk	None mapped.
Sensitive Ecosystems and Areas	There is Older Forest Ecosystem mapped on the Northern and part of the Western and Eastern parcels. Sensitive Cliff Ecosystem making up part of Komasa Bluff is mapped on part of the Western parcel. A small area of Herbaceous Ecosystem is mapped on the northernmost part of the Northern parcel leading to Longbeak Point. 

There is important oyster growing area in the water to the west of the properties, and important herring spawning area to the north and east of the properties. See OCP Schedule D: Sensitive Areas.



Hazard Areas

A steep slope area part of the Komas Bluffs is mapped on parts of both the Northern and Western parcels. See excerpt of the DPA No. 1: Komas Bluff map below.



A seasonally flooded agricultural field is mapped on part of the Eastern parcel in the ALR.

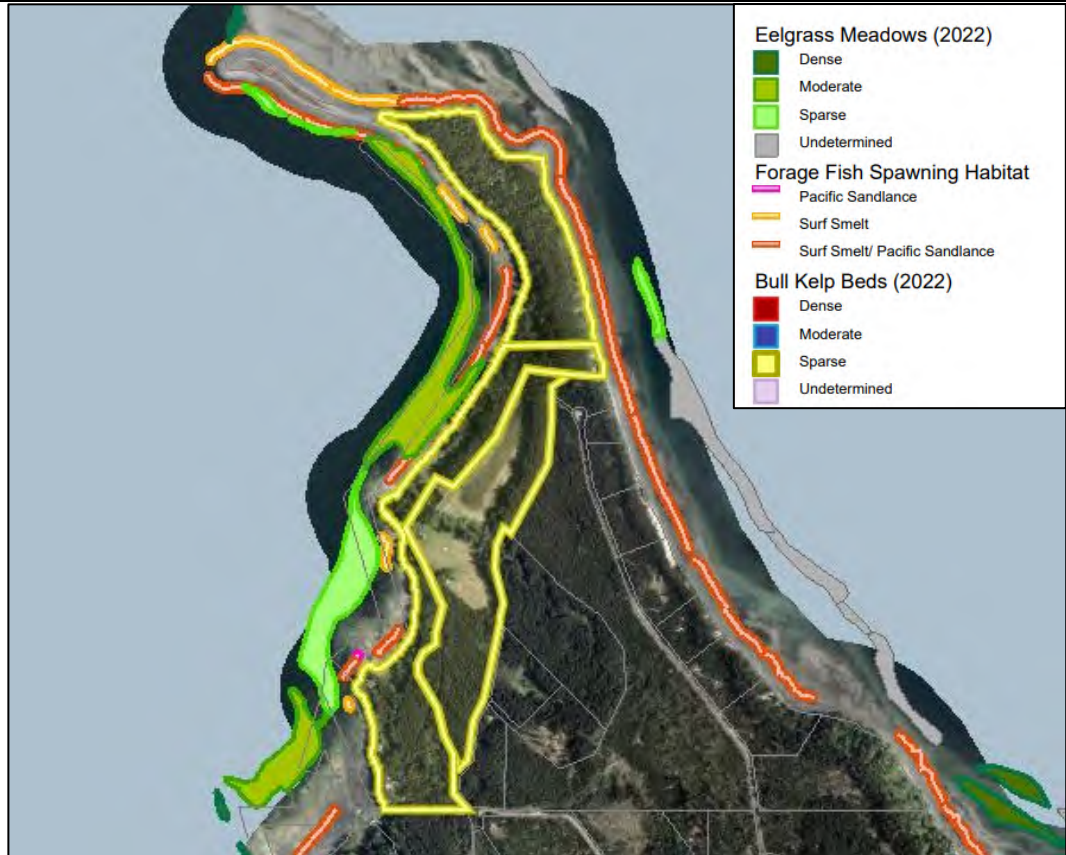


Cultural Heritage Sites

Remote Access to Archaeological Data (RAAD) indicates cultural heritage sites and areas of high archaeological potential on or within 100 metres of the subject properties and proposed application areas.

	Any proposed ground disturbance and development in and around a known cultural heritage site is subject to the K'ómoks First Nation Cultural Heritage Policy as well as the Heritage Conservation Act and may require a K'ómoks First Nation Cultural Heritage Investigation Permit, a Heritage Inspection/Investigation Permit, and/or a Site Alteration Permit. The LTC has the option of requesting that the applicants provide additional information, in the form of a post-impact Preliminary Field Reconnaissance prepared by a qualified professional consulting archaeologist, to review each of the lots. This information could be used to inform legal agreements prior to the OCP bylaw and zoning amendment approval and the development of other planning tools and permit requirements for protecting First Nations cultural heritage sites in the future.
Climate Change Adaptation and Mitigation	No increased density or development is proposed as part of this bylaw amendment application, therefore further GHG emissions or further possible climate change induced hazards are not expected from approval. Shoreline erosion and modifications to sensitive shoreline areas are an ongoing concern for some parts of the western and northern parcels, and this rezoning application could be an opportunity to reconsider shoreline protection and development by implementing a DPA for sensitive shoreline areas.
Shoreline Classification	RED = Boulder/Cobble Beach ORANGE = Pebble/Sand Beach  The image is an aerial photograph of a shoreline area, likely a bay or inlet. A red line runs along the shoreline, indicating areas classified as 'Boulder/Cobble Beach'. An orange line runs along the shoreline, indicating areas classified as 'Pebble/Sand Beach'. The map shows the shoreline's irregular shape and the surrounding land area with some vegetation and structures.

Shoreline Data
and Mapping



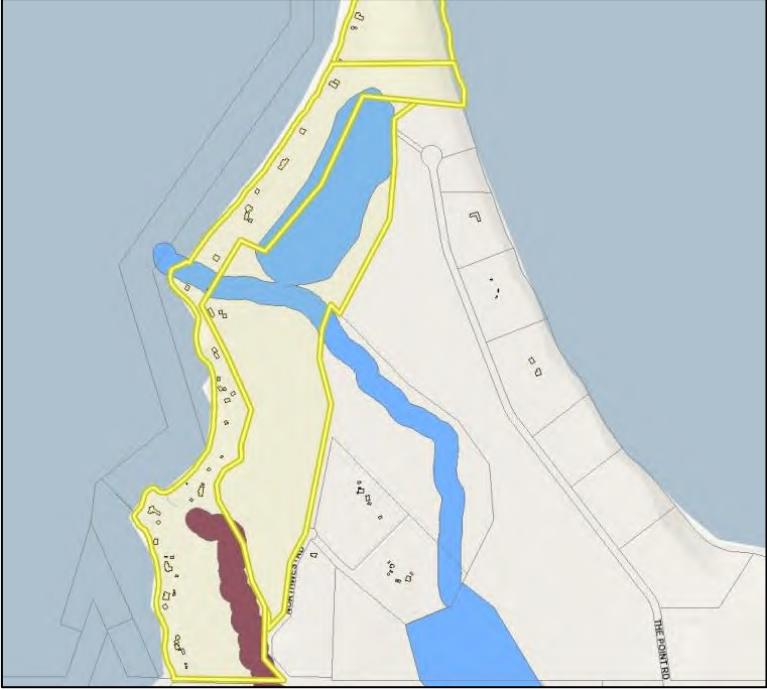
- Moderate-Sparse Eelgrass Meadows
- Surf Smelt/Pacific Sandlance habitat

See [Denman Island Shoreline Mapping](#) document for details and sources.

ISLANDS TRUST POLICY STATEMENT

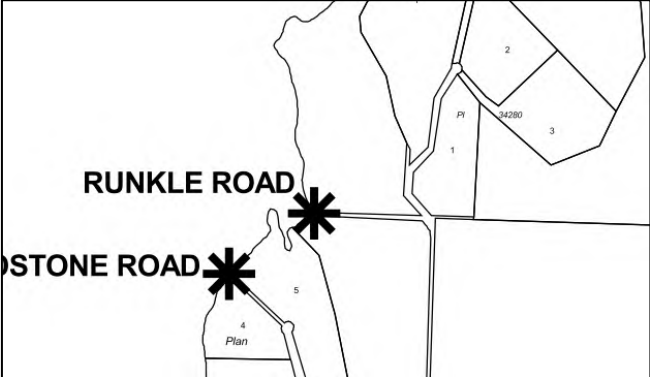
ITPS Policy	Complies	Planner Comments
3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.	YES	There is a significant area of Old Forest Ecosystem mapped on the Northern parcel (PID 000-211-338), also located partly within DPA No. 1: Komasa Bluff. The Land Use Contract (LUC) from 1977 prohibits development in most of this area, indicating that the Owners and the Company (Komasa Ranch Ltd.) 'shall retain in a natural state the treed section of Longbeak Point' as indicated in green in Schedule "A" of the LUC. The Land Use Designation is Rural and the underlying zoning (which applies as of July 1, 2024) is Rural Residential (R2). This application proposes to align the underlying LUB with the LUC and therefore seeks to rezone and re-designate this part of the lot to Conservation (CN) zone and Conservation/Recreation Land Use Designation. See excerpt from LUC Schedule "A" with planner comments added in green, below:
3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.	YES	 Recommendation: LTC to confirm that draft bylaw language should include designation of this part of the Northern parcel as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB.
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and	Pending receipt of additional information from the applicant	Of the 20 building sites, 11 appear to have sewerage systems including septic tanks and a septic field. Five building sites appear to have a septic tank or tanks but no septic field. There are 10 outhouses in total on the Western parcel, each corresponding to a different residential building site. Four building sites appear to have no sewerage disposal system in place, other than an outhouse. Further information about the existing sewerage disposal systems is required before proceeding.

ITPS Policy	Complies	Planner Comments
development to restrict emissions to land, air and water to levels not harmful to humans or other species.		Recommendations: • The LTC request the applicant to provide sewage disposal filings for each sewage disposal system on the subject properties. • The LTC request the applicant to provide a comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.
3.2.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.	YES	This application proposes to align the underlying bylaws with the Land Use Contract and therefore seeks to rezone and re-designate any un-fragmented forested area of the parcels from Rural Residential (R2) to Conservation (CN) zone and from Rural to Conservation/Recreation Land Use Designation.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	YES	DPA No. 4: Streams, Lakes and Wetlands addresses the means to prevent further loss and degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife. The Western and Eastern parcels are part of Development Permit Area No. 4: Streams, Lakes and Wetlands, including the following sensitive ecosystems: • RAR Applicable Streams, Lakes and Wetlands • Non-RAR Applicable Streams, Lakes and Wetlands. • Property containing seasonally flooded agricultural fields that are within the ALR See below for a map of the subject properties in yellow, including building sites and DPA No. 4 areas:

ITPS Policy	Complies	Planner Comments
		 Building Footprints RAR Applicable Water Features Non RAR Applicable Water Features 
3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.	Pending further application review	Structures in the marine shoreline area along each of the properties are subject to a 15.0 metre setback requirement according to 'Section 2.3.3 - Setbacks and Elevations from the Sea' in the LUB.
3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.		The Northern and Western parcels comprise a large coastal marine region of the Island, with certain areas more prone to erosion, flooding, and instability than others due to differences in wave exposure, shoreline values and type, sediment movement, elevation, and vulnerability. Many marine areas adjacent to these properties are environmentally sensitive and contain eelgrass and forage fish habitat. More information is available in the Denman Island Shoreline Mapping document. Recommendation: The LTC request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.

