

Regular Meeting Revised Agenda

Date: March 22, 2022
 Time: 10:30 am
 Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Pages

1. **CALL TO ORDER** 10:30 AM - 10:35 AM
 "Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."
2. **APPROVAL OF AGENDA**
3. **RISE AND REPORT - IN CAMERA MEETING NOVEMBER 2, 2021**
4. **REPORTS** 10:35 AM - 10:50 AM
 - 4.1. Trustee Reports
 - 4.2. Chair's Report
 - 4.3. Electoral Area Director's Report
5. **TOWN HALL** 10:50 AM - 11:00 AM
6. **DELEGATIONS** 11:00 AM - 11:15 AM
 - 6.1. Riane da Silva regarding Housing as a Human Right 4 - 19
7. **MINUTES** 11:15 AM - 11:20 AM
 - 7.1. Local Trust Committee Special Meeting Minutes dated February 15, 2022- for adoption 20 - 25
 - 7.2. Section 26 Resolutions-Without-Meeting Report dated March 14, 2022 26 - 26
 - 7.3. Advisory Planning Commission Minutes - none
8. **BUSINESS ARISING FROM MINUTES** 11:20 AM - 12:00 PM
 - 8.1. Follow-up Action List dated March 14, 2022 27 - 29

8.2.	Siting and Use Permit Bylaw - Staff Report	30 - 35
8.3.	Fees Bylaw - Staff Report - for decision	36 - 47
9.	APPLICATIONS, REFERRALS and BYLAWS	12:00 PM - 1:30 PM
9.1.	DE-RZ-2021.1 (Denman Housing Association) - Staff Report	48 - 111
9.2.	DE-ALR-2022.1 - (A. Davidson, 3592 Northwest Road) - Staff Report	112 - 132
9.3.	DE-RZ-2017.1 (Denman Community Land Trust Association) - verbal update	
 ----- BREAK 1:30 PM to 2:00 PM -----		
10.	LOCAL TRUST COMMITTEE PROJECTS	2:00 PM - 2:15 PM
10.1.	Denman Housing and Short Term Rentals Review Project - for discussion	
11.	CORRESPONDENCE	2:15 PM - 2:35 PM
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.1.	Email dated February 7, 2022 from Riane da Silva regarding Questions and Answers on Standing Resolution	133 - 136
11.2.	Letter dated February 9, 2022 from the British Columbia Farmers Markets requesting Letter of Support	137 - 137
11.3.	Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association (HIRRA) regarding Limited Visitor Accommodation Signage at Buckley Bay	138 - 138
11.4.	Email dated March 3, 2022 - Greetings from the BC Electoral Boundaries Commission	139 - 139
11.5.	<i>Orphan Crown Lands</i>	140 - 154
12.	NEW BUSINESS	2:35 PM - 2:50 PM
12.1.	Shoreline Report - Briefing - for discussion	155 - 207
12.2.	Triple Rock Housing Agreement Declaration - Memorandum	208 - 258
13.	REPORTS	2:50 PM - 3:10 PM
13.1.	Trust Conservancy Report	
13.1.1.	November 23, 2021	259 - 261
13.1.2.	January 25, 2022	262 - 264
13.2.	Applications Report dated March 14, 2022	265 - 270

13.3.	Trustee and Local Expense Report dated January, 2022	271 - 271
13.4.	Adopted Policies and Standing Resolutions	272 - 276
13.5.	Local Trust Committee Webpage	
14.	WORK PROGRAM	3:10 AM - 3:30 AM
14.1.	Top Priorities Report dated March 14, 2022	277 - 277
14.2.	Projects List Report dated March 14, 2022	278 - 280
15.	INFORMATION ITEMS	
15.1.	Trustee Notebook - Grapevine April 2021	
16.	UPCOMING MEETINGS	
16.1.	Next Regular Meeting Scheduled for Tuesday, May 31, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
17.	CLOSED MEETING - none	
18.	ADJOURNMENT	3:30 PM - 3:30 PM

January 18, 2022

Dear Denman Island Local Trust Committee and Islands Trust Executive,

I respectfully acknowledge that the land I live, work, play and love on is part of the unceded traditional territory of the K'ómoks First Nation, the traditional keepers of this land. I am grateful to see the Islands Trust engage in its minimum core obligation to recognize, to respect, to protect, and to fulfill the requirements of UNDRIP. That way forward centres human rights and reconciliation. May we continue the work that must be done.

As you may be aware UNDRAH (United Nations Declaration of the Right to Adequate Housing)¹ was adopted by the Canadian government on June 21, 2019, in the form of the National Housing Strategy Act². As a result, all levels of government are obligated to implement Canada's commitment to the right to housing under international law³

"The right to housing under international human rights law is understood as the right to a safe and secure home in which to live in security, peace and dignity, meeting standards of adequacy, including standards relating to legal security of tenure, affordability, habitability, availability of services, accessibility, location and culture."⁴

"Under international human rights law, everyone has the right to adequate housing as an element of the right to an adequate standard of living. This requires States to ensure that housing is accessible, affordable, habitable, in a suitable location, culturally adequate, offers security of tenure, and is proximate to essential services such as health care and education. The right to adequate housing includes the right to be protected from: arbitrary or unlawful interference with an individual's privacy, family, and home; any forced eviction (regardless of legal title or tenure status); and from discrimination of any kind."⁵

The Province of British Columbia has subsequently required all municipalities in British Columbia to assess and respond to rising housing need through municipal Housing Strategies that centre the human right to adequate housing.

All municipalities in British Columbia require landowners to pay the Provincial Speculation and Vacancy Tax, except for the Islands Trust. All municipalities in British Columbia are required to have a housing strategy, except for the Islands Trust.

On Islands Trust islands, many homes sit vacant, and untaxed for that luxury. While residents of the islands search desperately (and often unsuccessfully) to find an affordable home to rent. Islands Trust's own Northern Housing Needs Assessment (NHNA) of 2018⁶ identified a need for 76 additional homes to meet Denman Island's adequate-housing need, at that time. Over the years Denman's housing crisis has become an emergency. Many residents live in chronic housing insecurity, or hidden homelessness, with traumatic effects.

I am speaking to you today representing a group of people who feel they must stay silent and hide in the shadows, so that their human rights to a home are not once again violated. We know, through

1 Fact Sheet No.21, The Human Right to Adequate Housing

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

3 http://housingrights.ca/wp-content/uploads/National-Right-to-Housing-Network-Backgrounder_Fact-Sheet_FINAL.pdf

4 P.12 http://housingrights.ca/wp-content/uploads/National-Right-to-Housing-Network-Backgrounder_Fact-Sheet_FINAL.pdf

5 A National Protocol for Homeless Encampments in Canada

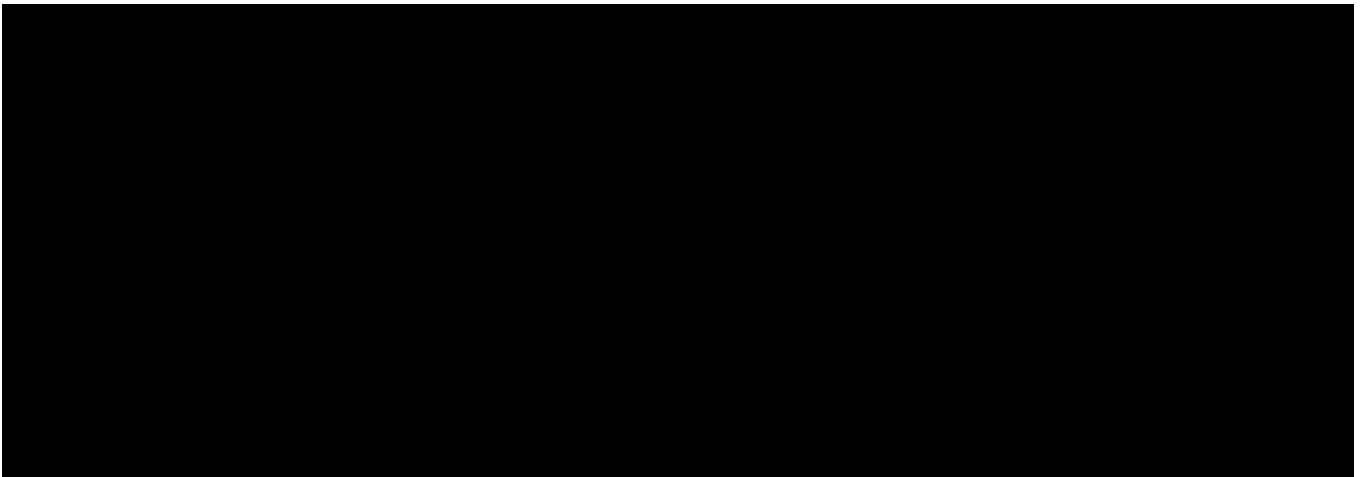
6 <https://islandstrust.bc.ca/document/housing-needs-assessment-northern-region/>

the NHNA, there are at least 75 of them.

I am speaking to you today representing myself. I am a disabled person who requires supports for independent living. I am a member of the LGBTQIA2S+ community. I am a single mother who has raised 2 children while living on Denman Island for the past 25 years. I have participated in various Islands Trust sponsored studies, committees, meetings and information gathering sessions. All of them with a focus on housing.

Despite many attempts at “consultation” about rewrites of Islands Trust policy and Land Use Bylaws (LUB), the housing situation in my home community has grown worse, during my tenure. This has been due, in part, to the fact that the Islands Trust appears to believe that their mandate is not to preserve and protect the human and community aspect of Islands Trust communities. While UNDRAH, and Islands Trust's own legal counsel⁷, say otherwise.

In the past 2 decades, my human rights have been systematically violated by Islands Trust policies, Staff and procedures. My home has been deemed “unlawful” by regressive housing policies and thus subject to bylaw enforcement visits. The most recent enforcement visit was on July 31, 2020, during the COVID pandemic (only 3 months after my own father's death to COVID).



I believe that violations of my human rights have been unintentional, however systemic and repeated. These “unintentional” violations are inevitable because the Islands Trust has yet to bring a human-rights approach to meeting housing need on the Gulf Islands. The Islands Trust has yet to formally acknowledge or recognize that “housing is essential in the inherent dignity and well-being of the individual and to building sustainable and inclusive communities”⁸.

Trustees have a moral and legal obligation to meet human rights obligations. Trustees must ensure that Islands Trust policy and procedures are not putting Trustees, and Staff in positions where they unintentionally or intentionally violate human rights. However, current policies put many Staff in untenable and potentially dangerous (to them, or to rights-holders) positions. (see Appendix B)

I have a human right to be left alone, to live safely in my adequate home. This letter is my formal request that Islands Trust and the Denman Island Local Committee engage with me, as a rights holder, in a manner that centres my human rights and dignity. UNDRAH, Federal legislation, and

7 "Overall, we consider that a Trust Council interpretation of the term "unique amenities" in s. 3 as including a supply of affordable housing would likely pass the reasonableness test" Bill Buholzer of Young Anderson RE: Policy Statement Amendment Project, October 27, 2020

8 4(b) <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>

Provincial mandates require the Islands Trust to meet its minimum core obligation to recognize, to respect, to protect, and to fulfill the Human Right to Adequate Housing⁹.

“Meaningful consultation and meaningful engagement are often used interchangeably, but meaningful engagement can be distinguished from consultation in two ways. First, meaningful engagement requires actual partnership in decision-making while consultation may occur prior to decisions being made by others. And second, consultation does not require any particular result while meaningful engagement must achieve compliance with the right to housing.”¹⁰

A recent announcement, that the Islands Trust is seeking to set up a Housing Authority, is encouraging news. However, it is imperative that this Housing Authority, or any other action taken by the Islands Trust or the Denman Island Local Trust Committee, centres the Human Right to Adequate Housing.

As we wait to see the outcome of attempts to set up an Islands Trust Housing Authority, it is likely that homelessness on the Islands will increase, and become more visible. As is happening in so many jurisdictions in Canada. Until major policy changes are made, the numbers of people facing chronic housing insecurity will rise and more people will become visibly unhoused.

Continued enforcement activity against “unlawful” housing is likely to directly increase numbers of homeless people on the islands, possibly resulting in homeless encampments. “Government action with respect to homeless encampments must be guided by a commitment to upholding the human rights and human dignity of their residents. This means a shift away from criminalizing, penalizing, or obstructing homeless encampments, to an approach rooted in rights-based participation and accountability. Ensuring a human rights-based response to homeless encampments should be a key concern for every Canadian city, and all governments should employ a human rights-based framework to guide their engagement with encampment residents.”¹¹

“Now, more than ever, people living in vulnerable circumstances must be at the forefront of government efforts to address housing need. In particular, marginalized groups, including Indigenous people, members of Black and racialized communities, persons with disabilities, those dealing with mental health and addiction issues, women and children experiencing domestic violence, those facing economic hardship, individuals identifying as LGBTQ2S+, and youth are disproportionately represented among those facing homelessness.”¹²

In light of all of the above, I formally request the Denman Island Local Trust Committee and The Islands Trust Executive and Council engage with me as a rights-holder, as defined by UNDRAH and Federal Law. By adopting the following measures your organizations will begin the process of bringing Islands Trust into alignment with Human Rights. Enacting these viable measures will show your good intentions to protect and engage with “unlawfully”-housed rights-holders on the islands, and show your commitment to upholding human rights:

1) Require that all Trustees of the Islands Trust, all Local Trust Committees, and all planning and enforcement Staff read thoroughly, and familiarize themselves with each of the following texts, and

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

10 Implementing the Right to Adequate Housing Under the NHSA: The International Human Rights Framework - Prepared for the Office of the Federal Housing Advocate by Bruce Porter
<https://housingrights.ca/wp-content/uploads/Porter-NRHN-OFHA-Paper-2021-FINAL.pdf>

11 A National Protocol for Homeless Encampments in Canada

12 Implementing the Right to Adequate Housing Under the NHSA: The International Human Rights Framework - Prepared for the Office of the Federal Housing Advocate by Bruce Porter

their obligations under these texts (all included attachments):

1. *UNDRAH*¹³;
2. *the National Housing Strategy Act*¹⁴;
3. *Implementing the Right to Adequate Housing Under the NHS Act: The International Human Rights Framework*¹⁵;
4. and *Implementing the Right to Housing in Canada: Expanding the National Housing Strategy*¹⁶;

2) Ensure that all further work of the Islands Trust is done in a manner that fulfills UNDRAH by centering the Human Right to Adequate Housing and through meaningful engagement with rights-holders. This would include, but is not limited to, OCP reviews; LUB reviews; Policy Statements; bylaw enforcement policy; Housing Authority; and any other relevant policies, procedures and/or legislation;

3) Implement an immediate moratorium (on Denman Island and Trust-wide) on all bylaw enforcement action against “unlawful” housing, until housing need can be “lawfully” met, to the satisfaction of rights-holders;

4) In recognition of the growing homelessness emergency across all Islands Trust islands, all levels of Islands Trust (and most especially all bylaw enforcement) must familiarize themselves with *The National Protocol for Homeless Encampments in Canada*¹⁷;

5) Require all Bylaw Enforcement Staff (or anyone who may be making site visits) to undergo TIP (Trauma Informed Practice) training, to respectfully interact with vulnerable and marginalized people as human rights holders; (as per Appendix B)

6) Require all Bylaw Enforcement Officers and staff to make advance arrangements with property owner before visiting people's homes (or suspected homes) on private property; (see Appendix B)

7) Reverse the Islands Trust official stance on the Provincial Speculation and Vacancy Tax, and lobby the Provincial Government to apply this tax on all vacant homes and properties on Islands Trust islands (as per footnote 7, in Appendix A);

8) Specifically add “community”, to “unique amenities” and the “environment”, to the Islands Trust mandate to preserve and protect, in any and all Policy Statements and other documents;

9) Align Denman Island's LUB's with Provincial Regulations *Housing Flexibility on ALR Land*¹⁸ without requirement of Temporary Use Permit (the TUP is a regressive measure, a temporary home is not adequate in meeting rights-holder's ongoing housing need);

10) In order to meet Islands Trust objectives and mandates to preserve and protect, focus Land Use Bylaws on effects of housing, rather than type of housing. Effects including, but not limited to, square footage; lot coverage; water usage and disposal; water storage; sanitation; set backs; driveways; etc

13 https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf

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

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

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

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

18 <https://news.gov.bc.ca/releases/2021AFF0043-001352>

11) Remove requirement for LEED certified standards for new buildings. This is unnecessarily restrictive, costly and removes housing options that have historically provided Island appropriate housing. DIY options, affordable methods/materials and/or other creative reuses meet housing need through building with Cob; renovating an old barn or goat shed; re-purposing a bus into a home; and other non-LEED certified, but island appropriate, approaches to building adequate housing;

12) Have Staff craft a “Tiny Home Park” zoning template, as a short-cut, and an incentive to creative land-sharing of housing options;

13) Establish an ongoing process of engagement that welcomes the meaningful participation of renters and rights-holders in identifying systemic issues and appropriate remedies to the ongoing housing crisis, and to meet housing needs of rights-holders on these Islands in the Salish Sea.

I have come to you today, in good faith, to share with you the knowledge that the Denman Island Local Trust Committee and the Islands Trust, as governing bodies, are required to centre human rights. I hope that with this knowledge that you will henceforth “meet a minimum core obligation to recognize, to respect, to protect, and to fulfill” my human right to my adequate home¹⁹.

I welcome any questions or discussion you may wish to have today. And I look forward to future invitations to engage with your organization as we journey forward in this matter of fundamental and undeniable human rights to adequate housing.

