



Denman Island Local Trust Committee Regular Meeting Agenda

Date: May 20, 2025
Time: 10:00 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Pages

- | | | |
|---|---------------------|---------|
| 1. CALL TO ORDER | 10:00 AM - 10:05 AM | |
| "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change." | | |
| 2. TERRITORIAL ACKNOWLEDGEMENT | | |
| 3. APPROVAL OF AGENDA | | |
| 4. REPORTS | 10:05 AM - 10:25 AM | |
| 4.1 Trustee Reports | | |
| 4.2 Chair's Report | | |
| 4.3 Electoral Area Director's Report | | |
| 5. PUBLIC COMMENTS | 10:25 AM - 10:45 AM | |
| 6. MINUTES | 10:45 AM - 10:50 AM | |
| 6.1 Local Trust Committee Minutes dated March 18, 2025 - for adoption | | 3 - 13 |
| 6.2 Section 26 Resolutions-Without-Meeting Report - none | | |
| 6.3 Advisory Planning Commission Minutes - none | | |
| 7. BUSINESS ARISING FROM MINUTES | 10:50 AM - 11:05 AM | |
| 7.1 Follow-up Action List dated May 13, 2025 | | 14 - 20 |
| 8. DELEGATIONS - none | | |
| 9. APPLICATIONS AND REFERRALS | 11:05 AM - 12:05 PM | |
| 9.1 DE-SUP-2020.3 - Covenant Request | | 21 - 50 |

9.2	DE-RZ-2024.1 (Triple Rock Land Cooperative) - Staff Report	51 - 85
9.3	PL-RZ-2024-0055 (Denman Conservancy) - Staff Report	86 - 121

~ BREAK 12:05 PM - 12:35 PM ~

10.	LOCAL TRUST COMMITTEE PROJECTS	12:35 PM - 1:00 PM
10.1	Major Project: Denman Housing (Official Community Plan and Land Use Bylaw) Review Project: Engagement Plan - Staff Report	122 - 128
11.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
12.	NEW BUSINESS	1:00 PM - 1:10 PM
12.1	Bylaw to Remove the Temporary Use Permit from Accessory Dwelling Unit in the R2, A and F, while not Removing the Density Bank - Trustee Graham - for Discussion	
13.	STAFF REPORTS	1:10 PM - 1:30 PM
13.1	2024/25 Annual Report - Approval of Denman Island's LTC Section - Request for Decision	129 - 131
13.2	Highlights of Trust Conservancy March 18, 2025 Board Meeting	132 - 133
13.3	Applications Report dated May 13, 2025	134 - 138
13.4	Trustee and Local Expense Report dated February, 2025	139 - 139
13.5	Adopted Policies and Standing Resolutions	140 - 150
13.6	First Nations Relationship Building Update - none	
13.7	Local Trust Committee Webpage	
14.	WORK PROGRAM	1:30 PM - 1:45 PM
14.1	Active Projects Report dated May 13, 2025	151 - 151
14.2	Future Projects Report dated May 13, 2025	152 - 153
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Tuesday, July 15, 2025 at 10:00 a.m. at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
16.	ADJOURNMENT	1:45 PM - 1:45 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: March 18, 2025

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

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

Staff Present: Marlis McCargar, Island Planner
Narissa Chadwick, Island Planner
Nadine Mourao, Legislative Clerk
Lisa Millard, Meeting Administrator/Recorder (electronic attendance)

Others Present: There were approximately 43 members of the public in attendance.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

15.1 Opt into Provincial Bill 44 Short Term Vacation Rental - Discussion

By general consent, the agenda was approved as amended.

4. REPORTS

4.1 Trustee Reports

Trustee Graham reported attendance at the March Trust Council meeting and noted that the 2025/26 budget was approved and will result in a tax increase for residents within the Local Trust Area.

Trustee Borthwick reported attendance at Trust Council and noted Trustee Laura Patrick was elected as Chair of Trust Council and he was elected to the Governance Committee.

4.2 Chair's Report

Chair Maude reported attendance at Trust Council during which the strategic plan was prioritized and noted that work on the draft Trust Policy Statement continues.

4.3 Electoral Area Director's Report - none

5. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review Project

A Trustee stated a letter from K'omoks First Nation had recently been received in which the Nation requested the Local Trust Committee defer consideration of advancing the bylaws until July 2025 in order to provide further opportunity and time to complete a thorough environmental review.

Discussion ensued about the Public Hearing process and the following points were noted:

- Once the public hearing closes the Local Trust Committee cannot hear any further information from the public;
- If new and relevant information is brought forward to the Planner, the Local Trust Committee will be informed, and another Public Hearing may need to be scheduled so that the public can also hear the new information;
- Late comments received from a referral might, or might not, provide new information; and
- The referral period closed in November, 2024 and it is common that comments are not received from all of the agencies and First Nations that the matter was referred to.

5.1 Planner Presentation

The Planner provided a presentation and highlighted the following:

- A Community Information Meeting is held to provide information and allow the public to determine if their interests are affected by the proposed bylaws;
- When making decisions, the Local Trust Committee factors in relevant legislation, the Islands Trust Policy Statement, legal considerations, First Nation's perspective, public input, professional input, and referral responses;
- Proposed Bylaw No. 248 will amend to the Official Community Plan to remove the density bank;
- The density bank was originally established to manage residential development through density accumulation, storage, and allocation and it is administratively complex and requires extensive tracking and regulation;
- Proposed Bylaw No. 249 will amend the Land Use Bylaw to allow secondary dwellings in the rural residential, forestry, and resource zones without the requirement of a Temporary Use Permit;
- Current regulations allow secondary dwellings by Temporary Use Permit in the Rural Residential(R2), Forestry (F), and Resource (RE) zones and properties zoned Agriculture (A) and within Agricultural Land Reserve can have secondary dwellings without a Temporary Use Permit;
- Issues with Temporary Use Permits include the temporary nature that does not provide long term housing solutions and limited uptake evidenced by only two permit applications being processed in the past eleven years;
- There are approximately 292 properties in the R2, F and RE zones and a total of 869 parcels on Denman Island that have capacity for residential development; and
- The processes, timelines, and next steps were outlined.

5.2 Question and Answer Period

How did the density bank get off track?

Any project that proposes to remove densities from the bank would require an amendment to the Official Community Plan and this was not always done. There are currently seven densities in the density bank and the number that is reflected in the Official Community Plan is not correct.

Are the density bank and density cap the same thing?

A member of the public stated that when the density bank was created, the policy in the Official Community Plan set the maximum density for overall residential development as the total number of densities plus 5%. This 5% was intended to address affordable housing, social housing, and secondary dwelling units, and the related bylaw was adopted in 2008.

Can you give an accurate accounting of how many densities have been used to build affordable housing out of the density bank?

Sixteen.

Does the density take into account that properties can be subdivided in the future?

The 869 properties represent a the total number of parcels on Denman Island that have the capacity for residential development and were counted as one density each and subdivision was not taken into account.

A member of the public noted the 5% increase of density is no longer relevant as it didn't take into account all of the additional houses allowed under the zoning or subdivision implications, and the absolute number of houses that could exist today should be identified.

A Trustee indicated the Local Trust Committee is looking at redefining density and that this project is part of the larger Housing Review project which will look at ways of capping density.

Has the net effect of these two proposed changes been modeled in relation to density and population? What is the maximum build out?

A build out analysis has been completed, but looking at existing covenants and specific restrictions needs to be done before the information can be finalized and presented to the public.

The density bank was set to a maximum density, what will replace it and how can we better achieve affordable and social housing through secondary dwelling units?

A member of the public indicated that the Housing Advisory Planning Commission provided a full history of what happened with the density bank in its final report and they encourage residents to review the final report and recommendations. It was noted that copies of the report are available at the library and on the Islands Trust website.

What happened with the four densities from the Denman Conservancy rezoning that were to go into the bank?

The application related to the density donation is currently in stream and being processed. Should the density bank not be removed those four densities would be added to the seven in the bank..

How many densities have been transferred from conservancy since 2013?

The number is not readily available but can be looked up.

There is an assumption that the Temporary Use Permit was an obstacle but one can not make that assumption as there are other factors that are prohibitive. If the Temporary Use Permit is removed will there be tracking to determine if removal was effective?

A Trustee noted they have heard from the community that accessory dwellings are being built without permits, although data on this is not available. Residents have been building accessory dwelling units without a permit prior to the requirement of a Temporary Use Permit; however, building a permanent dwelling on permit that only lasts three years is considered risky.

Does every Temporary Use Permit granted for secondary dwellings result in a density being removed from the density bank?

Yes.

Is there a possibility of creating an additional zone? Is there a process the community can go through to analyze what properties could be appropriate for affordable housing that won't be an administrative burden and then zone those lots for that possibility?

Mayne Island introduced flexible housing and then looked at options to allow additional units, and once identified the Local Trust Committee created flex zoning regulations through analysis using all available data to identify an area that would be most suitable to housing. A separate zone would be an option.

A Trustee noted that removal of the Temporary Use Permit and density bank is a minor aspect of the larger Housing Review Project. The Local Trust Committee considered the removal as an administrative step. Based on a report and recommendations from the Housing Advisory Planning Commission, removing the Temporary Use Permit was seen as a way to immediately address housing needs., It is believed that many units have been built without a Temporary Use Permit. Removing the Temporary Use Permit and density bank would help legalize many of these units that already exist.

Can you describe the Suitable Land Analysis?

There are a variety of maps that are used when rezoning work is being done and the Suitable Land Analysis is a tool that brings all of the available data and information together and overlays it onto a map with ability to weight the maps based on identified priorities.

What controls, other than water and sewage requirements, does Islands Trust have regarding subdivision?

Islands Trust establishes minimum lot size requirements and zoning that allows or disallows subdivision, and the Ministry of Transportation and Transit processes subdivision applications and has specific requirements.

A member of the public read a letter written by a resident who was not available to attend. The letter requested the Local Trust Committee consider the following points:

- Reconsider the elimination of the density bank;
- Maintain two Land Use Bylaw regulations that are notable barriers to overdevelopment; and

- Increase the percentage in the density cap policy for affordable and social housing and if a limit is desired then set it to correspond with the housing needs assessment. A member of the public spoke to the Temporary Use Permit and density bank being linked together and the need to de-link them while maintaining the qualities of the density bank that tie densities to affordable housing and the prevention of overdevelopment.

There are currently thirty properties zoned Agriculture which could have a secondary dwelling without any regulations and other properties that can legally build three to four dwellings resulting in an underutilized potential for secondary units. Why are we contemplating opening up additional zones instead of encouraging current property owners that are allowed to build them?

A member of the public replied that while some property owners have potential to have more dwellings and choose not to and not everyone that might be permitted to build a secondary unit under new regulations would do so; therefore, the community should not assume the change will result in a significant number of secondary dwellings being built.

The housing needs assessment done in 2018 showed 80 more homes were required to meet housing needs, is there an accurate number of what the need is now?

A consultant is working on a housing needs assessment for the entire Trust area and when that data is received it will be included in the Denman Housing Project.

A member of the public spoke to the need to house residents living in unsafe homes and that this could not be done on the basis of having seven densities in the density bank.

A member of the public noted it seems to be emerging wisdom that only government can provide affordable housing because only government is going to invest in below market value housing and private ownership is not going to invest in below market housing.

How is the housing needs assessment being conducted? Where does the data come from?

Specifics on how the consultant is collecting data were not provided.

A member of the public spoke to the current housing emergency and detailed two examples that would require political capital to address the issue including taxing, or banning, vacant homes and only allowing people below a certain wealth to purchase new properties.

A member of the public noted low-income housing, which is different than affordable housing, is needed and incentives to build secondary dwellings should be considered.

A member of the public commented the Local Trust Committee decided not to opt into the empty home tax, the short-term vacation rental market has been driving rental prices up, and in conjunction with affordable housing there is need to address short-term vacation rentals that are taking up vacancies that might be available for long-term rentals.

Does Islands Trust help with providing better infrastructure such as better roads and ferry services that will be required by the increased population that results from increased dwellings?

The effort is to address existing issues and provide better housing opportunities not build more housing and bring more people to the island.

Can we consider not removing the density bank and look at different way of rezoning and reallocating densities that might not be used to solve the problem of people not living in suitable housing? Is there an application process to make non-conforming housing legal without removing the density bank?

Under the current regulations, if someone has a property and they would like to add an additional unit that is not permitted they would require rezoning and the new density would come out of the density bank.

Are there other densities that can be removed from other properties and reallocated through a community process?

Density transfers can currently only occur through conservancy.

A Trustee noted there are fewer opportunities to take densities from conservation lands and put them into the density bank and there are not enough densities in the bank to make the community resilient.

A member of the public spoke to the possibility of private land owners that are permitted a secondary dwelling relinquishing the density to the density bank if they do not want a secondary dwelling.

A member of the public spoke to challenges of legalizing non-conforming dwellings as they would require significant expenditure to bring the dwelling up to building code standards and suggested amnesty on non-conforming dwellings or incentivizing the process of upgrading non-conforming dwellings to code.

A member of the public spoke to the needs of addressing gentrification and consideration of placing a moratorium on high end development approval until the number of requisite affordable housing units are built.

The meeting was recessed for a break at 12:45 and reconvened at 12:50 p.m.

6. PUBLIC HEARING

6.1 Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review

The Local Trust Committee cancelled the public hearing.

7. CLOSED MEETING

7.1 Motion to Close the Meeting

DE-2025-011

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (g) for the purpose of considering:

- (g) litigation or potential litigation affecting the municipality;
- and that the recorder and staff attend the meeting.

The regular meeting was recessed at 12:50 p.m.

7.2 Recall to Order

The meeting was recalled to order at 1:11 p.m.

7.3 Rise and Report

Chair Maude rose and reported that the *in-camera* minutes of October 8, 2024 were adopted and that legal advice was received.

8. PUBLIC COMMENTS

A member of the public spoke to a Siting and Use application being reviewed by staff to allow an in-ground pool and they requested a bylaw be written that regulates pools by requiring pool owners to have a cistern or catchment system that holds a quantity of water necessary to fill the pool, ground water not be allowed for pool use, and the Local Trust Committee not allow this specific application to proceed due to the proposed pool location being built within an area of sea level rise.

9. MINUTES

9.1 Local Trust Committee Minutes dated January 21, 2025 - for adoption

By general consent, the Local Trust Committee meeting minutes of January 21, 2025 were adopted.

9.2 Section 26 Resolutions-Without-Meeting Report - none

9.3 Advisory Planning Commission Minutes - none

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List dated March 11, 2025

The Planner provided updates on the status of items on the Follow-Up Action List.

11. DELEGATIONS - none

12. APPLICATIONS AND REFERRALS - none

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Minor Project: Housing-Related Temporary Use Permit Review - Post Public Hearing Staff Report

The Planner noted that at the time the report was being written the K'omoks First Nation requested the Local Trust Committee defer consideration of the bylaws to allow an extended referral response period.

Discussion ensued and the following comments were noted:

- It is important to advance the work in the context of the larger project whereby all amendments of the Official Community Plan and Land Use Bylaw amendments are considered together; and

- Providing an alternative to the existing density bank at time of the removal of the current structure should have been undertaken.

DE-2025-012

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to include analysis of density bank alternatives and permitting Accessory Dwelling Units on Denman Island into Phase 2C of the Housing Project

CARRIED

DE-2025-013

It was MOVED and SECONDED

That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 248 and 249.

CARRIED

It was noted that staff will advise K'omoks First Nation that a referral response on Bylaw Nos. 248 and 249 is no longer required.

13.2 Major Project: Denman Housing (Official Community Plan and Land Use Bylaw) Review Project - Staff Report

The Planner noted the staff report provides an update on housing actions identified in the Denman Island Housing Action Plan.

Discussion ensued and the following comments were noted:

- The Suitable Land Analysis is a decision-making tool which the Local Trust Committee can choose to use in the context of secondary dwelling units;
- Use of Suitable Land Analysis might be better suited when considering multi-family development;
- There needs to be a broader conversation about the use of Temporary Use Permits for secondary dwellings;
- All aspects of the changes to be made need to come forward together and done in relation to corresponding components;
- The Suitable Land Analysis data that is being used is not effective and there are concerns about accuracy and the process of how weighting is being established, and there is not confidence to use it as a tool at this time;
- Denman Conservancy data and K'omoks First Nation mapping of cultural heritage areas are available to use to inform the project; and
- Planner time and funding dedicated to the Denman Local Trust Committee Housing project should not be used to work on the Suitable Land Analysis mapping.

DE-2025-014

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff

- i. engage with local environmental conservation groups to incorporate additional environmental data sets; and
- ii. engage with First Nations on incorporating restricted access data such as archaeology sites, culturally significant sites, areas of

potential, and including any relevant public access data to support analysis of First Nations priorities.

CARRIED

Discussion ensued on the project actions identified in the Staff Report and the following direction was provided:

- Additional oversight on domestic water use is not required as Vancouver Island Health Authority is the regulating authority;
- If density is to be increased the affect on the natural environment needs to be addressed;
- A reduction of lot coverage percentages shows the community that while the residential impact of a lot might be increased through a secondary dwelling the amount of property that can not be covered by buildings has been expanded;
- There is value in making reductions to the maximum floor area permitted as a tool to address gentrification;
- There is value in reducing the percentage of overall combined lot coverage as a flexible housing tool.
- There would not be a need to consider accessory building size if an overall combined lot coverage percentage is put in place;
- Staff will look at suitable lot coverage percentages per zone and maximum floor coverages to curtail sprawl and gentrification;
- In situations whereby lots have been donated for housing it was suggested to remove the multi-family aspect but keep the affordability requirement to reduce the need for a not-for-profit organization to apply for rezoning;
- Remove Item 17 in its entirety as the community has already determined no subdivision allowed at that location;
- Nothing in bylaw provides an opportunity to disallow a pool and discussion about ground-water fed pools should be undertaken;
- There are arguments for having pools
- Above ground pools do not disturb culturally sensitive areas but still require water;
- The Planner can review the San Juan Island system of a permit lottery in context of a density cap;
- The Planner will check if the Capital Regional District has advanced any work on development and management of housing agreements; and
- Pre-zoning land for housing projects would be part of the larger Housing Review project.

DE-2025-015**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee endorse next steps for Phase 2A and 2B of the Denman Housing Review as discussed.

CARRIED**DE-2025-016****It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to schedule a special meeting prior to the May LTC meeting to discuss Denman Housing Review Phase 2C actions, and other related items.

CARRIED

14. CORRESPONDENCE - none

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

15. NEW BUSINESS

15.1 Opt into Provincial Bill 44 Short Term Vacation Rental - Discussion

- Local Trust Committees were advised not to opt into the primary residence requirement for short-term vacation rentals in the first year of regulation;
- Provincial regulations for short-term vacation rentals have a registration requirement and principal residence requirement;
- Current Land Use Bylaw requires someone live onsite but not necessarily in the principal residence;
- The Local Trust Committee can put a principal residence requirement into their bylaw or opt in to the province's regulation;
- There are a limited number of provincial enforcement inspectors;
- Islands Trust Bylaw Officers would no longer have jurisdiction and the Local Trust Committee would not have ability to direct non-enforcement; and
- The Planner will send the Local Trust Committee a report issued the previous year.

16. STAFF REPORTS

16.1 Trust Conservancy Highlights of January 21, 2025 Board Meeting

Received for information.

16.2 Applications Report dated March 11, 2025

The Local Trust Committee previously amended the Land Use Bylaw to facilitate the Triple Rock housing project; however, by not proceeding with Bylaws No. 248 and 249 a specific amendment to the Official Community Plan will be required to rezone the property.

DE-2025-017

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 to enable application DE-RZ-2024.1 (Triple Rock Cooperative).

CARRIED

16.3 Trustee and Local Expense Report dated January, 2025

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 First Nations Relationship Building Update - none

16.6 Local Trust Committee Webpage

No updates required at this time.

17. WORK PROGRAM

17.1 Active Projects Report dated March 11, 2025

Received for information.