ITPS Policy	Complies	Planner Comments
4.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	YES	Part of the Eastern parcel has recently become 'Agriculture (A)' land use designation, as part of the Denman Farming Regulation Review. This same area is also part of the Agricultural Land Reserve (approximately 18 hectares). There is one dwelling within the ALR portion, permitted by the existing zoning. No changes to the Agriculture (A) land use designation or Agriculture (A) zoning on this lot are proposed as part of this application. See ALR land below in green:
4.1.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.	YES	
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	YES	The LTC should consider the Ministry of Agriculture buffer and edge planning requirements when drafting bylaw amendments for the adjacent residential property.
4.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.	YES	See planner comments and recommendations regarding ITPS Policies 3.1.3 and 3.1.4 above. In addition to amending the OCP and LUB to align with the provisions in the LUC, the LTC may consider requiring a Section 219 restrictive covenant for further environmental protection of this area of the lot, prior to bylaw adoption. The LTC may also encourage the applicant to apply for the Natural Area Protection Tax Exemption Program for this part of the lot, to further incentivise environmental protection. The applicant would be encouraged to contact the Islands Trust Conservancy's Ecosystem
4.2.8 Local Trust Committees and Island	YES	

ITPS Policy	Complies	Planner Comments
Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.		Protection Specialist to determine whether the area qualifies for a NAPTEP covenant. Recommendation: The LTC request the applicant to confirm whether or not they will pursue a NAPTEP covenant for an environmentally sensitive portion of the Northern parcel. If the applicant does not pursue a NAPTEP covenant, the LTC may alternatively request the applicant enter into a cost recovery agreement with the Islands Trust for the purposes of drafting a Section 219 <i>Land Title Act</i> restrictive covenant regarding the protection of environmentally sensitive old forest ecosystem on part of the Northern parcel, instead.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: • neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, • water quality is maintained, and • existing, anticipated and seasonal demands for water are considered and allowed for.	Pending receipt of additional information from the applicant	There is limited information provided in the application package to address the quality and quantity of the supply of freshwater. Each individual building site has to supply their own freshwater, either through groundwater wells or surface water. The historic Land Use Contract from 1977 contains the following provision concerning water supply: <i>"6.d) The Owners or the Company shall provide proof that potable water in a minimum amount of three hundred gallons per day per dwelling unit is available to each unit"</i> Recommendation: The LTC request the applicant provide the following information regarding the existing water quality and quantity on the Northern and Western parcels: • Source of potable water for each building site; • Distribution of potable water to each building site; • Any historic or current water quality tests for existing potable water sources supplying the building sites; • Any additional sources of water for irrigation (non-potable); AND That this information be forwarded to the Islands Trust Freshwater Specialist for comment.
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	Pending receipt of additional information from the applicant	
4.5.10 Local Trust Committees and Island	YES and Pending	See planner comments regarding ITPS Policies 3.4.4 and 3.4.5 above.

ITPS Policy	Complies	Planner Comments
Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.	further application review	Recommendation: The LTC request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties. An approximately 320 metre long Ministry of Transportation and Infrastructure Right-of-Way pedestrian trail exists between Northwest Rd and the beach, along Runkle Rd and the southern property line of the Western parcel (PID 000-211-320). This beach access is indicated in OCP Schedule F – Beach Rights-of-Way.  An informal private pedestrian trail to Longbeak Point exists on the Western and Northern parcels. This zoning amendment presents an opportunity to consider formalizing public access to Longbeak Point. During the site visit, staff were made aware that access to the subject properties is a top priority for K’ómoks First Nation, alongside cultural heritage protection. Further engagement with K’ómoks is required before proceeding to formalize the access trail. Recommendation: The LTC request staff to engage with K’ómoks regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	YES and Pending further application review	Application seeks to maintain the existing residential density as well as conserve areas of undeveloped land on the parcels, as addressed by LUC provisions since 1977. The underlying LUB zones and OCP land use designations do not accurately reflect the reality of developed and conserved areas of the subject properties. Site specific zoning, amendments to land use designations, and new DPA’s and/or HCA’s would ensure efficient use of the land, conservation of undeveloped areas, and address the aesthetic, social, and environmental impacts of the existing residential development.
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws,	YES and Pending further application review	

ITPS Policy	Complies	Planner Comments
address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.		
5.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.	YES and Pending further application review	Existing strategies for directing development away from areas that are hazardous to development on the subject properties include: • DPA No. 1 – Komass Bluff; • DPA No. 4 – Streams, Lakes, and Wetlands; • LUB Section 2.3.1 – General Setback Regulations – ‘Setbacks from Cliffs’; and • LUB Sections 2.3.2, 2.3.3, 2.3.4, and 2.3.5 – General Setback Regulations – ‘Setbacks and Elevations from the Sea’. Recommendation: The LTC request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.
5.5.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.	YES and Pending further application review	See planner comments regarding ITPS Policies 4.2.8 and 4.5.10 above. Recommendation: The LTC request staff to engage with K’ómoks regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels. Recommendation: The LTC request the applicant to confirm whether or not they will pursue a NAPTEP covenant for an environmentally sensitive portion of the Northern parcel.
5.6.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification,	Pending further application review and receipt of additional information	The subject properties are a significant cultural heritage site in coastal BC and for the K’ómoks First Nation. The proposed application provides an opportunity for the LTC and K’ómoks First Nation consideration. An Archaeological Overview Assessment and/or a Preliminary Field Reconnaissance is recommended pending further consultation with K’ómoks to

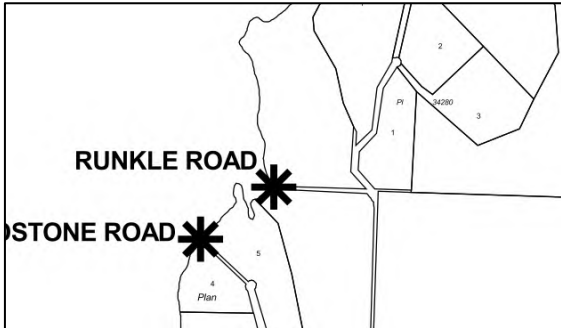
ITPS Policy	Complies	Planner Comments
protection, preservation and enhancement of local heritage. 5.6.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.	from the applicant	determine the extent of cultural heritage sites on the subject properties. Given the LTC's broad jurisdiction over private lands and the many legal tools available through the <i>Local Government Act</i>, the <i>Community Charter</i>, and the <i>Land Title Act</i>, the LTC's authority and land use decisions will be important in protecting cultural heritage areas on private lands, beyond the protections provided through the <i>Heritage Conservation Act</i> and the BC Archaeology Branch. The tools available to the LTC for First Nations cultural heritage protection on private land include: Heritage Conservation Areas: Part 15 of the <i>Local Government Act</i> allows governments to identify and designate areas and buildings for heritage conservation purposes in their Official Community Plans (OCP); it then protects those areas by restricting alterations that can be made without a permit, providing guidelines for permit approval. Part 15 also includes specific remedies for enforcement in the event of unauthorized actions in relation to protected heritage property. This local planning tool would give the LTC the ability to impose additional or different requirements than the provincial <i>Heritage Conservation Act</i> scheme for development on known archaeological sites. It would take time for the LTC to properly develop and implement this alongside the rezoning. It also has the potential for conflict/overlap with the provincial scheme, if the local requirements are similar to the <i>Act</i>. Section 219 Covenant: <i>Land Title Act</i> s. 219 authorizes legal agreements between the private owner(s) and the LTC for the benefit of the LTC. The agreement could have both a negative (restrictive) or positive nature respecting the use of land or buildings, including provisions that land is not to be built upon or disturbed. These agreements run with the land, not the individual owner, and would be enforced by the Islands Trust/LTC. A Section 219 covenant has been successfully applied to land at the time of rezoning in the past, to limit development/disturbance to known cultural heritage sites on Salt Spring Island. Section 218 Statutory Right of Way (SROW): <i>Land Title Act</i> S. 218 recognizes that persons delegated by the Minister, including an Islands Trust Local Trust Committee or perhaps a First Nation, can register an enforceable statutory right-of-way over land. In some circumstances a Nation may be able to obtain a statutory right-of-way or common law easement to freely access cultural heritage areas on private land. It is at the rezoning stage that the LTC has the greatest discretion to require amenities/protections through all of these tools, and the LTC is asked to direct staff to provide more information before deciding which options to pursue.

ITPS Policy	Complies	Planner Comments
		Recommendation: The LTC request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the <i>Heritage Conservation Act</i>. Recommendation: The LTC to request applicant submit an Archaeological Overview Assessment and/or a Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

OCP Objective/Policy	Planner Comments and Recommendations as of May 2024
PART C – The Natural Environment	
C.1 – Lands and Forest	
C.1 – Lands and Forest Policy 2 Stewardship is encouraged, and zoning regulations and amendments to zoning regulations should be designed to protect sensitive ecosystems and other features identified on Schedule D, and the steep slopes, bluffs, streams, lakes and wetlands, identified as development permit areas on Schedule E.	Proposed application would not increase the existing density of development in proximity to sensitive ecosystems. Existing strategies for directing development away from areas that are hazardous to development on the subject properties include: • DPA No. 1 – Komasa Bluff; • DPA No. 4 – Streams, Lakes, and Wetlands; • LUB Section 2.3.1 – General Setback Regulations – ‘Setbacks from Cliffs’; and • LUB Sections 2.3.2, 2.3.3, 2.3.4, and 2.3.5 – General Setback Regulations – ‘Setbacks and Elevations from the Sea’.
C.1 – Lands and Forest Policy 3 The Local Trust Committee should consider the negative impacts of any proposed zoning amendment that would allow development in proximity to sensitive ecosystems and other features identified on Schedule D, or to the bluffs, streams, lakes and wetlands identified as development permit areas on Schedule E.	- Building Footprints - Komasa Bluff - RAR Applicable Water Features - Non RAR Applicable Water Features 
C.1 – Lands and Forest Policy 7 The Local Trust Committee should be guided by the Principles of Sustainable Forest Land Use in Part G of this Plan when considering any	The 14 ‘Principles of Sustainable Forest Land Use’ outlined in Part G of the OCP apply to maintaining the ecological integrity of the older forest ecosystems on the subject properties, in particular the Northern parcel.