In order to clarify my position (and the position of other residents of the islands) as a rights-holder, and to increase knowledge of human rights obligations and ongoing human-rights violations, I will be making this letter, appendices and source materials public on my own website. I will also be sending out press releases to local papers for distribution of information across island communities.

I remain available for any future correspondence and/or meetings. I look forward to your meaningful engagement.

Sincerely,

Riane da Silva
Right-holder of the Human Right to Adequate Housing

CC:

Honorable Josie Osbourne, Minister of Municipal Affairs MAH.Minister@gov.bc.ca

Premier John Horgan Premier@gov.bc.ca

Daniel Arbour at Comox Valley Regional District reachme@danielarbour.ca

Comox Valley Coalition to End Homelessness comoxvalleyhousing@gmail.com

K’ómoks First Nation Reception@komoks.ca

Federal Housing Advocate Info.Com@chrc-ccdp.gc.ca.

Canadian Human Rights Commission communications@chrc-ccdp.gc.ca

19 National Housing Strategy Act <https://laws-lois.justice.gc.ca/eng/acts/n-11.2/FullText.html>

Appendix A

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

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

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

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

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

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

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

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

- Have government departments engaged with people affected to develop solutions to systemic housing issues?

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

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

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

4

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

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

- Has a horizontal, cross-department approach been adopted?
- Has the federal government exercised leadership to ensure that all levels of government are cooperating to implement their shared human rights obligations with respect to the right to adequate housing?
- Are programs and policies consistent with a commitment to realize the right to housing for all, in the shortest possible time?

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

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

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

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

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

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

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

Meaningful consultation and meaningful engagement are often used interchangeably, but meaningful engagement can be distinguished from consultation in two ways. First, meaningful engagement requires actual partnership in decision-making while consultation may occur prior to

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

decisions being made by others. And second, consultation does not require any particular result while meaningful engagement must achieve compliance with the right to housing.

Engagement with communities might be better defined as a process through which they are able to advocate for their right to housing and negotiate solutions to systemic issues. In some cases, they may rely on the Federal Housing Advocate or a Review Panel to make findings and recommend measures but in others, rights-based solutions may emerge from the process of meaningful engagement itself.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

responsible.

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

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

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

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

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

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

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

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

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

Appendix C
TRAUMA INFORMED practice
How law (and bylaw) enforcement can and must support human rights and dignity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Homelessness constitutes a prima facie violation of the right to housing. It is a profound assault on a person’s dignity, security, and social inclusion. Homelessness violates not only the right to housing, but often, depending on circumstances, violates a number of other human rights, including: non-

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

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

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

discrimination; health; water and sanitation; freedom from cruel, degrading, and inhuman treatment; and the rights to life, liberty, and security of the person.

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

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

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

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

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

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

Vicarious traumatization is a negative reaction to trauma exposure and includes a range of psychosocial symptoms that providers and responders may experience through their intervention with those who are experiencing or have experienced trauma. It can include disruptions in thinking and changes in beliefs about one's sense of self, one's safety in the world, and the goodness and trustworthiness of others; as well as shifts in spiritual beliefs. Individuals may also exhibit symptoms that can have detrimental effects, both professionally and personally.”⁷

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

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

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

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

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

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

Women/Mothers

- Although many people think of men when they consider the issue of homelessness, families—typically single mothers with young children—now comprise up to 40% of the overall homeless population.
- Trauma is extremely prevalent among homeless women: over 90% of homeless mothers report having experienced severe physical or sexual assault during their lifetimes.
- The majority of homeless mothers were abused during childhood, with nearly 2/3 reporting severe physical abuse and 42% reporting sexual abuse; 60% were abused before the age of twelve.
- More than 70% of homeless mothers have at least one childhood risk factor, including: severe physical abuse, unwanted sexual contact, having a parent who was mentally ill or who abused substances, running away for a week or more, or being in foster care.
- Homeless mothers are also frequently the victims of abuse during adulthood, with 61% reporting a history of domestic violence and 32% acknowledging recent domestic violence.
- Homelessness puts women at risk for assault; being homeless was associated with more than three times the risk of sexual assault for women.
- Homelessness and victimization are associated with adverse mental health outcomes: more than 50% of homeless mothers reported depression, and more than 40% reported posttraumatic stress disorder

(PTSD)⁸

Professional development courses that assist in understanding and mitigating trauma:

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

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

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

Recognize the biological impacts of trauma on the brain

Identify the different types of trauma

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

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

Recognize the individual impacts trauma can have on diverse populations

Trauma informed practice training through the Justice Institute of BC

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

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

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

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

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

Additonal reading

<https://www.msn.com/en-ca/news/other/policing-and-evicting-people-living-in-encampments-will-not-solve-homelessness-in-canada/ar-AAKkV58>

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



Denman Island Local Trust Committee Minutes of Special Meeting

Date: February 15, 2022
Location: Electronic Meeting

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

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

Others Present: Ione Smith, Upland Agricultural Consulting
Approximately two (2) members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:01 am. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in territory of the Coast Salish First Nations that includes K'ómoks First Nation. She explained that this meeting has a limited agenda with matters of a time-sensitive nature for consideration; and due to technical and staff limitations public participation is not possible at this meeting.

2. APPROVAL OF AGENDA

A Trustee expressed concern regarding the absence of opportunity for public participation in today's agenda, expressing a desire to enable the ability to have Town Halls or Delegations in electronic meetings. Chair Fast advised of technical issues and staff limitations that are contributing to this situation, reported that this is a topic for discussion at the next Trust Council meeting, and noted that the next Local Trust Committee (LTC) meeting may be held in person and would include public participation.

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Local Trust Committee Special Meeting Minutes dated January 13, 2022

By general consent the January 13, 2022 minutes were adopted.

3.2 Local Trust Committee Special Meeting Minutes dated November 2, 2021

By general consent the November 2, 2021 minutes were adopted.

3.3 Denman Farming Regulations Review Project - Staff Report

Ione Smith, consultant, agrologist and project manager, presented the Staff Report that provides an update on the project and asks the LTC to review, comment, and endorse the draft Farming Regulation Community Questionnaire.

She outlined the work undertaken to advance the project that includes review of data, maps, reports, and policy with extensive interviews to gather informed feedback to develop the questionnaire.

Trustees expressed the desire to include the submission dated February 1, 2022 from H. Holm with other project documents, with the exception of a section relating to a submission that was on record at the time of the adoption of the Farm Plan. They acknowledged the need to organize the documents on this project which span many years.

DE-2022-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to include in the Islands Trust website as project documents the items listed as items 1) a, b, c, and e in the letter from Harlene Holm dated February 1, 2022.

Trustees explained that the need to highlight current discussions on this project to assist the public to navigate through the abundance of documents on the project site. They clarified that item 1)d can be found in the record from adoption of the Farm Plan, and suggested that staff organize the documents on the project webpage under general headings.

CARRIED

Discussion on the draft Farming Regulation Community Questionnaire included the following:

- The complexity and length of the questionnaire was of concern, however, was considered necessary, as responses to a preliminary draft without the contextual information indicated confusion of jurisdictional limits, while a version with explanation of what the Islands Trust can do will likely produce more informed responses. An online version of the questionnaire can be condensed with the ability to expand for further information.
- The survey will be mailed out and staff suggested a drop off location be established that can be used for returns. Trustees considered options and determined to continue reviewing this following the meeting.

Comments on the content of the questionnaire included:

- Overview: change “Denman Island Farm Bylaw” to “Denman Island Land Use Bylaw and Farming Regulations”;
- Definition of Horticulture: add an explanation of the implications if not defined at all;
- Secondary Dwellings in the ALR: include a question regarding restrictions for secondary dwellings such as: would you support a maximum overall combined primary and secondary dwelling size of 500 m²?
- Tourism Accommodation in the ALR: correct the information to reflect that B&Bs are allowed and are regulated in the Land Use Bylaw;

- Temporary Use Permits: suggest including a qualifier such as “the intention generally is” that the most common form of permitting is through the use of TUPs which would provide up to 3 years of approved use which can be renewed once, for 6 years total. The last sentence requires reworking as the Official Community Plan (OCP) and Land Use Bylaw (LUB) do not support granting a rezoning for a secondary dwelling or tourist accommodation.

Trustee Busheikin offered to work with the consultant to suggest edits to the documents to increase ease of understanding and readability.

DE-2022-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee generally endorses the “Denman Island Farming Regulation Community Questionnaire” dated February 2022 subject to the points discussed at the meeting”.

CARRIED

DE-2022-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee release up to \$2,000 from the Farming Regulation Review Project budget for advertising and direct mail out of the questionnaire to Denman Island residents and property owners.

CARRIED

DE-2022-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to work with the consultant to schedule and advertise a special meeting to hold a Community Information Meeting in the spring for the Farming Regulations Review Project.

CARRIED

3.3.1 Submission dated February 1, 2022 from H. Holm

Received for information and discussed in agenda item 3.3.

3.4 DE-RZ-2021.1 (Denman Housing Association) - Staff Report

Planner Zupanec summarized recommended amendments to Proposed Bylaw Nos. 242 (LUB) and 243 (Housing Agreement) as outlined in Attachment 1 Table 1 and Table 2 of the Staff Report relating to DE-RZ-2021.1 (DHA).

Discussion of the proposed amendments outlined in Table 1 and Table 2 included the following points:

Denman Green

- With the identification of a wetland on the Denman Green parcel resulting in a reduced area able to be developed and causing site constraints, maximum flexibility for setback restrictions and minimum parking requirements are proposed;
- Concern was expressed that if on-site parking is reduced to one vehicle per affordable housing unit that there may be overflow parking for second vehicles on the adjacent roadway causing safety hazards and other issues.

Dave Ricketts, speaking on behalf of the Denman Housing Association, supported the reduction in minimum required parking due to site constraints and commented that requiring access to parking on an adjacent site would significantly extend the project timeline.

Trustees recognized that the location of the project may reduce the need for some vehicles, and affirmed that the priority is to the affordable housing, however, acknowledged the responsibility to address parking issues and suggested that the applicant explore options for a solution to this issue.

- It is important that the restrictive covenant references the newly identified wetland to ensure that at the time of construction the site plan and necessary buffer or fencing requirements are in place.
- Planner Zupanec clarified that there is no need for the Freshwater Specialist or a Planner to communicate directly with DHA's engineers to reconcile aspects of the water plan issues, and she explained the process.

Danes Road Receiver Lots 4 and 5

- Henning Nielson, the owner and co-applicant, noted that the adjacent covenant area buffer was established to protect the integrity of the watercourse. He expressed the opinion that the additional restriction of requiring a 30 metre setback to the covenant area is not necessary in this case, and asked that the property not be encumbered further. He added that the topography of the site further ensures that the covenant setback is sufficient. He noted that a 30 metre setback to the covenant area would remove the possibility of views on the lots, basically devaluing the attractiveness of the properties which are a necessary element to the development of the Denman Green housing project. He offered to forward a copy of the environmental assessment completed a year ago to support his position and provide more information for Trustees.

Planner Zupanec advised that the owner and co-applicant has recently requested a change relating to the Danes Road receiver parcel that has not been addressed in the Staff Report. Discussion on this requested amendment included the following points:

- Proposed Bylaw No. 241 (OCP) currently proposes a change in designated zoning from Rural to Residential and in Proposed Bylaw No. 242 (LUB), a change from Rural 2-R2 to Residential 1(5)-R1(5) which is reflective of minimum lot size not meeting the Rural requirement of no less than 4 hectares.
- Henning Nielson, owner and co-applicant, has advised that this was not in line with the original request and is requesting that the R2 rural designation be maintained as a site-specific zone with minimum average lot size of less than 4 hectares. He pointed out that other site-specific lots that vary the minimum average lot size exist on Denman Island, this change would eliminate the need for notes regarding secondary suites, that the densities are being transferred from a rural designation, the area has rural designations throughout, and this decision is within the authority of the LTC.

DE-2022-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to prepare draft language to amend proposed Bylaw Nos. 241 (Official Community Plan) and 242 (Land Use Bylaw) in order to maintain the R2 designation and an R2 site specific zone for the receiver lots 4 and 5 (Danes Road).

CARRIED

DE-2022-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be amended:

- i. Section 1.20, Line Item 2, be amended to read “Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R1(5) zone”;
- ii. Section 1.21, Line Item 1 be removed in its entirety and subsequent line items numbered chronologically;
- iii. Section 1.22, Table 8 – Site Specific Regulations, R4(1) – add a new line after item 5 to read: “6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line.”; and renumber subsequent line items chronologically;
- iv. Section 1.22, Table 8 – Site Specific Regulations, R4(1), Line Item 8 – reduce the minimum required number of automobile parking spaces required to 1.0 per affordable housing unit.

A Trustee explained that Section 1.20, Line Item 4 regarding the requirement for additional setback from the conservation covenant is not requested to be removed at this time as more information and a site visit would be helpful in the consideration of the matter.

CARRIED

DE-2022-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be given first reading as amended.

CARRIED

DE-2022-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be amended by removing clause iv in “section b. Agreement over the Lands” in its entirety.

CARRIED

DE-2022-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be given second reading as amended.

CARRIED

DE-2022-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to work with the applicant to prepare the following amendments to the draft restrictive covenant for 1151 Northwest Road, DE-RZ-2021.1 (DHA), for future Local Trust Committee consideration:

- i. Protection of riparian habitat along the western boundary and establishment of a 3.0 metre minimum setback and restoration area along the eastern edge of the wetland. Requirements for a landscape buffer, wetland area fencing to be constructed prior to any construction on the site and maintained in perpetuity; and siting of a trail consistent with the “Baseline Inventory” report recommendations dated February 2, 2022; and
- ii. Requirements for a stormwater management (drainage) plan as part of a future Siting and Use Permit.

CARRIED

Trustee Busheikin made a point of order in reference to a comment made during discussion of the setback to a covenant area, asking everyone to be aware of and not to use inflammatory language as it denigrates the work being done to balance living here in a full way with protecting the environment.

Trustees discussed the definition of “dwelling, multi-family” and deferred consideration of amending this definition for clarity pending further analysis.

4. ADJOURNMENT

Chair Fast advised that Trust Council will be meeting in Nanaimo on March 10th; and the next regular LTC business meeting is scheduled for March 22, 2022.

By general consent the meeting was adjourned at 12:27 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2022-001	Carried	07-Feb-2022
"Denman Island Local Trust Committee Bylaw No. 244, cited as "Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022", be adopted".		
2021-007	Carried	14-Dec-2021
"That the Denman Island Local Trust Committee provide a letter of support for the application of K'omoks First Nation to Department of Fisheries and Oceans for an Area Based Aquaculture Management pilot project in the Baynes Sound Lambert Channel area; and that such letter be signed by the Chair."		
2021-006	Carried	01-Nov-2021
"THAT the Denman Island Local Trust Committee cancel the Regular Meeting scheduled for November 2, 2021 and that the restrictions in section 19 and 20 of the Denman Island Meeting Procedures Bylaw No. 163 are waived and that a Special Meeting be held on November 2, 2021. "		

Follow Up Action Report

Denman Island

04-Jul-2019

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

08-Sep-2020

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

04-May-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

04-May-2021

Activity	Responsibility	Dates	Status
1 Affordable Housing: 1) request staff to prepare a discussion paper to list and analyze options to facilitate affordable housing and include strategies proved successful in the Trust Area and elsewhere. 2) request staff to prepare a draft business case for a review of the Denman Island Land Use Bylaw and Official Community Plan, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing impacts of housing generally to better protect the environment while supporting equity, diversity and inclusion, and that this business case include the use of a consultant for all or part of the work. <i>Update: as of September 23, 2021, staff have drafted and forwarded a business case to the Financial Planning Committee for review. A housing discussion paper is pending, dependent upon staff capacity.</i>	Heather Kauer		Completed

02-Nov-2021

Activity	Responsibility	Dates	Status
1 Defer consideration of BL TC 183 until the completion of Trust Council formal consultation process.	Becky McErlean		In Progress
2 Draft a new fee bylaw for Denman based on model template and return to LTC for consideration.	Becky McErlean Heather Kauer		In Progress

Follow Up Action Report

Denman Island

15-Feb-2022

Activity	Responsibility	Dates	Status
1 Denman Farming Regulations Review Project: -LTC resolution endorsed questionnaire subject to points discussed in meeting; release \$2K for advertising and mail out and staff to work with consultant on next steps. (In progress.) - contact Denman general store and bookstore to determine if completed paper surveys can be dropped off; (Done) - add to project webpage, background documents, items a), b), c) and e) from Harlene Holmes' correspondence Feb 1, 2022 (Partially done. Still waiting on Harlene Holm to provide item a.)	Marlis McCargar		In Progress
2 DE-RZ-2021.1 (DHA) -Bylaw 243 given second reading as amended -Bylaw 242 given first reading as amended. Update bylaws and post. - staff to prepare amendments for designation and zoning of Danes Rd parcels; review definition of affordable housing to ensure no concerns with duplexes but excludes secondary suites; - work with applicant on draft restrictive housing clauses as per staff report recommendations.	Becky McErlean Sonja Zupanec		In Progress

DATE OF MEETING: March 22, 2022

TO: Denman Island Local Trust Committee

FROM: Heather Kauer, Regional Planning Manager
Northern Office

SUBJECT: Repeal and Replacement of the Denman Island Siting and Use Permit Bylaw

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw, 2021”, be read a second time.
2. That Denman Island Local Trust Committee Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw, 2021”, be read a third time.
3. That Denman Island Local Trust Committee Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The original Denman Island Siting and Use Permit bylaw was adopted in 1990. Staff are recommending some housekeeping amendments to modernize it. Staff are also recommending that in cases where a building or structure is proposed to be sited within one metre of the required setback, site plans submitted with the application should be drafted by a surveyor.