17.2 Future Projects Report dated March 11, 2025

Received for information.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for Tuesday, May 20, 2025 at 10:00 a.m. at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

19. ADJOURNMENT

By general consent, the meeting was adjourned at 2:00 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder

Follow Up Action Report

Denman Island

25-Jul-2023

Progress	Activity	Responsibility	Dates	Status
100%	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. - <i>noted</i>. 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>Completed, engagement ongoing. 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. - <i>complete</i>. 8. Staff to schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.	Chloe Straw Michelle Backe Narissa Chadwick		Completed

Follow Up Action Report

Denman Island

20-Feb-2024

Progress	Activity	Responsibility	Dates	Status
50%	1 - Draft Housing Action Plan - <i>Completed for May 7th Meeting</i> - Draft Bylaw language for review - <i>Summer 2025</i>	Narissa Chadwick		In Progress

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
50%	1 1.request the applicant for DE-RZ-2023.1 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): - Sewage disposal filings for each sewage disposal system on the subject properties; and A comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties. 2.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. 3.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.	Margot Thomaidis		In Progress

Follow Up Action Report

Denman Island

04-Jun-2024

Progress	Activity	Responsibility	Dates	Status
51%	2 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application: 1.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.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.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. (staff N.Mourao) 4.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.	Margot Thomaidis Nadine Mourao		In Progress
25%	3 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application, request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties related to DE-RZ-2023.1.	Margot Thomaidis		In Progress
50%	4 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application, 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.	Joe Elliott Margot Thomaidis Renee Jamurat		In Progress
100%	5 Regarding DE-RZ-2023.1 (Komas Ranch Ltd.) application, 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.	Margot Thomaidis		In Progress

Follow Up Action Report

Denman Island

08-Oct-2024

Progress	Activity	Responsibility	Dates	Status
50%	1 Next steps for completing Denman Island Housing Review Project: ·reformat for LUB ·consider adding permission for dwelling units in Institutional and Community Zones ·draft language for alternative dwelling units ·review domestic water systems ·expand secondary suites and ADUs ·cistern requirement ·explore lot coverage maximum and flexible zoning	Narissa Chadwick		In Progress

10-Dec-2024

Progress	Activity	Responsibility	Dates	Status
100%	1 staff to prepare a draft bylaws to amend the OCP and LUB, to enable application PLRZ20240055 (Denman Conservancy Association). Will require bylaw numbers from Leg Clerk.	Marlis McCargar Nadine Mourao		Completed

Follow Up Action Report

Denman Island

21-Jan-2025

Progress	Activity	Responsibility	Dates	Status
25%	1 DE-RZ-2023.1 (Komas Ranch Ltd.) ·Request staff to prepare draft bylaw language to amend the Denman Island OCP, to introduce a new site-specific Heritage Conservation Area ·Endorsed the draft Terms of Reference letter and directed staff to forward it to the applicant, with a final deadline of December 31, 2025 to provide additional information requested in support of the application. ·Request staff to develop a draft restrictive covenant in consultation with the applicant for application for LTC consideration. ·Enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant	Margot Thomaidis		In Progress
100%	2 request staff prepare a project charter for the OCP Technical and First Nations Updates minor project, with scope and objectives as defined by the Local Trust Committee. <i>No longer required as this project will be integrated into the major project.</i>	Marlis McCargar		Completed

Follow Up Action Report

Denman Island

18-Mar-2025

Progress	Activity	Responsibility	Dates	Status
51%	1 include an analysis of density bank alternatives and permitting Accessory Dwelling Units on Denman Island into Phase 2C of the Housing Review Project	Marlis McCargar Narissa Chadwick		In Progress
75%	2 engage with local environmental conservation groups to incorporate additional environmental data sets and engage with First Nations on incorporating restricted access data such as archaeology sites, culturally significant sites, areas of potential and including any relevant public access data to support analysis of First Nations priorities.	Narissa Chadwick		Completed
100%	3 Send STVR Act memorandum from Feb 2024 agenda to LTC	Marlis McCargar		Completed
100%	4 prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 to enable application DE-RZ-2024.1 (Triple Rock Land Cooperative). Leg Clerk - generate new bylaw amendment number	Marlis McCargar Nadine Mourao		Completed

File No.: DE-SUP-2020.3 (Forrest)

DATE OF MEETING: May 20, 2025

TO: Denman Island Local Trust Committee

FROM: Stephen Baugh, Island Planner
Northern Team

SUBJECT: DE-SUP-2020.3 – Request for Consent pursuant to Covenant
Applicant: Thorne Forrest
Location: 5465 Lacon Road, Denman Island

RECOMMENDATION

1. **That the Denman Island Local Trust Committee gives written consent pursuant to Section 2 of Covenant CA7485176 for the development proposed in application DE-SUP-2020.3.**

REPORT SUMMARY

This report provides background information on a covenant registered on the property title of 5465 Lacon Road. The covenant is intended to protect a registered archaeological site where the applicant is proposing to construct a dwelling, detached workshop accessory building, a boathouse, septic system, garden beds, retaining walls, and a driveway. Fill would be placed to raise the grade of the lot in the area of the development.

BACKGROUND

A property owner has applied for a siting and use permit at 5465 Lacon Road to construct a new single family home, accessory building, and boathouse. A covenant is registered on title of the subject property restricting development in the covenant area which contains a registered archaeological site. Since the application proposes construction within the covenant area, a request has been made to the Denman Island Local Trust Committee for consent to undertake development proposed as part of the siting and use permit application, DE-SUP-2020.3 (Forrest).

To support their request to the LTC, the applicant has submitted the following information to the LTC:

- Letter outlining their request (Attachment 1);
- Site Plan and Building Plans (Attachment 3);
- Heritage Investigation Permit, issued by the Provincial Ministry (Attachment 4);
- Site Alteration Permit, issued by the Provincial Ministry (Attachment 5); and
- Two Cultural Heritage Investigation Permits, issued by K'omoks First Nation (Attachment 6);

The applicant has noted that the building plans and site plan represent the proposed buildings, but the plans have yet to be finalized and may be adjusted if necessary, such as for engineering purposes or to meet requirements of the Denman Island Land Use Bylaw.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The following OCP policies are relevant to the request from the property owner:

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.

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.

Policy 6 Landowners are encouraged to contact the Provincial Archaeology Branch before beginning construction in areas that may have archaeological significance.

Land Use Bylaw:

The Land Use Bylaw regulations will be reviewed to confirm the development complies prior to a Siting and Use Permit being issued for the proposed development. As the final plans have not been submitted, staff have not confirmed that the plans comply with the Denman Island Land Use Bylaw.

Issues and Opportunities

Covenant CA7485176

The owner is requesting that the LTC provide written consent to undertake activities within the covenant area that would otherwise be prohibited. Specifically, the owner is seeking to construct a dwelling, accessory buildings, septic field and driveway, and place fill within the covenant area. Part 2 (excerpt below) of the covenant states that activities are not permitted in the covenant area unless there is written consent from the LTC. It also states that the LTC has absolute discretion with regards to their consent:

2. The Transferor covenants with the Transferee that they will not:

- a. deposit on the Covenant Area Land or any part of it, any earth, fill or other material for the purpose of filling in or raising the level of the Covenant Area Land;*
- b. remove, destroy, damage, or disturb any Heritage Conservation Act protected archaeological object from the Covenant Area Land;*
- c. remove or displace any soil or beach material from the Covenant Area Land; or*
- d. construct, erect, or place any building, modular home, mobile home or unit, improvement or structure on the Covenant Area Land;*

or permit any of the foregoing to be done without the prior written consent of the Transferee, which consent may be withheld at the absolute discretion of the Transferee.

The covenant is jointly held by the LTC and the Ministry of Forests, Lands and Natural Resource Operations.

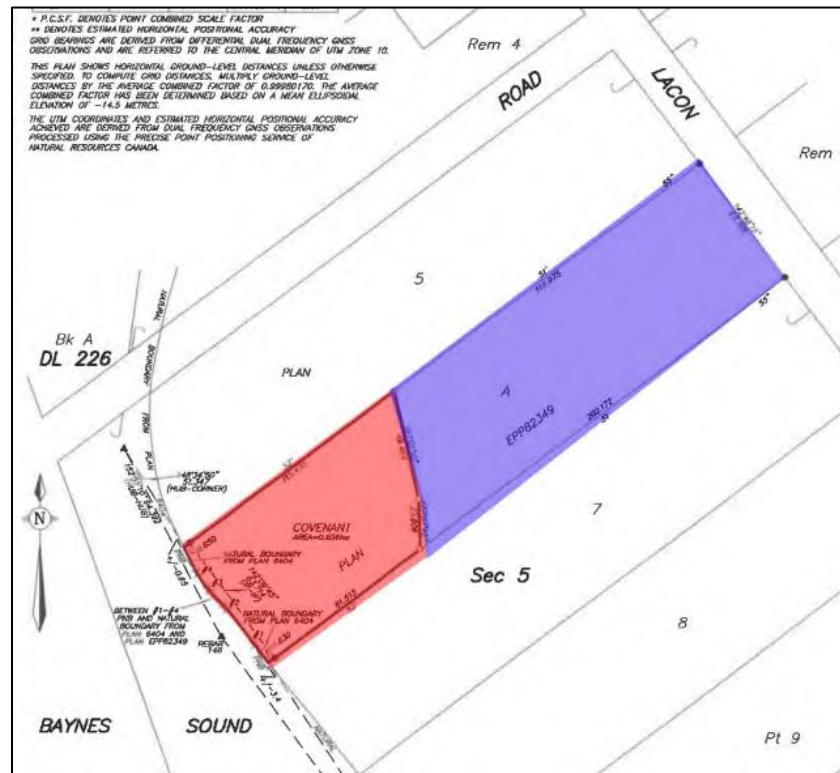


Figure 1 Map of the property (purple and red) with the Covenant Area highlighted in red.

Archaeology Permits

A number of permits related to the development have been received from other agencies including:

- Heritage Investigation Permit, issued by the Province;
- Site Alteration Permit, issued by the Province; and
- Two Cultural Heritage Investigation Permits, issued by K'omoks First Nation.

Rationale for Recommendation

Staff are recommending the LTC grant permission to the owner for the proposed development for the following reasons:

- The applicant has obtained the Heritage Investigation Permit and Site Alteration Permit from the province;
- The applicant has obtained a Cultural Heritage Investigation Permit from K'omoks First Nation for the proposed works; and
- The Siting and Use permit will confirm that the development is complies with the Denman Island Land Use Bylaw.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Part 3 of Covenant CA7485176 states that the LTC could request information from the owner to be provided at the expense of the owner. 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 [specify information].

2. Withhold Consent

The LTC may withhold consent at their discretion. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee withhold written consent pursuant to Covenant CA7485176 for the development proposed in application DE-SUP-2020.3.

NEXT STEPS

If the recommendation is selected, the resolution will be sent to the owner. Following this, staff will continue to process the Siting and Use Permit application.

Submitted By:	Stephen Baugh, Island Planner	May 8, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 12, 2025

ATTACHMENTS

1. Owner Letter
2. Covenant CA7485176
3. Site Plan and Building Plans
4. Heritage Investigation Permit (HIP) Permit
5. Site Alteration Permit (SAP) Permit
6. Cultural Heritage Investigation Permit (CHIP) Permits

Attachment 1

April 28, 2025

Thorne Forrest

10 Evanscrest Manor NW
Calgary, AB T3P 0Y1

Denman Island Local Trust Committee
C/O Jamie Dubyna, MSc. Pl.
Planner 2, Northern Office
Islands Trust
700 North Road
Gabriola Island, British Columbia V0R 1X3

Denman Island Trust Committee:

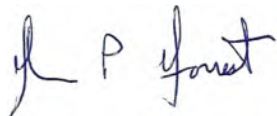
Subject: Proposed Development on Lot A, Section 5, Denman Island, Nanaimo District, Plan EPP82349. P.I.D: 030-773-890

I am requesting the Denman Island Local Trust Committee provide me with written consent for the proposed development to occur in the Covenant Area Identified on Covenant CA7485176. The development will consist primarily of a three-bedroom home, a detached workshop, a boathouse, retaining walls, septic system, garden beds and the placement of fill to raise the grade of the lot.

The building site within the covenant area was chosen based on a few criteria. First, our desire to live in close proximity to the ocean. Second, being able to utilize the former house site that is already leveled and mostly cleared of trees. Finally, the site is close to the existing distribution powerline already serving the waterfront homes along Lacon Road.

To support this request, all applicable archaeological permits have been obtained, including the SAP and HIP from the province of BC along the CHIP from the K'omoks First Nation. Thank you in advance for your consideration of this matter. Please feel free to contact me at (403) 471-8965 or thorne4est@hotmail.com if you have concerns or require further clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thorne P. Forrest', written in a cursive style.

Thorne P. Forrest

Attachment 2

May-06-2019 11:42:36.005

CA7485176

FORM C (Section 233) CHARGE

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 6 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

John Arthur
Davis TQFCXP

Digitally signed by John
Arthur Davis TQFCXP
Date: 2019.05.06
11:14:48 -07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

JOHN A. DAVIS LAW CORPORATION

Barrister and Solicitor

182 Memorial Avenue, Box 306

PARKSVILLE

BC V9P 2G5

Telephone (250) 248-4148

File No. 12,514 (archaeological cov)

MoTI File No. 2016-05267

Document Fees: \$74.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

NO PID NMBR LOT A, SECTION 5, DENMAN ISLAND, NANAIMO DISTRICT, PLAN EPP82349

STC? YES

Related Plan Number: **EPP82349**

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Sec 219, over part in Plan EPP82350

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

THORNE PAUL FORREST

LUCILLE HELEN FORREST

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

John A. Davis

Barrister & Solicitor

Box 306, 182 Memorial Ave.
Parksville, B.C. V9P 2G5

Execution Date		
Y	M	D
18	09	05

Transferor(s) Signature(s)

THORNE PAUL FORREST

LUCILLE HELEN FORREST

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 6 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

BRYCE STERLING PIROZZINI

A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

Expiry date: July 31, 2019

Y	M	D
19	04	12

HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA as represented by
the MINISTER OF FORESTS, LANDS
AND NATURAL RESOURCE
OPERATIONS by its authorized
signatory(ies):

Name:

Kirsten Fagervik
Provincial Approving Officer
MoTI File No. 2016-05267

DENMAN LOCAL TRUST
COMMITTEE by its authorized
signatory(ies):

Name:

Name:

BRYCE STERLING PIROZZINI

A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

Expiry date: July 31, 2019

19	04	12
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This is an instrument required by the
Approving Officer for subdivision Plan
EPP82349 creating the condition or
covenant entered into under s. 219 of
the Land Title Act.

Name:

Kirsten Fagervik
Provincial Approving Officer
MoTI File No. 2016-05267

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 3 OF 6 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA as represented
by the MINISTER OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
Parliament Buildings
Victoria BC V8V 1X4

DENMAN LOCAL TRUST COMMITTEE
Suite 200 1627 Fort Street
Victoria BC V8R 1H8

PART 2 – TERMS OF INSTRUMENT

WHEREAS the Land contains a portion of archaeological site DiSe-5 and other unrecorded archaeological sites protected under the provisions of the *Heritage Conservation Act*.

NOW THEREFORE in consideration of the premises and the sum of ONE DOLLAR (\$1.00) now paid by the Transferee to the Transferor, and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged by the Transferor), the parties agree as follows:

1. In this Part

"Covenant Area Land" means those portions of the Land described in Item 2 of Part 1 of this Instrument containing archaeological sites, that is within the area outlined in heavy black line on the Reference Plan prepared by Evan E. Wind, B.C.L.S. dated April 27, 2018, a reduced copy of which is attached hereto as Schedule A.

2. The Transferor covenants with the Transferee that they will not:

- (a) deposit on the Covenant Area Land or any part of it, any earth, fill or other material for the purpose of filling in or raising the level of the Covenant Area Land;
- (b) remove, destroy, damage, or disturb any *Heritage Conservation Act* protected archaeological object from the Covenant Area Land;
- (c) remove or displace any soil or beach material from the Covenant Area Land; or
- (d) construct, erect, or place any building, modular home, mobile home or unit, improvement or structure on the Covenant Area Land;

or permit any of the foregoing to be done without the prior written consent of the Transferee, which consent may be withheld at the absolute discretion of the Transferee.

- 3. The Transferor acknowledges and agrees with the Transferee that in order for the Transferee to provide its consent to the Transferor to undertake any of the activities set out in section 2, it may, among other things, require the Transferor to carry out appraisals, inspections, inventories, surveys, studies, analyses and other investigations of the Covenant Area Land and the potential archaeological impact of any such activity on the Covenant Area Land, and the Transferor will carry out all such appraisals, inspections, inventories, surveys, studies, analyses and other investigations at their expense.
- 4. The Transferor will indemnify and save the Transferee harmless from all actions, causes of action, claims, demands, suits, losses, damages, debts, accounts, liabilities, costs, expenses and compensation of any kind, including fees of solicitors and other professional advisors, arising out of any breach, violation or non-performance by the Transferor of the covenants set out in sections 2 and 3.
- 5. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands. It is acknowledged and agreed the Transferor is not liable for a breach of the Transferor's covenants occurring after the Transferor has ceased to be the owner of that part of the Land from which the breach occurs.
- 6. No term, condition, covenant or other provision or breach of this Agreement will be considered to

have been waived by the Transferee unless such waiver is expressed in writing by the Transferee, and any such waiver is not a waiver of any other term, condition, covenant, or other provision or any other breach of this Agreement.

7. These presents shall enure to the benefit of and be binding upon the parties hereto and upon their respective heirs, executors, administrators, successors and assigns.
8. In this Agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.
9. This Agreement will be interpreted according to the laws of the Province of British Columbia.
10. Where there is a reference to an enactment of the Province of British Columbia in this Agreement, that reference includes a reference to any subsequent enactment of the Province of British Columbia of like effect and, unless the context otherwise requires, all statutes referred to in this Agreement are enactments of the Province of British Columbia.
11. If any section of this Agreement, or any part of a section, is found to be illegal or unenforceable, that part or section, as the case may be, will be considered separate and severable and the remaining parts or sections, as the case may be, will not be affected and will be enforceable to the fullest extent permitted by law.
12. This Agreement will be registered as a charge against the Land pursuant to section 219 of the *Land Title Act*.

REFERENCE PLAN OF PART OF LOT A, SECTION 5, DENMAN ISLAND NANAIMO DISTRICT, PLAN EPP82349

PLAN EPP82350

BCGS 92F.047

PURSUANT TO SECTION 99(1)(a) OF THE LAND TITLE ACT.
FOR COVENANT PURPOSES**LEGEND**

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- ▲ DENOTES GNSS TRAVERSE HUB FOUND
- X DENOTES UNMARKED MEASURED POINT
- PT DENOTES PART

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY
560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:1250

ALL DISTANCES ARE HORIZONTAL GROUND-LEVEL AND ARE SHOWN
IN METRES AND DECIMALS THEREOF, UNLESS OTHERWISE INDICATED.

NAD83(CSRS)	1997.0 VANCOUVER ISLAND UTM ZONE 10			
GNSS HUB	NORTHING	EASTING	*P.C.S.F.	**E.H.P.A.
REBAR 146	5481706.93	372518.65	0.99980193	0.05
REBAR 147	5483514.39	372658.87	0.99980146	0.06

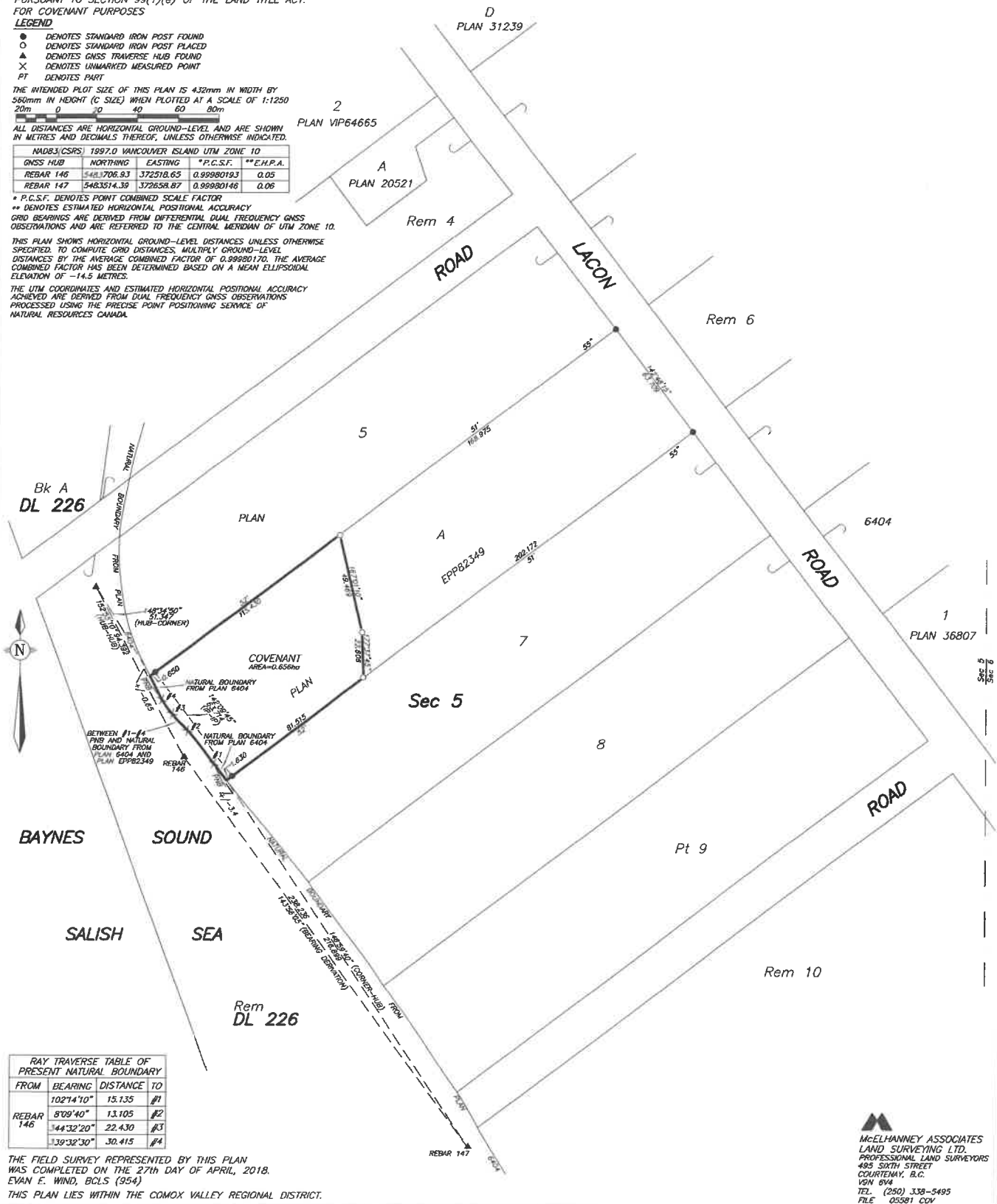
* P.C.S.F. DENOTES POINT COMBINED SCALE FACTOR

** DENOTES ESTIMATED HORIZONTAL POSITIONAL ACCURACY

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL DUAL FREQUENCY GNSS
OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

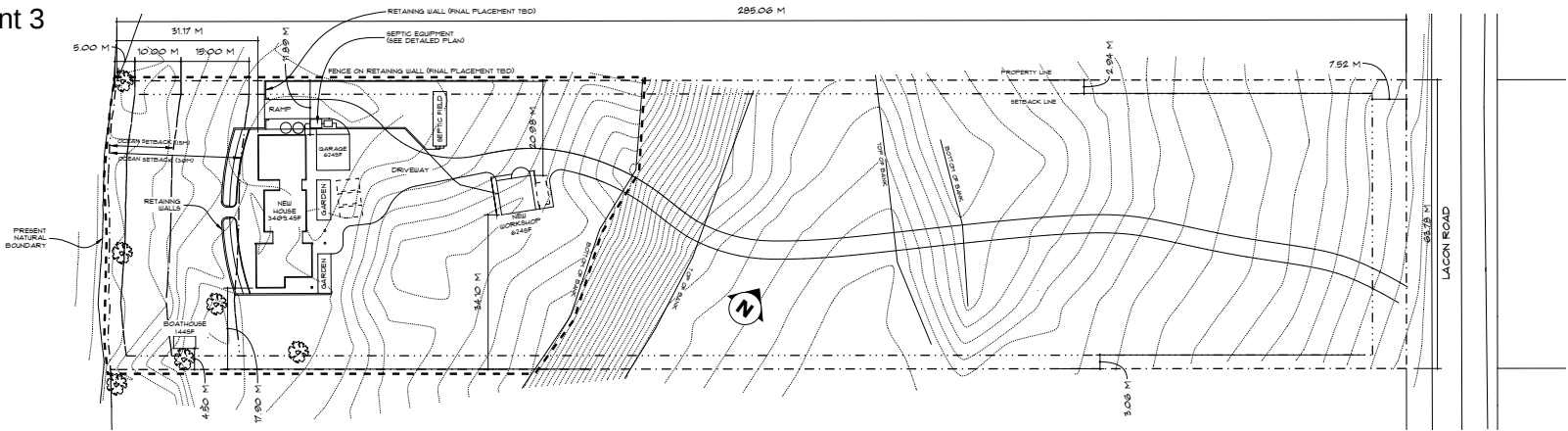
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE
SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL
DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.99980170. THE AVERAGE
COMBINED FACTOR HAS BEEN DETERMINED BASED ON A MEAN ELLIPSOIDAL
ELEVATION OF -14.5 METRES.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY
ACHIEVED ARE DERIVED FROM DUAL FREQUENCY GNSS OBSERVATIONS
PROCESSED USING THE PRECISE POINT POSITIONING SERVICE OF
NATURAL RESOURCES CANADA.