request for amendments to the land use bylaw, when establishing development permit areas, or when developing guidelines for development permit areas.	These Principles will also need to be considered if the LTC decides to pursue a DPA for shoreline protection along the ecologically biodiverse shoreline/foreshore areas of the subject properties. Recommendation: The LTC request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.
C.1 – Lands and Forest Policy 9 Landowners are encouraged to protect forested lands, bluffs, meadows and grasslands through the establishment of conservation covenants or other protective measures. The Local Trust Committee should assist landowners wishing to establish conservation covenants on their land.	Recommendation: The LTC request the applicant to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program covenant for an environmentally sensitive forested portion of the Northern parcel.
C.2 – Freshwater	
C.2 Freshwater Policy 9 - Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	Proposed bylaw amendments may specify setback, siting, and height provisions for rainwater collection cisterns.
C.3 The Marine Environment	
C.3 The Marine Environment Policy 4 The LTC should, through the use of zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: • Protect the remaining integrity of the foreshore, shoreline, and natural coastal and intertidal processes; • Discourage uses that disrupt natural features and processes; • Allow for natural erosion and accretion processes, without endangering structures; • Encourage owners of shoreline properties to retain, whenever possible, natural vegetation and natural features on areas adjacent to the foreshore; and • Discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities.	Existing LUB setbacks for directing development away from the foreshore marine areas on the subject properties include: • LUB Sections 2.3.2, 2.3.3, 2.3.4, and 2.3.5 – General Setback Regulations – ‘Setbacks and Elevations from the Sea’. This includes a 15-metre setback requirement from the natural boundary of the sea for buildings and structures, with exceptions for fences and access stairs. The Northern and Western parcels comprise a large coastal marine region of the Island, with certain areas more prone to erosion, flooding, and instability than others due to differences in wave exposure, shoreline values and type, sediment movement, elevation, and vulnerability. Many marine areas adjacent to these properties are environmentally sensitive and contain eelgrass and forage fish habitat. More information is available in the Denman Island Shoreline Mapping document. Recommendation: The LTC request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.
C.4 – Climate Change Adaptation and Mitigation	

C.4 Climate Change The Local Trust Committee should work with the Islands Trust Conservancy Board and other conservation organisations to promote land conservation as a cost effective and important climate change mitigation strategy.	See planner comments regarding E.3 – Conservation/ Recreation Policies 2-8 below. Recommendation: The LTC request the applicant to confirm whether or not they will pursue a NAPTEP covenant for an environmentally sensitive portion of the Northern parcel. Recommendation: The LTC request that staff refer the application to the Islands Trust Conservancy.
PART D – The Social Fabric	
D.2 – Transportation and Utilities	
D.2 Transportation and Utilities Policy 16 Landowners are encouraged to preserve existing trails on their property through covenants or by opening these private trails to the general public by placing signage in appropriate locations.	An approximately 320 metre long Ministry of Transportation and Infrastructure Right-of-Way pedestrian trail exists between Northwest Rd and the beach, along Runkle Rd and the southern property line of the Western parcel (PID 000-211-320). This beach access is indicated in OCP Schedule F – Beach Rights-of-Way.  An informal private pedestrian trail to Longbeak Point exists on the Northern and Western parcels. This zoning amendment presents an opportunity to consider formalizing public access to Longbeak Point via legal covenant. During the site visit, staff were made aware that access to the subject properties is a top priority for K'ómoks First Nation, alongside cultural heritage protection. Further engagement with K'ómoks is required before proceeding to formalize the trail.

	 Recommendation: the LTC request staff to engage with K'ómoks regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.
D.2 Transportation and Utilities Policy 17 The Local Trust Committee should support cooperation among local groups, landowners, Comox Valley Regional District and the Ministry of Transportation and Infrastructure to establish trail policies to be considered as an amendment to this Plan. Such policies should consider: • multiple uses such as walking and bicycling; • linkages between residential areas, commercial areas, parks, schools, beaches and ferry terminals; • access to destinations not serviced by roads; and • negative impacts on land owners and level of usage.	See D.2 Transportation and Utilities Policy 16 planner comments and recommendation above. LTC may consider supporting the development of trail policies to guide the use of all trails on the Island, including the two above-mentioned trails.
D.2 Transportation and Utilities Policy 18 The use of undeveloped road rights-of-way (including beach rights-of-way) as trails should be supported and their use for private driveways, service corridors or motorized beach access should be discouraged.	Use of the existing beach right-of-way access along Runkle Rd. as a formalized pedestrian trail to be considered by the LTC.
D.3 – Water Management	
D.3 Water Management Policy 6 -When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve	There is limited information provided in the application package to address the quality and quantity of the supply of freshwater. Each individual building site has to supply their own freshwater, either through groundwater wells or surface water.

water and protect the ground water resource.	The historic Land Use Contract from 1977 contains the following provision concerning water supply: <i>“6.d) The Owners or the Company shall provide proof that potable water in a minimum amount of three hundred gallons per day per dwelling unit is available to each unit”</i> Recommendation: LTC request the applicant provide the following information regarding the existing water quality and quantity on the Northern and Western parcels: • Source of potable water for each building site; • Distribution of potable water to each building site; • Any historic or current water quality tests for existing potable water sources supplying the building sites; • Any additional sources of water for irrigation (non-potable); AND That this information be forwarded to the Islands Trust Freshwater Specialist for comment.
D.4 – Waste Management	
D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.	Of the 20 building sites, 11 appear to have sewerage systems including septic tanks and a septic field. Five building sites appear to have a septic tank or tanks but no septic field. There are 10 outhouses in total on the Western parcel, each corresponding to a different residential building site. Four building sites appear to have no sewerage disposal system in place, other than an outhouse. Further information about the existing sewerage disposal systems is required before proceeding. Recommendations: • LTC request the applicant to provide sewage disposal filings for each sewage disposal system on the subject properties. • LTC request the applicant to provide a comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.
D.6 – Archaeological, Historic and Natural Sites	
D.6 – Archaeological, Historic and Natural Sites Policy 1 The Local Trust Committee should encourage the preservation and protection of known heritage features and develop regulations as necessary to protect historic buildings, archaeological features and natural heritage features.	The proposed application provides an opportunity for the LTC and K’ómoks First Nation consideration. An Archaeological Overview Assessment and/or a Preliminary Field Reconnaissance is recommended pending further consultation with K’ómoks to determine the extent of cultural heritage on the subject properties.
D.6 – Archaeological, Historic and Natural Sites Policy 2 The Local Trust Committee should consider the negative impacts of a zoning amendment	Given the LTC’s broad jurisdiction over private lands and the many legal tools available through the <i>Local Government Act</i>, the <i>Community Charter</i>, and the <i>Land Title Act</i>, the LTC’s authority and land use decisions will be important in protecting cultural heritage areas on private lands, beyond

application that would allow inappropriate development close to identified heritage features.	the protections provided through the <i>Heritage Conservation Act</i> and the BC Archaeology Branch.
D.6 – Archaeological, Historic and Natural Sites Policy 3 A Community Heritage Registry should be established, and Island heritage buildings or features that the community identifies as worth conserving should be included.	Potential LTC tools for the protection of cultural heritage on private lands are listed under staff comments for ITPS Policies 5.6.2 and 5.6.3 in Attachment 2. Recommendation: LTC request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the <i>Heritage Conservation Act</i>. Recommendation: LTC to request applicant submit an Archaeological Overview Assessment and/or a Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K’ómoks.
D.6 – Archaeological, Historic and Natural Sites Policy 4 The Local Trust Committee should consider variances to setbacks, heights or parking requirements in the zoning regulations to promote the restoration, enhancement or preservation of a heritage building or feature.	The LTC may consider site specific zoning regulations to help address cultural heritage protection by limiting the placement of development to specific areas of the subject properties.
D.6 – Archaeological, Historic and Natural Sites Policy 5 The Local Trust Committee should consult with the First Nations before considering bylaw amendments or the issuance of a permit in areas that may have archaeological significance.	Early consultation with K’ómoks First Nation is already underway. Islands Trust staff, the Applicant, and K’ómoks First Nation staff members held a site visit to the property in March of 2024. Recommendation: the LTC direct staff to continue to engage with the K’ómoks First Nation to consider planning tools and options to address their priorities and concerns for the site.
PART E – Families and Individuals	
E.1 – Housing	
E.1 Housing Policy 11 - In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.	Existing residential density is permitted by the Land Use Contract from 1977, which terminates on June 30, 2024. Proposed application seeks to bring the existing development, as permitted by the LUC, into conformity with the LUB and OCP. See D.3 Water Management comments and recommendation that the LTC request additional information about freshwater supply for the building sites.
E.1 Housing Policy 12 - The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to	The LUC permits a total residential density as follows, which has been built out and already exists on the property: • Three single family dwelling units on the Northern parcel; • 17 single family dwelling units on the Western parcel;

accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section. Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.	• For each single family dwelling unit, construction of one guest dwelling with a maximum gross floor area of 400 hundred square feet; and • Construction of customary accessory structures including but not restricting the generality of the foregoing, garage, workshop, greenhouse, boathouse, storage shed and common recreation facilities. Once terminated, the underlying zoning applies to the land. The underlying zoning permits a total residential density as follows: • Five single family dwelling units on the Northern parcel; • Six single family dwellings on the Western parcel; • Three single family dwellings and one accessory secondary dwelling (per ALR regulations) on the Eastern parcel; • Secondary suites located within SFDs. • Buildings and structures accessory to a single family dwelling unit; and Detached secondary dwellings are <u>not</u> permitted by zoning and only allowed to be constructed if approved through Temporary Use Permit. The existing development is inconsistent with the underlying zoning. Any development on the land that does not meet the requirements of the zoning that applies on LUC termination becomes non-conforming. Recommendation: The LTC confirm that the draft bylaw language will include designation of Site Specific Rural Residential zones in the LUB to permit the existing residential density on each of the subject properties.
E.1 Housing Policy 17 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	The proposed application seeks to maintain existing residential density and siting, which is consistent with this policy. An area of the Northern parcel (approx. 14.1 hectares) is proposed to be retained through Conservation (CN) zoning and potentially a NAPTET covenant. See E.3 – Conservation/Recreation Policy 2 planner comments and map below. The southern half of the Eastern parcel (approx. 11.4 hectares) is mostly undeveloped land, currently used for recreation by the Owners of Komas Ranch. It is proposed to be retained by amending the bylaws from Rural Residential (R2) to Conservation (CN) zoning and Conservation/ Recreation land use designation.

	Recommendation: LTC to confirm that draft bylaw language should include designation of parts of the Northern and Eastern parcels as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB.
E.1 Housing Policy 22 – Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the Riparian Area Regulation under the Fish Protection Act.	Proposed application does not propose changes to setback and siting regulations or the existing Development Permit Area guidelines for streams, lakes, and wetlands.
E.1 Housing Policy 23 – Zoning regulations should establish sufficient setbacks to protect the foreshore and coastal marine environment and to protect development from foreshore erosion.	See planner comments regarding C.3 The Marine Environment Policy 4 above. Recommendation: The LTC request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.
E.1 Housing Policy 24 - Zoning regulations should establish sufficient setbacks for septic disposal systems: - to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and - to protect adjacent properties from effluent or odours.	See D.4 Waste Management staff comments above for background information on sewage disposal for the subject properties. There is insufficient information to determine whether wastewater is being cleaned before entering the sea, wetlands, lakes, and other watercourses. LUB Sections 2.3.2 and 2.3.3 provide that the minimum setback from the natural boundary of the sea, or of a stream, lake or wetland for a sewage disposal field or alternate sewerage system is 30.0 metres. Recommendations: LTC request the applicant to provide sewage disposal filings for each sewage disposal system on the subject properties. LTC request the applicant to provide a comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.
E.1 Housing Policy 27 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.	LTC may consider requiring, through site specific zoning or restrictive covenant registered on title, that any redevelopment of dwellings on the lot must meet or exceed BC Energy Step Code Level 2 standards for new construction.
E.1 Housing Policy 30	See E.1 Housing Policy 11 and 12 staff comments above.