BACKGROUND

Staff are recommending three changes to the Denman Island Siting and Use Permit bylaw:

1. Outdated references to be updated;
2. Reference to an attached application form to be removed; and
3. The addition of a requirement that a site plan drafted by a surveyor be submitted with the application when a building or structure is proposed to be located within 1 metre of the required setback.

The draft bylaw is included as Attachment 1, and for comparison, a track changes version of the bylaw is included as Attachment 2.

At their September 7, 2021 meeting, the LTC passed first reading of Bylaw No. 240 as well as the following resolutions:

That the Denman Island Local Trust Committee request staff post proposed Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021”, at first reading on the Islands Trust website and advertise a six-week comment period.

CARRIED

That the Denman Island Local Trust Committee request that staff provide a report regarding the potential for waiving the Siting and Use Permit requirement for secondary dwellings as permitted by a Temporary Use Permit, except when those dwellings will be sited within one metre of any setback.

CARRIED

ANALYSIS

Public Consultation

Bylaw No. 240 was posted on the Islands Trust website and advertised in the Island Grapevine from November 11 through December 16, 2021 inviting comment. No public comment was received.

Secondary Dwellings

Pursuant to section 493(2)(c) of the Local Government Act, Temporary Use Permits may “allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.” Bylaw No. 240 could be amended to waive the requirement for a siting and use permit when a secondary dwelling is permitted by a Temporary Use Permit. However, staff do not recommend this option as a structure built under these circumstances would no longer be lawful once the Temporary Use Permit expires.

Rationale for Recommendation:

Housekeeping amendments to the existing bylaw would update references to appropriate Provincial legislation and to Islands Trust’s current application processes and forms. Requiring a site plan to be drafted by a surveyor in cases where a building or structure is too close to setbacks for staff to determine whether bylaw provisions are being met would reduce staff processing time and further the mandate of the Trust, without unreasonable cost to most applicants. Staff recommends giving Bylaw No. 240 second and third reading and forwarding to the Islands Trust Executive Committee for adoption.

ALTERNATIVES

1. Adopt housekeeping amendments only

The LTC may wish to amend the Denman Island Siting and Use Permit bylaw by exempting secondary dwellings from the need for a Siting and Use Permits in circumstances where secondary dwellings are permitted by Temporary Use Permits. Language for a resolution is as follows:

That the Denman Island Local Trust Committee request staff amend draft Denman Island Siting and Use Permit Bylaw No. 240, 2021 by exempting secondary suites permitted through a Temporary Use Permit that meet the requirements of the Denman Island Local Trust Committee.

NEXT STEPS

Staff will forward the bylaw to Executive Committee for approval.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	March 4, 2022
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ATTACHMENTS

1. Proposed Denman Island Siting and Use Permit Bylaw No. 240, 2021

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 240

A BYLAW TO REQUIRE AND DEFINE PROCEDURES FOR APPLICATION FOR SITING AND USE PERMITS INCOMPLIANCE WITH DENMAN ISLAND OFFICIAL COMMUNITY PLAN NO. 185, 2008 AND DENMAN ISLAND LAND USE BYLAW NO. 186, 2008.

WHEREAS the Denman Island Local Trust Area is not subject to a requirement established under Division 1 of Part 9 of the *Local Government Act* that building permits be obtained for construction;

AND WHEREAS the Denman Island Local Trust Area is subject to Land Use Bylaw No. 186, 2008 that regulates use, density of use, siting, size and dimensions of uses, buildings and structures permitted on the land;

NOW THEREFORE the Denman Island Trust Committee being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, R.S.B.C. 1996, enacts as follows:

1. Title

This bylaw may be cited for all purposes as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021".

2. Bylaw Repeal

Bylaw No. 52 cited as "Denman Island Siting and Use Permit Bylaw No. 52, 1990" and all of its amendments are repealed.

3. Requirement

Owners of land within the Denman Island Local Trust Area are required to obtain a siting and use permit for the construction of a freestanding building or structure with a gross floor area of ten square metres or more or any addition to an existing building or structure in accordance with this bylaw before beginning construction on the land.

4. Application

This bylaw shall apply to Denman Island, Sandy Island, Chrome Island, Seal Islets and unnamed islets and the surface of water within 1,000 metres of the natural boundary of the sea on Denman and Sandy Islands except where the boundary would impinge on another jurisdiction, in which case, the jurisdiction of this bylaw extends to the mid-channel between the Islands.

5. Interpretation

In this bylaw definitions contained in Section 1.1 of the Land Use Bylaw apply, with the addition of the following:

"Approval" means approval in writing from the person specified in Section 6 as authorized to issue permits.

"Construction" means new construction of a building or structure and includes addition to an existing building or structure, but does not include the repair of an existing building or structure.

6. Administration

- 6.1 This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.
- 6.2 No owner, lessee, tenant, occupant or agent for the owner shall do any act, or suffer or permit any act or thing to be done in contravention of this bylaw.
- 6.3 Any person who violates any of the provisions of this bylaw shall, upon summary conviction thereof, be liable to a penalty of not more than \$1000.00.

7. Application Procedures

- 7.1 An application for a siting and use permit shall be made by the owner of the land involved or by a person authorized by the owner.
- 7.2 An application for a permit shall include a site plan prepared by a British Columbia land surveyor and be submitted to the Islands Trust office in the appropriate form established by the Islands Trust, as may be varied from time to time.
- 7.3 The requirement for a site plan prepared by a British Columbia land surveyor under section 7.2 is waived where the proposed location of the building or structure is more than one metre beyond all minimum setbacks where the Denman Island Local Trust Committee land use regulations establish siting requirements related to setbacks.
- 7.4 A permit may be issued only if the construction and use of land and structures to which it relates complies with the applicable land use bylaw.

8. Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid provision shall be severed and the remaining sections and procedures remain valid.

READ A FIRST TIME THIS	1 ST	DAY OF	SEPTEMBER	, 2021
READ A SECOND TIME THIS	____ ^{XX}	DAY OF	_____	, 20XX
READ A THIRD TIME THIS	____ ^{XX}	DAY OF	_____	, 20XX
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	____ ^{XX}	DAY OF	_____	, 20XX
ADOPTED THIS	____ ^{XX}	DAY OF	_____	, 20XX

SECRETARY

CHAIRPERSON

DATE OF MEETING: March 22, 2022
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Proposed New Fee Bylaw

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be read a third time.
4. That Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The purpose of this report is for the Denman Island Local Trust Committee (LTC) to consider three readings of Bylaw No. 244 which would replace Bylaw No. 181 (LTC Fees Bylaw) to include:

- An expanded Interpretation section.
- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

BACKGROUND

At the November 2021 regular business meeting, the LTC passed the following resolution:

DE-2021-086

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

CARRIED

Trustee Busheikin Opposed

Comparison Tables

MODEL BYLAW APPLICATION DESCRIPTIONS		EXISTING BYLAW
TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw		
Type of Application	Fee : MODEL BYLAW	BYLAW NO. 181
1. Major (e.g. change to density or OCP)	\$7,800	\$4,950 see 2.
2. Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600	\$4,400 see 1 and 3
3. Land Use Bylaw or Zoning Bylaw or Subdivision Bylaw Amendment	Not in Model	\$1,000 see 4.
4. Amendments to an OCP to transfer density into or out of the Density Bank in conjunction with a LUB Amendment	Not in Model	\$4,000 see 6.

TABLE 2 – Permits		
Development Permit in Respect of:	Fee : MODEL BYLAW	BYLAW NO. 181
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000	\$440
2. Protection of Development from Hazardous Conditions	\$1,000	\$440
3. Protection of Farming	\$1,000	New
4. Objectives for Form and Character	\$1,700	\$660
5. Objectives to Promote Energy Conservation	\$1,000	New

6.	Objectives to Promote Water Conservation	\$1,000	New
7.	Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000	New
8.	Development Permit Amendment	\$1,000	\$165
Development Variance Permit		Fee : MODEL BYLAW	BYLAW NO. 181
9.	Development variance permit (commercial, industrial or institutional development)	\$1900	\$935
10.	Development variance permit (residential development)	\$1900	\$715
Type of Temporary Use Permit		Fee : MODEL BYLAW	BYLAW NO.181
11.	Temporary Use Permit (residential/commercial/industrial)	\$2150	\$1,100
12.	Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide community benefit.	\$1000	New
13.	Temporary Use Permit (other than commercial and industrial uses)	Not in Model	\$440
14.	Temporary Use Permit Renewal	\$700	\$165
15.	Temporary Use Permit Renewal (Community Benefit)	\$350	New
Other Permits		Fee : MODEL BYLAW	BYLAW NO. 181
16.	Siting and Use Permit	\$250	\$220
17.	Heritage Alteration Permit	\$1,700	New
Combination Applications		Fee : MODEL BYLAW	BYLAW NO. 181
18.	Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500	New
19.	Development Permit in respect of form and character in combination	\$3,000	New

	with a companion application for a Development Variance Permit		
20.	Development Permit in combination with a companion application for a Development Variance Permit (residential)	Not in Model	\$770
21.	Development Permit in combination with a companion application for a Development Variance Permit (commercial, industrial, or institutional))	Not in Model	\$935
Combination Applications		Fee : MODEL BYLAW	BYLAW NO. 181
22.	Siting and Use Permit in Combination with a companion application for a Development Variance Permit (residential)	Not in Model	\$715
23.	Siting and Use Permit in Combination with a companion application for a Development Variance Permit (commercial, industrial, or institutional)	Not in Model	\$935
24.	Siting and Use Permit in Combination with a companion application for a Development Permit (protection area)	Not in Model	\$550
25.	Siting and Use Permit in Combination with a companion application for a Development Permit (form and character)	Not in Model	\$660
26.	Siting and Use Permit in Combination with a companion application for a Temporary Use Permit (commercial and industrial uses)	Not in Model	\$1,100
27.	Siting and Use Permit in Combination with a companion application for a Temporary Use Permit (other than commercial and industrial uses)	Not in Model	\$440

TABLE 3 – Subdivision Referrals		
Type of Application	Fee : MODEL BYLAW	BYLAW NO.181
1. Application for Subdivision Review – base fee	\$1,000	\$1,100
2. Application for Subdivision Review – per additional lot created	\$100	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500	\$330

TABLE 4 – Other Applications		
Type of Application	Fee : MODEL BYLAW	BYLAW NO.181
1. Board of Variance	\$2,200	\$990
2. Land Use Contract amendment	\$2,000	\$4,400
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500	\$825
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications.	Not in Model	\$2,200
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500	New
6. Strata Conversions	\$1,500	1,100

Rationale for Recommendation

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. At the same meeting, Trust Council recommended that local trust committees adopt new fees bylaws based on the model. In November, the LTC requested staff to draft a new Fee Bylaw based on the model fee bylaw.

Draft Bylaw No. 244 is attached. It is consistent with the model with the exception of the removal of the option for TUPs for community benefit – this option was in the model to provide for flexibility to allow for reduced temporary use permits fees for community benefits as defined by a local trust committee in its official community plan. The OCP does not include policies for TUPs for community benefit; however, applicants can continue to seek sponsorship of applications from Executive Community for applications that provide a community benefit.

Submitted By:	Heather Kauer Regional Planning Manager	January 7, 2022
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ATTACHMENTS

1. Draft Bylaw No. 244

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 244

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Denman Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust area), in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022".

Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Denman Island Local Trust Committee Development Procedures Bylaw No. 71, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw	
Column 1: Type of Application	Column 2: Fee
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit Renewal	\$700
Other Permits	
13. Siting and Use Permit	\$250
14. Heritage Alteration Permit	\$1,700
Combination Applications	
15. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
16. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

7. Annual Fee Increases

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Denman Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

8. Application Fee Sponsorship

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

9. Severability

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

10. Repeal

- 10.1 “Denman Island Local Trust Committee Fees Bylaw No. 181, 2007” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS	_____	DAY OF _____	, 202X
READ A SECOND TIME 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
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ADOPTED THIS	_____	DAY OF _____	, 202X
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CHAIR

SECRETARY

STAFF REPORT

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

DATE OF MEETING: March 22, 2022

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, RPP, MCIP
Northern Team

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

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

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

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008” be amended as per Attachment 1 of this staff report and as follows:
 - i. Schedule “2”, item 2. Be removed in its entirety and the subsequent item be renumbered chronologically; and
 - ii. Plan No. 2 be removed in its entirety and the subsequent Plan be renumbered chronologically.
2. That Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008” be given first reading as amended.
3. That Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be amended as per Attachment 2 of this staff report and as follows:
 - i. Section 1.2 definition of “dwelling, multi-family” be amended by inserting the words “excluding a principle dwelling with a secondary suite” after the word “units”;
 - ii. Section 1.20 be removed in its entirety and subsequent sections be numbered chronologically;
 - iii. Section 1.21 be amended by adding the following new text after the “R2(7)” site specific regulations:

- “R2(8)
1. A Siting and Use Permit for a dwelling in the R2(8) zone must be accompanied by written certification from an appropriately qualified professional architect, engineer or energy advisor that the dwelling unit meets or exceeds the applicable

requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.

2. Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R2(8) zone.
3. Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(8) zone is one per lot.
4. Despite line 1 in Table 5 of this Section, the minimum setback of buildings and structures, except for a fence or pump/utility house from a conservation covenant or provincial park boundary is 30 meters.
5. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(8) zone is five.
6. Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to the regulations in 2.8 is 2.0 ha.”

iv. Section 1.22 lines 5 and 6 be amended by adding the words “and water cisterns” after “solar array”;

v. Section 2., Plan No. 1 Subject Area Text be amended to read “From: Commercial – C To: Affordable Rental Housing – R4(1)”;

vi. Section 2., Plan No. 2 Subject Area Text be amended to read “From: Rural 2 – R2 To: Rural 2(8) – R2(8)”.

4. **That Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be given first reading as amended.**
5. **That the Denman Island Local Trust Committee endorse the draft restrictive covenant for 1151 Northwest Road, DE-RZ-2021.1 (DHA) as per Attachment 3 of this staff report, for inclusion in a future public hearing package.**

REPORT SUMMARY

This report summarizes minor recommended amendments to Proposed Bylaw Nos. 241 (OCP) and 242 (LUB) and the draft restrictive covenant, in support of “Denman Green” application DE-RZ-2021.1 (DHA). All relevant background information is posted to the Islands Trust [current applications webpage](#).

BACKGROUND

The current status of the proposed bylaws supporting this application are:

- Proposed Bylaw 241 (OCP) – First Reading (November 2021)
- Proposed Bylaw No. 242 (LUB) – First Reading as amended (February 2022)
- Proposed Bylaw No. 243 (Housing Agreement) – Second Reading as amended (February 2022)
- Restrictive Covenant for 1151 Northwest Road – DRAFT not yet formally endorsed by LTC.

On February 15, 2022 the Denman Island Local Trust Committee (LTC) passed the following resolutions:

DE-2022-013 It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to prepare draft language to amend proposed Bylaw Nos. 241 (Official Community Plan) and 242 (Land Use Bylaw) in order to maintain the R2 designation and an R2 site specific zone for the receiver lots 4 and 5 (Danes Road). **CARRIED**

Attachment 1 and 2 outline the necessary changes to implement the designation and zoning changes.

DE-2022-018 It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to work with the applicant to prepare the following amendments to the draft restrictive covenant for 1151 Northwest Road, DE-RZ-2021.1 (DHA), for future Local Trust Committee consideration:

- i. Protection of riparian habitat along the western boundary and establishment of a 3.0 metre minimum setback and restoration area along the eastern edge of the wetland. Requirements for a landscape buffer, wetland area fencing to be constructed prior to any construction on the site and maintained in perpetuity; and siting of a trail consistent with the “Baseline Inventory” report recommendations dated February 2, 2022; and*
- ii. Requirements for a stormwater management (drainage) plan as part of a future Siting and Use Permit.*

CARRIED

The recommended changes to the draft restrictive covenant are shown in track changes in Attachment 3 and discussed in the following section of this report.

ANALYSIS

Issues and Opportunities

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

- Recommended Amendments to Bylaw Nos. 241 (OCP) and 242 (LUB) (Attachment 1 and 2);
- Additions to Draft Restrictive Covenant (Attachment 3);
- Status of water approvals;
- Definition of ‘Multi-family Dwelling’ in bylaw 242 (LUB).

Recommended Amendments to Bylaw No. 241 (OCP) and 242 (LUB)

Attachment 1 and 2 Include the necessary amendments to retain the two Danes Road receiver parcels in the ‘Rural’ land use designation in the Official Community Plan and be zoned a site specific Rural 2(8) zone in the land use bylaw. These changes are consistent with the parcel owners request and the direction by the LTC at the February 2022 LTC meeting. The new site specific R2(8) regulations mirror the previous R1(5) regulations and limit the maximum density of the 5 proposed new lots to one dwelling per lot with a minimum lot size of 2.0 hectares.

The applicant has submitted a revised site plan for ‘Denman Green’ 1151 Northwest Road (Figure 1) to illustrate the proposed siting of 20 units of affordable housing in proximity to the newly delineated wetland area. Minor

adjustments to the site specific R4(1) zoning setback regulations are proposed to accommodate cisterns in the same location as the photovoltaic arrays, as show in Attachment 2. All other proposed R4(1) regulations including maximum height, lot coverage and parking appear to be workable with the revised site plan.

At the time of report writing the applicant was working to confirm the proposed location of the sewage system tanks and fields. The revised site plan shows sewage disposal fields along the Northwest Road property boundary and within 4.0 metres of the Ministry of Transportation and Infrastructure (MOTI) road. The applicant has been advised that a MOTI encroachment permit will likely be required to authorize the proposed siting. Staff recommend the LTC request an updated sewage report confirming the new location can support the intended sewage treatment system, prior to a public hearing being held. Additional changes to the proposed R4(1) zoning setback regulations may be required to accommodate the sewage disposal infrastructure (tanks and disposal fields) in the setback to Northwest Road.