THE FIELD SURVEY REPRESENTED BY THIS PLAN
WAS COMPLETED ON THE 27th DAY OF APRIL, 2018.
EVAN F. WIND, BCLS (954)
THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT.

McELHANNHEY ASSOCIATES
LAND SURVEYING LTD.
PROFESSIONAL LAND SURVEYORS
485 SIXTH STREET
COURTENAY, B.C.
V9N 6V4
TEL. (250) 338-5495
FILE 05581 CVV



1 PROPOSED SITE PLAN
1MM : 500MM

3 SOUTH ELEVATION
1/4" = 1'

4 WEST ELEVATION
1/4" = 1'

2 WORKSHOP FLOOR PLANS
1/4" = 1'

5 SHED ELEVATIONS
1/4" = 1'

6 EAST ELEVATION
1/4" = 1'

7 NORTH ELEVATION
1/4" = 1'

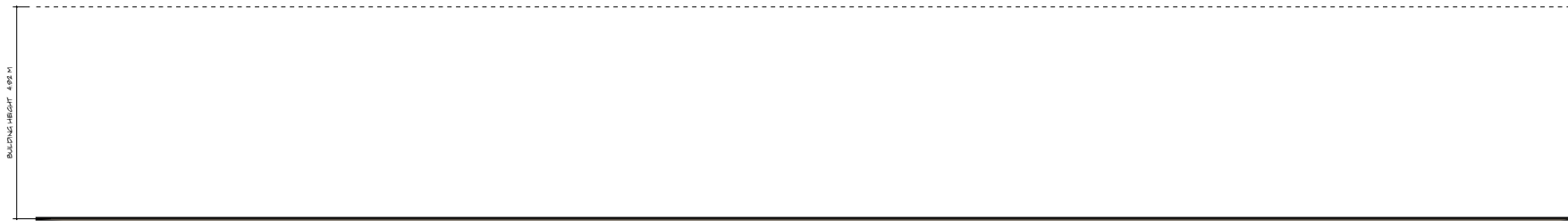
NOTE: ALL DESIGN MATERIAL INCLUDING DRAWINGS, MODELS, RELATED DOCUMENTS, ETC., REMAINS THE COPYRIGHTED PROPERTY OF COMMONHOUSE DESIGN AND IS NOT TO BE REPRODUCED IN ANY MANNER WITHOUT PRIOR APPROVAL

FORREST RESIDENCE
5465 LACON ROAD, DENMAN ISLAND BC

#212-2459 Cousins Avenue
Courtenay, BC V9N 3N6
250.871.8765
info@commonhousedesign.com

SCALE: AS NOTED
PROJECTED: 2025
START DATE:
DRAWN: PDT
ISSUED: May 8, 2025
REFERENCE: DENMAN ISLAND LOCAL TRUST COMMITTEE APPLICATION

DRAWING PAGE#
A-1



1 EAST ELEVATION
1/4" = 1'



2 WEST ELEVATION
1/4" = 1'



3 SOUTH ELEVATION
1/4" = 1'



4 NORTH ELEVATION
1/4" = 1'

NOTE: ALL DESIGN MATERIAL, INCLUDING
DRAWINGS, MODELS, RELATED DOCUMENTS,
ETC., REMAINS THE COPYRIGHTED PROPERTY OF
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FORREST RESIDENCE

5465 LACON ROAD, DENMAN ISLAND BC

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info@commonhousedesign.com

SCALE: AS NOTED
PROJECTED: 2025
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REFERENCE: DENMAN ISLAND LOCAL
TRUST COMMITTEE
APPLICATION

DRAWING PAGE#

A-2

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AND IS NOT TO BE REPRODUCED IN ANY
MANNER WITHOUT PRIOR APPROVAL



1 MAIN FLOOR PLAN
1/4" = 1"
HOUSE - 3409.4 SF
GARAGE - 624 SF

FORREST RESIDENCE

5465 LACON ROAD, DENMAN ISLAND BC

#212-2459 Cousins Avenue
Courtenay, BC V9N 3N6
250.871.8765
info@commonhousedesign.com

SCALE: AS NOTED
PROJECTED: 2025
START DATE:
DRAWN: PDT
ISSUED: May 8, 2025
REFERENCE: DENMAN ISLAND LOCAL TRUST COMMITTEE APPLICATION

DRAWING PAGE#
A-3

Attachment 4



January 2, 2025

Permit No. 2022-0157
Application No. 11200-30/21A0299

Philip Whalen
Baseline Archaeological Services Ltd.
556 Harmston Ave
Courtenay, BC V9N 2X5
Email: pwhalen@baselinearchaeological.ca

Re: Amendment 002 to Inspection Permit 2022-0157 - Granted

Dear Philip Whalen:

Further to your request of December 2, 2024, the terms of the enclosed permit have been revised to **extend the expiry date to March 31, 2026**. Please note that as this amendment is administrative in nature, it has not been sent out for comment, but issued directly. Please keep a copy of the amended permit for your records; the original will be retained in the Archaeology Branch permit file.

The results of your inspections are to be presented in a permit report, submitted in both double-sided hard copy and PDF formats, by **March 31, 2026**. Individuals and organizations with knowledge of location, distribution, and significance of archaeological resources in the study area should be contacted where appropriate and documented in the permit report. Please ensure that site inventory forms are submitted separately, and that detailed site access information is not included in the report text. If site forms are included in the report, they will be removed by Branch staff.

Please note that Branch acceptance of permit reports only acknowledges the fulfillment of permit terms and conditions. Such acceptance does not bring with it an obligation by the Branch to accept report recommendations as they relate to impact assessments or impact management requirements.

Should you have any questions regarding this permit, please contact your Permitting Archaeologist, **Ryan S Blackburn**, who can be reached by calling 250-953-3334 or emailing ArchPermitApp@gov.bc.ca.

Please note that the permit number listed above must be referenced in the subject line of all permit-related emails sent to the Archaeology Branch.

Sincerely,

Travis Lutley
Manager – Residential Development
TL/pd/Encl.

pc: See attached Amendment Distribution List

Ministry of Forests Forest Resiliency and
Archaeology Division
Archaeology Branch

PO Box 9816 Stn Govt Prov
Victoria, BC
V8W 9W3

Telephone: 250-953-3334
Website:
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology>

✓	DISTRIBUTED TO	ATTENTION	CONTACTED	FILE #
	Philip Whalen	Permit Holder	pwhalen@baselinearchaeological.ca	
	K'omoks First Nation	Art Wilson c/o Nanwakolas	referrals@nanwakolas.com	
CL	Nanwakolas Council	Art Wilson	referrals@nanwakolas.com;	
	Qualicum First Nation	Chief Michael Recalma	receptionist.qualicum@shaw.ca; recalmag.qualicum@shaw.ca	
	Snaw-Naw-As First Nation	Katie Bob-Sampson, Tom Bob, cc Treaty	katiesampson_ira@nanoose.org; tbob@nanoose.org; info@temexw.org	
P	Tla'amin First Nation	Denise Smith, Richard Gage	Tla'amin Connect	
	We Wai Kai First Nation	Art Wilson c/o Nanwakolas	referrals@nanwakolas.com;	21-604
	Wei Wai Kum First Nation	Art Wilson c/o Nanwakolas	referrals@nanwakolas.com	
P	Xwemalhwu First Nation	Chief Darren Blaney	HOMALCO CONNECT PORTAL	



HERITAGE CONSERVATION ACT

HERITAGE INSPECTION PERMIT

AMENDMENT (002)

THIS IS TO CERTIFY that **Philip Whalen** of **Baseline Archaeological Services Ltd.** is hereby authorized to conduct an assessment as described below, subject to the terms and conditions on the back hereof.

Type of activity and location:

Archaeological Impact Assessment of a proposed single family residential construction at 5465 Lacon Rd, Denman Island, (Lot A, Section 5, Denman Island, Nanaimo District, Plan EPP82349, PID 030-773-890)

All work is to conform with the "Application for Permit" dated June 14, 2021, and the amendment requests dated March 8, 2023, and December 2, 2024.

Disposition of materials collected: **Campbell River Museum**

Issued **May 9, 2022**
Amended (001) **June 19, 2023**
Amended (002) **January 2, 2025**
Expires **March 31, 2026**

Minister of Forests

Per _____
(See back for *Conditions*)

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or cancelled. Extensions to the term of the permit, or other amendments, will be considered upon submission of an application to the Archaeology Branch at least 45 days prior to the expiry date of the permit.
2. The permit-holder shall provide the Archaeology Branch with one (1) bound copy and one (1) electronic copy in PDF format of a written report, in accordance with the standards required by the Minister, outlining the work carried out under the terms of the permit.
3. The title page of all reports must indicate the name(s) of the copyright owner(s) and, where agreed to, a Grant of License statement completed and signed by the copyright owner(s).
4. A person appointed by the branch may at any time inspect any aspect of a project conducted under the terms of this permit. To further their inspection, the appointee may request field data, or conduct excavations within the study area. Notwithstanding the expiration or earlier termination of the term of the permit this provision will remain and continue in full force and effect.
5. Upon completion of any inspection or investigation involving excavations, the permit-holder shall make reasonable efforts to ensure all sites are restored as nearly as possible to their former condition.
6. The permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
7. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
8. The permit-holder shall conform to all requirements that may be imposed by the institution or organization named in the "Disposition of materials collected..." section of the permit.
9. Notwithstanding expiration or earlier termination of the term of the permit, provisions with respect to the "Disposition of materials collected ..." section shall remain and continue in full force and effect.
10. The permit holder shall utilize any site recording forms, formats or systems required by the minister. To fulfill this condition, the site form, mapping, and related documentation must comply with Archaeology Branch directives for site record submission. Failure to submit satisfactory site records will be considered an outstanding obligation, thereby affecting the archaeologists' ability to hold additional permits or obtain amendments.
11. A permit issued under section 12.2(4) does not authorize entry onto land or into a building without the permission of the owner or occupier.
12. For heritage inspection permits, the permit-holder shall submit spatial information (as a shape file in accordance with the standards required by the Minister) of all study areas that were the subject of in-field inspections.
13. The permit holder shall conduct the inspection as described in the permit application, unless otherwise specified in the permit.
14. Where known, First Nation file numbers will be reference in permit-related correspondence.
15. All negative test areas and areas of potential not subjected to subsurface inspection will be recorded in the field and displayed on maps as polygons; the number of excavated tests (if

applicable) and the approximate dimensions of each area will be listed; shapefiles will be provided to the Branch.

16. Any other conditions that may be specified in the permit.
17. The permit holder will provide electronic copies of any reports produced under this permit to those First Nations with an interest in the study area, unless the parties have agreed to alternate arrangements.

The permit holder shall conduct the inspection as described in the permit application, unless otherwise specified in the permit.

OTHER CONDITIONS

18. **N/A**

Attachment 5



April 2, 2025

Permit No. 2023-0226
Application No. 11200-30/21A0300

Philip Whalen
Baseline Archaeological Services Ltd.
556 Harmston Ave
Courtenay, BC V9N 2X5

AND

Mr. Thorne P. Forrest
2321 2nd Ave
Calgary, AB T2N 0H3

Email: pwhalen@baselinearchaeological.ca

Email: thorne4est@hotmail.com

Re: Amendment 002 to Alteration Permit 2023-0226 - Granted

Dear Philip Whalen and Mr. Thorne P. Forrest:

Further to your request of November 19, 2024, the terms of the enclosed permit have been **revised to extend the expiry date to March 31, 2026**. Please keep a copy of the amended permit for your records; the original will be retained in the Archaeology Branch permit file.

The results of your alterations are to be presented in a permit report, submitted in both double-sided hard copy and PDF formats, by **March 31, 2026**.

Should you have any questions regarding this permit, please contact your Permitting Archaeologist, **Ryan S Blackburn**, who can be reached by calling 250-953-3334 or emailing ArchPermitApp@gov.bc.ca.

Please note that the permit number listed above must be referenced in the subject line of all permit-related emails sent to the Archaeology Branch.

Sincerely,

Travis Lutley
Manager – Residential Development
TL/pd/Encl.

pc: See attached Amendment Distribution List

Ministry of Forests

Forest Resiliency and
Archaeology Division
Archaeology Branch

PO Box 9816 Stn Govt Prov
Victoria, BC
V8W 9W3

Telephone: 250-953-3334

Website:

<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology>

✓	DISTRIBUTED TO	ATTENTION	CONTACTED
	Philip Whalen	Permit Holder	pwhalen@baselinearchaeological.ca
	Mr. Thorne P. Forrest	Co-Permittee	thorne4est@hotmail.com
	K'omoks First Nation	Art Wilson c/o Nanwakolas	referrals@nanwakolas.com
CL	Nanwakolas Council	Art Wilson	referrals@nanwakolas.com;
	Qualicum First Nation	Chief Michael Recalma	receptionist.qualicum@shaw.ca; recalmag.qualicum@shaw.ca
	Snaw-Naw-As First Nation	Katie Bob-Sampson, Tom Bob, cc Treaty	katiesampson_ira@nanoose.org; tbob@nanoose.org; info@temexw.org
P	Tla'amin First Nation	Denise Smith, Richard Gage	Tla'amin Connect
	We Wai Kai First Nation	Art Wilson c/o Nanwakolas	referrals@nanwakolas.com;
	Wei Wai Kum First Nation	Art Wilson c/o Nanwakolas	referrals@nanwakolas.com
P	Xwemalhwu First Nation	Chief Darren Blaney	HOMALCO CONNECT PORTAL



HERITAGE CONSERVATION ACT

ALTERATION PERMIT

AMENDMENT (002)

THIS IS TO CERTIFY that **Philip Whalen** of **Baseline Archaeological Services Ltd.**, and **Mr. Thorne P. Forrest** are hereby authorized to conduct alterations as described below, subject to the terms and conditions on the back hereof.

Type of alteration, archaeological site number(s) and location(s):

Proposed alterations to DiSe-5 for a residential construction at 5465 Lacon Rd, Denman Island.

All work is to conform with the "Application for Permit" dated May 3, 2021, and the amendment requests dated June 20, 2023, and November 19, 2024.

Disposition of materials collected: **Campbell River Museum**

Issued **June 19, 2023**
Amended (001) **August 28, 2023**
Amended (002) **March 31, 2025**
Expires **March 31, 2026**

Minister of Forests

Per _____
(See back for *Conditions*)

GENERAL TERMS AND CONDITIONS OF PERMIT

1. Permits shall be valid for the term stipulated on the front of the permit unless otherwise suspended or cancelled. Extensions to the term of the permit, or other amendments, will be considered upon submission of a request to the Archaeology Branch at least 45 days prior to the expiry date of the permit.
2. The permit-holder shall provide the Archaeology Branch with one (1) bound copy, if longer than five (5) pages, and one (1) electronic copy in PDF format of a written report outlining the work carried out under the terms of the permit.
3. The title page of all reports must indicate the name(s) of the copyright owner(s) and, where agreed to, a Grant of License statement completed and signed by the copyright owner(s).
4. The permit-holder shall provide the Archaeology Branch with an updated British Columbia Archaeological Site Inventory Form for any site altered under authority of the permit.
5. A person appointed by the Branch may at any time inspect any aspect of a project conducted under the terms of this permit. To further their inspection, the appointee may request field data, or conduct excavations within the study area. Notwithstanding the expiration or earlier termination of the term of the permit this provision will remain and continue in full force and effect.
6. Where a condition for archaeological monitoring of development is attached to the permit, the permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
7. Heritage objects and associated materials recovered under authority of the permit may not be sold or exchanged for financial gain. Any other transfer of heritage objects, materials and records, or changes to the conditions identified under the "Disposition of materials collected..." section of the permit, may only be carried out with prior consent of the Minister.
8. A permit issued under Section 12.4(1) does not authorize the holder of the permit to enter property, or to make any alteration to property, without the permission of the owner or occupier.
9. In the event that human remains are encountered, all work must cease in the vicinity of the remains and the Archaeology Branch and affected indigenous communities must be contacted for direction, unless otherwise provided for in the permit application.
10. Where concurrent archaeological studies are required, per Section 5 of the application, an Eligible Archaeologist, as approved by the Branch, will be retained by the applicant. Any ground-altering activities must be conducted under the direction of the archaeologist.
11. Where known, First Nation file numbers will be reference in permit-related correspondence.
12. The permit-holder shall arrange for a secure repository to curate any materials recovered under authority of the permit.
13. The permit-holder shall conform to all requirements that may be imposed by the institution or organization named in the "Disposition of materials collected..." section of the permit.
14. Any other conditions that may be specified in the permit.
15. The permit holder will provide electronic copies of any reports produced under this permit to those First Nations with an interest in the study area, unless the parties have agreed to alternate arrangements.

The permit holder shall conduct the inspection as described in the permit application, unless otherwise specified in the permit.

OTHER CONDITIONS

16. **N/A**

Attachment 6



K'ómoks First Nation

K'ómoks First Nation

3330 Comox Rd, Courtenay, BC V9N 3P8

**Cultural Heritage Investigation
PERMIT (CHIP)**

1. Administrative Information

KFN CHIP Number: KFN 2025-40

Permit Holder Name: Owen Grant

Permit Holder
Affiliation: Baseline Archaeological Services

Address: 556 Harmston Avenue
Street Address

<u>Courtenay</u>	<u>BC</u>	<u>V9N 2X5</u>
City	Province	Postal Code

Phone: 250-897-3853 Email owengrant@baselinearchaeological.ca

2. CHIP Details

Site location: 5465 Lacon Road

Borden Number(s) of registered
archaeological site(s): DiSe-5

Activities covered under this KFN CHIP:

Archaeological Impact Assessment by a qualified archaeologist with a KFN monitor in accordance with KFN CHIP. Approved activities for pre-testing locations of planned works:

importing fill, using helical pilings for homeworkshop, and retaining wall construction, and excavating for a septic system and other utilities. 50% SDR required for intact

deposits with 100% screening. 100% screening/raking of disturbed deposits. Shovel testing must occur at all helical piling locations to ensure no Ancestral Remains are

damaged. If Ancestral Remains or Wet Sites are identified KFN must be contacted immediately and cannot be excavated without written consent by KFN.

Repository for any KFN cultural heritage objects or artifacts.

Courtenay District Museum & Archives

Issuance date: March 17th 2025

Expiry date: March 17th 2027

A handwritten signature in black ink, consisting of a large, stylized 'A' or 'H' shape with a small flourish at the end.

Signatory, Elected Chief

**K'ómoks First Nation Cultural Heritage Investigation Permit (KFN CHIP)
terms and conditions**

- The KFN Cultural Heritage Investigation Permit is valid for two years from the time of issuance. If the project is not complete within two years, an additional KFN Cultural Heritage Investigation Permit will need to be applied for.
- All fieldwork undertaken under this permit will include a KFN Guardian Watchman or KFN Archaeological Monitor for the duration of the fieldwork.
- Projects may require an additional project management fee, in addition to the permit fee, to be paid by the proponent.
- **If human remains are identified as a result of project related activities, the permit holder will immediately cease work, contact KFN, and follow KFN's specific requirements regarding human remains as detailed in the KFN Cultural Heritage Policy.**
- If human remains are removed as a result of project related activities, the proponent will bear the costs associated with reburial.
- Upon completion of fieldwork, the permit holder will make reasonable efforts to restore the physical appearance of the site.
- KFN will have a chance to review and comment upon the penultimate draft of the permit report.
- Upon completion of the project, KFN will be provided one digital and one paper copy of the final report.
- KFN retains the right to terminate this permit if evidence indicates that the permit holder is not acting under the terms and conditions of the permit.



K'ómoks First Nation
3330 Comox Rd, Courtenay, BC V9N 3P8

**Cultural Heritage Investigation
PERMIT (CHIP)**

1. Administrative Information

KFN CHIP Number: KFN 2025-41

Permit Holder Name: Owen Grant

Permit Holder
Affiliation: Baseline Archaeological Services

Address: 556 Harmston Avenue
Street Address

Courtenay BC V9N 2X5
City Province Postal Code

Phone: 250-897-3853 Email owengrant@baselinearchaeological.ca

2. CHIP Details

Site location: 5465 Lacon Road

Borden Number(s) of registered
archaeological site(s): DiSe-5

Activities covered under this KFN CHIP:

Site Alteration (SAP) by a qualified archaeologist with a KFN monitor in accordance with KFN CHIP. Approved activities include importing fill, using helical pilings for home workshop, and retaining wall construction, and excavating for a septic system and other utilities. 50% SDR required for intact deposits with 100% screening. 100% screening/raking of disturbed deposits. Shovel testing must occur at all helical piling locations to ensure no Ancestral Remains are damaged. If Ancestral Remains or Wet Sites are identified KFN must be contacted immediately and cannot be excavated without written consent by KFN.

Repository for any KFN cultural heritage objects or artifacts.

Courtenay District Museum & Archives

Issuance date: March 17th 2025

Expiry date: March 17th 2027

A handwritten signature in black ink, consisting of a series of fluid, connected strokes. The signature is slanted upwards to the right and ends with a small, curved flourish.