The Local Trust Committee should consider zoning amendment applications: • to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; • to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction	This rezoning application seeks to bring the existing development, as permitted by the LUC, into conformity with the LUB and OCP.
E.1 Housing DAI Policy 32 - The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and	See above staff comments and recommendations concerning D.3 – Water Management and D.4 Waste Management. More Development Approval Information is required for the existing residential development on the subject properties.

siting of development in the Residential and Rural designations.	
E.3 – Conservation/Recreation	
E.3 – Conservation/Recreation Policy 2 In the Conservation/Recreation designation: • there should be no subdivision of land; • the uses and densities should be restricted to conservation or outdoor recreation and educational programs; • the only camping permitted should be in Fillongley Park; • Zoning regulations should establish that the principal use on land within the conservation/recreation designation is passive recreation. • zoning regulations should establish setbacks from lot lines for any allowed buildings and structures; • zoning regulations should establish sufficient setbacks to protect any watercourses and in the case of fish-bearing streams, setbacks should be adequate to protect the riparian habitat; • zoning regulations should establish sufficient setbacks to protect the foreshore and coastal marine environment; and • zoning amendments should be undertaken to ensure land is retained for conservation and recreation uses.	There is a significant area of Old Forest Ecosystem mapped on the Northern parcel (PID 000-211-338), also located partly within DPA No. 1: Komas Bluff. The Land Use Contract (LUC) from 1977 prohibits development in most of this area, indicating that the Owners and the Company (Komas Ranch Ltd.) shall retain in a natural state the treed section of Longbeak Point as indicated in green in Schedule “A” of the LUC. The Land Use Designation is Rural and the underlying zoning (which applies as of July 1, 2024) is Rural Residential (R2). This application proposes to align the underlying LUB with the LUC and therefore seeks to rezone and re-designate this part of the lot to Conservation (CN) zone and Conservation/Recreation Land Use Designation. See excerpt from LUC Schedule “A” with planner comments added in green, below:  Recommendation: LTC to confirm that draft bylaw language should include designation of this part of the Northern parcel as ‘Conservation/Recreation’ in the OCP and ‘Conservation (CN)’ in the LUB.
E.3 – Conservation/Recreation Policy 3 The Local Trust Committee should encourage the use of land for conservation purposes. The provision for density transfer in Appendix C of this Plan may apply to the donation or sale of land for the creation of a nature reserve or nature sanctuary.	LTC may consider encouraging the Owners to create a nature protection covenant and undertake a density transfer for the forested part of the Northern parcel, if warranted. Further review is required.
E.3 – Conservation/Recreation Policy 4 All land presently in a park that is in a natural state should be retained in that state.	See staff comments and recommendations above for E.3 – Conservation/Recreation Policy 2 and Policy 3 regarding retaining part of the Northern parcel as a conservation area.

E.3 – Conservation/Recreation Policy 5 The Local Trust Committee should communicate with the Comox Valley Regional District and the Ministry of Environment to identify potential land for park purposes.	The LTC may also consider encouraging the applicant to apply for the Natural Area Protection Tax Exemption Program for this part of the lot, to further incentivise environmental protection. The applicant would be encouraged to contact the Islands Trust Conservancy's Ecosystem Protection Specialist to determine whether the area qualifies for a NAPTEP covenant. Recommendation: The LTC request the applicant to confirm whether or not they will pursue a NAPTEP covenant for an environmentally sensitive portion of the Northern parcel. If the applicant does not pursue a NAPTEP covenant, the LTC may alternatively request the applicant enter into a cost recovery agreement with the Islands Trust for the purposes of drafting a Section 219 <i>Land Title Act</i> restrictive covenant regarding the protection of environmentally sensitive old forest ecosystem on part of the Northern parcel, instead. This area of the Northern parcel and the beach right-of-way along Runkle Rd. may also be considered for potential future park purposes. Further review and consideration with the Comox Valley Regional District, Ministry of Environment, and the K'ómoks First Nation is required.
E.3 – Conservation/Recreation Policy 6 All land designated for future park use on Denman Island should be retained in a natural state as much as possible.	
E.3 – Conservation/Recreation Policy 7 The following areas are identified as candidates for future parks and conservation areas, some of which are further identified on Schedule G: • Chrome Island; • trails connecting residential areas, commercial areas, schools, parks, beaches and ferry terminals; • large parcels of undeveloped lands with environmental or cultural values; and • beach rights-of-way.	
E.3 – Conservation/Recreation Policy 8 The Local Trust Committee should attempt to secure parks in the areas identified in Policy 7 under this section through a zoning amendment, subdivision, or voluntary donation. The donation or sale of a parcel of land for park may be considered a community amenity and the provisions for density transfer in Appendix C may apply.	

Schedule "1"

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THIS LAND USE CONTRACT made in triplicate the 2nd day of
December, 1977,

BETWEEN:

THE CORPORATION OF THE REGIONAL DISTRICT
OF COMOX-STRATHCONA, a body constituted
under the laws of the Province of British
Columbia, having an address at 4795
Headquarters Road, Courtenay, British
Columbia,

(hereinafter called the "Regional District")

OF THE FIRST PART

AND:

JOHN DANIEL RUNKLE, PETER RUNKLE, PAMELA
MARY DONALD; PRISCILLA WINSLOW STATT and
PENELOPE ANNE BURD

(hereinafter collectively called "the Owners")

OF THE SECOND PART

AND:

KOMAS RANCH LIMITED, a body corporate under
the laws of the Province of British Columbia,
having its Registered Office at 170 Craig
Street, Duncan, British Columbia,

(hereinafter called "the Company")

OF THE THIRD PART

WHEREAS by By-Law No. 267 of the Regional District, adopted
27th August 1977 the area of land described in Schedule "B"
attached hereto was designated as a development area within the
meaning of Section 702A of the "Municipal Act" and pursuant to
the provisions of the said Act;

AND WHEREAS the Owners are the registered owners of those lands
and premises described in Schedule "B" attached hereto and
hereinafter referred to as "the said lands";

AND WHEREAS the Company, which is wholly owned and controlled
by the Owners, will be granted a Management Contract with
respect to the said lands;

AND WHEREAS the Regional District, pursuant to Sections 798A
and 702A of the "Municipal Act", may, notwithstanding any By-
Law of the Regional District passed pursuant to Section 712 or
Section 713 of the "Municipal Act", upon the application of an
owner of land or his agent within a development area designated
as such by a By-Law of the Regional District enter into a Land

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Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

AND WHEREAS the "Municipal Act" requires that the Regional Board in exercising the powers given by Section 702A shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any Land Use Contract and terms, conditions and considerations thereof;

AND WHEREAS the Owners have presented to the Regional District its scheme of use and development of the within described lands and premises and have made application to the Regional District to enter into this Land Use Contract under the terms and conditions and for the consideration hereinafter set forth;

AND WHEREAS the Regional Board having given due regard to the considerations set forth in Sections 702(2) and 702A(1) of the "Municipal Act" have agreed to the terms, conditions and considerations herein contained as amended;

AND WHEREAS the Owners acknowledge that they are fully aware of the provisions and limitations of Sections 798A and 702A of the "Municipal Act", and the Regional District and the Owners mutually acknowledge and agree that the Regional Board cannot enter into this Agreement until the Regional Board has held a Public Hearing hereon in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such Hearing, and unless two-thirds of all the Directors of the Regional Board vote in favour of the Regional District entering into this contract;

AND WHEREAS the proposed development is set out in the Plan attached hereto and marked Schedule "A";

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth the Regional District and the Owners covenant and agree as follows:

1. INTERPRETATION

Excepting those words defined herein, all definitions of words and phrases contained in the By-Laws of the Regional

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District shall apply to this Land Use Contract, and to the Schedules attached hereto. The headings to the paragraphs of this Agreement are for convenience only and shall not constitute a part of this Agreement. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the contract or the parties so require.

2. OWNERS

The Owners are the registered owners of an estate in fee simple in all and singular that certain parcel or tract of land and premises herein referred to as the said lands, and more particularly described in Schedule "B" attached hereto.

3. ROADS

The Company undertakes to construct private roads as necessary, with the location of such roads to be subject to the approval of the Regional District.

4. PARKLAND

- a) The Owners undertake to dedicate to public use one acre of the said lands as outlined in red on the plan attached and forming Schedule "A" hereto, for the sole purpose of providing public access to the beach.
- b) The untreed area of Longbeak Point, as shown in red on the plan attached and forming Schedule "A" hereto, shall remain unoccupied and the Owners and the Company undertake to hold and maintain the said untreed area of Longbeak Point solely for the use, benefit and enjoyment of the public, subject to the following conditions:
 - (i) No fires shall be permitted in the area at any time.
 - (ii) No overnight camping will be permitted.
 - (iii) No man-made or artificial facilities will be installed or erected in the area.
- c) The Owners or the Company may from time to time make regulations subject to the approval of the Regional

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District for the maintenance, protection and enhancement of the said untreed area of Longbeak Point.

- d) Representatives of the Owners or the Company may enforce the restrictions set out in sub-paragraphs 4(b)(i) through 4(b)(iii) hereof, and any regulations promulgated under sub-paragraph 4(c) hereof. Such enforcement shall include, but not be limited to, authority to erect signs and post notices in the said untreed area of Longbeak Point.
- e) The Owners and the Company shall retain in a natural state the treed section of Longbeak Point north of proposed building site 1 as shown in green on the plan attached and forming Schedule "A" hereto.

5. PERMITTED USES

The Owners and the Company may occupy the said lands for the following purposes:

- a) The construction of private roads as necessary, with the location of such roads to be subject to the approval of the Regional District.
- b) Construction of single family dwelling units to a maximum number of twenty.
- c) For each single family dwelling unit, construction of one guest dwelling with a maximum gross floor area of four hundred square feet.
- d) Construction of customary accessory structures, including but not restricting the generality of the foregoing, garage, workshop, greenhouse, boathouse, storage sheds and common recreation facilities.

6. RESTRICTIONS

- a) All buildings shall be sited as indicated on the Plan attached and forming Schedule "A" hereto.
- b) The siting of all buildings, including guest dwellings, shall be subject to the approval of the Planning Department of the Regional District.

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- c) The siting and number of dwellings shall in all cases be subject to the approval of the Local Medical Health Officer, and any variation in such siting as required by statute shall not be deemed to require an amendment to this contract.
- d) The Owners or the Company shall provide proof that potable water in a minimum amount of three hundred gallons per day per dwelling unit is available to each unit.

7. PROHIBITIONS

No subdivision except that solely for the public use or purposes shall be permitted within the area covered by the Land Use Contract.

8. COMPLIANCE WITH BY-LAWS

The Owners and the Company shall comply with the terms and conditions of the By-Laws and Regulations of the Regional District and any amendments thereto.

9. INSPECTION

The employees of the Regional District from time to time, and at all reasonable times, may enter upon the lands to carry out all necessary inspections to ensure that the land is used and developed in accordance with the provisions of this Agreement.

10. REGISTRATION

This Agreement shall be construed as running with the land, and shall be registered in the Land Registry Office by the Regional District pursuant to the provisions of Section 798A and Section 702A(4) of the "Municipal Act".

11. CONSENT

The Regional District will permit the Owners and the Company to develop the said lands upon the terms and conditions herein contained.