Figure 1. Revised Denman Green Site Plan (1151 Northwest Road) – March 2022

Additions to the Draft Restrictive Covenant

Staff worked with the applicant to develop new covenant language to implement the recommendations in the baseline environmental report, as outlined in the [February 2022 staff report](#). The draft language presented for LTC consideration in Attachment 3 addresses the protection of the wetland area by requiring fencing, restoration with native plants and adequate setbacks of buildings and structures from the wetland boundary. The new site plan (Figure 1) is also included as a schedule to the draft covenant to illustrate the desired location of the future wetland fencing and trail. The LTC can consider endorsing the draft covenant as presented, for inclusion in a future public hearing package for public comment. Once the bylaws proceed to third reading, the LTC can formally endorse the covenant and assign a signatory.

Status of Water Approvals

At the time of report writing, the applicant was working with the Ministry of Lands, Waters and Resource Stewardship (LWRS, formerly FLNRORD) to obtain their hydrogeological review of the Denman Green [water plan](#). The LTC may be asked to consider the provincial review document on March 22 to determine if there is sufficient evidence to support advancing Bylaw Nos. 241 and 241 to second reading; being consistent with the Islands Trust Policy Statement; and proceed to a public hearing in May 2022.

Definition of ‘Multi-Family Dwelling’

The LTC requested analysis of the current definition of ‘multi-family dwelling’ in Proposed Bylaw No. 242, which reads:

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

As secondary suites on Denman Island are permitted within a principal dwelling in certain zones, those dwellings could be classified as a ‘multi-family dwelling’ under this definition. A duplex, as part of an affordable housing development, would also be classified as a multi-family dwelling. It does not appear to be the intention of the definition or regulations to classify secondary suites in principle residences as multi family dwellings. Staff recommend the definition be amended in Bylaw No. 242 to read:

“dwelling, multi-family means a building containing two or more dwelling units (excluding a principle dwelling with a secondary suite), each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance”

RATIONALE FOR RECOMMENDATIONS

Staff recommend amendments to two bylaws and the draft restrictive covenant to advance the application in preparation for a future public hearing pending provincial review of the Denman Green water plan. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

1. Defer consideration of amendments until provincial water approval is obtained by the applicant.

The LTC can defer consideration of bylaw amendments until such a time that the applicant has submitted an approved water license from the province.

Next Steps

If the LTC concurs with the staff recommendations, staff will update the bylaws and covenant in preparation for a future public hearing.

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

ATTACHMENTS

1. DRAFT changes to Proposed Bylaw No. 241 (OCP) – March 2022

2. DRAFT changes to Proposed Bylaw No. 242 (LUB) - March 2022
3. DRAFT changes to Restrictive Covenant – March 2022

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 241

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as "Denman Island Official Community Plan, 2008" is amended as shown on Schedule "1" attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021".

READ A FIRST TIME THIS 2ND DAY OF NOVEMBER , 2021

READ A SECOND TIME THIS xx DAY OF , 202~~2~~^x

PUBLIC HEARING HELD THIS xx DAY OF , 20xx

READ A THIRD TIME THIS xx DAY OF , 20xx

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

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

ADOPTED THIS DAY OF , 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 241

Schedule "1"

1. Schedule "A" – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:
 - 1.2. "Objective 5 To protect and enhance the supply and quality of rental housing."
 - 1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: "except for lots created for the purpose of allowing multi-family affordable housing."
 - 1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:

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

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

"Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title."
 - 1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 28 is amended by adding an additional bullet to the end of the list that reads: "that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity."

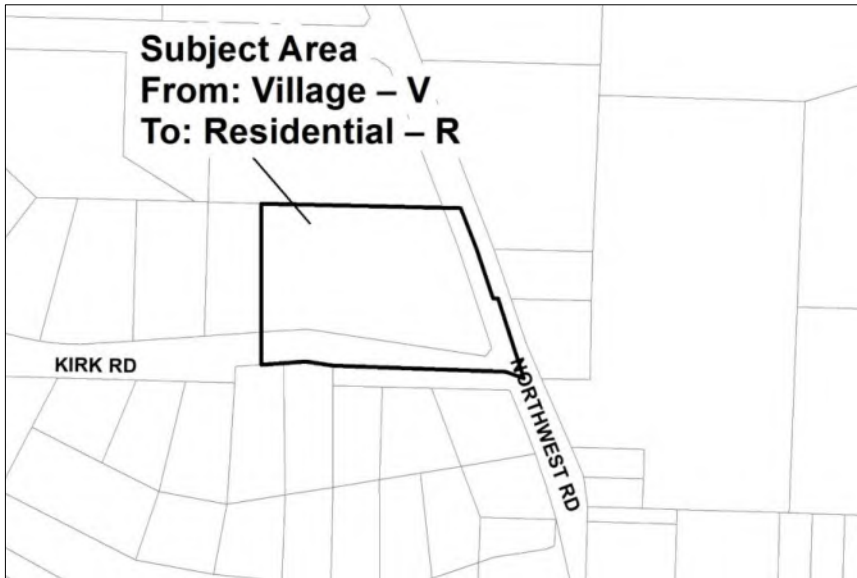
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 241

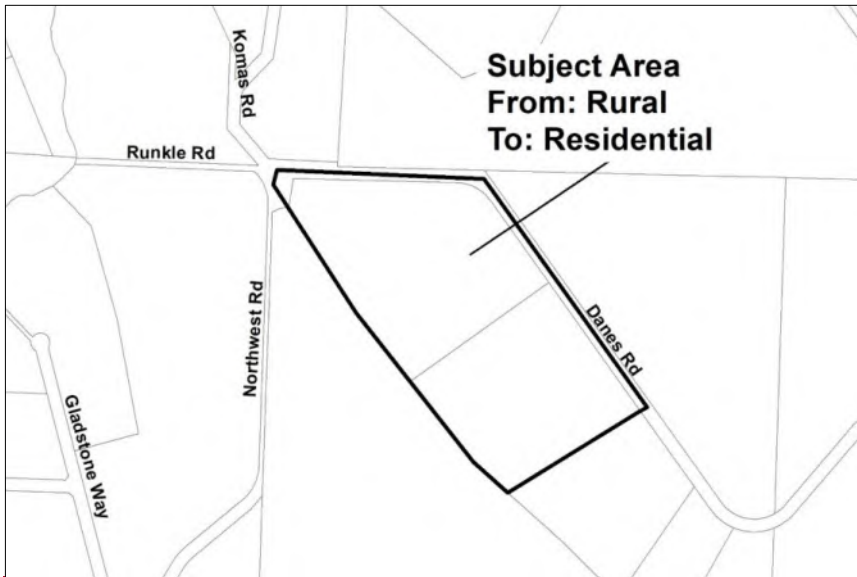
Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of PID 000-393-941 as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.
- ~~2. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of PID 031-395-864 LOT 4 SECTION 28 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP105119 and PID 031-395-872 LOT 5 SECTION 28 DENMAN ISLAND NANAIMO DISTRICT PLAN EPP105119 as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.~~
- 3.2. Schedule "E" – Map 2 North Development Permit Areas of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by removing the 'Commercial' Development Permit Area designation from PID 000-393-941 as shown on Plan No. 2 attached to and forming part of this bylaw.

Plan No. 1

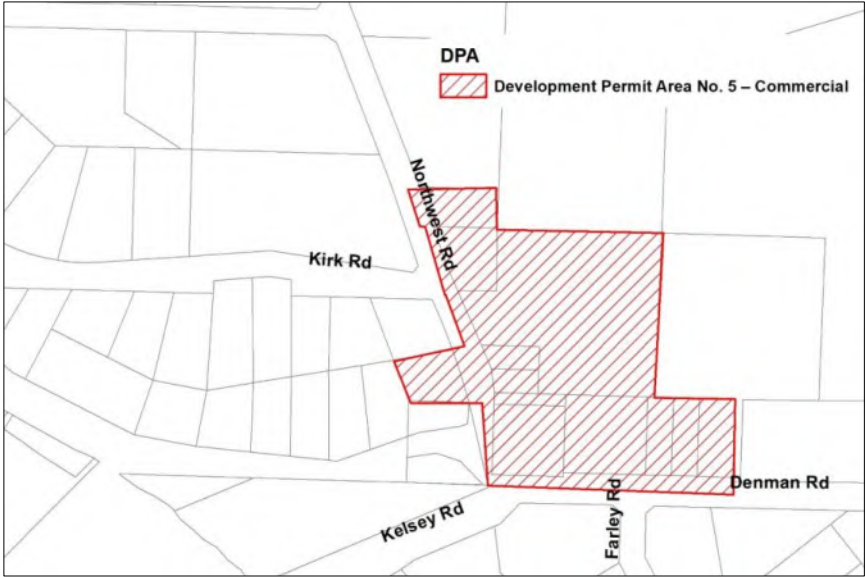


Plan No. 2



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Plan No. 32



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021”.

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

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

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. 242**

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:

- 1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."

- 1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

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

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

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

- 1.3 PART 2 GENERAL REGULATIONS, Section 2.1 Accessory Buildings and Structures, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Rental Housing (R4) Zone'." after the word "Bylaw".
- 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 Travel Trailers, 11 is amended by adding the words "except on a parcel zoned 'Affordable Rental Housing (R4).'" after the word "accommodation".
- 1.5 PART 2 GENERAL REGULATIONS, Section 2.4 Home Occupation Regulations, Permitted Home Occupation Uses is amended by adding the following new regulations 3 and 4 after regulation 2 and by making such consequential numbering alterations to effect this change:

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

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

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

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

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

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

- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, residential is amended by removing:
- “one per one single family residential use”, and replacing it with:
 - “one per one single family residential dwelling unit”
- 1.8 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, residential is amended by adding another bullet:
- “two per dwelling unit in a multi-family dwelling”
- 1.9 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:
- “one per dwelling unit in a multi-family dwelling”
- 1.10 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding “Affordable Rental Housing (R4)” after “(R3)”.
- 1.11 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing “R3 zone” and replacing with “R3 and R4 zones”.
- 1.12 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, Residential Zones is amended by adding “Affordable Rental Housing R4”.
- 1.13 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 1 – Permitted Uses is deleted in its entirety and replaced with:

Table 1 - Permitted Uses

		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	✓
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓

8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓		
			*Secondary dwelling units must be approved through a Temporary Use Permit		

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

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

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

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3	R4
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15	
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a	10%

5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3
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- 1.16 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 4 – Height is deleted in its entirety and replaced with:

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

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

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

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

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

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

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

- ~~1.20 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 Site Specific Regulations is amended by adding the following text after row R1(4):~~

- ~~“R1(5)~~
- ~~1. A Siting and Use Permit for a dwelling in the R1(5) zone must be accompanied by written certification from an appropriately qualified professional architect or engineer that the dwelling unit meets or exceeds the applicable requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.~~
 - ~~2. Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R1(5) zone.~~
 - ~~3. Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R1(5) zone is five.~~
 - ~~4. Despite line 1 in Table 5 of this Section, the minimum setback of buildings and structures, except for a fence or pump/utility house from a conservation covenant or provincial park boundary is 30 meters.~~
 - ~~5. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R1(5) zone is five.~~
 - ~~6. Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to the regulations in 2.8 is 2.0 ha.”~~

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

“R2(7)

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

“R2(8)

1. A Siting and Use Permit for a dwelling in the R2(8) zone must be accompanied by written certification from an appropriately qualified professional architect, engineer or energy advisor that the dwelling unit meets or exceeds the applicable requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.
2. Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R2(8) zone.
3. Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(8) zone is one per lot.
4. Despite line 1 in Table 5 of this Section, the minimum setback of buildings and structures, except for a fence or pump/utility house from a conservation covenant or provincial park boundary is 30 meters.
5. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(8) zone is five.
6. Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to the regulations in 2.8 is 2.0 ha.”

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

Table 8 - Site Specific Regulations

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

**Site Specific
Zoning Code**

R4(1)

Site Specific Regulations

1. Despite line 7 of Table 1 of this Section, the following is not permitted:
 - the keeping of chickens or other livestock;
2. Despite line 3 in Table 3 of this Section, the maximum number of affordable dwelling units per lot is 20.
3. Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.
4. Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 meters or more from the natural boundary of the sea is 10.0 m.
5. Despite line 1 in Table 5 of this Section, the minimum setback of a free standing photovoltaic solar array or water cistern from any interior lot line is 1.5 m.

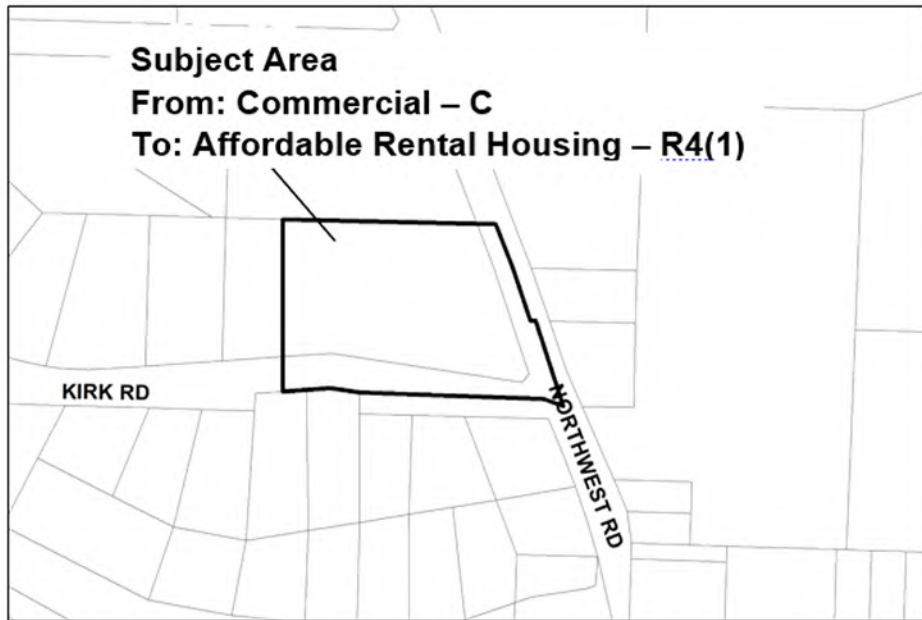
- 6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays and water cisterns, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line.
- 7 Despite line 4 in Table 6 of this Section, the maximum gross floor area of an affordable dwelling unit is 140 m².
- 8 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 1.0 hectare.
- 9 Despite regulations 16 of Section 2.5, the minimum number of automobile parking spaces required is 1.0 per affordable housing unit.
- 10 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

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

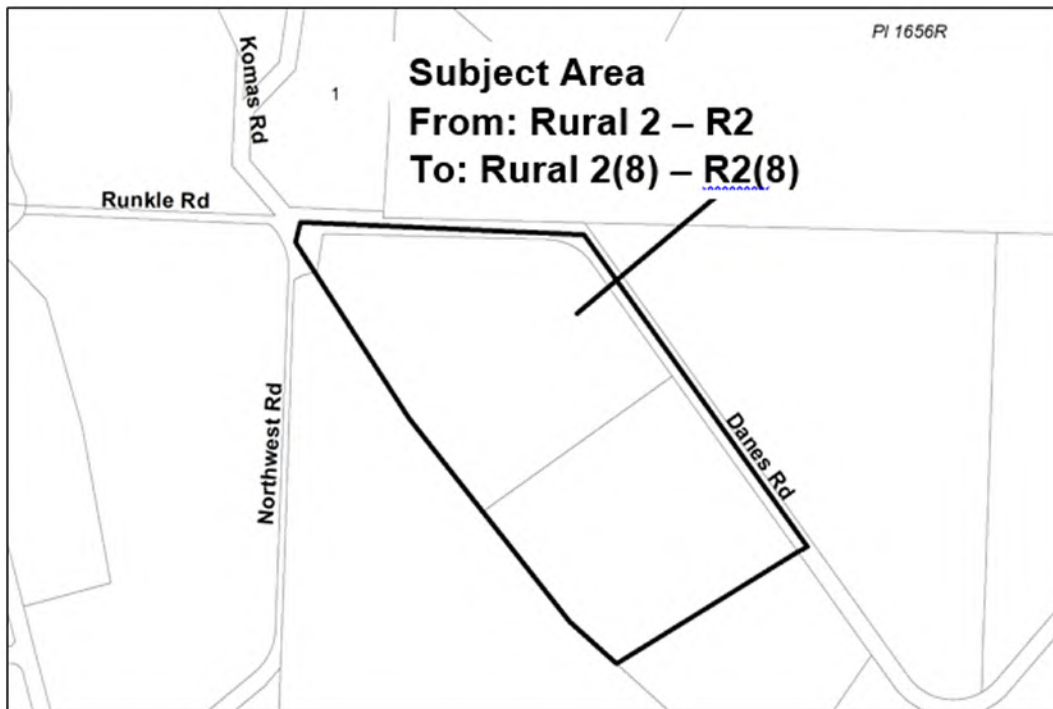
- 2.1. Schedule “B” – North Sheet is amended by changing the name “North Sheet” to “North Map”.
- 2.2. Schedule “B” – South Sheet is amended by changing the name “South Sheet” to “South Map”.
- 2.3. Schedule “B” – North Map, is amended by changing the zoning classification of PID 000-393-941 as shown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

Plan No. 1

(Final plan to be inserted prior to bylaw adoption)