Signatory, Elected Chief

**K'ómoks First Nation Cultural Heritage Investigation Permit (KFN CHIP)
terms and conditions**

- The KFN Cultural Heritage Investigation Permit is valid for two years from the time of issuance. If the project is not complete within two years, an additional KFN Cultural Heritage Investigation Permit will need to be applied for.
- All fieldwork undertaken under this permit will include a KFN Guardian Watchman or KFN Archaeological Monitor for the duration of the fieldwork.
- Projects may require an additional project management fee, in addition to the permit fee, to be paid by the proponent.
- **If human remains are identified as a result of project related activities, the permit holder will immediately cease work, contact KFN, and follow KFN's specific requirements regarding human remains as detailed in the KFN Cultural Heritage Policy.**
- If human remains are removed as a result of project related activities, the proponent will bear the costs associated with reburial.
- Upon completion of fieldwork, the permit holder will make reasonable efforts to restore the physical appearance of the site.
- KFN will have a chance to review and comment upon the penultimate draft of the permit report.
- Upon completion of the project, KFN will be provided one digital and one paper copy of the final report.
- KFN retains the right to terminate this permit if evidence indicates that the permit holder is not acting under the terms and conditions of the permit.



Islands Trust

REPORT

STAFF

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

DATE OF MEETING: May 20, 2025

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: Application to amend the 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 Denman Island Local Trust Committee Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a second time.
4. That Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a first time.
5. That Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a second time.
6. That the Denman Island Local Trust Committee request staff to schedule a (virtual or in-person) community information meeting in summer 2025 for application DE-RZ-2024.1 (Triple Rock Land Cooperative) and Proposed Bylaw Nos. 250, 254 and 255.
7. That the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” to the following First Nations, Local Governments and agencies for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Snaw'Naw'As Nation, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsu'uubaa-asatx First Nation, Tlowitsis First Nation, Homalco First Nation (Xwemalhkwa), Mamalilikulla First Nation, K'ómoks First Nation, Comox

Valley Regional District, School District #71 (Comox Valley), Hornby Island Local Trust Committee, Agricultural Land Commission and Ministry of Housing and Municipal Affairs.

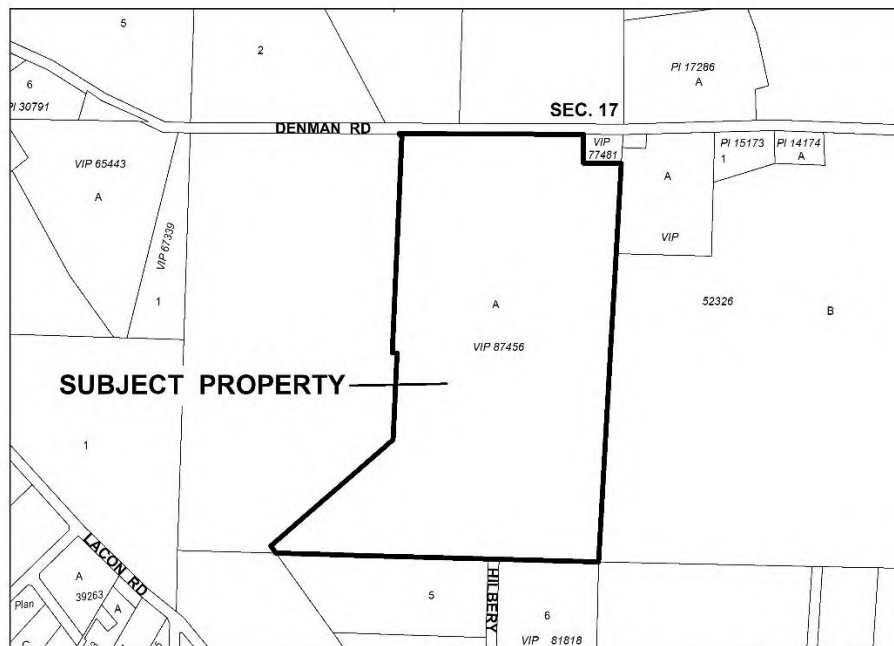
REPORT SUMMARY

This report introduces draft bylaws to amend the Denman Island Official Community Plan (OCP) to remove four densities from the density bank to accommodate the proposed development as well as an updated Housing Agreement to ensure it reflects the changes in zoning.

Staff is recommending that the draft bylaws Nos. 254 and 255 in Attachments 1 and 3 of this report be given First and Second Readings as presented and that Proposed Bylaw No. 250 be given Second Reading. All relevant background information is posted to the Islands Trust [current applications webpage](#).

BACKGROUND

The Denman Island Local Trust Committee (LTC) is considering a rezoning application from Triple Rock Land Cooperative (DE-RZ-2024.1) to permit 19 dwelling units and associated secondary suites. As part of the application, a Housing Agreement is required to secure long-term affordability and occupancy provisions.



Subject Property Map

The Denman Island LTC passed the following resolution at the June 4, 2024 regular business meeting to initiate this work:

DE-2024-050

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) enter into a cost recovery agreement with the Islands Trust for the purposes of vetting an amended housing agreement, which the applicant will provide.

CARRIED

Staff have worked with the applicant to prepare a draft housing agreement for LTC consideration (Attachment 3).

On October 8, 2024 the Denman Island LTC gave first reading to Proposed Bylaw No. 250 (LUB) and forwarded the bylaw to agencies and First Nations for comment. A summary of referral responses received to date are included in this report. The Denman Island Local Trust Committee (LTC) passed the following resolutions were passed at that meeting:

DE-2024-065

that Denman Island Local Trust Committee Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a first time.

CARRIED

DE-2024-066

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 250, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

At the time, it was anticipated that an OCP amendment would not be required for this application, as the LTC was advancing a separate project (Proposed Bylaw Nos. 248 and 249) that would have eliminated the density bank from the OCP altogether. However, that project did not continue and the bylaws did not proceed. As a result, the current rezoning application now requires an OCP amendment to withdraw densities from the density bank, a step that was not originally anticipated. This has contributed to a somewhat irregular process, with the Land Use Bylaw (LUB) amendment already having received first reading and referrals, while the OCP amendment is being introduced at this later stage.

To address this, the Denman Island LTC passed the following resolutions at the March 18, 2025 regular business:

DE-2025-017

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 to enable application DE-RZ-2024.1 (Triple Rock Cooperative).

CARRIED

A draft bylaw to amend the OCP is included as Attachment 1 for LTC Consideration.

ANALYSIS

Issues and Opportunities

Staff have identified the following, discussed in more detail below:

- Summary of Referral Responses for Proposed Bylaw No. 250 (LUB)
- Summary of draft Bylaw No. 255 (OCP)
- Summary of draft Bylaw No. 254 (Housing Agreement)
- Bylaws Consistent with Islands Trust Policy Statement

Summary of Referral Responses

At the time of this report, referral responses from Ministry of Agriculture, Ministry of Housing and Municipal Affairs, Vancouver Island Health Authority, Agricultural Land Commission and Hornby Island LTC have been received. The referral response from K'omoks First Nation has been included as Attachment 5.

A summary of the referral responses that have been received are provided in Table 1:

Table 1. Summary of Referral Responses

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Hornby Island Local Trust Committee	Interests Unaffected by Bylaw	None.
Ministry of Agriculture and Food	- Ministry staff are pleased that no dwellings or development are proposed for the ALR-designated northern portion of the property. - Ministry staff recommend placing the four new dwellings within the existing CoHo Landing cluster to maintain a suitable buffer from the ALR, as their exact locations haven't been provided and one existing structure appears to be very close to the ALR boundary. - The added dwellings and increased residential density on the property are unlikely to negatively affect future farming potential on the site or nearby ALR lands.	The four new dwellings will be within the existing CoHo Landing cluster.
Ministry of Housing and Municipal Affairs	Deferred to Agricultural Land Commission and Ministry of Housing comments	None.
Vancouver Island Health Authority	- Each home currently uses its own rainwater system for drinking water, which will continue with the new units and suites. However, if a shared system is introduced, it may trigger requirements under the Drinking Water Protection Act and Regulation, including permits, testing, treatment, and reporting. - The Sewerage System Regulation applies to all onsite	None.

	systems, and given the property's size and composting toilet requirements, there appears to be sufficient space for new or amended septic systems and replacement fields. Existing systems must comply with regulations, and an Authorized Person should assess and update them as needed to accommodate secondary suites.	
Agricultural Land Commission	• Since the R3 zone applies only to the non-ALR portion of the property, ALC staff have no comments. • ALC recommends using setback and buffer guidelines from the <i>Guide to Edge Planning</i> for any development near ALR boundaries to prevent future land-use conflicts.	None.
Cowichan Tribes	• No comment. Defer to communities closer to Denman Island.	None.
Ts'uubaa-asatx Nation	• Outside Ts'uubaa-asatx Nation's core title area. • Defer to the First Nation(s) whose traditional territory fronts this area, likely K'omoks First Nation.	None.
Tla'amin Nation	• Outside of Tla'amin Nation's core territory.	None.
K'ómoks First Nation	• Outside KFN designated areas of high archaeological potential (AOP) and does not require any Cultural Heritage Investigation Permits (CHIP). • Likely no concerns over the request. • However, are at capacity for environmental referrals and cannot meaningfully engage at this time.	None.

Homalco First Nation	No concerns at this time.	None.
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Summary of Draft Bylaw No. 255 (OCP)

The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP re-designation. Draft Bylaw No. 255 (OCP - Attachment 1), if adopted, would remove four densities from the density bank.

Summary of Draft Bylaw No. 254 (Housing Agreement)

The current housing agreement for Triple Rock Cooperative, originally adopted in 2008, is being updated to reflect evolving housing needs. The proposed update is contained in draft Bylaw No. 254 (Attachment 3). If adopted, this bylaw will regulate the occupancy and affordability of 19 housing units, including their associated secondary suites, and will establish monitoring and reporting requirements to ensure compliance.

Key Updates in the Draft Housing Agreement:

- **Secondary Suites:** The agreement includes provisions governing the use and affordability of secondary suites, which were not addressed in the 2008 version.
- **Affordability Standards:** Rents for secondary suites must be at least 20% below the average market rent for comparable units on Denman Island. If Denman-specific data is unavailable, Comox Valley rents may be used, with appropriate adjustments for local differences.
- **Cooperative Rules and Policies:** The Cooperative Rules of Association and Memorandum of Association were included as attachments in the 2008 Housing Agreement, but the applicant has requested they not be included in the updated version, arguing that the agreement should focus solely on matters relevant to the LTC’s interests.

The key issue for the LTC is whether changes to these documents could affect the co-op’s obligations under the Housing Agreement.

If the LTC is not concerned about these documents changing over time without its review, they need not be attached to the agreement. If there is concern, the LTC could:

- Attach the current versions of the Cooperative Rules and Policies as schedules, as presented;
 - Define the term “Cooperative Rules and Policies” to mean those in effect at the time the Housing Agreement is signed; or
 - Require LTC consent (outside of a full HA amendment) for any future changes to those documents that could affect the co-op’s obligations under the agreement.
- **Expanded Definition of Family Member:**
The definition now includes not only individuals related by blood, adoption, or marriage (including marriage-like relationships), but also *chosen family members*—those with a close, long-standing, family-like relationship, regardless of legal or biological ties.

These changes aim to strengthen the original agreement by improving affordability protections, acknowledging diverse family structures, and ensuring that secondary suites support long-term housing goals.

Bylaw Consistency with the Islands Trust Policy Statement

The draft bylaw amendment (No. 255) is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist are included as Attachment 4 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed Bylaw No. 255.

The Policy Statement Directives Checklist for proposed Bylaw No. 250 (LUB) was endorsed by the LTC on October 8, 2024.

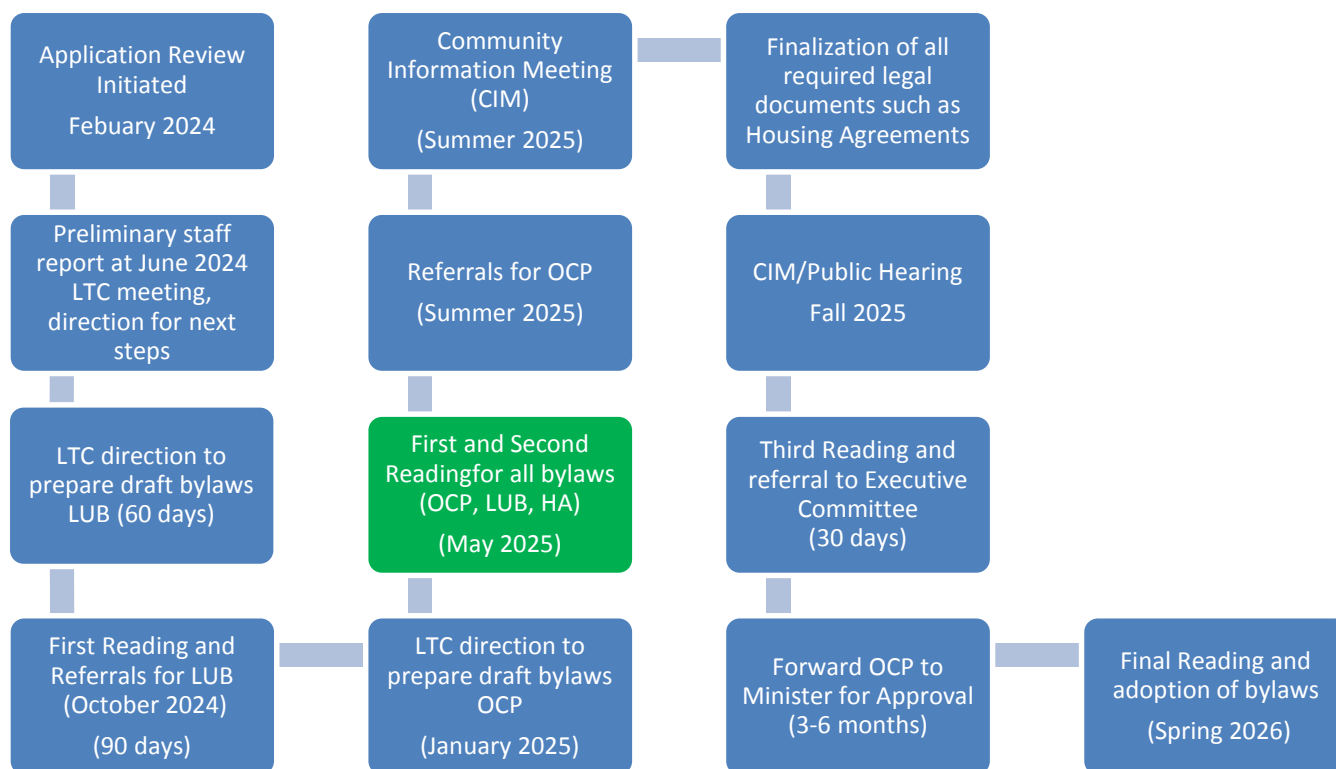
Consultation

As this application proposes an amendment to the Official Community Plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed in the recommendations on page 1 of this report.

Staff also recommend a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. The LTC should consider if it wishes to undertake additional consultation than identified in the recommendations on page 1 of this report, and direct staff accordingly.

Application Process Steps and Timing

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



RATIONALE FOR RECOMMENDATIONS

Draft bylaws have been prepared to amend the OCP to withdraw from the density bank, and to establish a housing agreement. Staff recommend giving first and second readings to both draft Bylaw No. 255 (OCP) and draft Bylaw No. 254 (Housing Agreement) to initiate formal consultation with First Nations, agencies, and local governments.

Proposed Bylaw No. 250 (Land Use Bylaw) has already received first reading and been referred. Staff recommend proceeding with second reading of this bylaw as well, to maintain alignment with the other bylaws in the package.

The full list of staff recommendations can be found on page 1 of this report.

ALTERNATIVES:

1. Direction to amend the draft bylaws

The LTC may wish to make amendments to the draft bylaws. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee amend Proposed Bylaw No. 250, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” by...

That the Denman Island Local Trust Committee amend draft Bylaw No. 254, cited as the “Denman Island Housing Agreement Bylaw No. 254, 2025” by...

That the Denman Island Local Trust Committee amend draft Bylaw No. 255, cited as the “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2025” by...

2. Consider First Reading Only.

The LTC may choose to give first reading only to all bylaws and schedule a Community Information Meeting (CIM) prior to considering second reading. This approach may be appropriate if the LTC anticipates that significant changes to the bylaws could be needed following referral responses and community feedback received through the CIM process.

3. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2024.1 (Triple Rock Land Cooperative) for the following reasons (insert rationale).”

Next Steps

Should the LTC concur with the staff recommendations, bylaw referrals will be sent out requesting a response within 90 days of the date on the referral.

Submitted By:	Marlis McCargar, Island Planner	May 2, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 5, 2025

ATTACHMENTS

1. Draft Bylaw No. 255 (OCP) – for first and second readings
2. Proposed Bylaw No. 250 (LUB) - for second reading
3. Draft Bylaw No. 254 (Housing Agreement) – for first and second readings
4. ITPS Checklist (OCP)
5. Referral Responses from K’omoks First Nation dated November 1, 2024 and March 5, 2025

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 255

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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

1. CITATION

This Bylaw may be cited for all purposes as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025”.

2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 255**

SCHEDULE 1

Appendix “D” of the Denman Island Official Community Plan No. 185, 2008, is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:
- 2.

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative total of residential dwelling units in the bank
255	[date of adoption]	Lot A, Section 17 Denman Island, Nanaimo District, Plan VIP87456	-4	$7 - 4 = 3$ (*as per standing resolution #2023-073) (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”.

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

READ A FIRST TIME THIS 8TH DAY OF OCTOBER, 2024

READ A SECOND TIME THIS _____ DAY OF _____, 202X

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 250**

Schedule 1

1. Schedule “A” of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety, and renumber accordingly.
 - 1.2 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting “A secondary suite is permitted within a dwelling unit provided that:” and replacing it with “Where regulations in Part 3 permit a secondary suite within a dwelling unit, a secondary suite is permitted provided that:”
 - 1.3 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses is amended by deleting “and secondary dwelling units” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” in line item 10 and in the R3 column, adding a check mark.
 - 1.4 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses is amended by adding “secondary dwelling units” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” as a line item following number 10 and in the R2 column adding a check mark, and renumber accordingly.
 - 1.5 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures, line item 3 and in the R3 column, is amended by replacing the number “15” with the number “19”.
 - 1.6 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by adding an additional line item after number 3 that states “Maximum gross floor area of a building with a single family dwelling unit and a secondary suite” and adding “186 m²” in the R3 column, and renumber accordingly.
 - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m²” in line item 6 and in the R3 column, and replacing it with “2174 m²”.

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 254

Housing Agreement

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

TRIPLE ROCK LAND COOPERATIVE, a cooperative incorporated under the laws of the province of British Columbia and having its office at 5201 Denman Rd, Denman Island, B.C., V0R 1T0.

(the "Owner");

AND:

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

(the "Trust Committee")

WHEREAS:

- A. The Owner is the registered owner of those Lands situated on Denman Island and legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the "Lands");
- B. The Owner is an association constituted under the Cooperative Association Act, SBC 1999, c. 28 and has as its sole object the creation of a co-operatively owned and managed affordable housing community on Denman Island;
- C. The Owner applied to the Denman Island Local Trust Committee for a rezoning of the Lands by means of Denman Island Land Use Bylaw, _____ to permit the development of 19 co-operative housing units with secondary suites, accessory buildings, and a common house on the Lands;
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to ensure Cooperative Housing Units remain affordable according to the terms and conditions set out in this Agreement to have effect as both a covenant under section 219 of the Land Title Act and a housing agreement under section 483 of the Local Government Act; and
- G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the

Owner, the receipt of which is acknowledged by the Owner, and in consideration of the promises exchanged below, the Trust Committee and the Owner agree, as a housing agreement between the Owner and the Trust Committee under section 483 of the Local Government Act, and as a covenant under section 219 of the Land Title Act, as follows:

a. Definitions – in this Agreement:

- (1) “Co-operative Housing Unit” means a Primary Housing Unit and may include a Secondary Suite;
- (2) “Co-operative member” means a member of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (3) “Co-operative Rules and policies” means the rules and policies of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (4) “CPI” means the all-items consumer price index for Victoria, British Columbia published by Statistics Canada;
- (5) “Dwelling Unit” means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy;
- (6) “Family Member” means a person who lives with and is related to the Co-operative member by blood, adoption, marriage (including a marriage-like relationship). It also includes a chosen family member, an individual with whom the member shares a close, long-standing, family-like relationship, regardless of legal or biological ties;
- (7) “Primary Housing Unit” means a single detached Dwelling Unit occupied as a residence by at least one Co-operative member; and
- (8) “Secondary Suite” means a Dwelling Unit located within the same building as, and having a lesser floor area than, a Primary Housing Unit.

b. Agreement over the Lands:

1. Pursuant to section 219 of the *Land Title Act* and Section 483 of the *Local Government Act*, the Owner covenants and agrees that:
 - a. The Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement; and
 - b. If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.
2. The Owner covenants and agrees with the Trust Committee that, in perpetuity:
 - a. the Lands must not be used, and no building or structure may be constructed on the Lands, other than for 19 Co-operative Housing Units, a common house, and non-residential accessory buildings and structures as defined in this Agreement and the

Denman Island Land Use Bylaw, and any home-based business permitted by the Denman Island Land Use Bylaw;

- b. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any Siting and Use Permit issued by the Denman Islands Local Trust Committee; and
- c. The Lands shall not be subdivided by subdivision plan, strata plan or otherwise howsoever.

c. Dissolution of the Co-operative - If on the winding up or dissolution of the Owner, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property must not be paid to or distributed among the Co-operative members; and must be given or transferred to an institution:

- a. that has as its object the co-operative ownership and management of affordable housing on Denman Island; and
- b. that has been chosen by the Co-operative members and approved by the Trust Committee at or before the time of dissolution.

d. Occupancy of Primary Housing Units

- 1. No Primary Housing Unit shall be occupied by any person who is not a Co-operative member, a family member of such a member, the guest of such a member, a tenant or roommate of a Co-operative member approved by the Owner pursuant to the Co-operative Rules and policies, a caregiver of the Co-operative member, or a person whose membership in the Owner is under consideration by the Owner pursuant to the Co-operative Rules and policies.
- 2. Every Primary Housing Unit shall have a Co-operative member as its primary occupant, except when a Co-operative member is on a temporary leave-of-absence as permitted by the Co-operative Rules and policies.
- 3. Co-operative members shall have the Primary Housing Unit as their principal residence.
- 4. Primary Housing Units may not be used for any form of vacation rental, including short-term vacation rentals.

e. Pricing of Co-operative membership shares and Housing Units

- 1. The purchase price of a membership share in the Owner may not exceed the acquisition price of the share, plus the lesser of: any increase in the annual average CPI from the year in which the share was acquired to the year in which it is transferred, and 2% annually.
- 2. The purchase price of a Co-operative Housing Unit upon any sale of the Co-operative Housing Unit in connection with a transfer of shares in the Owner may not exceed the depreciated replacement cost of the Co-operative Housing Unit, as determined by a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member and furthermore may be limited to a maximum value (a cap) as determined by policies set by the Owner.

f. Occupancy and Affordability of Secondary Suites

1. Occupancy of Secondary Suites is limited to caregivers and family members of the Co-operative member who is the main occupant of the Primary Housing Unit to which the Suite is attached, Co-operative members, people applying for Co-operative membership, and people volunteering for or otherwise actively involved with and committed to the Co-operative. Occupants of Secondary Suites must be approved by the Owner.
 2. The amount of rent charged for Secondary Suites must be at least 20% less than the average comparable market rent charged for a similar unit or rental arrangement on Denman Island, or, in the absence of Denman Island data, in the Comox Valley in which case any comparables should be adjusted to reflect the likely discount or increase for Denman as compared to the Comox Valley.
 3. Secondary Suites may not be used for any form of vacation rental, including short-term vacation rentals.
- g. Monitoring and Reporting to the Local Trust Committee** - The Owner must deliver to the Trust Committee within six weeks of the transfer of any shares in the Owner and the closing of any sale of a Co-operative Housing Unit a completed statutory declaration, substantially in the form attached as Schedule A, sworn by a director of the Owner and the Co-operative member transferring shares and attaching a copy of the share transfer agreement, the agreement of purchase and sale for the Co-operative Housing Unit, and the certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member, as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than 15 months prior to the date of the purchase and sale of the Co-operative Housing Unit.
- h. Order to Comply** - If the Owner is in default of the performance or observation of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with the Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated in any Notice of Default provided to the Owner by the Trust Committee.
- i. Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and shared infrastructure on the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time with reasonable notice to the Owner, subject to the notice provisions of the *Residential Tenancy Act*.
- j. No Transfer** - The Owner must not transfer the Lands, other than to an association constituted under the *Cooperative Association Act* or other non-profit association incorporated under the *Societies Act*, having as its object the co-operative ownership and management of affordable housing on Denman Island.
- k. Cooperative Standing** – The Owner must maintain its standing as a co-operative under the *Cooperative Act* or as a society under the *Societies Act*, as applicable, to ensure the ongoing occupancy and affordability objectives set out in this Agreement, and must not amend its memorandum of association, co-operative rules of association, constitution, or bylaws, as applicable, in any manner that would prevent, or adversely affect, the ability of the Owner to

perform its obligations under this Agreement.