12. BINDING AGREEMENT

THIS AGREEMENT shall enure to the benefit of and be binding upon the parties hereto, their heirs, executors and assigns.

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IN WITNESS WHEREOF the parties hereto have executed.

THE CORPORATE SEAL OF THE)
 CORPORATION OF THE REGIONAL)
 DISTRICT OF COMOX-STRATHCONA)
 was hereunto affixed in the)
 presence of:)

W. L. Lysen CHAIRMAN)

J. R. Lysen SECRETARY)

SIGNED, SEALED AND DELIVERED)
 by JOHN DANIEL RUNKLE in the)
 presence of:)

M. L. Lysen)
 Articled Student)
 170 Craig Street)

Duncan, B.C.)

J. D. Runkle)
 JOHN DANIEL RUNKLE)

SIGNED, SEALED AND DELIVERED)
 by PETER RUNKLE in the)
 presence of:)

Alf Ernest Andersen)
 ALF ERNEST ANDERSEN)
 4260 EAST HASTINGS ST.)
 BURNABY 2, B.C.)
 Notary Public)

Peter Runkle)
 PETER RUNKLE) **PR**

SIGNED, SEALED AND DELIVERED)
 by PAMELA MARY DONALD in the)
 presence of:)

Joseph J. Barry)
 Notary Public)
 Commission Expires)
 JOSEPH J. BARRY, JR.)
 JANUARY 23, 1977)

Pamela Mary Donald)
 PAMELA MARY DONALD)

SIGNED, SEALED AND DELIVERED)
 by PRISCILLA WINSLOW STATT in)
 the presence of:)

J. R. Lysen)

Bank Administration)

6289 Lochmunka St.)

BBy B.C. V53 2176.)

Priscilla Winslow Statt)
 PRISCILLA WINSLOW STATT)

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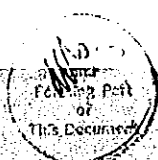
SIGNED, SEALED AND DELIVERED)
by PENELOPE ANNE BURD in the)
presence of:)

William Francis Johnson)
Dennan Island B.C.)
_____)

Penelope Anne Burd)
PENELOPE ANNE BURD)

THE CORPORATE SEAL OF KOMAS)
RANCH LIMITED, was hereunto)
affixed in the presence of:)

H. R. R. R.)
2323 Greenlands)
Victoria B.C.)



LAND REGISTRY ACT
FORM O (SECTION 57 (b))

For Maker of a Deed

I HEREBY CERTIFY that, on the 3rd day of January, 1978
at the City of Vancouver, in the Province of British Columbia
PRISCILLA WINSLOW STATT RP (whose identity has been proved by the evidence on

oath of _____
(State full name, address, and occupation.)
who is personally known to me, appeared before me and acknowledged to me that, she is
the person mentioned in the annexed instrument as the maker thereof, and whose name is
subscribed thereto as party, that she knows the contents thereof, and that she executed
the same voluntarily, and is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereto set my hand and Seal of Office at
Vancouver in the Province of British Columbia, this 3rd day of
January, in the year of our Lord one thousand nine hundred
and seventy-eight

William F. Johnson
A Notary Public in and for the
Province of British Columbia

NOTE.—Where the person making the acknowledgment is personally known to the officer, strike out the words in brackets.

★ 581-564-6359 (2)

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SIGNED, SEALED AND DELIVERED)
by PENELOPE ANNE BURD in the)
presence of:)

William Francis Johnson)

Denman Island B.C.)

Penelope Anne Burd)
PENELOPE ANNE BURD)

THE CORPORATE SEAL OF KOMAS)
RANCH LIMITED, was hereunto)
affixed in the presence of:)

H. R. R. R.)

2323 Greendale)
Victoria B.C.)

LAND REGISTRY ACT
FORM O (SECTION 57 (b))

For Maker of a Deed

I HEREBY CERTIFY that, on the 3rd day of January, 1978
at the City of Vancouver, in the Province of British Columbia
PRISCILLA WINSLOW STATT whose identity has been proved by the evidence on

Call of

(State full name, address, and occupation.)

who is personally known to me, appeared before me and acknowledged to me that she is
the person mentioned in the annexed instrument as the maker thereof, and whose name is
subscribed thereto as part y, that she knows the contents thereof, and that she executed
the same voluntarily, and is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereunto set my hand and Seal of Office at
Vancouver in the Province of British Columbia, this 3rd day of
January, in the year of our Lord one thousand nine hundred
and seventy-eight

William Francis Johnson
A Notary Public in and for the
Province of British Columbia

Note.—Where the person making the acknowledgment is personally known to the officer taking the same, strike out the words in brackets.

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SCHEDULE "B"

Lot One (1), Section Thirty-two (32),
Denman Island, Nanaimo District,
Plan 26016,

and

Sections Thirty-two (32) and Thirty-three (33), EXCEPT Plans 1656R and 26016, Nanaimo District.

Acknowledgment of Maker

I HEREBY CERTIFY that, on the 14th day of December, 1977, at Victoria, in the Province of British Columbia

John Thomas Fawcett, (whose identity has been proved by the evidence on oath of _____), who is personally known to me, appeared before me and acknowledged to me that _____ the person mentioned in the annexed instrument as the maker thereof, and whose name _____ subscribed thereto as party that he knows the contents thereof, and that he executed the same voluntarily, and _____ of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at Vancouver in the Province of
British Columbia, this 14th day of December, 1977.

A-Nasasa-Suble as end for the Province of British Columbia
A Commissioner for taking Affidavits for British Columbia

NOTE: Where the person making the acknowledgement is personally known to the officer taking the same - strike out the words in brackets.

Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 2nd day of December, 1977,
at COURTENAY, in the Province of British Columbia,
Norman Charles Lysac, (whose identity has been proved by the evidence on
oath of _____, who is) personally known to me,
appeared before me and acknowledged to me that he is the Chairman of
Regional District of Comox-Strathcona, and that he is the person
who subscribed his name to the annexed instrument as Chairman of the said
Regional District of Comox-Strathcona and affixed the seal of the
to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal
to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of
British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
at Courtenay in the Province of
British Columbia, this 2nd day of December
one thousand nine hundred and seventy seven

~~A Notary Public in and for the Province of British Columbia
A Commissioner for taking Affidavits for British Columbia.~~

Substitute for form "C."

10.1.78 LAND USE CONTRACT.

Date Nature of Interest n/a

Declared value Disposition of C/T

n/a X

Please merge Applicant as Solicitor/Agent

Address:

Telephone No. 2323 GREENLANDS RD

* 477-9645 VICTORIA BC V8N1T7

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LAND REGISTRY ACT
FORM R. (SECTION 57 (a))

AFFIDAVIT OF WITNESS

To Wit:

I, William Francis Johnson, of the _____
of Denman Island, B.C., in the Province of British Columbia, make oath and say:—

1. I was personally present and did see the within instrument duly signed and executed by _____

Penelope Anne Burd

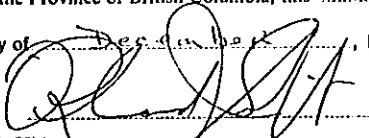
the party thereto, for the purposes named therein.

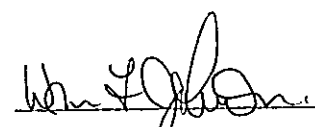
2. The said instrument was executed at Denman Island, B.C.

3. I know the said party, and that she is _____ of the full age of twenty-one years.

4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

Sworn before me at Courtenay
in the Province of British Columbia, this 28th
day of December, 19 77


COMMISSIONER FOR TAKING AFFIDAVITS
WITHIN BRITISH COLUMBIA


William Francis Johnson

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8685

LAND REGISTRY ACT
FORM O (SECTION 57 (b))

For Maker of a Deed

I HEREBY CERTIFY that, on the 27th day of December, 19 77
at Pittsfield, in the State of MASSACHUSETTS.
[whose identity has been proved by the evidence on
oath of Pamela Mary Donald, Richmond, Mass. 452.
(State full name, address, and occupation.)
who is] personally known to me, appeared before me and acknowledged to me that she is
the person mentioned in the annexed instrument as the maker thereof, and whose name she
subscribed thereto as part, that she knows the contents thereof, and that she executed
the same voluntarily, and is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereunto set my hand and Seal of Office at
Pittsfield, Mass. 452., this 27th day of
December, in the year of our Lord one thousand nine hundred

JOSEPH J. BARRY, JR.
MY COMMISSION EXPIRES
JANUARY 26, 1979

and subscribed

Joseph J. Barry, Jr. ✓
Notary Public

NOTE.—Where the person making the acknowledgment is personally known to the officer making the same, strike out the words in brackets.

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LAND REGISTRY ACT
FORM O (SECTION 57 (b))ALE ERIC
A Commissioner
for BC

8685

For Maker of a Deed

I HEREBY CERTIFY that, on the 3rd day of Jan., 1978.
 at Burnaby, in the 3rd of Jan.
PETER RUNKLE [whose identity has been proved by the evidence on
 oath of PETER RUNKLE ✓
(State full name, address, and occupation.)
 who is] personally known to me, appeared before me and acknowledged to me that He
 the person s mentioned in the annexed instrument as the maker thereof, and whose name He
 subscribed thereto as part y, that He knows the contents thereof, and that He executed
 the same voluntarily, and is of the full age of twenty-one years.

IN TESTIMONY whereof I have hereunto set my hand and Seal of Office at
Burnaby, this 3rd day of
Jan., in the year of our Lord one thousand nine hundred
 and 78.

NOTE.—Where the person making the acknowledgment is personally known to the officer taking the same, write out the words in brackets.

★ 3M-564 6399 (2)

A Notary Public in and for the
Province of British Columbia

✓

REGIONAL DISTRICT OF COMOX-STRATHCONABY-LAW NO. 267

A By-law to authorize the entering into of a Land Use Contract.

Whereas pursuant to the provisions of subsection 1 of 798A of the Municipal Act, and the provisions of section 702A of the Municipal Act, the Regional Board may, by By-law, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon:

And whereas a Public Hearing as required pursuant to section 702A has been held;

And whereas this By-law has been approved by the Lieutenant-Governor in Council;

Now therefore the Regional Board of the Regional District of Comox-Strathcona, in open meeting assembled, enacts as follows:-

1. The Regional District of Comox-Strathcona is hereby authorized and empowered to enter into a Land Use Contract with John Daniel Runkle, Peter Runkle, Pamela Mary Donald, Priscilla Winslow Statt, Penelope Anne Burd, and Komax Ranch Limited in accordance with the form of contract designated as Schedule "1" attached hereto and forming part of this by-law;
2. The Chairman and Secretary of the Regional District of Comox-Strathcona are hereby authorized and empowered to execute the said Land Use Contract with John Daniel Runkle, Peter Runkle, Pamela Mary Donald, Priscilla Winslow Statt, Penelope Anne Burd, and Komax Ranch Limited to register the said Land Use Contract at the Land Registry Office, and to do all things necessary in relation thereto;
3. This By-law may be cited as "Land Use Contract authorization By-law No. 1, 1977".