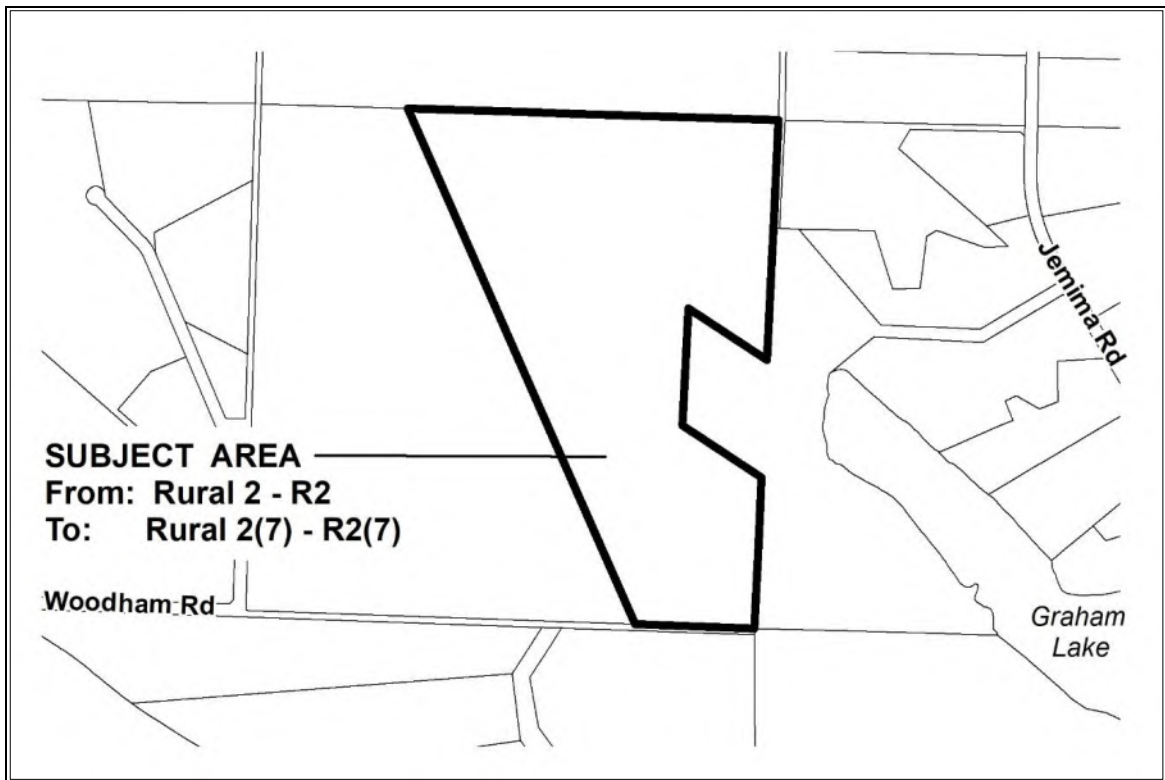


Plan No. 2
(Final plan to be inserted prior to bylaw adoption)



Plan No. 3

(Final plan to be inserted prior to bylaw adoption)



TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT – DEVELOPMENT

THIS AGREEMENT dated for reference the __ day of _____, ~~2021-2022~~ is

BETWEEN:

DENMAN HOUSING ASSOCIATION

3720 East Road
Denman Island, B.C. V0R 1T0

(the “Grantor”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE

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

(the “Trust Committee”)

WHEREAS:

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

PID: X
LOT x

(the “Land”);

- B. The Grantor has submitted a rezoning application (under reference number DE-RZ-2021.1) to allow it to develop and construct up to 20 affordable rental dwelling units, and as part of its rezoning application, the Grantor wishes to enter into a covenant with the Trust Committee under which it agrees to fulfil certain development requirements;
- C. Section 219 of the *Land Title Act* of British Columbia permits the registration of a covenant of a negative or positive nature in favour of a municipality in respect of the use of land and buildings on land; and
- D. The Grantor wishes to grant and the Trust Committee wishes to accept these covenants over the Land restricting the use of the Land and building thereon in the manner herein provided.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein and the sum of One Dollar (\$1.00) now paid to the Grantor by the Trust Committee (the

receipt and sufficiency of which is hereby acknowledged), the parties hereto covenant and agree each with the other as follows:

1. **Definitions** – In this Agreement, the following terms have the following meanings:

- (a) **“Datalogger”** means a device that can record data from a water piezometric pressure transducer, temperature detector and conductivity sensor, at intervals of once per hour (24 times per day).
- (b) **“Dwelling Unit”** means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.
- (c) **“Energy Step Code”** means Article 10.2.3 of Division B of the *British Columbia Building Code*, and a reference to a numbered step in the Energy Step Code is a reference to a step established in the Energy Step Code.

2. **No Build** – The Grantor will not develop or build on the Land until:

- (a) It erects (and thereafter maintains) a solid wood fence or landscape screen or combination of both, suitable to enhance visual privacy and mitigate dust along its entire length of its ~~shared-northern~~ interior lot line;
- (b) It erects (and thereafter maintains) suitable fencing along the eastern boundary of the wetland to prevent access to the wetland area as delineated in Figure 2. Polygon 3 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
- (c) A drainage plan prepared by a qualified professional has been submitted to and approved by the Trust Committee in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;

3. **Concurrent Construction Requirements** – Concurrently with its construction of any dwelling unit on the Land, the Grantor will:

- (a) install a down-well continuous datalogger (the “Datalogger”) with a water level pressure transducer, temperature sensor, and electric conductivity sensor, that will allow the Grantor to meet the monitoring requirements imposed on it in section 6, and that is on a direct read smart cable that allows for downloading at the well head or will be installed with telemetry to upload to a desktop application remotely;

- (b) Establish and maintain tree protection zones along the eastern wetland boundary throughout the construction phase in consultation with an ISA certified arborist and in accordance with recommendation 10.1 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
- (c) Restore the eastern edge of the wetland boundary with clean fill and establish a 3.0 metre vegetated native plant buffer area, in consultation with a professional landscape architect and in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
- ~~(a)~~(d) Ensure no buildings or structures, excluding a pedestrian trail and fencing, are sited within 3.0 metres of the eastern edge of the wetland boundary in substantial accordance with the Denman Green Site Plan dated March 11, 2022 prepared by VHA attached to and forming part of this agreement. -

3.4. **Energy Step Code Requirements** – The Grantor shall construct all dwellings on the Land, to meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.

4.5. **No Occupancy** – The Grantor covenants and agrees with the Trust Committee that the Grantor shall not occupy nor allow any one to occupy any building that may be constructed on the Land unless the Grantor has:

- (a) provided written certification from an appropriately qualified engineer that the Datalogger has been installed in accordance with the terms of this Agreement; and
- (b) provided written certification from an appropriately qualified professional architect; engineer or energy advisor that all Dwelling Units meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement;
- ~~(b)~~(c) provided written certification from an appropriately qualified professional biologist that the wetland buffer fencing, trail construction and native plant vegetative buffer are in accordance with the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement.

5.6. **Monitoring and Reporting Requirements** – After the Datalogger is installed and the Trust Committee has received confirmation of the same in accordance with the terms of this Agreement, the Grantor will, while this Agreement is in place:

- (a) Be responsible to ensure the datalogger provides continuous groundwater monitoring at a rate of no less than 24 times per day;
- (b) as part of the aforementioned monitoring, the Grantor will record the groundwater:
 - (i) levels, adjusted for barometric pressure,
 - (ii) temperature, and
 - (iii) electric conductivity;
- (c) annually, by the date that is no later than 15 days after the anniversary of the date this Agreement is registered in the Land Title Office, provide the Trust Committee with:
 - (i) all raw data recorded pursuant to subsections 6(a) and (b); and
 - (ii) a fully completed "Water Champion Covenant Annual Report" in the form attached hereto as Schedule "A".

6.7. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Grantor hereby indemnifies the Trust Committee from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the Trust Committee, or any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the granting or existence of this Agreement, the performance of any of the Grantor's obligations under this Agreement, any breach of any provision under this Agreement or the enforcement by the Trust Committee of this Agreement.

7.8. **Specific Relief** – The Grantor agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the Trust Committee, in the event of an actual or threatened breach of this Agreement.

8.9. **No Effect on Powers** – Nothing in this Agreement shall:

- (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
- (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or

- (c) relieve the Grantor from complying with any enactment, including in relation to the use, development or subdivision of the Land.

9.10. **Trust Committee Discretion** – Where the Trust Committee or a representative of the Trust Committee is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:

- (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the Trust Committee or the representative, as the case may be;
- (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the Trust Committee or the representative, as the case may be; and
- (c) the Trust Committee or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the Trust Committee or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.

10.11. **No Obligation to Enforce** – The rights given to the Trust Committee under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the Trust Committee to anyone or obligate the Trust Committee to enforce this Agreement or to perform any act or incur any expense.

11.12. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).

12.13. **Waiver** – No waiver by the Trust Committee of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.

13.14. **Remedies** - No reference to or exercise of any specific right or remedy by the Trust Committee shall prejudice or preclude the Trust Committee from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the Trust Committee may from time to time exercise any one or more of such remedies independently or in combination.

14.15. **Priority** – The Grantor shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the

holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the Trust Committee under which such holder postpones all of the holder's rights to those of the Trust Committee under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.

15.16. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Grantor or its successor in title and the Trust Committee or a successor or assignee.

16.17. **Further Assurances** – The Grantor shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.

17.18. **Grantor's Expense** – The Grantor shall perform its obligations under this Agreement at its own expense and without compensation from the Trust Committee.

18.19. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.

19.20. **Interpretation** - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
- (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
- (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
- (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
- (g) all Schedules to this Agreement form an integral part of this Agreement;

- (h) time is of the essence; and
- (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".

~~20.21.~~ **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.

~~21.22.~~ **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.

~~22.23.~~ **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.

~~23.24.~~ **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

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

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

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



Denman Green Mar. 11/22

site plan - option 5 1

Baseline Inventory

PID 000-393-941

DENMAN ISLAND



February 2, 2022

Prepared for:

Denman Housing Association

Prepared by:

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

Current Environmental Ltd.

558 England Avenue

Courtenay, BC V9N 2N3



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1 ACKNOWLEDGMENTS

Table 1. Project acknowledgements.

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

2 PROPERTY INFORMATION

2.1 LEGAL DESCRIPTION & PROPERTY SIZE

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

2.2 PROPERTY ACCESS INFORMATION

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

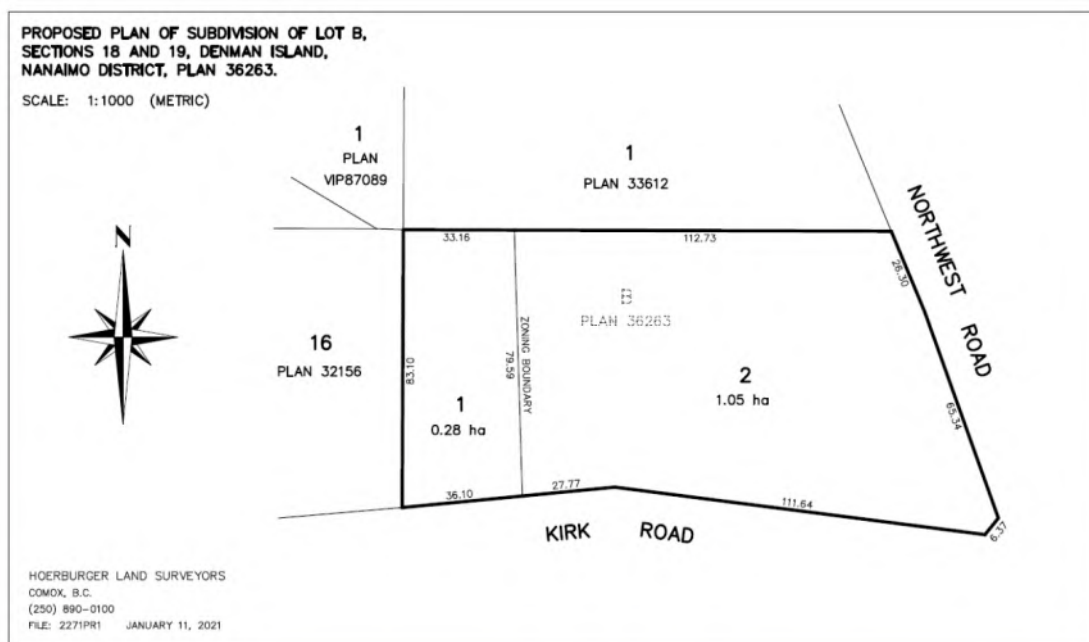


Figure 1. Surveyed plan of subdivide parts “1 & 2”. This assessment pertains to the commercially zoned portion “2” (Lot B).

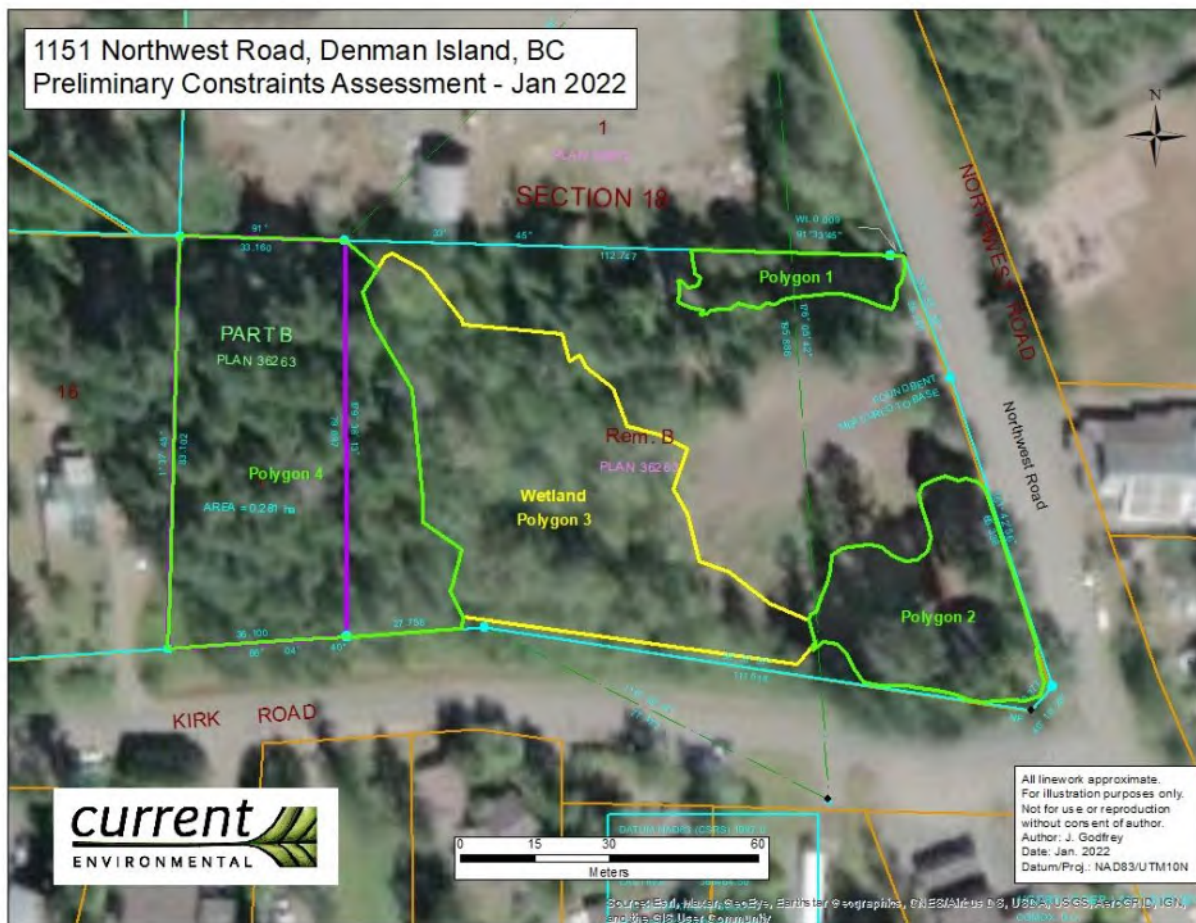


Figure 2. Vegetation communities identified during site visit in January 2022. Purple line dividing Polygon 4 separates the western subdivided lot from the subject lot in the east and corresponds with the zoning boundary as seen in Figure 1.