- l. Specific Performance of Agreement** - The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Co-operative Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Denman Island Land Use Bylaw, as amended from time to time.
- m. Assignment** - The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- n. Indemnity** - The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.

This clause will survive the termination of this Agreement.

- o. Release** - The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.

This clause will survive the termination of this Agreement.

- p. Trust Committee Powers Unaffected** - This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- q. No Public Law Duty** - Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.
- r. No Waiver** - No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.

- s. **Notice on Title** - The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act* and agrees that the Owner will register a notice of this Agreement against title to the Lands.
- t. **Covenant Runs with the Land** - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
- u. **Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
- v. **Amendment** - This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.
- w. **Notices** - Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.
- x. **Enurement** - This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.
- y. **Remedies Cumulative** - The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
- z. **Severability** - Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.
- aa. **Joint and Several** - In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

bb. Included Words - Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.

cc. Governing Law - This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.

dd. Joint Venture – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.

ee. Time of Essence -Time is of the essence in this Agreement.

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

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

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

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

SCHEDULE "A"
Memorandum Of Association
Triple Rock Land Cooperative

1. The name of the Association is: Triple Rock Land Cooperative
2. The purpose of the association is:
To create a cooperatively owned and managed affordable housing community on Denman Island.
3. Authorized Share Capital:

The capital of the Cooperative consists of an unlimited number of membership shares, divided into shares of the following denomination: \$1000.00
4. The liability of a member of the Association is limited in accordance with the Cooperative Association Act.

DRAFT

SCHEDULE "B"
Rules of the Association
Triple Rock Land Cooperative

Preliminary

1. In these rules, unless the context otherwise requires, words importing the singular include the plural, and vice versa.
2. "They" and "their" can be used to mean "he/she" and "his/her" respectively.
3. "Act" means the *Cooperative Association Act*; and "call", "director", "special resolution", "Memorandum", "officer" and "Rules" have the meanings assigned to them by the Act.
4. "The Cooperative" and the "The Coop" mean "**TRIPLE ROCK LAND COOPERATIVE**".

Membership

5. Any person who supports the goals and objectives of the Triple Rock Land Cooperative may apply to become a member.
6. Potential members may make an application for membership in writing to the directors. The directors may require a trial period of residence or other type of participation, and may accept, postpone or refuse it.
7. Once an individual's application for membership is accepted by the directors, and upon purchasing a minimum of two shares, the individual becomes a member and is entitled to full privileges and responsibilities.
8. All members' financial responsibilities and liabilities are established according to the following guideline:
total costs to the Cooperative of land purchase, and of all common expenses for permanent structures and changes to the shape and status of the land, including infrastructure, buildings, administration costs for legal help, consultants, professionals, rezoning, and other fees, divided by the number of members
plus
any amounts borrowed by the Cooperative for the member's residential dwelling or portion of residential dwelling
plus
total costs to the Cooperation of maintenance, short-term coverage of members' outstanding payments to the Coop, reserve fund, and other unforeseen expenses, divided by the number of members.

SCHEDULE "C"

DENMAN ISLAND LOCAL TRUST COMMITTEE

FORM OF STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT with the Denman Island
PROVINCE OF BRITISH COLUMBIA	)	Local Trust Committee ("Housing
	)	Agreement")

I, _____, of _____, British Columbia, do solemnly declare:

1. That I am a member of the Triple Rock Land Co-operative or its successor in title to land legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the "Lands"), and make this declaration to the best of my personal knowledge.
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement registered against the Lands.
3. This declaration is made pursuant to the Housing Agreement in respect of the Co-operative Housing Unit with the address _____
4. On the _____ day of, 20____ I entered into an agreement to transfer one or more shares in the owner of the Land's Co-operative Housing Unit, a true copy of which is attached to this declaration, to _____ for a total purchase price of \$_____ and no other consideration whatsoever.
5. Pursuant to an agreement of purchase and sale that will close on the _____ day of _____ 20____ of which a true copy is attached to this declaration, I intend to transfer all of my right and title in the Co-operative Housing Unit to _____ for a total purchase price of \$_____ and no other consideration whatsoever.
6. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at _____, in
the Province of British Columbia, this _____
day of _____ 20____.

A Commissioner for Taking Affidavits for
British Columbia

)
)
)
)
)
) _____
) Signature of person making declaration
)
)

I, _____, of _____, British Columbia do solemnly declare:

1. That I am a director of Triple Rock Land Co-operative or its successor in title to land legally described as the South West ¼ of Section 17, Denman Island, Nanaimo District, except that Part in Plan 14174 and Plan VIP77481, and make this declaration to the best of my personal knowledge.
2. That Paragraphs 5 and 6 of the Statutory Declaration of _____ set out above correctly disclose the amount of consideration in respect of the share transfer and ownership transfers described in those paragraphs.
3. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at _____, in _____)
The Province of British Columbia, this _____)
Day of _____, 20____.)

A Commissioner for Taking Affidavits for
British Columbia

) _____
)
)
)
) Signature of person making declaration

Attached:

- Share transfer agreement
- Agreement of purchase and sale for the Co-operative Housing Unit
- A certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than one year prior to the date of the purchase and sale of the Unit



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST (OCP)

File No.: DE-RZ-2024.1 (Bylaw No. 255)

File Name: Triple Rock Land Cooperative

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
✓	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.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

From: Raini Bevilacqua <raini.bevilacqua@komoks.ca>
Sent: Friday, November 1, 2024 3:51 PM
To: Nadine Mourao; Lia Tarle
Cc: Carol McColl; Marlis McCargar; Reconciliation
Subject: Re: Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Hi Nadine,

This property is outside the KFN AOP and does not require any CHIPs. I do not believe we have any concerns over the request. But if you would like to set up a meeting please let me know and we can schedule it in.

?imot
Raini



Raini Bevilacqua, M.A.
Archaeologist & Project Coordinator
Archaeology & Referrals Department
[K'ómoks First Nation](#)
3330 Comox Rd, Courtenay, BC
P: (250) 339-4545 ext. 120
C: (778) 835-4288
Follow us on [Facebook](#) and [Instagram](#)

tuwa akʷs ɣoxol ʔa xʷ yixmətət (ʔa) kʷoms həhaw toms gɣɛ
"Care takers of the 'land of plenty' since time immemorial", ʔaʔaʔuθəm (eye-uhh-juu-eth-
em Island Comox)

About K'ómoks First Nation

K'ómoks First Nation's history begins with the arrival of their ancestors to this territory at the end of the last Ice Age. Descent from these First Ancestors tie the **K'ómoks** (Sathloot, Sasitla, Ieeksen, and Xa'xe) and **Pentlatch** tribes to their respective territories. For thousands of years, KFN ancestors occupied the extent of their territories, and harvested and managed the rich natural resources therein. These lands and waters supported thousands of people who developed a rich and sophisticated culture. The disease and warfare that accompanied contact with Europeans in the late 18th century decimated KFN ancestors, just before an onslaught of settlers came to their territories. From this time, KFN has struggled against colonial policies that tried to alienate KFN people from their territories, resources, and culture. Despite all of this, KFN's ancestors persevered, and current generations of KFN people continue to assert their rights and title to the whole of their territory.

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From: Nadine Mourao <nmourao@islandtrust.bc.ca>
Sent: 17 October 2024 15:39
To: Raini Bevilacqua <raini.bevilacqua@komoks.ca>; Lia Tarle <lia.tarle@komoks.ca>
Cc: Carol McColl <carol.mccoll@komoks.ca>; Marlis McCargar <mmccargar@islandtrust.bc.ca>; Reconciliation <Reconciliation@islandtrust.bc.ca>
Subject: Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Dear Raini and Lia,

As a follow-up to your work with Sonja Zupanec and Narissa Chadwick on Denman and Hornby Islands, we are sending you a referral of Bylaw No. 250 (LUB) (attached), regarding a rezoning amendment for 5201 Denman Rd, Denman Island.

Narissa is available to discuss this during your next scheduled meeting, or alternatively, we can arrange a separate time. Please let us know which option works best to ensure your K'omoks First Nation's concerns are considered.

The intent of Bylaw No. 250 is to amend the Land Use Bylaw (LUB) for the R4 zone, including:

- Adding four residential units.
- Allowing secondary suites in all units.
- Increasing the maximum gross floor area for single-family dwellings from 139.4 m² to 186 m².
- Increasing the maximum floor area for outbuildings from 1275 m² to 2174 m².

We are also engaging First Nations as part of the broader housing review project, which will be referred to you separately in 2024/25.

Please contact Marlis McCargar, Island Planner at mmccargar@islandtrust.bc.ca or 250.247.2210 if you have any questions, or if you wish for staff to bring forward your concerns or comments to the Denman Island Local Trust Committee for their consideration of next steps.

Additional background, including the preliminary Staff Report and Proposed Bylaw No. 250 are located <https://islandtrust.bc.ca/island-planning/denman/current-applications/> as GB-RZ-2024.1: Land Use Bylaw Amendment: Triple Rock Land Cooperative.

A reply is respectfully requested by **January 20, 2024**.

Referral responses should be addressed to myself at nmourao@islandtrust.bc.ca or by mail to: Islands Trust, 700 North Road, Gabriola, B.C. V0R 1X3.

Thank you for your time and attention to this referral,

Nadine Mourao

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SḶÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwi, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Marlis McCargar
Sent: Wednesday, March 5, 2025 10:46 AM
To: Nadine Mourao
Subject: FW: KFN's Referrals Process

Can you add this to the referral response from KFN for Bylaw No. 250?

Marlis McCargar (she, her, hers)
Island Planner
Islands Trust | T 250-247-2210

From: Lia Tarle <lia.tarle@komoks.ca>
Sent: Monday, November 25, 2024 3:20 PM
To: Nadine Mourao <nmourao@islandstrust.bc.ca>; Marlis McCargar <mmccargar@islandstrust.bc.ca>;
Reconciliation <Reconciliation@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>; Narissa Chadwick <nchadwick@islandstrust.bc.ca>;
Renee Jamurat <rjamurat@islandstrust.bc.ca>; Raini Bevilacqua <raini.bevilacqua@komoks.ca>;
Sheriden Barnett <sheriden.barnett@komoks.ca>
Subject: KFN's Referrals Process

Hello all,

As discussed in our last standing meeting, I'd like to clarify our roles and referrals process at KFN.

My role is to manage the preparation of reports highlighting KFN's requirements for archaeological, cultural and environmental site protection.

Raini's role is to address KFN's archaeological interests via SUP referrals and the KFN CHIP system. Please continue to send land use referrals to Raini for archaeological analysis.

However, we are at capacity for environmental referrals and cannot meaningfully engage at this time.

Please note that even if KFN does not respond to a referral within a given deadline, we may choose to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts, or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites, or environmental impacts are identified when work is carried out or if we discover impacts on our rights or interest that we had not foreseen.

Thank you,

FW: KFN's Referrals Process



Lia Tarle, Ph.D.

Archaeologist & Repatriation Coordinator

[K'ómoks First Nation](#)

3330 Comox Rd, Courtenay, BC

Tel: 1.250.339.4545 ext. 129

[Lia Tarle, Ph.D. | LinkedIn](#)

<https://orcid.org/0000-0003-3949-4063>

tuwa ak?s ?o?o? ?a x? yi?m?t?t (?a) k??ms h?haw t?ms g?j?

"Care takers of the 'land of plenty' since time immemorial", ?ay?aj?u??m (Ayajuthem / Island Comox)

About K'ómoks First Nation

The K'ómoks First Nation is located in the heart of the Comox Valley on Vancouver Island. Membership is currently just over 300 members within four clans: Sahtloot, Säsistla, Eiksan and Pentlatch. Two cultures are identified in our community: Coast Salish (Island-Comox speaking peoples) and Kwakwaka'wakw (Kwak? wala speaking peoples). K'ómoks originally occupied sites in Kelsey Bay, Quinsum, Campbell River, Quadra Island, Kye Bay and along the Pentlatch Estuary.

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From: Nadine Mourao <nmourao@islandstrust.bc.ca>

Sent: October 17, 2024 3:40 PM

To: Raini Bevilacqua <raini.bevilacqua@komoks.ca>; Lia Tarle <lia.tarle@komoks.ca>

Cc: Carol McColl <carol.mccoll@komoks.ca>; Marlis McCargar <mmccargar@islandstrust.bc.ca>; Reconciliation <Reconciliation@islandstrust.bc.ca>

Subject: Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

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Additional background, including the preliminary Staff Report and Proposed Bylaw No. 250 are located <https://islandstrust.bc.ca/island-planning/denman/current-applications/> as GB-RZ-2024.1: Land Use Bylaw Amendment: Triple Rock Land Cooperative.

A reply is respectfully requested by **January 20, 2024**.

Referral responses should be addressed to myself at nmourao@islandstrust.bc.ca or by mail to: Islands Trust, 700 North Road, Gabriola, B.C. V0R 1X3.

Thank you for your time and attention to this referral,

Nadine Mourao

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

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T 250-247-2206 | www.islandstrust.bc.ca

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File No.: PLRZ20240055 (Denman
Conservancy)

DATE OF MEETING: May 20, 2025

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar
Northern Team

SUBJECT: LUB Amendment Application to Rezone Four Parcels to Conservation
Applicant: Steven Carballeira on behalf of the Denman Conservancy Association
Location: PID 006-639-771; 006-657-656; 023-005-424; 023-005-432
Denman Island

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025” be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 257 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025” be read a first time.
3. That the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025” and proposed Bylaw No. 257 to cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025” the following First Nations, Local Governments and agencies for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, Lyackson First Nation, Penelakut Tribe, Snuneymuxw First Nation, Snaw'Naw'As Nation, Stz'uminus First Nation, Te'Mexw Treaty Association, Tsu'uubaa-asatx First Nation, Tlowitsis First Nation, Homalco First Nation (Xwemalhwu), Mamalilikulla First Nation, K'ómoks First Nation, Comox Valley Regional District, Hornby Island Local Trust Committee, Agricultural Land Commission, Ministry of Agriculture and Food and Ministry of Housing and Municipal Affairs.
4. That the Denman Island Local Trust Committee request staff to schedule an in-person or online community information meeting, after the close of the referral period, for application PL-RZ-2024-0055 (Denman Conservation Association) and Proposed Bylaw Nos. 256 and 257.

REPORT SUMMARY

This application proposes amendments to the Denman Island [Official Community Plan](#) (OCP) and [Land Use Bylaw](#) (LUB) to rezone four parcels of land from forestry to conservation. The parcels in question are owned and managed by the Denman Conservancy Association (DCA), the applicant for this proposal. One of the parcels is split-zoned between forestry and agriculture and is located within the Agricultural Land Reserve (ALR).

This report introduces draft bylaws to amend the Denman Island Official Community Plan (OCP) and the Land Use Bylaw (LUB). The intent of these amendments is to enhance conservation efforts on Denman Island by transitioning land use away from forestry and resource extraction towards protection and preservation on these parcels.

Staff is recommending that the draft bylaws Nos. 256 and 257 in Attachments 1 and 2 of this report be given First Reading as presented. All relevant background information is posted to the Islands Trust [current applications webpage](#).

BACKGROUND

The Denman Island Local Trust Committee (LTC) is considering a rezoning application from the Denman Conservancy Association (PL-RZ-2024-0055) to land use away from forestry and resource extraction towards protection and preservation on these parcels.

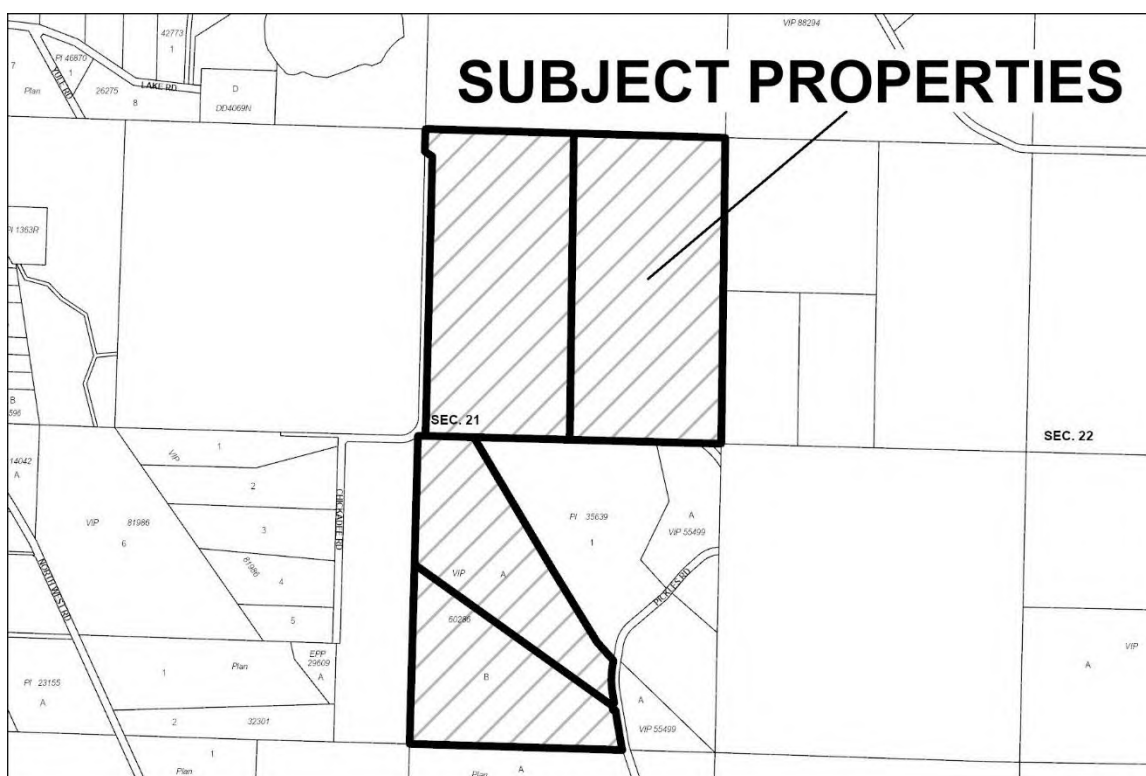


Figure 1. Location of Subject Properties

The following table provides relevant details of the subject properties, and existing and proposed OCP designations, zoning and density.

Table 1. Subject Property Details

Property	Parcel Area	Existing OCP Designation	Proposed OCP Designation	Existing LUB Zoning	Proposed LUB Zoning
PID 006-639-771	32.45 ha, Non ALR portion 19.45 ha	Sustainable Resource (SR)/ Agriculture (A) (change required)	Conservation/ Recreation (CR)	Forestry and Agriculture (change required)	Conservation and Agriculture
PID 006-657-656	30.69 ha	Sustainable Resource (SR) (change required)	Conservation/ Recreation (CR)	Forestry (change required)	Conservation
PID 023-005-424	16.08 ha	Sustainable Resource (SR) (change required)	Conservation/ Recreation (CR)	Forestry (change required)	Conservation
PID 023-005-432	15.95 ha	Sustainable Resource (SR) (change required)	Conservation /Recreation (CR)	Forestry (change required)	Conservation

The Denman Island LTC passed the following resolution at the December 12, 2024 regular business meeting to initiate this work:

DE-2024-075

**that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to enable application PL-RZ-2024-0055 (Denman Conservancy Association).
CARRIED**

DE-2024-76

**that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008, to enable application PL-RZ-2024-0055 (Denman Conservancy Association).
CARRIED**

A draft bylaw to amend the OCP and LUB are included as Attachment 1 and 2 for LTC Consideration.