READ A FIRST TIME THIS 28th DAY OF March 1977

READ A SECOND TIME THIS 23th DAY OF March 1977

PUBLIC HEARING HELD THIS 15th DAY OF April 1977

READ A THIRD TIME THIS 25th DAY OF April 1977

APPROVED by the Lieutenant-Governor in Council this 25th day of August 1977

RECONSIDERED AND ADOPTED THIS 27th DAY OF August 1977

"N. C. Lysnc"

Chairman

"J. E. Hiebert"

Secretary

G 8685

REGIONAL DISTRICT OF COMOX-STRATHCONA

BY-LAW NO. 243

A By-law to amend the "Denman Island Zoning By-law, 1972".

The Board of Directors of the Regional District of Comox-Strathcona in open meeting assembled enacts as follows:

PART A

The area described as: Sections 32 and 33, Nanaimo District, Denman Island, except Plan 1656 R, AND Lot 1, Section 32, Nanaimo District, Plan 26016, is hereby designated as a development area subject to the provisions of Section 702 A of the Municipal Act.

PART B

This By-law may be cited as the "Denman Island Zoning By-law, 1972, Amendment By-law No. 2".

READ A FIRST TIME this 22nd day of November, 1976.
READ A SECOND TIME this 22nd day of November, 1976.
READ A THIRD TIME this 22nd day of November, 1976.
APPROVED by the Lieutenant-Governor in Council this 24th day of February, 1977.
RECONSIDERED AND ADOPTED this 28th day of March, 1977.

"N. C. Lysne"

Chairman

"J. E. Hiebert"

Secretary

REQUEST FOR DECISION

To: Denman Island LTC **For the Meeting of:** June 4, 2024
From: Trust Area Services **Date Prepared:** April 8, 2024
SUBJECT: 2023/24 ANNUAL REPORT – APPROVAL OF DENMAN ISLANDS LTC SECTION

RECOMMENDATION: That the Denman Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

- 1 PURPOSE:** Local Trust Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2024 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2023/24 Annual Report at its meeting on February 23, 2024. The Denman Island Local Trust Committee annual report section also includes an introduction on the local trust area with information gathered from the Islands Trust website and Statistics Canada. The addition of this introduction is in line with the Islands Trust 50th anniversary activities as approved by Executive Committee on November 21, 2023.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2024 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

3 RELEVANT POLICY(S): Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

4 ATTACHMENT(S): Denman Island LTC input to Annual Report (draft)

RESPONSE OPTIONS

Recommendation: That the Denman Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

Alternative: That the Denman Island LTC approves the attached text for inclusion in the 2023/24 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Renée Jamurat, Regional Planning Manager – Northern Office/April 15, 2024

Denman Island Local Trust Committee

The Denman Island Local Trust Area includes Denman and Chrome islands, and Seal and Sandy islets.

The Denman Local Trust Area is located within the territory of First Nations whose people have cared for these lands and waters since time immemorial.

Denman's beautiful and vibrant islands are home to some of British Columbia's rarest ecosystems. Denman Island is a small rural island where individuals, the environment, and the community interact in ways that foster mutual health and vitality.

(Statistics from the 2021 census, graphics that show change over time: total population (1971-2021) and percentage of private dwellings occupied by usual resident (1991 and 2021):

<https://islandstrust.bc.ca/document/denman-island-lta-2021-census-profile/>

The Denman Island Local Trust Committee (DE LTC) held six regular business meetings in the 2023/24 fiscal year, as well as one Community Information Meeting, two special meetings, and one Public Hearing.

Work for this period focused on advancing the DE LTC priorities to address housing needs through the Housing Review Project, and to enhance and preserve farming activities on the island through the Farming Regulations Review Project. The DE LTC considered draft bylaws, which would implement the Official Community Plan and Land Use Bylaw changes that would enhance and preserve farming activities.

During the same time period staff also reviewed two Crown lease referrals, and one subdivision referral.

In the past year, staff discussions to support relationship-building with the K'ómoks First Nation began and as a result initiated further discussion and work together on various projects such as the policy statement review and the OCP reviews for Hornby and Denman. The Denman Island LTC has also given direction to staff to request council to council meetings moving forward.

From April 1, 2023 to March 31, 2024, the DE LTC received and considered applications for 12 siting and use permits, two development variance permits, two development permits, one liquor and cannabis board referral, two bylaw amendment applications, and one temporary use permit.



DATE OF MEETING: June 4, 2024
TO: Denman Island Local Trust Committee
FROM: Warren Dingman, Manager, Compliance and Enforcement
Northern Team
SUBJECT: Bylaw Compliance and Enforcement Policy

RECOMMENDATION

- 1. That the Denman Island Local Trust Committee direct staff to revise and edit the proposed Bylaw Compliance and Enforcement Policy as necessary and bring it forward for future consideration.**

REPORT SUMMARY

The purpose of this report is to present a Bylaw Enforcement Policy document for review and consideration by the Local Trust Committee. The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document and to provide clarity on current policies.

This report is also presented in an effort to provide education and information regarding how and why investigations are conducted and there is the need to contact residents directly during such investigations.

BACKGROUND

There have been concerns about the conduct of bylaw staff and the manner in which staff are accessing properties for inspection and how requests for compliance are proceeding. Currently, bylaw staff follow adopted Trust Council policies for compliance and enforcement, and they receive direction from Local Trust Committees in the form of standing resolutions regarding specific bylaw contraventions that either the Local Trust Committee wants proactive enforcement or deferment of enforcement.

These policies are not combined and there is no forward-facing public document that can be easily accessed by either residents of Denman Island or staff. This has led to a lack of understanding of how bylaw staff conduct themselves or why they follow certain procedures.

On January 18, 2024, a written complaint was received regarding tree cutting at the edge of Graham Lake and the operation of an excavator at the Lake's edge and that soil removal was apparent. Unfortunately, the complainant could not identify the property address or location, and this meant that a site visit to the area would be necessary in order to determine the exact location of the work.

The area around Graham Lake is designated a riparian development permit area, and any work within 30 metres of the Lake may have required a permit, and Trust Council Policy 5.5.1 establishes that investigations into such complaints are a priority:

5. PRIORITY OF INVESTIGATION

Section 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;

A Bylaw Officer attended the area and at the edge of the Lake discovered a dock that he believed was maintained by the *Graham Lake Swim Dock Committee*, and he also spoke to an adjacent property owner who was able to identify several areas of tree cutting. Additional conversations were conducted with the complainant, and other property owners in the area, and it was determined that one hazard tree may have been cut down and the file was closed.

Any work in environmentally sensitive areas, and especially riparian areas, is considered an urgent matter, and it is often necessary to canvas a neighbourhood to determine exactly where such work is occurring and in the shortest time frame possible, and determining an exact location is often difficult as property boundaries are often not marked or fenced in a way that clearly identify the owner.

It should be noted that the visit to the adjacent property owner was not a site inspection and it was not an attempt to gather evidence. However, as there are concerns about when bylaw staff are going to conduct site inspections and gather evidence, those concerns should be addressed by adopted policy. Currently, the Trust Council Policies do not provide direction on the conduct of investigations or gathering evidence.

TRUST COUNCIL POLICY

Trust Council Policy 5.5.1, which is attached, provides direction to staff and Local Trust Committees on when compliance and enforcement investigations will be commenced and closed; the priority of investigation; the role of Local Trust Committees in bylaw enforcement; use of mediation; when legal action should be commenced; confidentiality of complainants; and bylaw notice debt.

However, it does not contain policies for the following:

1. Notice of Site inspections
2. Time to Comply
3. Frivolous or vexatious complaints
4. Definition of minor contraventions
5. Use of discretion

Trust Council policy states that Local Trust Committees can close files and adopt policies to address specific issues regarding compliance and enforcement, and the proposed policy document is an opportunity to ensure that those issues are addressed in an open and transparent manner, and to allow the Local Trust Committee the opportunity to provide additional direction to staff on how to conduct bylaw enforcement.

PROPOSED POLICIES

The proposed policy contains the current policies adopted by standing resolution and it also provides additional policies on when site inspections are to occur, or not occur, when files should be closed at the discretion of staff, and it also proposes proactive enforcement for siting and use permits. It also includes consideration on whether or not those subject to complaint should face enforcement or penalties if they are financially unable to comply.

RATIONALE FOR RECOMMENDATION

Local governments throughout British Columbia have bylaw enforcement policy documents that provide direction to staff regarding how bylaw compliance will be sought and how enforcement will be conducted. Within the Islands Trust, Local Trust Committees have been establishing such policies piecemeal and for individual issues through the adoption of standing resolutions. Establishing the policies into one document that can be readily accessed by staff and the general public should ensure a more efficient and open and transparent access to information and policies, and a better understanding of how bylaw enforcement is conducted.

ALTERNATIVES

1. That the Denman Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Bylaw Compliance and Enforcement Manager	May 21, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 23, 2024

Attachments

1. Proposed Denman Island Bylaw Enforcement Policy
2. Trust Council Policy 5.5.1

PROPOSED

Denman Island Local Trust Committee Bylaw Enforcement Policy

Bylaw Enforcement Policy No. 1, effective ____XXX_____, 2024

Revision No. 1

Purpose

To establish policies and procedures for bylaw enforcement in the Denman Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., that are within the authority of the Local Trust Committee to enforce, and that will ensure policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.

PART A

1.0 Application

This policy will apply to the Denman Island Local Trust Area and the enforcement of the Denman Island Land Use Bylaw No. 186 and the Denman Island Siting and Use Permit Bylaw No. 240, and the use of the Denman Island Bylaw Enforcement Notification Bylaw No. 232.

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a siting and use permit, and that is not located in a development permit area or located within any other environmentally sensitive area

SUP – siting and use permit

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

3.0 References

Denman Island Land Use Bylaw No. 186

Denman Island Siting and Use Permit NO. 240

Denman Island Bylaw Notice Enforcement Bylaw No. 232

4.0 Priorities

- 4.1** Enforcement on short-term vacation rentals that have no resident owner or operator on the property are a priority and proactive enforcement is authorized.
- 4.2** Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, or the lack of an approved septic system.

5.0 Inspection

- 5.1** At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.2** If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.
- 5.3** If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.
- 5.4** Bylaw Enforcement Officers will give a minimum of 24 hours notice before conducting a site inspection to gather evidence and they will schedule a mutually agreeable time with the property owner.
- 5.5** If a Respondent has not replied to a notice letter from Bylaw Enforcement regarding arranging a time for a site inspection, or they will not agree to a mutually agreeable time, notice of inspection can be given at the door. There will be no site inspection or gathering of evidence when notice is given at the door.
- 5.6** If Bylaw Enforcement Officers have contact with neighbouring property owners while investigating a complaint, they will advise them of the reason for the contact and that they are not subject to complaint or investigation, and that they are not collecting evidence.
- 5.7** If Bylaw Enforcement Officers discover a bylaw contravention on a neighbouring property during an investigation, and proactive enforcement is authorized for that contravention by either Trust Council Policy, or LTC Enforcement Policy, they will advise the property owner that a file may be opened and that they will receive written notice if a file is opened.

6.0 Enforcement Procedures

- 6.1** If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant bylaw.
- 6.2** Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3** If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately.
- 6.4** If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.

- 6.5** If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated with reporting to the LTC and this may include a request for legal action or the use of the BEN.