3 REGULATORY SETTING

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

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

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

3.1 DENMAN ISLAND LAND USE BYLAW, 2008

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

Guideline 3 Landscaping:

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

Guideline 5 Parking:

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

3.2 WILDLIFE ACT

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

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

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

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

3.3 WATER SUSTAINABILITY ACT

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

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

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

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

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

3.4 ENVIRONMENTAL MANAGEMENT ACT

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

3.5 WEED CONTROL ACT

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

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

3.6 CANADA MIGRATORY BIRD CONVENTION ACT

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

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

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

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

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

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

4 REPORT METHODOLOGY

4.1 EQUIPMENT

All surveys were conducted using the equipment listed below:

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

4.2 METHODOLOGY

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

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

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

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

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

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

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

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

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

5 SIGNIFICANCE OF THE LAND AND NATURAL AMENITIES

5.1 GENERAL DESCRIPTION

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

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

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

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

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

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

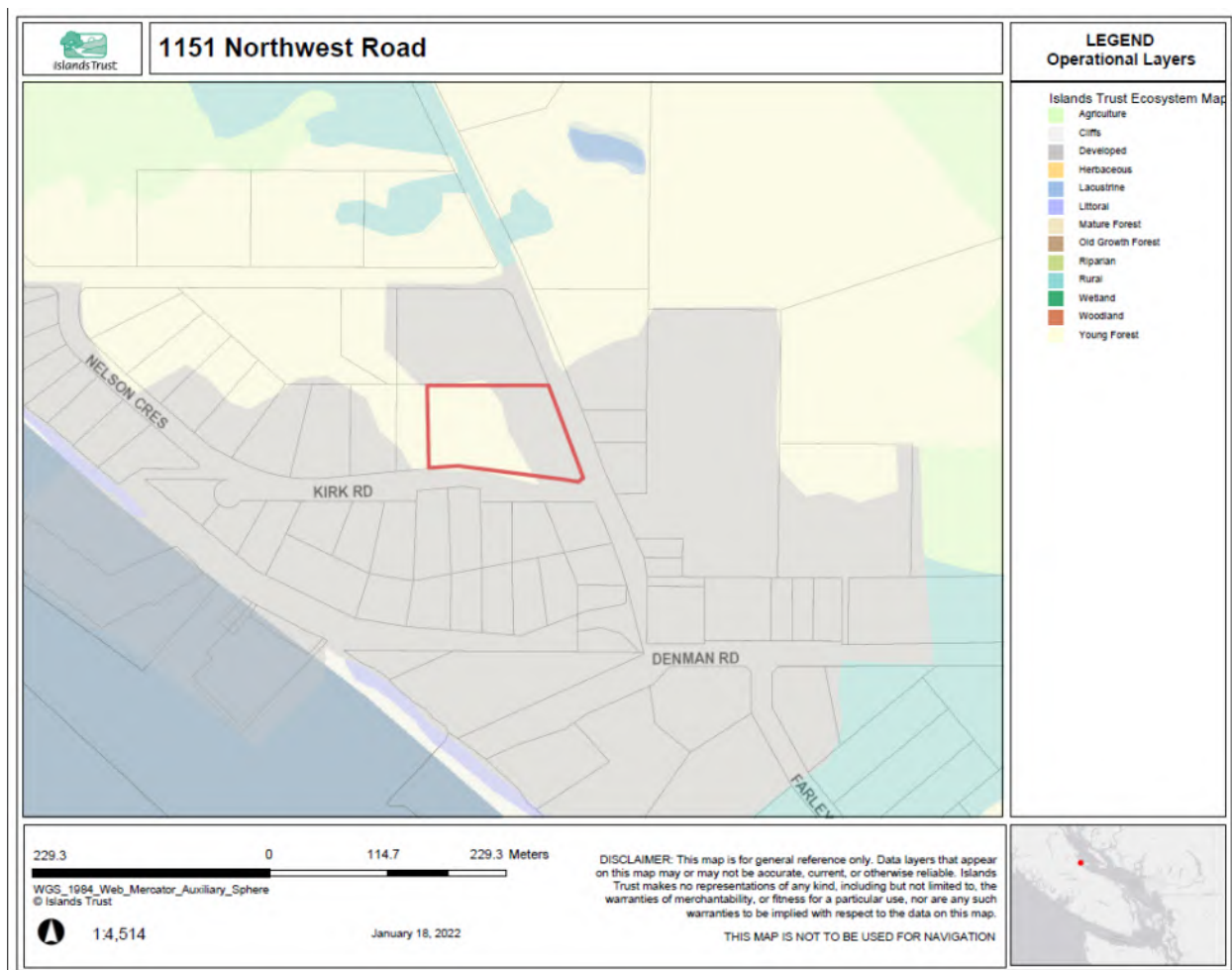


Figure 3. Ecosystems present on the subject property (outlined in red) as mapped by Islands Trust. The subject property consists of “Developed” (grey) and “Young Forest” (tan) ecosystems.

5.2 RARE SPECIES AND COMMUNITIES

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

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

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

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

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

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

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

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

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

5.3 HYDROLOGICAL FEATURES

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

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

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

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

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

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

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

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

6 CONDITIONS AT TIME OF DATA COLLECTION

Table 3. Conditions at time of data collection.

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

7 LANDSCAPE CONTEXT

7.1 REGIONAL CONTEXT

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

7.2 ECOLOGICAL CLASSIFICATIONS

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

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

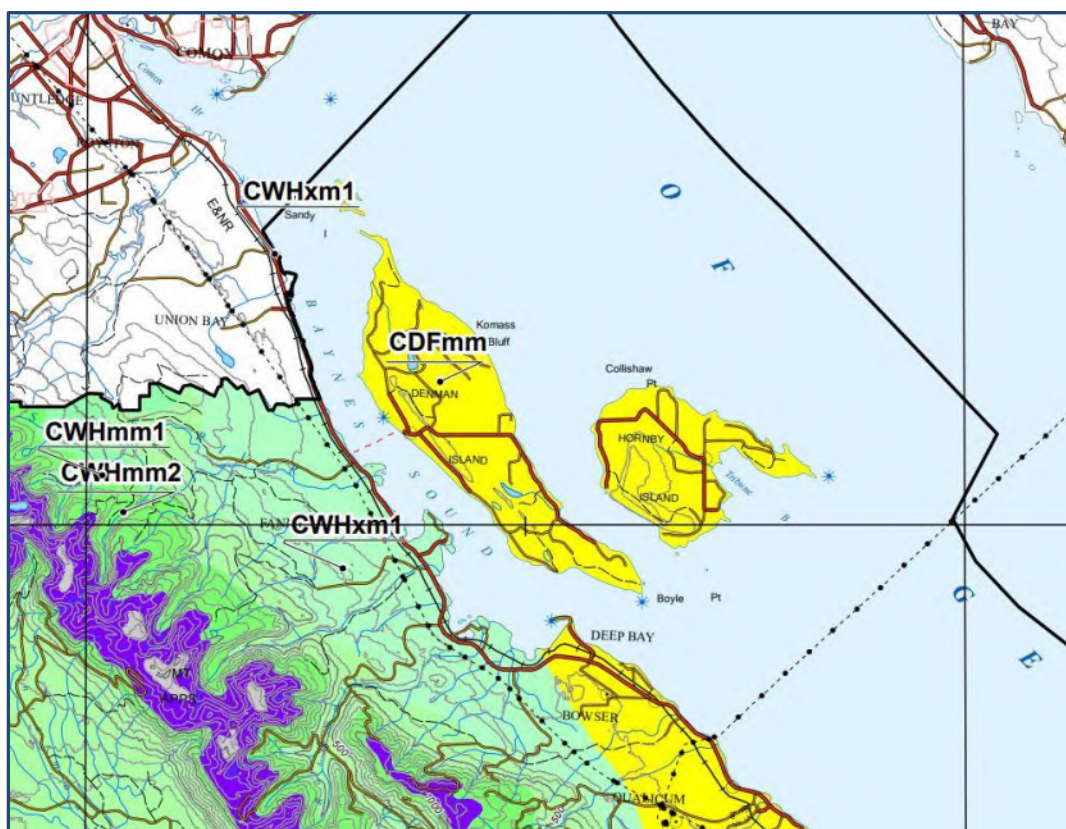


Figure 4. Biogeoclimatic zones and subzones of Denman Island and surrounding areas.

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

7.3 CLIMATE

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

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

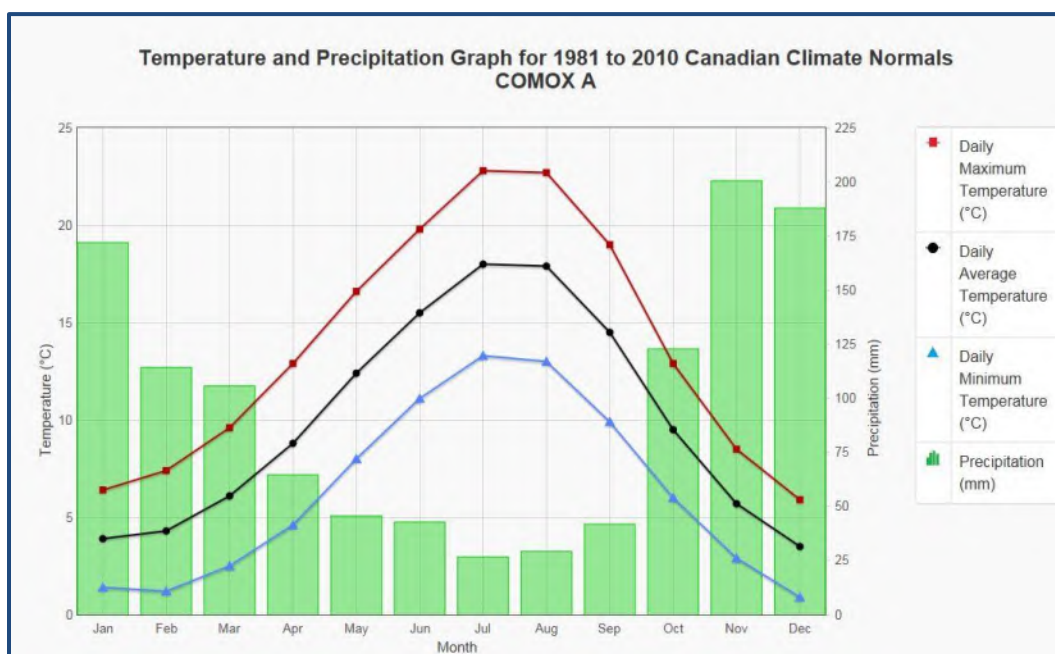


Figure 5. 1981 to 2010 Climate Normals for Comox Weather Station. Obtained from:
http://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?stnID=155&autofwd=1

8 SITE HISTORY

8.1 FIRST NATIONS USE

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

8.2 POST-COLONIZATION USE

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

9 ANTHROPOGENIC FEATURES

9.1 BUILDINGS AND STRUCTURES

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

9.2 LAND MODIFICATIONS

Table 4. Land modification observed on the subject property.

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

9.3 ARCHAEOLOGICAL SITES

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

10 RECOMMENDATIONS

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

10.1 TREE RETENTION

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

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

10.2 WETLAND PROTECTION

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

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

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

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

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

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

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

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

10.3 INVASIVE PLANT REMOVAL

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

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

10.4 TIMING OF CONSTRUCTION

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

11 CLOSURE

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



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12 INVENTORY BY ECOLOGICAL COMMUNITY

Table 5. Ecological inventory summary form, Polygon 1.

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

Table 6. Ecological inventory summary form, Polygon 2.

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

Table 7. Ecological inventory summary form, Polygon 3.

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

Table 8. Ecological inventory summary form, Polygon 4.

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

13 PHOTOGRAPHS



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



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



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



Photo 4: Representative photo of Polygon 2.



Photo 5: Representative photo of Polygon 2



Figure 6: Representative photo of Polygon 1.



Figure 7: Representative photograph of Polygon 4.



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



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



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



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



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



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

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DATE OF MEETING: March 22, 2022

TO: Denman Island Local Trust Committee

FROM: Teresa Mahikwa, Island Planner
Northern Team

SUBJECT: Non-Adhering Residential Use (remove existing dwelling and replace with a new dwelling and detached studio in same general location)
Applicant: John Gower, of Gower Design Group Inc. (for Anne Davidson)
Location: 3592 Northwest Road, Denman Island
PID: 000-495-131
PARCEL B (DD 84521I) OF THE SOUTH EAST 1/4 OF SECTION 27, DENMAN ISLAND, NANAIMO DISTRICT

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to forward DE-ALR-2022.1 to the Agricultural Land Commission with the following comments:

“The Denman Island Local Trust Committee finds DE-ALR-2022.1 to be consistent with the objectives and policies of the Denman Island Official Community Plan and Denman Island Land Use Bylaw regulations, and so deems the application to meet the criteria necessary to warrant consideration by the Commission for a Non-Adhering Residential Use.”

REPORT SUMMARY

This application is coming before the Denman Island Local Trust Committee (LTC) through a process set out by the Agricultural Land Commission (ALC) under Sections 20.1(2)(a), 25(3) and 34.1(1)(c) of the *Agricultural Land Commission Act (ALCA)*. Certain types of applications to the Commission must first be vetted by local governments for Official Community Plan (OCP) policy support and zoning/Land Use Bylaw (LUB) compliance before being sent to the Commission for further consideration. One such type of application is to permit a “Non-Adhering Residential Use” (NARU), as this application is. The application process is as follows:

- Applicant uploads required documents to ALC application portal;
- Local government (LG) (Islands Trust) receives application and applicant pays IT fee;
- **LG considers application for conformance with OCP policy and Zoning;**
- **LG provides comments to ALC on conformity with its own bylaws and recommendation(s) by resolution as to whether or not to forward the application with comments and recommendations to the Commission for further consideration;**
- ALC renders their decision and communicates with LG staff as to their decision.

Staff finds that the proposal is consistent with the objectives and policies of the Denman Island Official Community Plan (OCP) related to the use of agricultural land, and the residential density permitted by zoning under the Denman Island Land Use Bylaw (LUB). Therefore, staff recommends that the application (Attachment 4) be forwarded to the ALC with supporting comments, for the ALC’s own review and a final decision on the proposal.

Figure 1 - Subject Property General Location Map

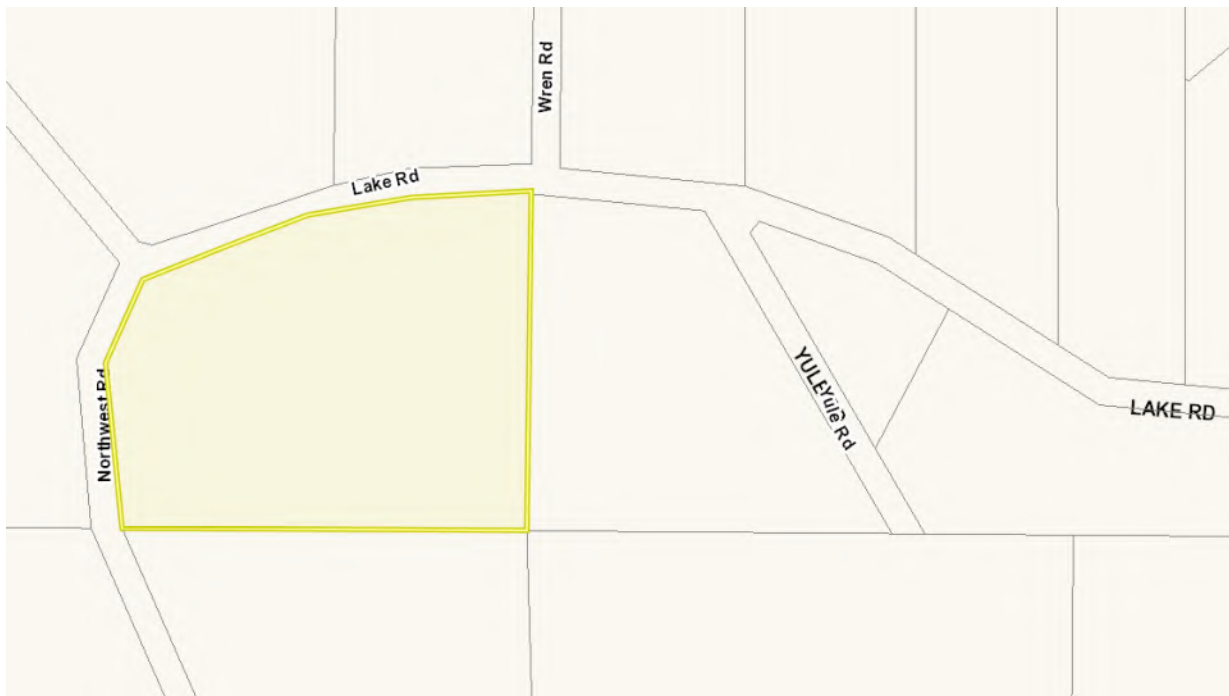


Figure 2 - Subject Property – 4 Existing Residences / Civic Addresses



BACKGROUND

Recent changes to the *ALCA* direct an owner of land to apply to the ALC for decision on permission under section 25 of the *ALCA* for a non-adhering residential use (NARU), as this is a type of residential use, and is therefore not considered a under the *ACLA* definition of “farm use”, which:

- (a) means an occupation or use of agricultural land for
 - i. farming land, plants, mushrooms, truffles or animals,
 - ii. a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or
 - iii. a purpose designated as a farm use by regulation, and
- (b) does not include a residential use or a soil or fill use;**

Prior to the recent changes to the Act, such permissions were addressed under a specific “non-farm use” application. However, the definition of “non-farm use” was altered to reflect other policy changes and is now defined in the Act as the “use of agricultural land other than a farm use, a residential use or a soil or fill use”, and so because it is a residential use, NARU’s fall under the Act’s definition as any of the following:

- a) **an additional residence;**
- b) a principal residence having a total floor area that is more than 500 m²;
- c) a use of a residential structure that contravenes the regulations”

The applicant is not applying for an “additional” residence. They are requesting to replace an existing residence and the ALC considers this to be replacing an “additional residence” as defined in the *ACLA*, (as it is a residence other than the principal residence, which is also defined). IT planning staff have also confirmed with ALC staff that this NARU request is the most appropriate application type for this case. The details of this NARU proposal may be found in Attachment 2 (the applicant’s proposal and rationale) & Attachment 3 (the Agent’s proposal and rationale letter).

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. The policies and regulations that pertain to discussion for this application are summarized below.

Denman Island Official Community Plan (OCP)

The OCP designates the subject property as Sustainable Resources (SR). The SR land use designation includes all of the large forested and agriculture/ALR lots on Denman Island, in which the existing principal use is locally operated sustainable resource harvesting, and the principal uses of land in this designation are forestry and agriculture. Of particular relevance to this application are the following OCP Policies under section E.4 – RESOURCES, along with staff’s noted considerations:

- Policy 6 The Local Trust Committee **should only support an application for non-farm use** or exclusion of land from the Agricultural Land Reserve **if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.**

The applicant and the agent have provide letters of rationale (Attachments 2 & 3), and staff are convinced that the homeowner of this particular additional residence lives there full time and is actively contributing to the agricultural use of the property and local island farming community. **Therefore, staff feel that this NARU application is supportable under OCP E.4 Policy 6.**

- Policy 7 The Local Trust Committee **should only support an application for non-farm use** or subdivision on land in the Agricultural Land Reserve **if the proposed non-farm use** or subdivision is **consistent with zoning regulations and either:**
 - **allows an activity that supplements the farm income and does not decrease the farming capability of the property;** or
 - protects the land for conservation purposes.