DE-2024-077

**that the Denman Island Local Trust Committee request staff to send an early referral of PL-RZ-2024-0055 (Denman Conservancy Association) to the Islands Trust Conservancy and Agricultural Land Commission for comment.
CARRIED**

An early referral was sent to the Islands Trust Conservancy (ITC) on January 16, 2025, requesting comments, particularly on the potential benefits of recommending a conservation covenant for the two parcels that currently lack one. This early referral was reviewed by ITC staff, and has not been reviewed or considered by the ITC Board. In response, the ITC staff noted that while conservation covenants are a strong tool for protecting habitat, placing them on nature reserves is generally considered unnecessary, as these lands are already secured through legal ownership, internal policies, and binding agreements that prohibit sale or development. Additionally, covenants are costly to establish and maintain, requiring significant ongoing staff resources. Layering covenants onto already protected lands also raises concerns related to land access and reconciliation. For these reasons, and given current staff capacity limitations, staff advised that the ITC Board has paused placing covenants on its own nature reserves and gives low priority to holding covenants on reserves owned by other land trusts. Staff would only recommend such a project to the Board if a compelling and timely rationale is provided. At this time, the ITC's securement efforts are focused on high-priority lands that are not yet protected.



An early referral was sent to the Agricultural Land Commission (ALC) on January 17, 2025, requesting comments, particularly on rezoning the east portion of a parcel (PID 006-639-771) currently zoned Agriculture and in the ALR to a Conservation zone. ALC staff strongly object to the rezoning of the ALR portion of the parcel from Agriculture to Conservation as the Conservation zone would outright prohibit agricultural use. The priority use of land within the ALR is for agriculture and prohibition of farm uses by a local government enactment is not permitted except under limited circumstances that do not apply in this case (s. 4 of [ALR Use Regulation](#)).

ANALYSIS

Issues and Opportunities

Staff have identified the following, discussed in more detail below:

- Summary of draft Bylaw No. 256 (OCP)
- Summary of draft Bylaw No. 257 (Land Use Bylaw)
- Agricultural Land Commission and Agricultural Land Reserve
- Bylaws Consistent with Islands Trust Policy Statement

Summary of Draft Bylaw No. 256 (OCP)

Draft Bylaw No. 256 proposes amendments to the Official Community Plan (OCP) to align land use designations with the proposed Conservation zoning under Bylaw No. 257.

The four subject parcels are currently designated “Sustainable Resource” in the OCP, which supports forestry as the primary land use. One parcel (PID: 006-639-771) is split between “Sustainable Resource” and “Agriculture.” Based on early feedback from the ALC, staff recommend retaining the “Agriculture” designation on the portion within the ALR, while amending only the “Sustainable Resource” portion.

The Sustainable Resource designation is intended for large-lot lands used for resource extraction, such as forestry. Since the proposed Conservation zoning prohibits residential and commercial development and aims to preserve the land in its natural state, this designation no longer reflects the intended use. An OCP amendment is therefore required to ensure consistency between land use policy and zoning.

The proposal includes re-designating the subject properties from “Sustainable Resource” to “Conservation/Recreation,” which aligns with the OCP’s objective: *“To protect land for conservation and recreation purposes.”*

In addition, the proposal seeks to add four residential densities to the OCP’s Density Bank, as the Conservation zone will permanently remove all residential development potential from these parcels. Under Appendix D, Density Banking, Policy 1:

The Local Trust Committee may add unused residential densities to the Density Bank:

- from a rezoning application that removes residential density from lots that have subdivision potential, provided the lot retains at least one residential density;
- from an application to donate land to a conservation agency or organisation for conservation purposes or dedicated as park; and
- from a Local Trust Committee initiated zoning amendment that results in unused residential densities.

Although the DCA is not formally donating the land, staff recommend applying a broad interpretation of Policy 1, because the voluntary extinguishment of development rights and rezoning for conservation provide a lasting public benefit consistent with the policy’s intent.

Summary of Draft Bylaw No. 257 (LUB)

The map displays two sections of land, labeled SEC. 21 and SEC. 22. Section 21 is divided into several parcels, some of which are shaded with diagonal lines, indicating they are subject properties. Section 22 is primarily green, indicating it is part of the Agricultural Land Reserve. A legend in the bottom right corner identifies the symbols: a diagonal line pattern for 'Subject Properties' and a solid green color for 'Agricultural Land Reserve'. Various parcel numbers and names are visible on the map, including P361, 42273, 1, 24275, 5, CC-4065H, D, VIP 88294, A, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805,

Although currently zoned for forestry, which allows residential use and resource activities, the properties are used solely for conservation. They contain only narrow walking paths through small portions of the land, with no permanent buildings. The rezoning will not change how the land is used; it will simply align the zoning regulations with the existing use.

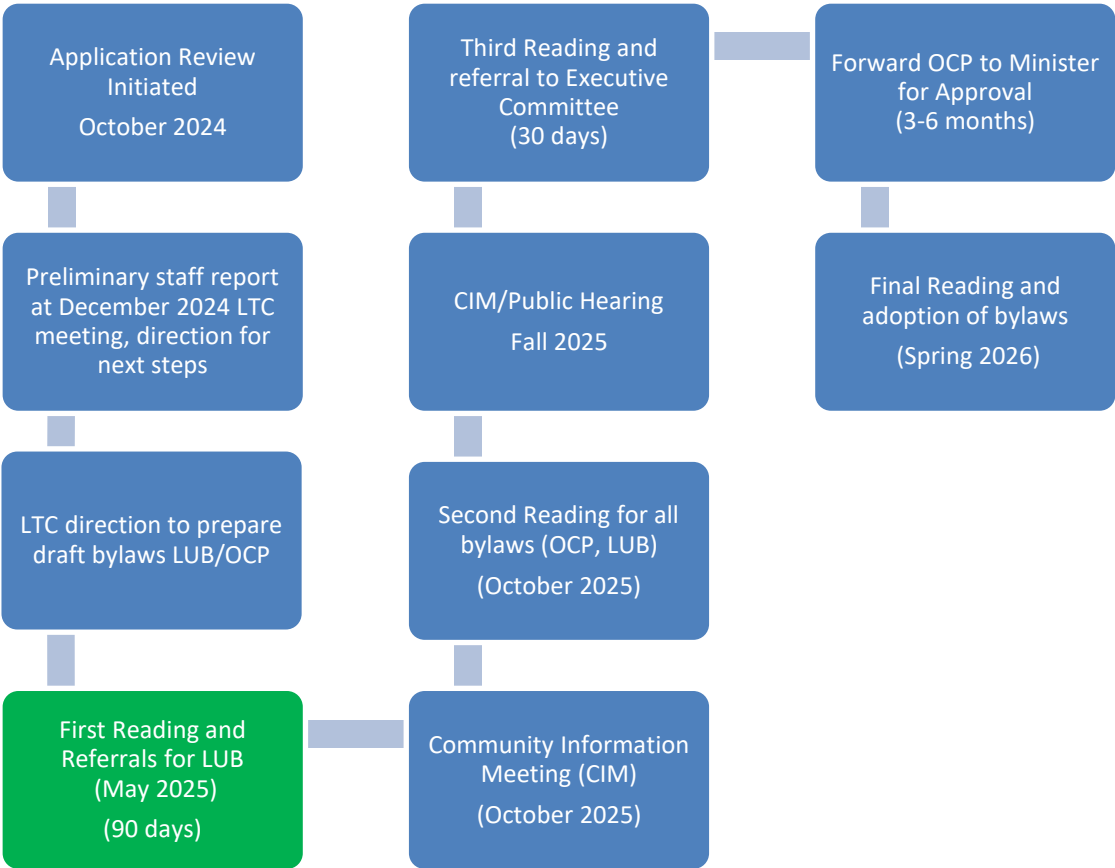
Bylaws Consistent with Islands Trust Policy Statement and OCP:

691

Attachment 3) and concluded that the Draft Bylaw No. 256 (OCP) and Draft Bylaw No. 257 (LUB) as written are not contrary to or at variance with the ITPS

Timeline

As the project involves an OCP amendment, the Local Government Act requires the LTC to consider opportunities for consultation with any persons, organizations, and authorities it believes may be affected. If the LTC wishes to pursue additional consultation beyond what staff have identified, please advise staff accordingly.



Protocols

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

Rationale for Recommendations

Staff recommend giving first reading to both draft Bylaw No. 256 (OCP) and draft Bylaw No. 257 (LUB) to initiate formal consultation with First Nations, agencies, and local governments.

The full list of staff recommendations can be found on page 1 of this report.

ALTERNATIVE

1. Direction to amend draft bylaw

The LTC may wish to make amendments to the draft bylaws. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee amend Proposed Bylaw No. 256, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2025” by...

That the Denman Island Local Trust Committee amend draft Bylaw No. 257, cited as the “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2025” by...

2. Give First and Second Readings to the draft bylaws

The LTC may choose to give First and Second Readings to all bylaws at this time and proceed with agency and First Nations referrals. This approach may be appropriate if the LTC feels the bylaws are well-developed and no substantial changes are anticipated. While referrals to agencies and First Nations can begin after First Reading, advancing to Second Reading signals the LTC’s general support for the direction of the bylaws and allows for more certainty when engaging with referral partners and preparing for a Public Hearing. Recommended wording for the resolutions are as follows:

That Denman Island Local Trust Committee Bylaw No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025” be read a second time.

That Denman Island Local Trust Committee Bylaw No. 257 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025” be read a second time.

3. 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.

4. Proceed no further.

The LTC may choose this alternative at any stage in a bylaw amendment application’s process. If this alternative is selected the following resolution is recommended:

“That the Denman Island Local Trust Committee proceed no further with application PL-RZ-2024-0055 (Denman Conservancy Association) for the following reasons [insert rationale].”

NEXT STEPS

Should the LTC concur with the staff recommendations, bylaw referrals will be sent out requesting a response within 90 days of the date on the referral.

Submitted By:	Marlis McCargar, Island Planner	May 9, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 12, 2025

ATTACHMENTS

1. Draft Bylaw No. 256 (OCP) – for First Reading
2. Draft Bylaw No. 257 (LUB) - for First Reading
3. ITPS Checklist (OCP)
4. ITPS Checklist (LUB)
5. Islands Trust Conservancy – Staff Early Referral Response, dated January 16, 2025
6. Agricultural Land Commission – Staff Early Referral Response, dated March 20, 2025

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 256

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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

1. CITATION

This Bylaw may be cited for all purposes as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025”.

2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS

_____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20_

CHAIR

SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 256**

SCHEDULE 1

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative Total of residential dwelling units in the bank
2XX	[date of adoption]	The east 1/2 of the north east 1/4 of Section 21, Denman Island, Nanaimo District The west 1/2 of the north east 1/4 of Section 21, Denman Island, Nanaimo District except that part in plan VIP78186 Lot A, Section 21 Denman Island, Nanaimo District, Plan VIP60286 Lot B, Section 21 Denman Island, Nanaimo District, Plan VIP60286	+4	4 + 7 = 11 (*as per standing resolution #2023-073) (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)

2. Schedule C [Land Use Designations Map] is amended by changing the land use designations as follows:
- a) On portions of land legally described as THE EAST 1/2 OF THE NORTH EAST 1/4 OF SECTION 21, DENMAN ISLAND, NANAIMO DISTRICT the land use designation is changed:
- from a split “Sustainable Resource” and “Agriculture” designation to a split “Conservation/Recreation” and “Agriculture” designation;

as shown on Appendix No. 1 attached to and forming part of this bylaw.

- b) On portions of land legally described as THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 21, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN VIP78186 the land use designation is changed:

from a “Sustainable Resource” designation to
“Conservation/Recreation”;

as shown on Appendix No. 2 attached to and forming part of this bylaw.

- c) On portions of land legally described LOT A SECTION 21 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP60286 the land use designation is changed:

from a “Sustainable Resource” designation to
“Conservation/Recreation”;

as shown on Appendix No. 3 attached to and forming part of this bylaw.

- d) On portions of land legally described as LOT B SECTION 21 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP60286 the land use designation is changed:

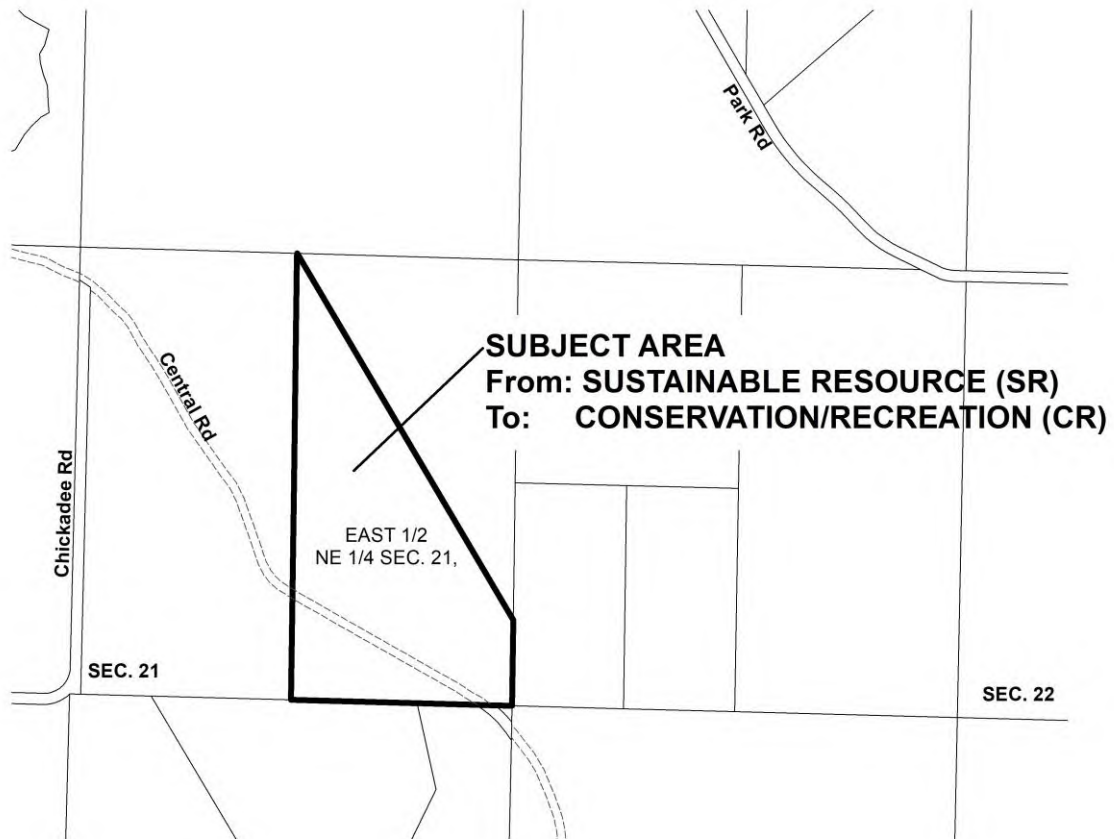
from a “Sustainable Resources” designation to
“Conservation/Recreation”;

as shown on Appendix No. 4 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 256

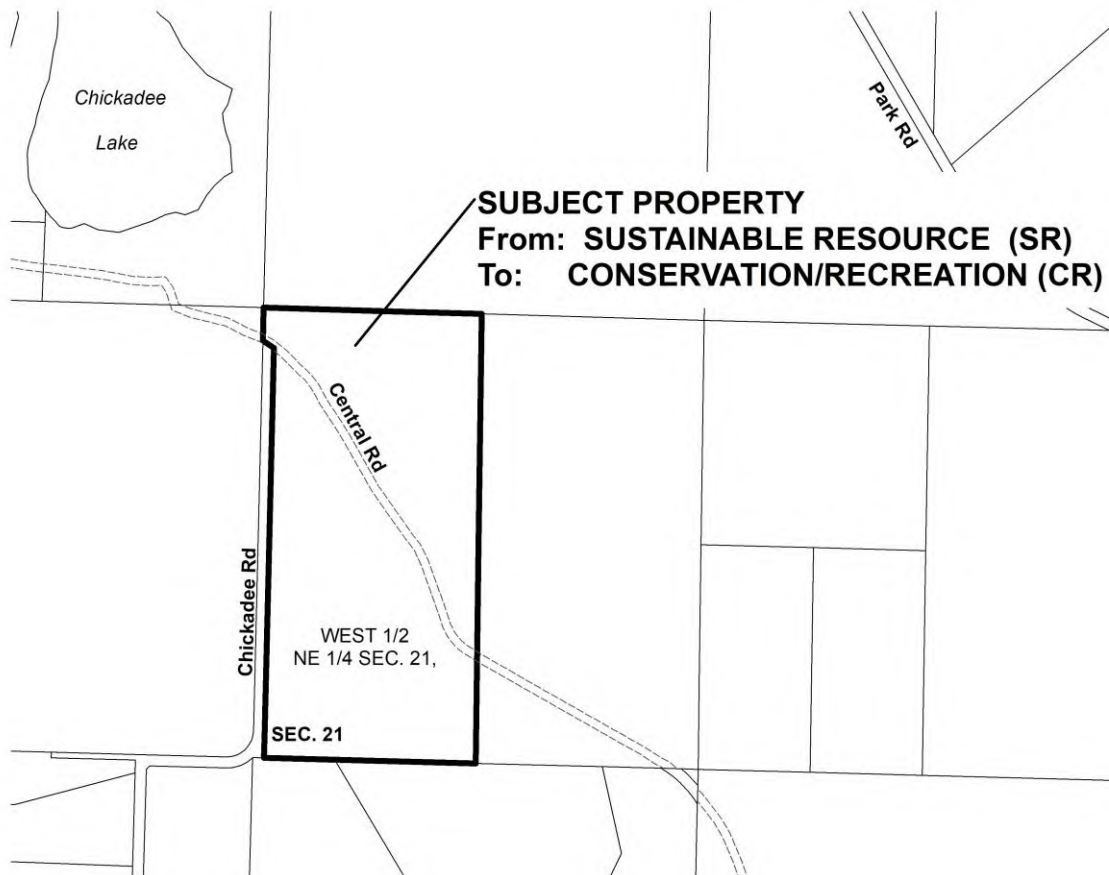
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 256

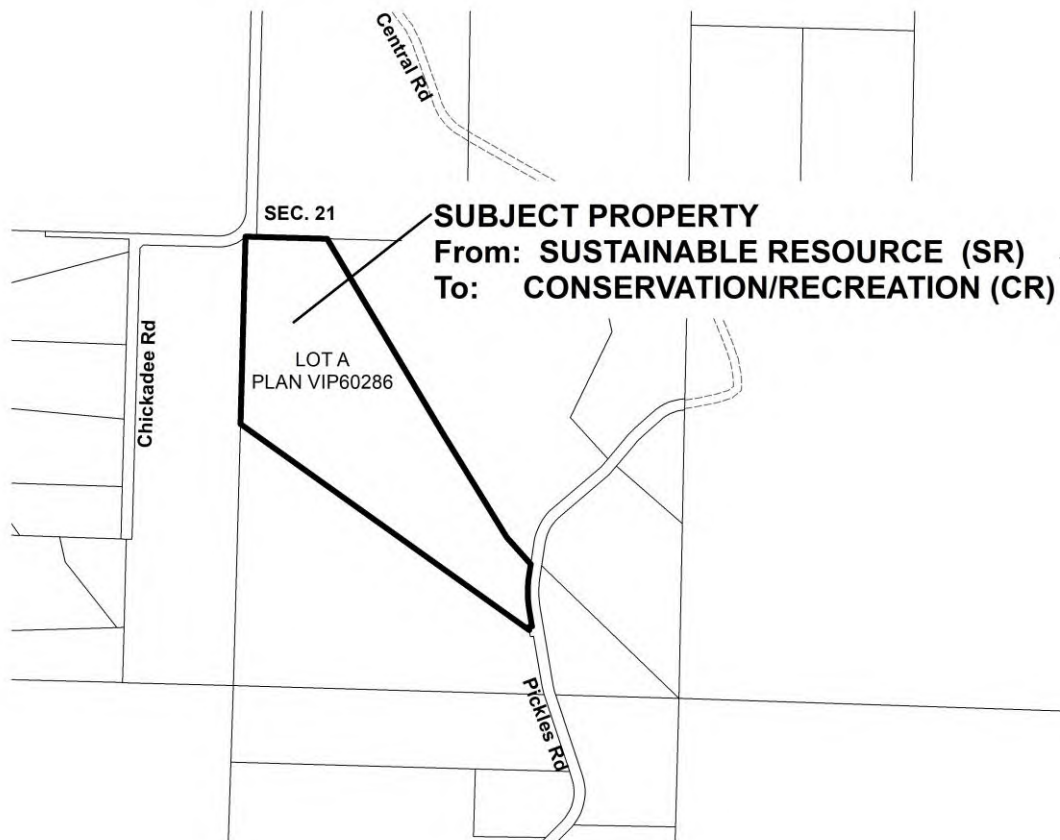
Appendix No. 2



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 256

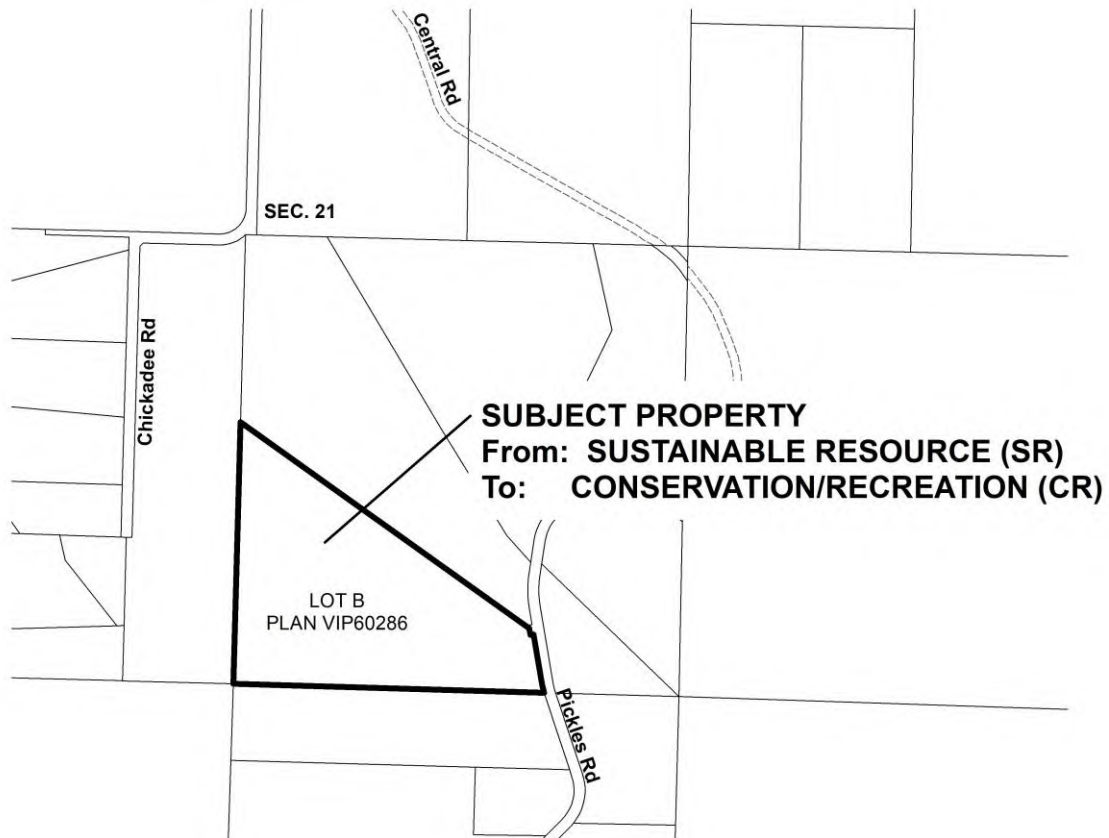
Appendix No. 3



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 256

Appendix No. 4



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 257

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

- 1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025”.
- 2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____, 2024