7.0 Closing Files

- 7.1** If the identity of the complainant cannot be confirmed during the course of an investigation, the file will be closed.
- 7.2** If it is determined that the complainant used a false name to file the complaint, the file should be closed.
- 7.3** If the contravention is for a minor structure that has only received one written complaint from one person, the file should be closed.
- 7.4** If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers can use their discretion to close the file.
- 7.5** If a contravention has been identified that is subject to deferred enforcement by the LTC, the file should be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.6** If the Respondent is financially unable to comply with the LUB or the SUP, the Manager of Bylaw Compliance and Enforcement can use his discretion to close the file.
- 7.7** If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement will use their discretion to close the file unless there is work on a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.
- 7.8** The LTC will be notified when any file is closed.

8.0 Siting and Use Permits

- 8.1** If buildings or structures are discovered during an investigation that do not have a SUP, but the construction is more than 25 years old, enforcement should not proceed unless there are contraventions in environmentally sensitive areas, development permit areas, or there are health and safety concerns.
- 8.2** If new construction is discovered without a written complaint, a file should be opened to investigate, and enforcement should proceed if a SUP is required.

9.0 Communications

- 9.1** When a file is opened, Respondents will be advised of the Trust Council Policy that authorized the opening of the file, and if they are subject to proactive enforcement.
- 9.2** Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 9.3** The Manager of Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files.

10.0 Reporting

- 10.1** The LTC will receive regular reporting for open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.
- 10.2** The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement on Denman Island that they believe the LTC needs to be aware of.
- 10.3** The Manager of Compliance and Enforcement will maintain the Denman Island Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

PART B

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy

Appointment of Screening Officers

Pursuant to section 7.2 of the Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 232, 2019, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Bylaw Compliance and Enforcement Manager; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Denman Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) Bylaw Compliance and Enforcement Manager. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Bylaw Compliance and Enforcement Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Bylaw Compliance and Enforcement Manager and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1. The Bylaw Violation Notice was issued to the wrong person;
2. The Bylaw Violation Notice was not completed properly.
3. It is unreasonable for the person to pay the penalty;
4. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists;
5. A permit exists or have been obtained that authorises the alleged contravention;
6. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:
 - a. The evidence is inadequate to show a contravention;
 - b. Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.
7. It is not in the public interest to proceed to adjudication for one of the following reasons:
 - a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b. An LTC resolution has deferred enforcement on the specific contravention;
 - c. The LTC has closed the file.
 - d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.



Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021
Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

B. Policy

1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

- 2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report ["Bylaw Enforcement: Best Practices Guide for Local Governments"](#), March, 2016.

3. COMMENCING INVESTIGATIONS

- 3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:
 - 3.1.1 in response to written complaints of an alleged contravention made by any person;
 - 3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
 - 3.1.3 bylaw contraventions appear to cause health and safety issues;
 - 3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

- Islands Trust;
- 3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- 3.1.6 advertisements exist for apparently unlawful uses;
- 3.1.7 a Local Trust Committee directs staff to commence an investigation.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed in one or more of the following circumstances:
 - 4.1.1 if no contravention existed;
 - 4.1.2 if compliance has been achieved;
 - 4.1.3 on direction of a Local Trust Committee;
 - 4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - 5.1.1 by specific direction of a Local Trust Committee;
 - 5.1.2 health and safety issues;
 - 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.4 contraventions of land use bylaws and other bylaws.

6. MEDIATION

- 6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:
 - 6.2.1 provide full information and exchange of information;
 - 6.2.2 confirm facts;
 - 6.2.3 explore opportunities for compliance;
 - 6.2.4 negotiate a timeline for compliance;
 - 6.2.5 reach a compliance solution.

7. LEGAL ACTION

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:
 - 7.1.1 issue a bylaw violation notice; or
 - 7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.
- 7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under

the following conditions:

- 7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
- 7.3.2 A long-form information may be sworn only after approval by a local trust committee; and
- 7.3.3 Executive Committee has approved legal funding for the prosecution; and
- 7.3.4 The long-form information has been reviewed and prepared by legal counsel.

8. BYLAW NOTICE DEBT

- 8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9. CONFIDENTIALITY

- 9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

- 10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.
- 10.2 Trustees may make a written complaint alleging a bylaw contravention.
- 10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.
- 10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.
- 10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.
- 10.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

C. Legislated References

- 1. [Islands Trust Act](#)
- 2. [Offence Act](#)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 19th, 2024 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received the Minister of Municipal Affairs' response on the Islands Trust Conservancy (ITC) Plan which included a request to engage further with First Nations regarding creation of the ITC Plan. Manager Emmings advised that any new acquisitions or covenants need to come to the Minister for review before the Board signs off on them. The ITC Board directed staff to respond to the Minister of Municipal Affairs acknowledging directions in the letter and requesting:
 - Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*
 - Direction on interaction with the Minister regarding property management of new acquisitions of covenants and nature reserves
- The ITC Board approved the Project Charter for the development of the 2026-2030 ITC Plan.
- The ITC Board amended three land securement and management policies, providing direction for early First Nations engagement prior to approval of securement projects.
- Trustee Elliot provided updates of interest to the ITC Board from Executive Committee including:
 - Executive Committee's interest in continuing to meet with Islands Trust Conservancy to strategize on how to gain support from the province
 - ITC presence at the 50th anniversary celebration of Islands Trust on Salt Spring Island
- The ITC Board requested that Executive Committee set aside time for an ITC presentation to Trust Council at the June 2024 meeting
- Trustee Gauvreau provided updates of interest to the ITC Board from Governance Committee including:
 - The roles and responsibilities of the committee to oversee the organization's governance structure, ensuring transparency and efficiency, and providing recommendations to Trust Council
 - The Committee is currently reviewing the 2022 governance review, which requires input from staff and trustees
 - The report needs to be reviewed and discussed at Trust Council before a letter is drafted to the province



2. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved a conservation proposal for the Doris McHardy NAPTEP conservation covenant on North Pender Island, subject to review of First Nations responses and Ministerial approval.
- Manager Emmings provided the Board with a status update on public applications for Crystal Mountain Nature Reserve, Robert Leader NAPTEP Covenant, and Koontz NAPTEP Covenant following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The ITC Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

4. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island.
- The ITC Board approved the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island. This approval is subject to:
 - Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells
 - Removal of all equipment at the end of the project

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>



the Heron



A newsletter from the Islands Trust Conservancy, protecting islands in the Salish Sea | islandstrust.bc.ca/conservancy

SPRING 2024

Take me home! 
This newsletter is provided FREE by ITC

What is a Nature Reserve?



 SCAN ME

ITC Nature Reserve on Salt Spring Island within the territory of many Coast Salish Nations.

Photo: Islands Trust Conservancy

For links and additional media, visit the Heron Newsletter online.

www.islandstrust.bc.ca/conservancy/heron-newsletter/

ALSO IN THIS ISSUE



Meet our New Team Members p. 3



ERICA WHEELER (L), MIKE RICHARDS (R)
PHOTO: ISLANDS TRUST CONSERVANCY



HERBACEOUS ECOSYSTEM
PHOTO: ISLANDS TRUST CONSERVANCY

We Want to Hear From You p. 4 139

The Herons Return to Salt Spring Island

It was a warm afternoon in the summer of 2022 when Nuala Murphy, Islands Trust Conservancy's Property Management Specialist, was on her last monitoring visit of the day at one of ITC's properties on Salt Spring Island. As she walked down the trail from the road, joined by our summer Conservation Technician and a staff member from Salt Spring Island Conservancy, they all stopped as they heard sounds coming from the trees above them. Looking up, they saw three large and messy nests, and on the ground, broken shells.

"I felt so lucky to be there that day as the Herons hadn't been seen in years."

– Nuala Murphy, Property Management Specialist,
Islands Trust Conservancy



GREAT BLUE HERON. PHOTO: L. WILCOX

As they pulled out their phones to record the sounds, a Great Blue Heron swooped into the nest, returning to feed the hungry babies crying out. Seeing the Great Blue Herons return is one of many examples of species that have been conserved through the creation of an ITC Nature Reserve.

What is a Naure Reserve?

The purpose of Islands Trust Conservancy's Nature Reserves is to preserve and protect natural ecosystems and species forever. In her role, Nuala undertakes activities in the Nature Reserves including monitoring, surveys, research, and trail maintenance to preserve the biological integrity of the protected areas.



COMMUNITY LEARNING IN AN ITC NATURE RESERVE.
PHOTO: ISLANDS TRUST CONSERVANCY

14 of ITC's Nature Reserves are not open to the public. In our 20 public Nature Reserves, we welcome visitors, and allow activities including hiking on trail, bird watching, and dog walking on leash. To limit human impact in the unique and sensitive places we protect, we don't allow camping, fires, horseback riding, cycling or the use of motorized vehicles. Thank you for treading lightly!

Reflecting back on that moment of seeing the Heron two years ago, Nuala is reminded that our health and well being is inextricably linked to the health and well being of species and ecosystems. "When we work together to preserve these protected areas, we're ensuring not only their survival, but our own, and that brings me hope and encourages me to keep going."

Learn more about ITC Nature Reserves at <https://islandstrust.bc.ca/conservancy/protected-places/>.



PHOTO: LISA WILCOX

Islands Trust and Islands Trust Conservancy respectfully acknowledge that the lands and waters that encompass the Islands Trust Area have been home to Indigenous peoples since time immemorial and that their deep connection to the islands continues to this day. We are committed to reconciliation, to upholding the rights of Indigenous peoples, and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The Islands Trust Area is located in the treaty and territorial lands and waters of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilw'ətəl, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, la?əmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOLELP, WSIKEM, Xeláltxw, Xwémalhkwx, Xwsepsum, and x'wəθk'əy.

Meet our New Team Members



ERICA IN GRISWOLD PASS IN THE COAST MOUNTAINS.

Erica Wheeler, Species at Risk Program Coordinator

Introducing Erica: nature-lover, plant enthusiast, and beginner knitter. Erica grew up at the base of Mount Seymour on the unceded territory of the Cayuse, Umatilla, Walla Walla, səɫ ɪlwəta ʔ təməxʷ (Tsilil-Waututh), Skwxwú7mesh-ulh Temíx w (Squamish), šxʷməθkʷəy̓əma ʔ təməxʷ (Musqueam), and S'ólh Téméxw (Stó:lo) Nations, spending time outside on the Salish Sea or in the rainforest. “It’s a place that very much feels like home.” Erica has worked as a tree planter, and most recently, a Botanist, studying plant species at risk. She used DNA to understand genetic variation within species at risk, and whether genetic variation can be bolstered to increase survival in the face of threats such as climate change.

In her spare time, Erica enjoys swimming in the ocean, hiking in the alpine, and jamming out to Songbird by Fleetwood Mac. Ask Erica about botanizing, also known as “doodling along and looking for cool plants,” and her favourite species at risk, the slim-leaf onion (*Allilum amplexans*). Connect with Erica today to learn more about our Species at Risk Program at SAR@islandstrust.bc.ca.

Mike Richards, Strategic Fund Development Specialist

When asked to describe himself in three words, Mike shared that he is a knowledge-seeker, outdoor-lover, and eternal optimist. Originally from Australia, Mike came to Canada in 1997 and has lived in the Gulf Islands for 26 years. “I have a deep love for this area and the biodiversity in the region.”