Staff are of the opinion that since the Denman LUB recognizes the historical density of the subject property and permits a maximum of 4 principal single family dwelling units (see discussion of site-specific A(13) zoning below and in Attachment 1, site context), this NARU proposal to replace one of the 4 existing principal dwelling units with another, would be consistent with the zoning regulations. Also, as the applicant and agent have explained in Attachments 2 & 3, allowing the replacement of this residence would allow the homeowner to continue to supplement the farm income and would seemingly maintain the farming capability of the property, not decrease it. **Therefore, staff feel that this NARU application is supportable under OCP E.4 Policy 7.**

Denman Island Land Use Bylaw (LUB)

Under the Denman Island Land Use Bylaw No. 186 (LUB), the subject property is currently zoned as A(13) Agriculture 13), which is a site-specific zoning that permits the historical density of the lot. Principal uses include residential and agriculture, among others. Single family dwelling units are permitted, the site-specific regulations of the A(13) zone permits 1 single family dwelling unit per 1.55 hectares. Since this lot is 6.27 hectares in size, a maximum of 4 principal single family dwelling units are permitted.

However, as a note for clarity, although the Denman zoning permits a maximum of 4 principal single family dwelling units on this property, approval from the ALC is still required for more than one principal dwelling. “Grandfathering” or continuing to have the maximum 4 dwellings in perpetuity is not guaranteed by the ALC. Although the IT zoning exists to support a maximum of 4 dwellings on this lot, forwarding this application to the ALC for their consideration will allow the ALC to decide whether the proposal meets all of their requirements to replace this specific residence in the ALR.

Agricultural Land Commission Act (ALCA) – relevant excerpts

Residential use of agricultural land

20.1 (1) **Unless permitted under section 20.2, 25** or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

- a) **the agricultural land may have no more than one residence per parcel;**
- b) the total floor area of a principal residence must be 500 m² or less;
- c) the residential structure must be sized, sited and used, in accordance with all applicable regulations.

(2)An owner may apply

- a) **to the commission for permission under section 25 for a non-adhering residential use**

Applications by owner

25 (1.1) In making a determination under subsection (1) (b) with respect to an application for a non-adhering residential use, the commission

- a) must consider the prescribed criteria, if any, and
- b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use.**

(3) An application referred to in subsection (1), except such an application from a first nation government, may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application

- a) **applies to land that is zoned by bylaw to permit farm use, or**
- b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

Application procedure if local government or first nation government review required

34.1 (1) A person may make an application to which section 34 does not apply by submitting the application and paying the prescribed application fee, if any, to the following, as applicable:

- a) the municipality, if the land described in the application is in a municipality;
- b) the regional district, if the land described in the application is in a regional district but not in a municipality or a local trust area;
- c) the Islands Trust, if the land described in the application is within a local trust area under the Islands Trust Act;**
- d) the first nation government, if the land described in the application is in the settlement lands of a first nation.

(2) A local government or first nation government that receives an application must review the application and do one of the following:

- a) forward to the commission
 - i. the application, and
 - ii. the comments and recommendations of the local government or first nation government respecting the application;
- b) notify the applicant that the application will not be forwarded to the commission if
 - i. the application is refused, or
 - ii. the application may not, under this Act, proceed unless authorized by a resolution of the local government or a law of the first nation government and the required resolution or law is refused.

Issues and Opportunities

ALC decision to replace a residence

This NARU application seeks permission for the current homeowner at one of the 4 residences (civic address 3592 Northwest Road) to “remove the existing dwelling and replace it with a new dwelling and detached studio in the same general location” on land within the Agricultural Land Reserve (ALR). If forwarded to the ALC, the Commission will confirm if/how Section 7.B. of the ALC’s “Information Bulletin 5 – Residences in the ALR”¹ applies:

7. REPLACING A RESIDENCE

The term “construct” includes “to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1). In order to replace a structure, an owner must abide by the requirements in section 20.1 and, if applicable, section 20.2 of the ALCA.

B. Parcels on which there is more than one residence

An application to the Commission, and Commission approval of that application, are required to replace residences which pre-date the ALR (that is, are older than December 21, 1972), residences approved by local government or First Nation Government under the former section 18 of the ALCA and its predecessors, residences permitted without application to the Commission under previous versions of the ALCA and regulations, and residences constructed in contravention of local zoning bylaws or the ALCA or regulations.

Whether an application is required to replace a residence that the Commission itself had previously approved on application may depend on the terms of that approval.

That is, the Commission will ultimately decide whether or not it will approve the replacement of the applicant’s existing residence with a new one. Any legal non-conformity of the building is not intended to apply in perpetuity, and the Commission will likely focus their decision on whether or not this particular residence is necessary for a farm use (Under Section 25(1.1)(b) of the ALCA, the Commission must not grant permission for an additional residence unless the additional residence is necessary for a farm use.)

Even though the existing residence (or its replacement) may be consistent with Islands Trust bylaws, the ALC will make the final decision on this proposal.

BC Assessment Farm Land Status

Properties that are classified as farm land by BC Assessment will have their property value set by BC Regulation 411/95 – the Classification of Land as a Farm Regulation of the BC *Assessment Act*.² BC Assessment classifies the subject property as a “residential” property class, and the applicant has confirmed that the property does not have specific “farm” class status (but also added that obtaining farm status is a retirement goal of the owner).

Future IT Application(s)

If the Commission ultimately approves the application, the applicant will subsequently require a Siting and Use Permit (SUP) (and likely a Development Permit, as they are within DPA 4 – Non-RAR applicable streams, lakes, and wetlands) from Islands Trust prior to undertaking the development.

¹ See ALC Information Bulletin 05 – Residences in the ALR: https://www.alc.gov.bc.ca/assets/alc/assets/legislation-and-regulation/information-bulletins/ib_05_residences_in_the_alr.pdf

² See BC Regulation 411/95: https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/411_95

Consultation

No statutory public consultation is required as part of this application. The LTC is tasked with evaluating whether the proposal is in accordance with its currently enacted bylaws and to make a decision on whether to forward the application to the ALC for consideration based on that criteria.

First Nations

ALC NARU applications do not raise staff concern regarding the LTC and the broader Islands Trust commitment to Reconciliation at this time. Any archaeological or cultural heritage concerns will be addressed through the analysis of a future Siting and Use Permit application (and likely Development Permit) that would be required to site and construct the proposed new dwelling.

Rationale for Recommendation

Staff analysed the application and have concluded that it is consistent with land use planning objectives and policies in the Denman OCP and LUB regulations regarding density in the zone. Specifically, the subject property has site-specific zoning (A(13)) which acknowledges the historical density, and permits up to four principal single family dwelling units. Staff's recommendation is found on page 1 of this report.

ALTERNATIVES

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

1. Not forward the application

If the LTC considers the application unworthy of ALC consideration, the LTC may choose not to forward it. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee direct staff to not forward application DE-ALR-2022.1 to the Agricultural Land Commission.

NEXT STEPS

Staff will take the appropriate action as directed by LTC resolution. Should the ALC grant the non-adhering residential use, and upon receiving confirmation of the Commission's decision and any associated conditions, staff will advise the applicant of the need to apply for a Siting and Use Permit and Development Permit for their proposed new residence.

Submitted By:	Teresa Mahikwa, RPP, MCIP Island Planner	March 3, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	3/3/2022

ATTACHMENTS

1. Site Context
2. Applicant Proposal and Rationale
3. Agent's Proposal and Rationale
4. Copy of ALC Application

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	PARCEL B (DD 84521I) OF THE SOUTH EAST 1/4 OF SECTION 27, DENMAN ISLAND, NANAIMO DISTRICT
PID	000-495-131
Civic Address	3592 Northwest Road, Denman Island (see notes on residences/addresses below)
Lot Size	6.27 ha (15.5 ac)

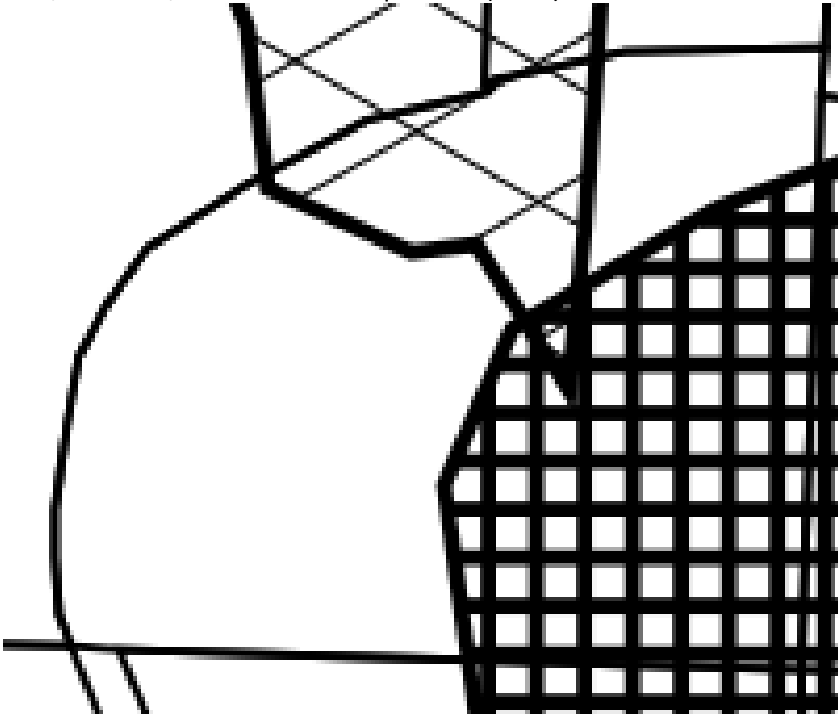
LAND USE

Current Land Use	Agriculture & Residential As shown in the image below, there are currently 4 principal single family dwelling units (as permitted under the LUB, see excerpts below) on this parcel: • 3592 Northwest Road (this is the residence in question for this application DE-ALR-2022.1, an ALC referral for a NARU). • 3590 Northwest Rd • 2665 Lake Road • 2551 Lake Road 
Surrounding Land Use	Agriculture & Residential

HISTORICAL ACTIVITY

File No.	Purpose
UN-BOV-1984.29	
DE-RZ-2009.12	This Rezoning was a request for 4 existing dwellings to come into conformity with Denman Island bylaws. This was addressed in the current LUB via site-specific A(13) zoning to permit the historical density on the lot, and to permit a maximum of 4 principal single family dwelling units.

POLICY/REGULATORY

Denman Island Official Community Plan (OCP), No. 185 (2008)	OCP Schedule C – Land Use Designation: Sustainable Resources (SR) (see excerpts of OCP objectives and policies below). OCP Schedule D¹ – Sensitive Areas: Subject property is partially within a mapped “visually sensitive area” and partially within a “connectivity area”; however, the residence in question (3592) is outside of these areas. 
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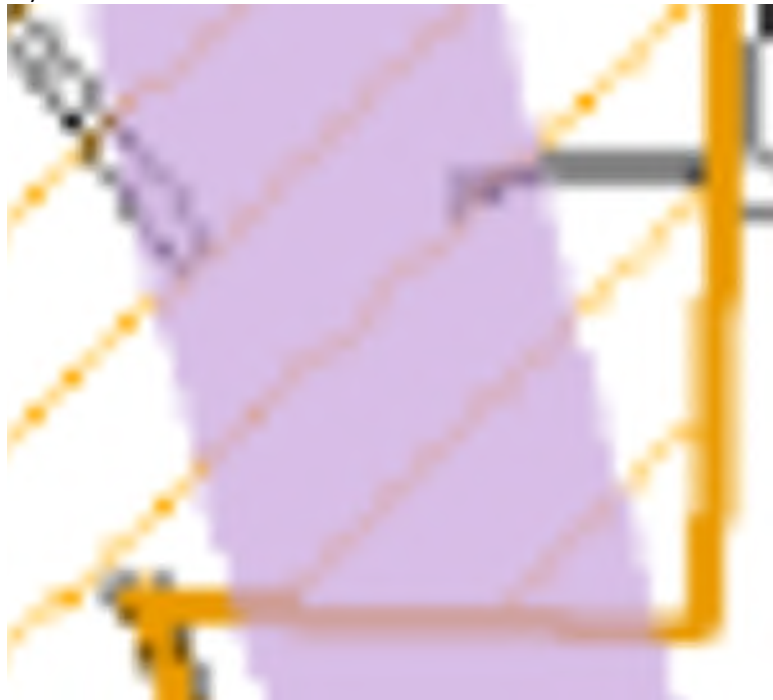
¹ Link to OCP Schedule D - <https://islandstrust.bc.ca/document/denman-island-sch-d-map-ocp-bylaw-no-185/>

OCP Schedule E, Map 1 – Development Permit Areas: Subject property is partially within DPA No. 2 – Steep Slopes (shown in yellow area in image below); the residence in question (3592) is outside of this DPA.



OCP Schedule E, Map 2 – Development Permit Areas: Subject property is partially within DPA No. 4 – Non-RAR applicable streams, lakes, and wetlands (shown in blue area in image above); the residence in question (3592) is within this DPA. **Removing and constructing a new home would likely require application for a Development Permit within DPA-4.**

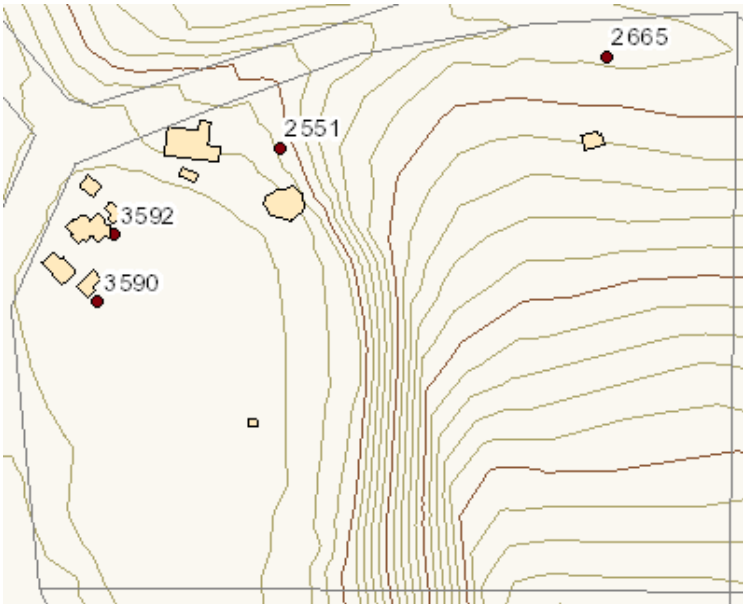
OCP Schedule G – Denman Parks and Greenways System Vision. The subject property and the specific residence (3592) are partially within within the “North-South multi-use trail/greenway (shown in purple below)



	OCP Section E.1 – HOUSING Policy 13 In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel. Policy 14 In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve: • one dwelling could be permitted per the minimum lot area permitted by Subdivision; and • additional dwellings could be permitted if they are required for full-time farm help. Policy 15 The Local Trust Committee may approve secondary dwelling units on lands within the “Rural” and “Sustainable Resources” designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan. OCP Section E.4 – RESOURCES Objective 1: To protect the Agricultural Land Reserve Policy 1 In the Sustainable Resource designation: • the principal uses should be agriculture and silviculture; and • zoning regulations may permit small-scale local value-added wood working industries and the development of non-timber forest products on land with silviculture as a principal use. Policy 2 All farm uses defined in the Agricultural Land Commission Act for land in the Agricultural Land Reserve should be permitted. Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture. Policy 7 The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either: • allows an activity that supplements the farm income and does not decrease the farming capability of the property; or • protects the land for conservation purposes. Advocacy Policy 2 The Agricultural Land Commission is encouraged to honour the guiding principles and objectives of this Plan and the relevant protocol agreements with the Islands Trust when considering applications.
Denman Island Land Use Bylaw (LUB) No. 186 (2008)	Resource Zoning: A(13) (Agriculture (13), site specific zoning) Principal uses include residential, agriculture, among others. Single family dwelling units are permitted. Table 3 includes the regulations for density,

	though the site-specific regulations of the A(13) zone replace lines 1 and 2 of Table 3: Table 8 – Site Specific Regulations A(13) (1) “Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.55 hectares” <i>INFORMATION NOTE: The site specific regulations for ...A(13) are to permit the historical density on seven specific lots. Approval from the Agricultural Land Commission may be required for more than one dwelling per lot.</i> Therefore, as this lot is 6.27 ha in size, a maximum of 4 principal single family dwelling units are permitted ($6.27\text{ha} / 1.55\text{ha} = 4$ principal single family dwelling units).
Other Regulations	Agricultural Land Reserve (ALR) The subject property is also within ALR land, which is why this application is being referred to Islands Trust from the Agricultural Land Commission (ALC); replacing an existing residence with a new one is considered a non-adhering residential use (NARU) and is subject to the <i>Agricultural Land Commission Act (ACLA)</i>. A more detailed discussion is included in the main body of the staff report. However, to note, if the ALC decides to permit the replacement residence, the applicant will then need to apply for a SUP from Islands Trust (to ensure compliance with height, setbacks etc). Islands Trust Policy Statement (ITPS) 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. 4.1.8 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.
Covenants	None.
Bylaw Enforcement	DE-BE-2010.1 (closed) – N/A; regarding one of the other residences (2551 Lake Road).