READ A SECOND TIME THIS _____ DAY OF _____, 202X

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202X

READ A THIRD TIME THIS _____ DAY OF _____, 202X

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST
COMMITTEE BYLAW NO. 257**

Schedule

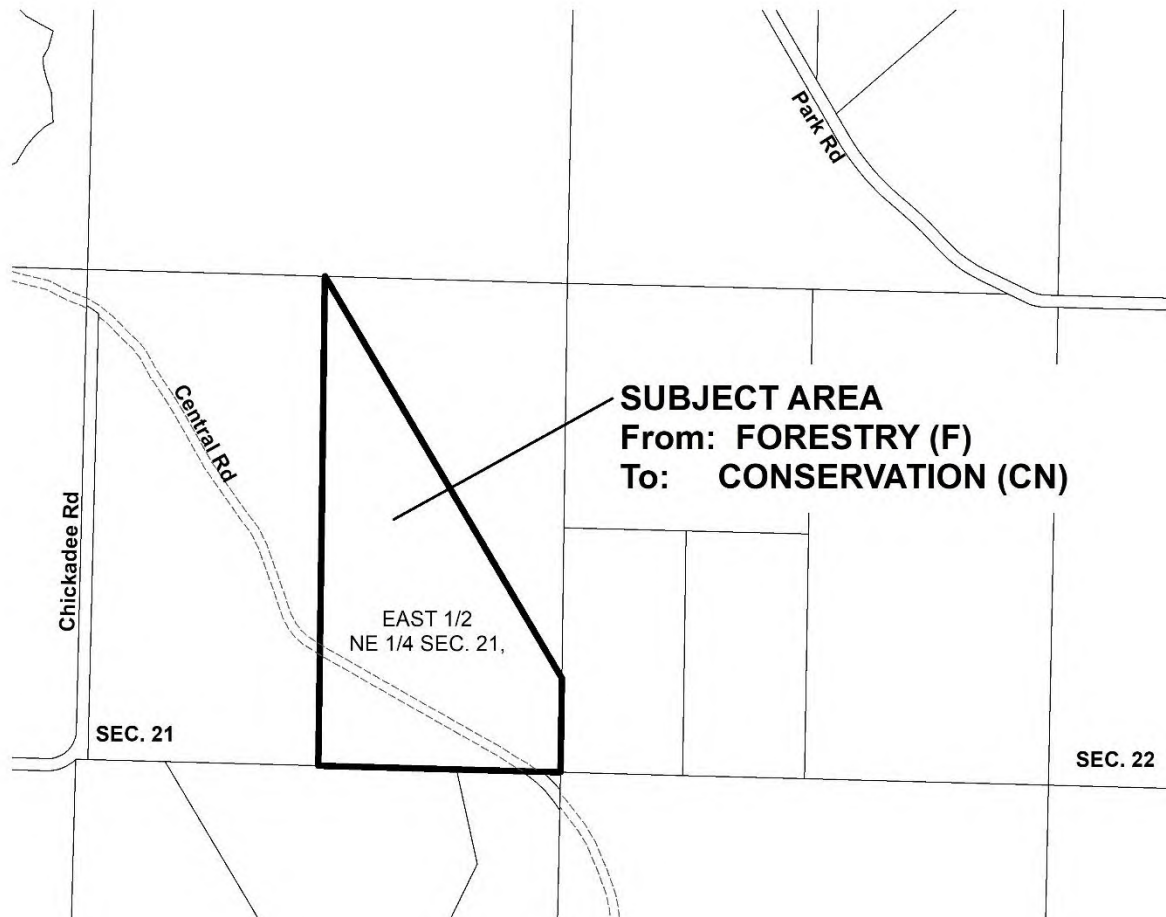
1

1. Schedule “B” of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Schedule “B” – North Map, is amended by changing the zoning classification of the non-Agricultural Land Reserve portion of THE EAST 1/2 OF THE NORTH EAST 1/4 OF SECTION 21, DENMAN ISLAND, NANAIMO DISTRICT (PID 006-639-771) as shown on Appendix No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.
 - 1.2 Schedule “B” – North Map, is amended by changing the zoning classification of PID 006-657-656 THE WEST 1/2 OF THE NORTH EAST 1/4 OF SECTION 21, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN VIP78186 as shown on Appendix No. 2 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.
 - 1.3 Schedule “B” – North Map, is amended by changing the zoning classification of PID 023-005-424 LOT A SECTION 21 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP60286 as shown on Appendix No. 3 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.
 - 1.4 Schedule “B” – North Map, is amended by changing the zoning classification of PID 023-005-432 LOT B SECTION 21 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP60286 as shown on Appendix No. 4 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 257

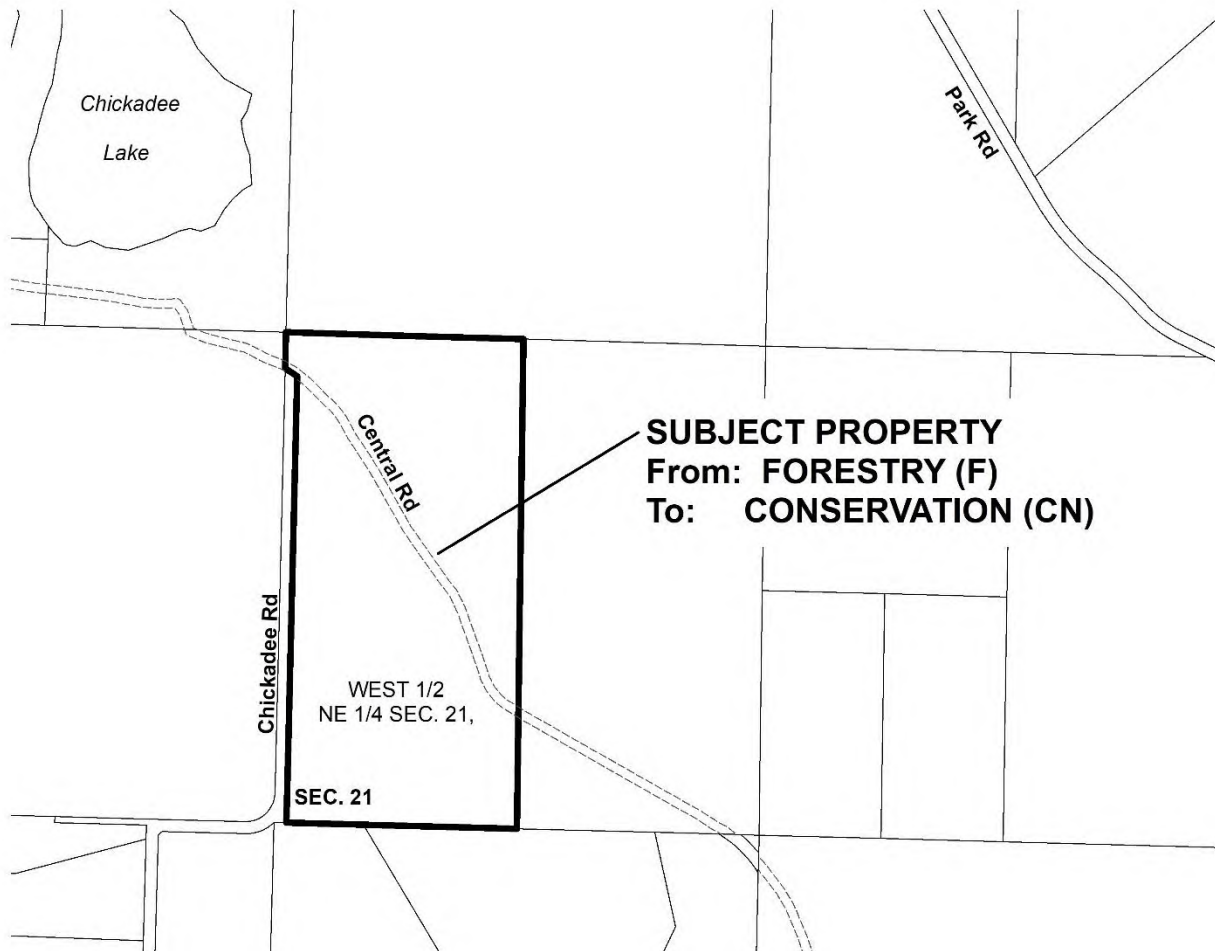
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

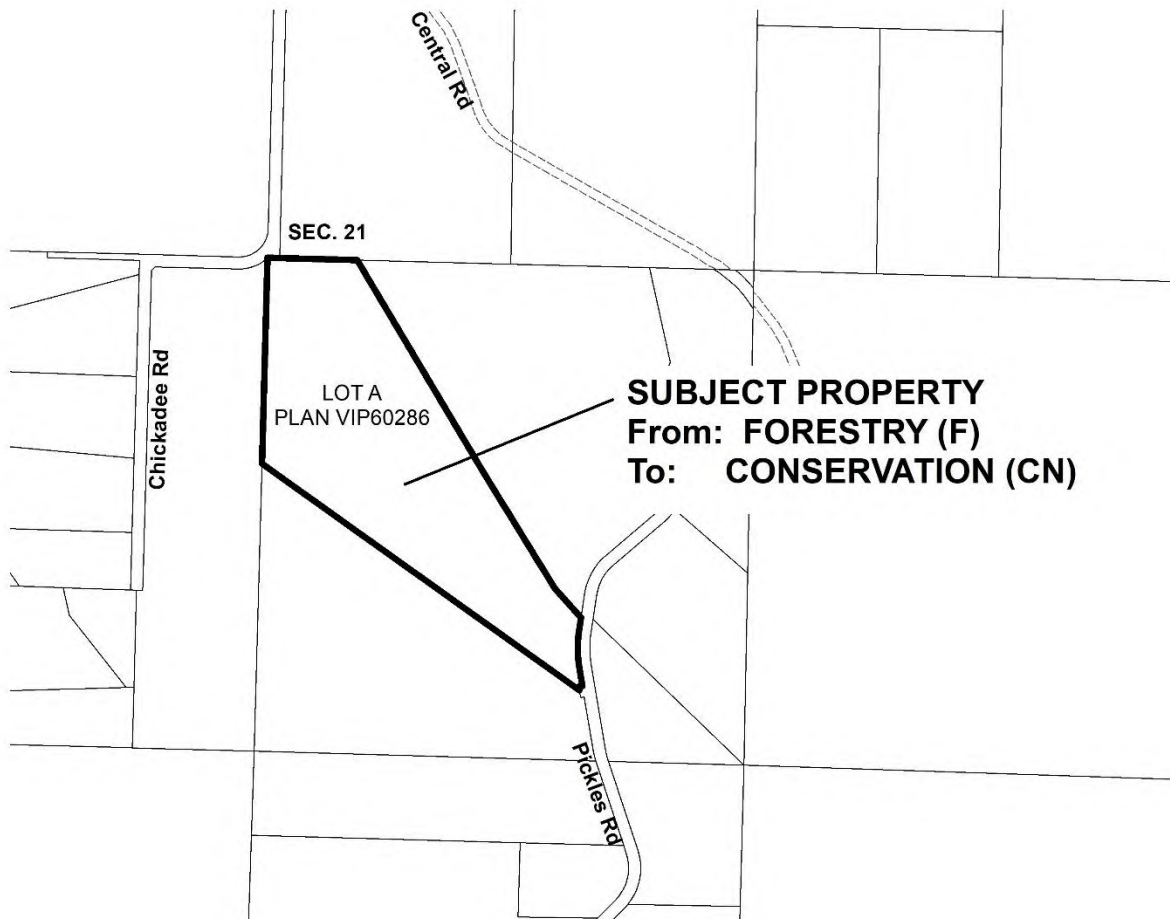
Appendix No. 2



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 257

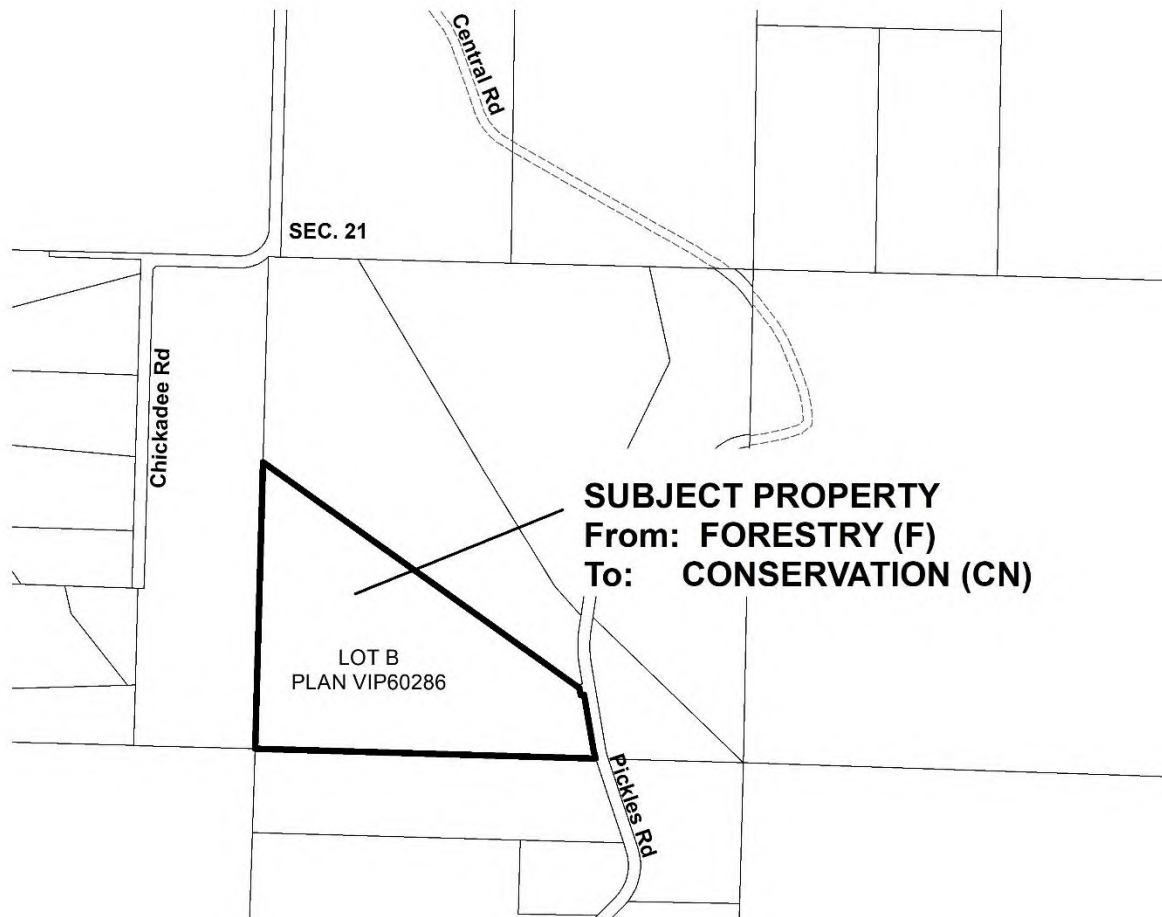
Appendix No. 3



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 257

Appendix No. 4





ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST (OCP)

File No.: PLRZ20240055 (Bylaw No. 256)

File Name: Denman Conservancy Assoc.

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST (LUB)

File No.: PLRZ20240055 (Bylaw No. 257)
File Name: Denman Conservancy Assoc.

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

From: Kathryn Martell
Sent: Thursday, January 16, 2025 2:00 PM
To: Marlis McCargar
Cc: Clare Frater
Subject: RE: Early Referral to ITC - PLRZ20240055 (Denman Conservancy Association)

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Marlis,

I have had a look through this proposal from the perspective of whether ITC would be interested in holding conservation covenants on the 2 uncovenanted parcels that are part of this rezoning.

In general, having conservation covenants on protected areas, such as a nature reserve, is considered 'best practice' but it really represents a belt-and-suspenders approach: land trusts that hold nature reserves usually already have several layers of mandate, policies, and agreements in place to ensure that the lands are managed for conservation purposes, and cannot be sold or transferred except under extraordinary circumstances and often with prohibitive financial consequences. Conservation covenants are expensive to put in place, and require significant annual and ongoing work from the land trust holding the covenant. Moreover, a conservation covenant on a nature reserve represents yet another layer of alienation of lands for reconciliation purposes. For these reasons, as well as staff capacity constraints, the ITC Board has paused placing conservation covenants on ITC nature reserves, and places a lower priority on holding covenants for other land trusts' reserves.

Conservation covenants are a great tool for habitat protection but in this case, I do not think staff would be able to recommend this project to the ITC Board, unless the Denman Conservancy Association makes a compelling case for why this extra layer of protection is necessary at this point. Our current securement priority is on unprotected lands.

For additional context, over the last several years, the ITC Board has prioritized projects to address strains on ITC staff capacity. Recent resolutions include:

28 May 2024, **ITC-2024-024:**

that the Islands Trust Conservancy (ITC) Board request that staff prioritize Goal #2 of the Regional Conservation Plan related to strengthening relationships with First Nations, and components of Goal #1 related to knowledge, information and data management of ITC properties, and components of Goal #3 related to ongoing management of ITC

protected areas.

[and therefore not focus on components of Goal #3 related to new securements]

14 March 2023, **ITC-2023-009:**

that the Islands Trust Conservancy Board direct staff to:

1) Focus work for the 2023/24 fiscal year on:

- Land management, land securement and targeted outreach components of the Species at Risk Program;
- First Nations engagement associated with development of the ITC Plan;
- Administrative needs, including: policy updates, maintenance and updates to internal databases (land management and contact management), job description reviews for selected staff, review of the new website and technology used in the field; and
- Working on proposals for conservation lands that are high priority; and

2) Delay the following work items until the 2024/25 fiscal year:

- The Climate Change Project;
- Revision of property management plans;
- Development of a Reconciliation Action Plan;
- Monitoring of lands that are protected by other conservation agencies (i.e. parks and nature reserves) or that are considered at low risk of covenant breach or trespass;
- Outreach and communications that generate new conservation proposals; and
- Placing of covenants on ITC Nature Reserves.

25 January 2022, **ITC-2022-002:**

that the Islands Trust Conservancy Board direct staff to:\n

1) Focus work for the 2022/23 fiscal year on: \n

- the Climate Change Project;
- land management and targeted outreach components of the Species at Risk Program;
- development of a Reconciliation Action Plan; and
- administrative needs, including: policy updates, review of staff roles/structure/training, maintenance and updates to internal databases, review of the new website and technology used in the field; and

2) Delay the following work items until the 2023/24 fiscal year:\n

- revision of property management plans;

- monitoring of lands that are protected by other conservation agencies (i.e. parks and nature reserves) or that are considered at low risk of covenant breach or trespass;
- outreach and communications that generate new conservation proposals;
- work on conservation proposals for lands not considered a very high priority for conservation, including those under 8 ha in size; and,
- placing of covenants on ITC Nature Reserves.

From: Carolyn Stewart <cstewart@islandstrust.bc.ca>

Sent: Thursday, January 16, 2025 10:03 AM

To: Kathryn Martell <kmartell@islandstrust.bc.ca>

Cc: Marlis McCargar <mmccargar@islandstrust.bc.ca>; Clare Frater <cfrater@islandstrust.bc.ca>

Subject: FW: Early Referral to ITC - PLRZ20240055 (Denman Conservancy Association)

Hi Kathryn,

Will you please take a look at this referral, in particular check timing for response, given ITCB's desire to receive all referrals for its review and that the Jan meeting package is out already and you probably need time to review/analyze this.

Thanks,

Carolyn Stewart

A/Manager

Islands Trust Conservancy

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5191 | islandstrust.bc.ca/conservancy

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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Protecting islands in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOŖEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', S̓ÁUTW̓, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̓JOLÉLP, W̓SIKEM, Xeláltxw, Xwémalhkww, Xwsepsum, and x̣m̓əθḳw̓əy̓əm First Nations. Islands Trust Conservancy is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Marlis McCargar <>

Sent: Wednesday, January 15, 2025 4:29 PM

To: Carolyn Stewart <cstewart@islandstrust.bc.ca>

RE: Early Referral to ITC - PLRZ20240055 (Denman Conservancy Association)

Subject: Early Referral to ITC - PLRZ20240055 (Denman Conservancy Association)

Hi Carolyn,

At the December 2024 Denman LTC meeting, the LTC passed the following resolution:

DE-2024-077

that the Denman Island Local Trust Committee request staff to send an early referral of PLRZ20240055 (Denman Conservancy Association) to the Islands Trust Conservancy and Agricultural Land Commission for comment.