Mike came to Islands Trust in 2014 as the Grants Program Manager excited to contribute to the preserve and protect mandate. When the opportunity became available to lead Strategic Fundraising at the Conservancy, he jumped at it! He is looking forward to strengthening relationships with landowners, donors, and organizations in supporting them to make an impact and give back to the islands we love.

Ask Mike about his love of squirrels, fear of bears, and his adventures travelling the Gulf Islands in his sailboat. Connect with Mike today to discuss strategic giving workshops, estate planning, and leaving a gift in your Will at itcmail@islandstrust.bc.ca.



MIKE PARTAKING IN ONE OF HIS FAVOURITE PASTIMES; SAILING THE ISLANDS IN THE SALISH SEA.

Calling all ITC landowners and donors! Share your story

We want to share your story about why you supported Islands Trust Conservancy through protecting land, donating or helping out in other ways. Contact our Communications Specialist to have your story featured in a Heron Newsletter.

 250-405-5171

 communications@islandstrust.bc.ca



The Heron Newsletter

The Heron Newsletter is Islands Trust Conservancy's good news and stories publication. Shared three times a year in the spring, summer, and fall, the newsletter is created for our subscribers in both print and digital formats.

We want to hear from you!

If you are a print publication subscriber to the Heron Newsletter, we want to know if you wish to continue receiving a paper copy of the newsletter. If yes, that's great! We'll keep you on the list.

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 250-405-5171

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 SCAN ME

☐ Yes, I am okay with public recognition of my donation.

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Signature

*Islands Trust Conservancy is a qualified donee as a Crown agent under B.C.'s *Islands Trust Act*. Islands Trust business # 122013576 RT0001

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2024.1	Nielsen & Pilgaard, Henning & Bente	05-Jan-2024	PID: 004-172-337 variance for fence that is over height allowance, retaining wall that is over side yard setback at 3223 Lacon Rd on Denman Island.
Planner: Marlis McCargar			
Planning Status			
<u>Status Date:</u> 15-Mar-2024 Planner reviewing file.			
<u>Status Date:</u> 15-Mar-2024 Notification letter sent to Komoks First Nation.			
<u>Status Date:</u> 10-Jan-2024 Planner McCargar assigned file and opening letter sent.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2023.1	Komas Ranch Ltd	01-Jan-2023	to rezone to replace existing land use contract, which expires soon.
Planner: Margot Thomaidis			
Planning Status			
<u>Status Date:</u> 22-Mar-2024 Site visit with applicants, staff, and K'omoks First Nation			
<u>Status Date:</u> 05-Jan-2024 Planners reviewing file.			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2024.1	Triple Rock Land Cooperative Planner: Marlis McCargar	03-Jan-2024	Rezone from 15 to 19 units and allow secondary suites in all main dwellings.
Planning Status			
Status Date: 04-Jun-2024 Preliminary staff report to be considered by LTC.			
Status Date: 22-Mar-2024 Planner conducted site visit.			
Status Date: 18-Jan-2024 Planner assigned.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
Status Date: 05-Sep-2023 File reassigned from SB to IC - no change in status.			
Status Date: 04-Oct-2022 Applicant seeking permit from Arch Branch			
Status Date: 21-Sep-2022 Update requested from applicant within 30 days.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.
Planner: Margot Thomaidis			
Planning Status			
Status Date: 26-Jul-2022			
Followed up with applicant. No response received.			
Status Date: 15-Jun-2022			
Applicant followed up. Reaching out to BC Arch Branch and KFN.			
Status Date: 14-Jun-2022			
Planner left message with applicant regarding checking in on Arch Branch process. No response received.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2024.2	Nielsen, Henning	05-Jan-2024	PID: 004-172-337 after-the-fact application for existing retaining walls, a greenhouse and a pergola, as well as a pre-fab metal storage structure at 3233 Lacon Rd on Denman.
Planner: Marlis McCargar			
Planning Status			
Status Date: 08-May-2024			
On hold while concurrent DVP is processed.			
Status Date: 10-Jan-2024			
Filed opened & assigned.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2024.4	Cleveland, Randy	26-Feb-2024	to convert carport into new entry way, study and great hall at 1990 Tronson Rd on Denman Island.
Planner: Gillian Nicol			
Planning Status			
Status Date:			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2024.5	Ingleton Construction Management Ltd. Planner: Gillian Nicol	30-Apr-2024	to construct a 10 x20 ft shed at 6046 East Rd on Denman Island.
Planning Status			
<u>Status Date:</u>			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2024.1	PANDESIGN INC., BC533170 Planner: Marlis McCargar	11-Jan-2024	Subdivision of 2 lots into 5 parcels at 6800 and 6900 Danes Road, Denman Island.
Planning Status			
<u>Status Date:</u> 28-Mar-2024 Review complete. Referral response sent to MOTI.			
<u>Status Date:</u> 29-Feb-2024 Planner reviewing file.			
<u>Status Date:</u> 06-Feb-2024 File open and assigned. Fees received.			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending March 2024

615 Denman	Invoices posted to Month ending March 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	199.00	51.20	147.80
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	1,410.00	3,293.20	-1,883.20
65210-615	LTC - Local Exp - APC Meeting Expenses	399.00	2,153.88	-1,754.88
65220-615	LTC - Local Exp - Communications	250.00	996.77	-746.77
65230-615	LTC - Local Exp - Special Projects	276.00	0.00	276.00
TOTAL LTC Local Expense		<u>2,335.00</u>	<u>6,443.85</u>	<u>-4,108.85</u>
Projects				
73001-615-4025	Denman Housing Review	18,000.00	16,421.55	1,578.45
73001-615-4127	Denman Farming Regulations Review	2,000.00	931.68	1,068.32
TOTAL Project Expenses		<u>20,000.00</u>	<u>17,353.23</u>	<u>2,646.77</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No.	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	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: - Name of the applicant and a description of the proposal in general terms; - The location of the proposed establishment and the subject site; - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - How public comments may be submitted to the Local Trust Committee.
2.	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.
3.	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.
4.	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.
5.	June 6, 2019 *Amended January 19, 2021 *Amended July 19, 2022	DE-2019-056 DE-2021-015 DE-2022.072 DE-2022-075	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following

				conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' And that site inspections for the purpose of gathering information and communication with property owners will continue; And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.
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6.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19 th for background	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; (**for accurate density number, see updated resolution from 2023**) 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</td><td>August 15, 2011</td><td>14</td><td>35</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	August 15, 2011	14	35
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	August 15, 2011	14	35													

				(Land Use Bylaw)			
				BL 204 (Land Use Bylaw)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	33
7.	September 27, 2022	DE-2022-097	Model Strategy for Antenna Systems	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the “Model Strategy for Antenna Systems” dated May 3, 2018 prepared by the Local Planning Committee of the Islands Trust, as the Denman Island Local Trust Committee strategy to assess any future potential tower proposals in the Denman Island Local Trust Area.			
8.	January 17, 2023	DE-2023-012	Human Right to Housing	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.			
9.	November 14, 2023	DE-2023-073	Available Residential Densities	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, “Residential Density Bank” of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: - The Denman Island Official Community Plan “Residential Density Bank” in Appendix D has last added or transferred to the bank on February 7, 2023 and has a cumulative total of residential densities of 7; - The Denman Island Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the 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			
10.	November 14, 2023	DE-2023-080	Bylaw Enforcement Give Minimum 24 Hours’ Notice for Site Visits	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt a Standing Resolution that Bylaw Enforcement personnel give a minimum of 24 hours			

				notice before conducting a site visit and that they schedule a time with the property owner.
11.	April 9, 2024	DE-2024-027	Unlawful Short-Term Vacation Rentals (STVRs)	It was MOVED and SECONDED, That the Denman Island Local Trust Committee direct staff to use the following policy in dealing with unlawful Short-Term Vacation Rentals (STVRs), or other forms of commercial vacation rentals: 1. There will be proactive monitoring, investigation, and reporting to the Local Trust Committee regarding Short-Term Vacation Rentals on Denman Island. 2. Bylaw Officers will prioritize the investigation of Short-Term Vacation Rentals in the following manner: a) There are issues related to health and safety on the property; b) There are written complaints regarding nuisance issues such as noise or parking congestion related to Short-Term Vacation Rental operation; c) There are operations by persons who have not established a residential use on the same property as the Short-Term Vacation Rentals; and d) Accessory buildings or structures are being used as part of a Short-Term Vacation Rental operation. 3. It is understood that home-based guest accommodation home occupations complying with section 2.4 of the Denman Island Land Use Bylaw No. 186 are not interpreted to be Short-Term Vacation Rentals, or commercial vacation rentals, and that those home-based guest accommodations may be operated year around.

Active Projects Report

Denman Island

1. Major Project - Denman Housing Review Project - Stage 2

Targeted public engagement with First Nations, residents, external agencies and local organizations to update the Official Community Plan and Land Use Bylaw with policies and regulations to strengthen housing options and affordability on the island.

Update July 20, 2023 - Stage 2 of the project involves:

Phase 1- Public engagement with a focus on identifying and prioritizing options for OCP and LUB amendments.

Phase 2 - Writing, review and adoption of OCP and LUB amendments.

Responsible

Chloe Straw
Narissa Chadwick
Renee Jamurat

Dates

Rec'd: 19-Jan-2021

2. Minor Project - Housing Related TUP Review

The purpose of this minor project is to remove Denman Island's Temporary Use Permit policies and regulations related to accessory dwelling units (ADUs). This project will also explore eliminating the residential density bank as removing the TUP requirement for ADUs will potentially draw more housing units than are available in the bank.

Responsible

Dates

Rec'd: 07-May-2024

Future Projects Report

Denman Island

1. *LUB Amendments - List of items*

Responsible

Date Received

1. July 19, 2022: TUPs for STVRs: To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

19-Jul-2022

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

3. April 4, 2023: Review zoning policies and regulations regarding guest accommodations in the LUB.

2. *Update to Development Approval Information Bylaw*

Responsible

Date Received

Staff to prepare updates to Development Approval Information BL 149, 2013 and return to LTC for consideration.

27-Sep-2022

3. *Land Use Bylaw Map Amendments - "Farm Plan map amendment"*

Responsible

Date Received

Regarding Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', make map amendments to the Denman Island Land Use Bylaw to align with the Denman Island OCP land use designations. Refer to the Staff Report on the LUB Amendment Bylaw dated June 6, 2023.

06-Jun-2023

4. *Comprehensive Official Community Plan / Land Use Bylaw*

Responsible

Date Received

Future Projects Report

Denman Island

**Future Major Project.*

1.July 19, 2022: *Protected Area Network: Undertake planning for a Protected Area Network on Denman Island*

2.July 19, 2022: Climate Change: Consider climate change adaptation and mitigation measures.

3.July 19, 2022: Regional Conservation Plan: Incorporate the Regional Conservation Plan into land use.

4.July 19, 2022: Shoreline Protection: Implement recommendations from the 2022 Model Bylaw Report.

5.July 19, 2022: Forest Ecosystems: forest ecosystem protection including the implementation of the Islands Trust coastal douglas fir and associated ecosystem protection toolkit and consider measures to protect garry oak ecosystems.

6.July 19, 2022: Freshwater: consider Islands Trust freshwater strategy recommendations.

7.July 19, 2022: Denman Downtown Village Neighbourhood Plan.