CARRIED

The rezoning application involves four parcels of land. Two of these parcels (PIDs 006-639-771 and 006-657-656) already have a conservation covenant registered on title. To further preserve the ecological integrity of the area, the LTC is considering the benefits of recommending a conservation covenant on the two parcels that currently lack one. Staff have noted that while conservation covenants provide significant environmental benefits, they also come with substantial legal and administrative costs. As a result, the LTC has referred the matter to the Islands Trust Conservancy for an analysis of the benefits, feasibility, and potential interest in implementing a covenant on the remaining parcels (PIDs 023-005-424 and 023-005-434).

The [preliminary staff report](#) on our website outlines the proposal in more detail, and I'd be happy to discuss it with you further. Thank you for reviewing the materials, and please let me know if you have any early referral comments or particular issues you'd like considered as part of the rezoning application.

Regards,

Marlis McCargar, MEdes (she, her, hers)

Island Planner

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2210 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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

I am humbly thankful to live and work in the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səllilwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SʔÁUTW, Stz'uminus, ʔaʔəmen, toq qaymíxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymíxʷ, and xʷməθkʷəy̓əm.

From: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Sent: Thursday, March 20, 2025 12:39 PM
To: Marlis McCargar
Subject: RE: Early Referral - Rezoning Application in Partially in ALR - PLRZ20240055

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Marlis,

My apologies for the delayed response. The information you provided in your referral and the staff report were very helpful.

ALC staff strongly object to the rezoning of the ALR portion of the parcel with PID:006-639-771 from Agriculture to Conservation as the Conservation zone would outright prohibit agricultural use. The priority use of land within the ALR is for agriculture and prohibition of farm uses by a local government enactment is not permitted except under limited circumstances that do not apply in this case (s. 4 of ALR Use Regulation).

Please do not hesitate to contact me if you have any questions or would like to discuss further.

Sincerely,



Nicole Mak (she/her)
Regional Planner – Island & South Coast (FVRD) | Agricultural Land Commission
201 – 4940 Canada Way, Burnaby, BC, V5G 4K6
T 236.468.3278 | F 604.660.7033
ALC.Referrals@gov.bc.ca | www.alc.gov.bc.ca

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From: Marlis McCargar <mmccargar@islandstrust.bc.ca>
Sent: Friday, January 17, 2025 12:07 PM
To: ALC Referrals ALC:EX <ALC.Referrals@gov.bc.ca>
Subject: Early Referral - Rezoning Application in Partially in ALR - PLRZ20240055

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Hello,

RE: Early Referral - Rezoning Application in Partially in ALR - PLRZ20240055

I am reaching out to request your feedback on a rezoning proposal under application PLRZ20240055 (Denman Conservancy Association), as discussed at the December 2024 Denman Island Local Trust Committee (LTC) meeting. The LTC passed the following resolution:

DE-2024-077

that the Denman Island Local Trust Committee request staff to send an early referral of PLRZ20240055 (Denman Conservancy Association) to the Islands Trust Conservancy and Agricultural Land Commission for comment.

CARRIED

The proposal includes rezoning the east portion of a parcel (PID 006-639-771) currently zoned Agriculture and in the ALR to a Conservation zone. While conservation activities are generally allowed within the ALR, the applicant has not provided confirmation of ALC support for this rezoning. Although no exclusion application has been submitted, and despite an existing conservation covenant on the property, it is important to note that the covenant currently permits farm activities on any portion of the lot within the ALR, in line with ALR Use Regulations.

Should the property be rezoned entirely to Conservation, this could prevent farm activities from continuing in these areas. Given these factors, the LTC is recommending that this application be referred to the ALC for further review.

The [preliminary staff report](#) on our website provides more detailed information on the proposal, and I'd be happy to discuss it further if needed. I would appreciate any early referral comments or insights you have on issues that should be considered as part of this rezoning application.

Please don't hesitate to reach out if you have any questions or would like to discuss this matter further.

Marlis McCargar, MEdes (she, her, hers)

Island Planner

Islands Trust

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DATE OF MEETING: May 20, 2025

TO: Denman Island Local Trust Committee

FROM: Narissa Chadwick, Island Planner
Southern Team

COPY: Marlis McCargar, Island Planner/ Renée Jamurat, Regional Planning Manager

SUBJECT: Next Steps for Housing Project: Engagement Plan

RECOMMENDATION

- 1. That the Denman Island Local Trust Committee endorse the draft Community Engagement Plan as presented in Attachment 1 of this.**
- 2. That the Denman Island Local Trust Committee request staff to schedule an electronic special meeting for the LTC to review policy options that will be proposed for community feedback.**

REPORT SUMMARY

The purpose of this report is to present a draft Engagement Plan to guide public input on key policy areas under review as part of the Denman Island Housing Review Project. These areas include, but are not limited to, the expansion of secondary dwelling unit permissions, revisions to the density bank, small multi-unit housing, and floor area and lot coverage limits.

BACKGROUND

The Denman Housing Review Project was initiated to respond to the growing need for diverse and affordable housing options on Denman Island. At their May 8, 2025 Special LTC meeting, the LTC discussed options for community engagement as a means of both sharing information and soliciting feedback on key themes that have emerged. Key themes include: the density bank, increasing permission for secondary dwellings, proactively zoning for small multi-unit clustered housing and floor area and lot coverage limits. The following resolution was passed:

That the Denman Island Local Trust Committee endorse the engagement approach as discussed at the May 8, 2025 LTC Special Meeting and request that staff bring back an Engagement Plan for approval at a subsequent LTC meeting.

ENGAGEMENT PLAN SUMMARY

The engagement plan is contained in Attachment 1. A summary is provided below.

Objectives:

- Inform the public about the scope and purpose of the OCP review.
- Provide clear background information on each policy area under consideration.
- Collect feedback on community priorities and desired directions for policy change.
- Identify areas where further technical study or policy development may be needed.
- Build trust and transparency in the policy development process.

Methods:

1. Public Information Materials

- Create a series of topic-specific backgrounders (e.g., density bank, secondary dwellings, small multi unit clustered housing, floor area and lot coverage limits).
- Relevant mapping.
- Provide accessible online and print summaries to support understanding of key issues.

2. Online Forms and Processes

- Provide a form for those interested in site specific zoning for existing illegal dwellings
- Provide a form/process for property owners interested in rezoning to support small multi-unity clustered housing.

3. In-Person Community Meeting

- To include overview of process
- Case study presentation (e.g. Housing cooperatives such as CoHo)
- Focussed discussion on topics
- Timing paired with staff attendance at Saturday market

4. Online Community Meeting

- Provide key information on proposed policy options
- Gather community feedback on the topic areas
- Record the session and post it on the project webpage for broader access

5. Pop Up Saturday Market Engagement

- Information shared on large boards
- To be supported by Trustees and Staff (limited)

6. Trustee-Led Outreach

- Equip Trustees with summary materials to support outreach through newsletters, social media, and informal conversations.

TIMELINE

Steps	Activity	Timeline
1	Finalize materials and post to website	June 18
2	Host community meeting	TBD
3	Report back with engagement summary	Early Fall

NEXT STEPS

- Staff will prepare materials
- Staff will schedule a special meeting for LTC to review policy options
- Staff will schedule a community meeting

RATIONAL FOR RECOMMENDATIONS

The LTC has identified interest in further community engagement prior to the drafting of bylaws.

ALTERNATIVES

1. Conduct engagement online only
Engagement would be conducted entirely online, using virtual meetings and online tools to collect feedback. This would allow for broader accessibility, especially for those unable to attend in person.
2. Conduct engagement in person only
All community engagement would take place through in-person meetings or events, such as a larger public meeting or smaller discussion sessions. This would facilitate more interactive and face-to-face dialogue with community members.
3. Choose alternative options for engagement
At the discretion of the Local Trust Committee, alternative engagement methods can be proposed
4. Choose alternative timing for engagement
The timing and frequency of engagement sessions could be adjusted to accommodate different schedules.
5. Choose not to do any further engagement
No additional community engagement would take place beyond the current level of engagement already completed. This would mean proceeding with the project without further public consultation.

Submitted By:	Narissa Chadwick, RPP MCIP, Island Planner	May 9, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 12, 2025

ATTACHMENTS

1. Draft Engagement Plan

Denman Island Housing Community Engagement Plan (DRAFT)

Purpose

To engage Denman Island residents in understanding and providing feedback on housing-related topics, including density bank options, secondary dwelling units, small multi-unit housing, and floor area/lot coverage limits.

Objectives

- Inform residents about current planning initiatives and housing policy considerations.
- Gather feedback on community preferences and concerns.
- Support transparency in decision-making by explaining constraints, opportunities, and trade-offs.
- Foster community dialogue around land use options supporting flexibility for housing development.

Engagement Topics and Staff Role

Topic	Staff Role
Density Bank	Provide options for community consideration
Secondary Dwelling Units	Present options and a self-identification process for owners of existing, non-conforming units to facilitate site specific zoning.
Small Multi-Unit Housing	Offer examples and propose a process for property owners to apply for rezoning
Floor Area & Lot Coverage	Present a range of options for potential regulatory changes

Engagement Methods

1. In-Person Engagement at Denman Market

Purpose: To provide accessible, informal opportunities for community members to learn and comment. Display will include:

Maps:

- Denman Conservancy mapping
- 200-metre setback from the sea (to capture shoreline sustainability and cultural heritage interests)
- Archaeological areas and buffers
- Sensitive ecosystem mapping (dated)
- Riparian area mapping
- Freshwater recharge mapping
- Steep slopes mapping
- Agricultural areas, covenants, and protected areas
- Build out map

Topic Boards with:

- Background info and visual aids on each of the 4 housing topics
- Interactive components (e.g., sticky dot voting, comment cards, QR codes linking to online feedback)

2. Community Conversation Session (weekend)

Purpose: To deepen dialogue and explore perspectives through facilitated discussion and collect feedback on policy options.

Potential Agenda:

- Welcome and brief project overview (staff presentation)
- Presentations from: CoHo Housing, Denman Island Land Conservancy, Denman residents with alternative housing experiences
- Breakout discussions by topic (facilitated small group sessions) or more organic conversations on themes (theme stations)
- Summary of key themes and next steps

3. Online Community Meeting (evening)

Purpose: To provide key information on the proposed policy options and gather community feedback on the topic areas. This meeting would be recorded and made available on the project webpage.

Potential Agenda:

- Welcome and brief overview of the Denman Island Housing Review Project
- Staff presentation on the proposed policy options:
 - Density Bank
 - Secondary Dwelling Units
 - Small Multi-Unit Housing
 - Floor Area & Lot Coverage
- Soliciting community feedback through Q&A

4. Project Webpage & Online Feedback

A dedicated webpage will be created to provide:

- Access to all engagement materials (maps, topic boards, background information)
- A summary of in-person activities
- Online feedback opportunities for those unable to attend in-person events
- Timeline and contact info for follow-up questions or additional input
- Forms for identification of non-conforming units
- Form for applying for pre-zoning for small unit clustered housing

Process

Phase	Date	Activities	Staff Resources
Preparation	May 20- June 18	Finalize maps, topic boards, outreach materials, and webpage	Communications (TAS) Regional Planner Island Planner Planning Assistant (limited)
Confirmation of Options	June	Special meeting with LTC to confirm options and materials for engagement	1Planner
Market Day Engagement	Saturdays when Trustees and staff are available (staff availability limited)	Booth display with maps, topic info, interactive tools	Trustees 1 Planner (1-2 days)
Live Community Conversation	WEEKEND OPTIONS: June 21/22 June 28/29 July 5/6 July 26/27	Formal event with presentations and facilitated discussions	Trustees 2 Planners (1 day)
Online Community Conversation	TBD	Information on project and options. To include introduction to maps etc.	2 Planners
Web Launch	Concurrent with events	Publish materials online and open feedback form	Communications (TAS)
Follow-up	By September	Compile feedback summary and share with community via website and newsletter, date for LTC status update	Island Planner Regional Planner
Draft Policy Language	October	Community Information meeting to be held before first breeding	Regional Planner Island Planner

Communications & Outreach

Channels:

- Local bulletin boards, Flagstone
- Islands Trust website and social media
- Posters and postcards at community gathering places

Materials Required

- Print maps (large format)
- Topic boards (laminated or mounted)
- Comment cards or suggestion box
- QR code links to digital feedback forms
- Webpage development with downloadable materials and feedback form

Evaluation

- Track participation: market booth, community session, and webpage visits
- Collect and code feedback thematically
- Share summary back to the community and Local Trust Committee. A summary of findings will be shared publicly via the project webpage and reported to the LTC at a meeting in the Fall.
- Use findings to inform policy development



REQUEST FOR DECISION

To: Denman Island LTC **For the Meeting of:** May 20, 2025
From: Trust Area Services **Date Prepared:** March 28, 2025
SUBJECT: 2024/25 ANNUAL REPORT – APPROVAL OF DENMAN ISLANDS LTC SECTION

RECOMMENDATION: That the Denman Island LTC approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and 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 2025 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 2024/25 Annual Report at its meeting on February 5, 2025.

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 2025 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 Housing and 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 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

Alternative: That the Denman Island LTC approves the attached text for inclusion in the 2024/25 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Housing and Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Renée Jamurat, Regional Planning Manager / May 12, 2025

Denman Island Local Trust Committee

The Denman Island Local Trust Committee (DE LTC) held seven regular business meetings in the 2024/25 fiscal year, as well as one Community Information Meeting, two special meetings and one public hearing.

Work for this period focused on advancing the Denman LTC priorities to update the Official Community Plan (OCP) and Land Use Bylaws (LUB) to address regulations for housing and First Nations engagement.

The Denman LTC advanced these priorities through the following key project:

1. Denman Housing Review Project, which will focus on First Nations engagement and implementation of recommendations and advancing policy and regulatory amendments to address housing needs.

From April 1, 2024 to March 31, 2025, the Denman LTC adopted the following bylaws:

1. Bylaw No. 228 that amended the Official Community Plan to re-designate all lands within the Agricultural Land Reserve to a new 'Agriculture' designation and included several new policies supporting agriculture uses consistent with the Agricultural Land Commission regulations and policies.
2. Bylaw No. 229 that amended the Land Use Bylaw to regulate dwellings in the Agricultural Land Reserve, agritourism use and agritourism accommodation, and updated several definitions and setback regulations.

From April 1, 2024 to March 31, 2025, the Denman LTC received and considered applications for one development variance permit, 11 siting and use permits, and two bylaw amendment applications.

During the same time period, staff also reviewed one crown lease referral and one subdivision referral.

Another initiative of the Denman LTC for this period was relationship building with the Kómoks First Nation. As part of this process, the Denman Island LTC will be reviewing an engagement summary report and consider implementation of First Nation recommendations to update the OCP and LUB.



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY March 18th, 2025 BOARD MEETING

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

1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board rose and reported that a meeting was held between ITC staff and the Ministry of Housing and Municipal Affairs concerning land disposition, including transfer of land to Indigenous Governing Bodies. The Ministry staff's recommendation was for the ITC Board to develop a policy and include it in ITC's Five-Year Plan (2028-2032) for the Minister's consideration.
- The ITC Board directed staff to notify the Salt Spring Island Local Trust Committee that Islands Trust Conservancy's interests are unaffected by Bylaw No. 541 Referral.
- Chair Gauvreau presented the briefing on an invitation to join the Centre for Land Conservation's Land Trust Certification Pilot Program. The ITC Board requested Chair Gauvreau to write a letter declining the invitation to join pilot program.
- Species at Risk Program Coordinator Wheeler presented a briefing on the North Pender Island Bylaw 235 Referral regarding updating Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions from 2008 and provided additional Species at Risk information to consider to the Islands Trust planning team.
- Trustee Patrick joined the ITC Board Meeting to discuss the April 23rd, 2025 EC-ITC Joint Meeting agenda topics. Discussion ensued and agenda topics were identified.
- Trustee Elliott provided a Trust Council update to the ITC Board reporting on a number of items, including Trustee Patrick's election as Chair of Trust Council.
- Chair Gauvreau advised that the ITC budget for 2025/26 was approved by Trust Council.
- Chair Gauvreau reported that she gave a synopsis of the ITC 4th Quarter 2024/25 report at Trust Council.
- There was no Governance Committee Update. Chair Gauvreau reported she did not attend the last meeting.
- The ITC Board agreed to write a letter to the organizers of the Funding our Future: Financing Conservation on Private lands thanking them for the excellent workshop and expressing the interest of the ITC Board in participating in future discussions as the concept of a Regional Conservation Fund progresses.



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

- The ITC Board approved additional allocation to Trustee Smith to cover the full cost of attendance at the “Funding our Future: Financing Conservation on Private Lands” conference on February 27th, 2025 in Esquimalt.

2. COMMUNICATIONS AND OUTREACH

- Trust Council’s introduction letter to Minister Kahlon was received for information. Discussion ensued on the possibility of securing additional funding from the Province for First Nations engagement and consultation.

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

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



Denman Local Trust Committee

Open Applications

Report

Print Date: May 13, 2025

Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250156	Brittany Briana Smi	4/10/2025	1840 HILBERRY LANE, DENMAN IS	Application for a DP for construction of home and power shed at 1840 Hilberry Lane.
Planner		Status	Most Recent Completed Activity	
Gillian Nicol		Under Review	Generate Complete Application Letter	

Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240055		5/30/2024	0 PICKLES RD, DENMAN ISLAND,	Proposed OCP and rezoning of 4 parcels from Forestry to Conservation
Planner		Status	Most Recent Completed Activity	
Marlis McCargar		Under Review	Generate Complete Application Letter	

Denman

Application Number	Applicant Name	Date Received	Address	Purpose
DE-RZ-2024.1	Bushekin Laura	1/3/2024	5201 DENMAN RD, DENMAN ISLAN	Rezone from 15 to 19 units and allow secondary suites in all main dwellings.
Planner		Status	Most Recent Completed Activity	
Marlis McCargar		Local Trust Committee	Email Applicant of LTC Meeting	

Application Number	Applicant Name	Date Received	Address	Purpose
DE-RZ-2023.1	Andrew John	1/1/2023	7676 KOMAS RD, DENMAN ISLAND	to rezone to replace existing land use contract, which expires soon.
Planner		Status	Most Recent Completed Activity	
Margot Thomaidis		In Abeyance	Determine Next Steps - PL	

Denman

Siting and Use Permit

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUP-2020.21	Chris Durupt	11/3/2020	6345 HINTON RD, DENMAN ISLAND	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Waiting for Revisions	Generate Notice of Revisions	

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUP-2020.22	Chris Durupt	11/12/2020	6351 HINTON RD, DENMAN ISLAND	PID: 017-449-995 Building a pool. Civic address: 6351 Hinton Road, Denman Island, BC.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		Waiting for Revisions	Generate Notice of Revisions	

Application Number	Applicant Name	Date Received	Address	Purpose
PLSUP20250151	Brittany Briana Smi	4/8/2025	1840 HILBERRY LANE, DENMAN IS	Application for retroactive permit; in a development permit area of steep slopes region, also applying for septic approval
Planner		Status	Most Recent Completed Activity	
Gillian Nicol		Under Review	Generate Complete Application Letter	

Denman

Application Number	Applicant Name	Date Received	Address	Purpose
PLSUP20250119	Angus Hayman	3/14/2025	5791 LACON RD, DENMAN ISLAND	Application to construct a house.

Planner	Status	Most Recent Completed Activity
Gillian Nicol	Under Review	Generate Complete Application Letter

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUP-2020.3	Thorne & Lucill	3/16/2020	0 LACON RD, DENMAN ISLAND, B	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC

Planner	Status	Most Recent Completed Activity
Stephen Baugh	Open	File Administrative Decision

Denman

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2021.2	Mike Hansen	8/13/2021		PID: 006-660-614 - 13 lot subdivision. Civic address: 4201 Park road, Denman Island, BC.
Planner		Status	Most Recent Completed Activity	
Stephen Baugh		In Abeyance	Record and File PLR	

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2022.2	Olivia Bareham	11/9/2022	0 SWAN RD, DENMAN ISLAND, BC	PIDs: 006-657-931 and 017-541-115 Lot line adjustment. Civic address: 2900 Swan Road, Denman Island, BC.
Planner		Status	Most Recent Completed Activity	
Margot Thomaidis		In Abeyance	Generate Complete Application Letter	

Application Number	Applicant Name	Date Received	Address	Purpose
DE-SUB-2018.2	Evan Wind	10/19/2018		PID: 000-974-081 5 lot subdivision Civic address: 1300 Farley Road, Denman Island, BC. The parent parcel (000-974-081) went through a natural boundary adjustment with the Surveyor Generals office in 2019 or 2020. This cancelled the original lot and created a new lot with an up to date present natural boundary. The new PID is 030-859-166.
Planner		Status	Most Recent Completed Activity	
Marlis McCargar		In Abeyance	Generate Complete Application Letter	

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending February 2025

615 Denman	Invoices posted to Month ending February 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	200.00	0.00	200.00
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,520.00	1,560.85	959.15
65210-615	LTC - Local Exp - APC Meeting Expenses	3,500.00	892.84	2,607.16
65220-615	LTC - Local Exp - Communications	900.00	787.50	112.50
TOTAL LTC Local Expense		<u>6,920.00</u>	<u>3,241.19</u>	<u>3,678.81</u>
Projects				
73001-615-4025	Denman Housing Review	15,000.00	6,336.46	8,663.54
73001-615-4127	Denman Farming Regulations Review	500.00	0.00	500.00
73001-615-4136	Denman TUP Review	2,500.00	46.98	2,453.02
TOTAL Project Expenses		<u>18,000.00</u>	<u>6,383.44</u>	<u>11,616.56</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: a. 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; b. 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.	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.
11.	June 4, 2024	DE-2024-053	Compliance & Bylaw Enforcement Policy	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 Official Community Plan Bylaw No. 185, 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
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				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 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
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				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
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				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 Compliance and 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. Voluntary compliance has been achieved. 2. The Bylaw Violation Notice was issued to the wrong person;
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				3. The Bylaw Violation Notice was not completed properly. 4. It is unreasonable for the person to pay the penalty; 5. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists; 6. A permit exists or has been obtained that authorises the alleged contravention; 7. 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. 8. 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. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.
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Active Projects Report

Denman Island

1. Major Project - Denman Housing (OCP and LUB) Review Project - Stage 2, Phase 2

Activity:

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

Dates

Chloe Straw
Narissa Chadwick
Renee Jamurat

Rec'd: 19-Jan-2021

2. Minor Project - Housing Related TUP Review

Activity:

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

Marlis McCargar

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.