SITE INFLUENCES

Islands Trust Conservancy (ITC)	n/a – This application does not directly affect an ITC-owned property or conservation covenant; nor does it directly affect a property adjacent to an ITC-owned property or conservation covenant. It also does not pertain to terrestrial or intertidal Crown Land located within 100m of an ITC-owned property or conservation covenant. Therefore referral to ITC for comment is not required.
ITC Regional Conservation Plan (2018-2027)	The ITC Regional Conservation Plan's estimated importance of habitat composition in the area of the subject property is LOW to MEDIUM priority for habitat conservation. This application does not appear to be inconsistent or contrary to the goals and objectives set out in the ITC Regional Conservation Plan.
Species at Risk (SAR)	Islands Trust mapping indicates there are no known occurrences of Species at Risk (SAR) within the subject property area.
Sensitive Ecosystems	Sensitive Ecosystem Mapping (SEM) classifies a small portion of the northern portion of the subject property as primary and secondary "mature forest" and tertiary "wetland"; and the southeast portion as primary and secondary "mature forest", and tertiary "young forest". All of these mapped areas are outside of where the residence in question for this application is located. Islands Trust Ecosystem Mapping (ITEM) classifies the western portion of the property, where the residence in question is located, as "rural" (developed area). No mapped Sensitive Ecosystem Inventory (SEI) data is mapped for the subject property.
Hazard Areas	The central portion of the subject property is very sloped (see image below, showing 2m contour lines). As noted above, this area corresponds with DPA No. 2 – Steep Slopes, though the residence in question (3592) is outside of this DPA. 

Archaeological Sites	Remote Access to Archaeological Data (RAAD) does not indicate the presence of a known archaeological site on or within 100m of the subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

To members of the Agricultural Land Commission who are deciding upon whether I can rebuild my home on Denman,

I thought it might be helpful to understand more of me and my relationship to this ALR and legal non-comforting piece of land; I have lived here for over 16 years and spent time when I could since 1996 with my late husband, Gunther Schneider, who began building the place in 1974. From the beginning, I knew this land was ALR; I have loved the 150 year old standard apple trees and helped harvest every fall. The land partners have shared the harvest and apple pressing since the beginning, We have individually shared the juice with friends and family. More trees have been planted over the years: quince, pear, peach, cherry, plum, fig, walnut, almond, and hazelnut. Some of the older apples have fallen in heavy wet snowfalls and have been replaced by younger apple varieties. We have jointly pruned the trees and as we have aged, hired younger arborists to prune. We have planted blueberries, raspberries, and currants. Each land partner has a garden, some small, two of us much larger gardens. All of us eat from our gardens and preserve for the winter. Again, we share with our families and friends. In 2019, my daughter and I purchased a still for distilling essential oils for medicinal, culinary, and cosmetic use; I began planting more flowers and herbs in the garden for this. In 2020, I registered with the BC government and opened a business so we could sell the products grown, harvested, and made from the land. Unfortunately, Covid has delayed our efforts. I am also planning to retire in early 2023 and working the land and the garden has been my plan for many years.

The house was built by my late husband for his wife and young child in 1974; he worked as a potter and had little money to invest in the actual house. It initially had a dirt floor. It is a sculpture in a sense but very expensive to heat, and will be prohibitive once I retire. It was also built before there was a rat problem on the island. Twice we have had rats inside the house; once through the roof and the second time from beneath the house. There is no proper foundation and the eaves and roof have been stuffed with stainless steel scrubbies and sprayed with expanding foam. This will and has not deterred the rodents from chewing and both last winter and again this winter, I can hear them in various walls and under the roofing. I have paid carpenters much money over the years to try to rodent proof the place but have been told repeatedly, there is no way this house can be made rodent proof without rebuilding. I have had contractors come and have been told I needed to start anew. The cost would be way beyond what I can afford and the builder could not guarantee they could catch every little crack in the stone foundation and cracks and spaces under the eaves etc, It has been a nightmare listening to the rats chewing overhead and wondering when they might again appear inside my home and not just inside the walls or ceiling.

I love where I live, I love the land, I love the garden and orchard. I want and plan to focus the rest of my life on the garden to honour this land as ALR. I cannot afford to purchase land elsewhere and to build or to purchase another home. I have looked at prices all over Vancouver Island, Denman Island. I chose John Gower because of his reputation as a green builder and someone who understands the relationship between

the home, the land, and the passions of the steward/owner. John seems to understand my love of this property and my garden.

I have no intention of destroying the land; I have worked diligently in and on and for my garden since before I moved here permanently 16 plus years ago, Please allow me to pursue my dream of continuing to cultivate this ARL land, raising fruits, vegetables, berries, nuts, herbs, and flowers; creating products with them, and sharing them with my family and friends; perhaps even one day, beyond that. This is where I want to live for the rest of my life, this is the garden that my husband and I shared, this is where he died. I just want a home that will allow me to live my retired days in a small functional home that is rodent free, looks onto the garden, is energy efficient, and all but the guest room would be on the ground level, The studio space would allow me to process the products from the garden as well as the spinning and weaving I do.

Many thanks for your consideration,
Anne Davidson

**Non-adhering residential use application
3592 Northwest Road, Denman Island BC**

Prepared by John Gower, Gower Design Group Inc, for owner Anne Davidson

Background.

Our client, Anne Davidson, is the owner of a 1/4 share in a 15.5 acre (6.27Ha) property, known as “The Corner”, on the Northwest end of Denman Island where she has resided full-time since 2006. Previous owners had bought the property in 1968 and over the subsequent 4 years they sold shares in the land to 3 other parties. Ms. Davidson’s late husband, Gunther Schneider, bought in in 1974. Over the next 4 decades a home, art studio and outbuildings were built, as well as an extensive vegetable garden. Mr. Schneider passed away in 2020, leaving Ms. Davidson to contend with the challenges and liabilities of the dwelling, which is architecturally interesting but has profound deficiencies relating to the building envelope, structure and functionality. Denman Island has in recent times been overrun with rats and despite many attempts to rat-proof this house they have found many entry points and now live in numbers within the structure. In addition, the house is draughty, has very little insulation, and there are narrow, steep stairs and narrow doorways that limit furniture movement and are unsuitable for aging in place.

My firm was retained in summer of 2021 to assist her in remedying these issues as she was planning to retire there in 2023. However, following an assessment by myself and a building contractor it was determined that the home cannot be renovated to even minimum standards without an outlay exceeding the cost of a new home. Therefore, Ms. Davidson has chosen to remove the existing structure and build a similarly-sized home and studio in roughly the same location.

The subject property has 4 owners on title and in 2009 they successfully applied to the Islands Trust to change the zoning classification from Agriculture (A) to Agriculture (A(13)) in order to bring the lot into conformity. We now seek ALC approval in order to remove and rebuild on the site.

The proposal.

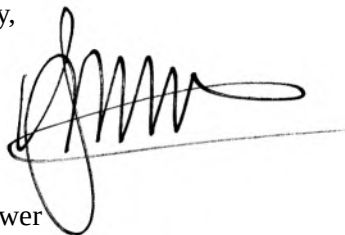
Ms. Davidson desires to build a compact one-bedroom dwelling and attached or semi-attached two storey studio/guest room. These new buildings will occupy approximately the same location as the existing home as this is the highest, driest part of the site and would have the least impact on the extensive garden and fruit trees, which are well established. The footprint of the existing home is 124.2m². We are proposing that the new structures will be of a comparable size: approximately 130m². It is expected that we will be able to make use of the existing septic system and water line. There are no further major changes to the lot anticipated.

Summary.

We hope that the Islands Trust and Agricultural Land Commission will recognize the hardship that will persist if Ms. Davidson is unable to replace her current dwelling, and approve this request. Although within the ALR, her property is surrounded by similar Rural Residential land uses and, as such, would have no impact on the agricultural activities elsewhere within her neighbourhood.

Please do not hesitate to contact me if additional information is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Gower', with a large, stylized flourish extending to the right.

John Gower
Gower Design Group Inc
Courtenay B



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 64539

Application Status: Under LG Review

Applicant: Anne Davidson

Agent: Gower Design Group Inc

Local Government: Islands Trust Regional District

Local Government Date of Receipt: 02/02/2022

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: The goal of this proposal is to obtain permission from the ALC for the homeowner to remove her existing dwelling and replace it with a new dwelling and detached studio in the same general location.

Agent Information

Agent: Gower Design Group Inc

Mailing Address:

212-2459 Cousins Avenue

Courtenay, BC

V9N 3N6

Canada

Primary Phone: (250) 871-8765

Email: design@gowerdesigngroup.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 000-495-131

Legal Description: PARCEL B (DD 84521I) OF THE SOUTH EAST 1/4 OF SECTION 27, DENMAN ISLAND, NANAIMO DISTRICT

Parcel Area: 6.3 ha

Civic Address: 3592 Northwest Road, Denman Island

Date of Purchase: 11/01/1974

Farm Classification: No

Owners

1. **Name:** Anne Davidson

Address:

3592 Northwest Road

Denman Island, BC

V0R 1T0

Canada

Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Land use is currently residential with 4 existing dwellings and small-scale kitchen gardens adjacent to the dwellings. Every year apples are harvested from 6-7 150 year old trees, plus 25-30 newer fruit trees, and numerous berry bushes, primarily for domestic consumption. There are 4 distinct vegetable gardens measuring approx 560m2, 200 m2, 10 m2 and 300m2 for household use.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Deer fencing around garden areas and newer trees and berry bushes. Rainwater catchment from buildings for summer irrigation. Two small greenhouses for starting plants. Composting and soil amendments to build up garden soil.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

There are four full-time occupied dwellings for which legal non-conforming status was obtained from Islands Trust in 2010. In addition, there are two artist's studios, a former woodworking shop and miscellaneous storage structures.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Single family residence, forest

East

Land Use Type: Residential

Specify Activity: Single family residence, forest

South

Land Use Type: Residential

Specify Activity: Single family residence, forest

West

Land Use Type: Residential

Specify Activity: Single family residence , forest

Proposal

1. What is the purpose of the proposal?

The goal of this proposal is to obtain permission from the ALC for the homeowner to remove her existing dwelling and replace it with a new dwelling and detached studio in the same general location.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

This will not be an additional residence. There are currently 4 dwellings on the property and there will be 4 once reconstruction is completed.

3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

1. 3590 NW Road

- single full-time resident
- +/- 37m² one bedroom house
- built 1900

2. 3592 NW Road (Subject dwelling)

- one full-time occupant
- 125m² two bedrooms + studio
- started 1974 on existing foundation

3. 2551 Lake Road

- single full-time occupant
- 165 m², 3 bedrooms
- started 1969

4. 2665 Lake Road

- one full-time occupant
- 28m² one room cabin with loft
- started 1970

4. What is the total floor area of the proposed additional residence in square metres?

165 m²

5. Describe the rationale for the proposed location of the additional residence.

The proposed rebuilt dwelling is intended to occupy the same location on the site as the current residence so as to not encroach significantly upon well-established garden and orchard areas.

6. What is the total area of infrastructure necessary to support the additional residence?

No additional infrastructure is anticipated.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement-Gower Design Group Inc
- Site Photo-Existing dwelling
- Site Photo-Local land uses
- Other correspondence or file information-Existing site plan
- Other correspondence or file information-Letter from Landowner
- Proposal Sketch-64539
- Other correspondence or file information-Proposed Site Plan
- Professional Report-ALCApplicationText
- Certificate of Title-000-495-131

ALC Attachments

None.

Decisions

None.

From: Riane daSilva [REDACTED]
Sent: Monday, February 7, 2022 1:06 PM
To: Sue Ellen Fast
Cc: Laura Busheikin; David Critchley; Becky McErlean
Subject: Re: Moratorium against bylaw enforcement on "unlawful" housing
Attachments: Standing resolution.jpg

Hello Sue Ellen,

Thank you for your response to my questions about bylaw enforcement against "unlawful" homes on Denman.

As you can see in the attached jpg, your own documentation from the November meeting says that "This standing resolution will be reviewed in one year's time". If that is not the case, why does your documentation continue to say this? How can we clear up this confusion, or clear up the documentation?

The Northern Housing Needs Assessment of 2018 (that you mentioned in your response) states that we needed 76 new affordable homes on Denman Island to meet the demand, at that time.

The housing situation on Denman Island has since become worse. The housing situation is currently dire, with many single parents and children facing homelessness, already couch surfing, or trapped in abusive situations with no-where else to go. Removing the threat of penalty for landowners providing access to housing would do much to both ease the situation, and allow "unlawful" renters to breathe in their homes.

The current status quo is quietly harming our community, as evidenced by employment vacancies that aren't being filled, and the quiet loss of many of our renting community members.

Even when the 2 affordable housing projects are finally built, they will only meet need for a maximum of 28 homes - leaving a need for 48 homes (as per numbers from 2018). It is reasonable to expect that this housing need will continue to be met through "unlawful", yet oh-so-necessary, means.

Even while a housing review is taking place (as hoped for in 2023) the loss of housing is expected to continue.

In light of the above, would you, as the Chair of the Denman Island Local Trust Committee, please present a motion asking that housing be removed from the BEN (Bylaw Enforcement Notification) system, until such time as housing need has been met, here on Denman?

Thank you for your time and attention to this very urgent matter in our Denman Island community.

Regards,

Riane

*Forget your perfect offering
There is a crack in everything
That's how the light gets in*

On Tuesday, February 1, 2022, 04:14:40 PM PST, Sue Ellen Fast <sfast@islandstrust.bc.ca> wrote:

Hi Riane - Thank you for the questions. Please see my answers below each:

please clarify whether the moratorium against bylaw enforcement of "unlawful" houses will be reviewed and renewed?

*The moratorium that I assume you are referring to is in the form of a standing resolution, which remains valid until cancelled by resolution/voting. Below is a screenshot from the November 2021 meeting agenda of the Denman LTC:

*All standing resolutions can be found in every agenda if you would like to check and keep track of them. Here is another one in the same list, passed in October 2018:

"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."

If so, when can we expect that to happen?

*As far as I know, there are no plans to review it. The review date is not binding.

In the meantime, has this Denman moratorium now expired?

*Unless a member of the LTC wishes to bring this forward for review, it simply remains in force.

I hope that all members of the LTC are now aware of the housing crisis we are experiencing on Denman Island

*Yes. Besides the standing resolutions above, as another example, the Islands Trust commissioned the 2018 Denman Island Housing Needs Assessment report.

Will the DILTC please now entertain the motion made by Trustee Busheikin (in January or March of 2021) to remove "unlawful" housing from the BEN (Bylaw Enforcement Notification) system?

*This sounds like a question that LTC members can discuss in an open meeting if someone brings it up.

*I hope this helps, and I hope we can return to regularly scheduled inperson meetings soon -

Sue Ellen

Sue Ellen Fast (she/her)

Nəxwɫélexwəm / Kwíłákm (Bowen Island) Municipal Trustee | Islands Trust Vice Chair
Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

Thankful to live and work in the treaty and territories of the BOKEĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək ʷəŋən (SXIMELEL, Songhees, T'Sou-ke), Lyackson, MÁLEXEL, Penelakut, Qualicum, Scia'new, səliłwətaʔ, SEMYOME, shíshálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, STAUTW, Stz'uminus, Tla'amin, scəwəθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOLELP, WSIKEM, and xʷməθkʷəyəm.

On Jan 28, 2022, at 1:53 PM, Riane daSilva [REDACTED] wrote:

Dear Denman LTC,

Since I am unable to speak at your cancelled January meeting and at your February "special meeting" I am writing directly to you, in hopes of some communication from your committee, or from individual members of the committee.

Considering the mountain of new information that has come out in the past year about the housing emergency across BC, I hope that all members of the LTC are now aware of the housing crisis we are experiencing on Denman Island.

Can someone please clarify whether the moratorium against bylaw enforcement (that was passed in January of 2021 with a review date of January 2022) of "unlawful" houses will be reviewed and renewed?

If so, when can we expect that to happen?
In the meantime, has this Denman moratorium now expired?

Will the DILTC please now entertain the motion made by Trustee Busheikin (in January or March of 2021) to remove "unlawful" housing from the BEN (Bylaw Enforcement Notification) system?

Thank you for your time and consideration.

Sincerely,

Riane da Silva

Q ↑ ↓ 180 of 192 – + 100% ⌂ 🔍 📄 🔖 ➡				
standing resolution ^ ▼ Highlight all Match case Whole words 4 of 6 matches				
7.	June 6, 2019 *Amended January 19, 2021	DE-2019-056 DE-2021-015	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' This Standing Resolution will be reviewed in one year's time.



February 9, 2022

Laura Bushekin
Denman Island Local Trust Committee
700 North Road
Gabriola Island, BC V0R 1X3

Dear Chair Bushekin,

There is no question that 2021 was challenging for British Columbians. The province continued to struggle with the pandemic, economic consequences of the pandemic and multiple adverse weather events from the heat dome to floods and fire.

BC farmers and farmer's markets across the province were on the frontlines, doing the work to remain open, supporting our communities with food, and our farmers with a strong source of income.

BC Association of Farmers' Markets worked diligently with the Province of BC's Ministry of Health to deliver, for the 10th year, the BC Farmers' Market Nutrition Coupon Program across the province. We are extremely proud of its deep impact on both people and farmers across British Columbia. This valued program connected with 86 communities making fresh, healthy, local foods more accessible to over 19,000 lower-income British Columbians and directly benefited 1,125 farmers across British Columbia.

In **Denman Island**, residents redeemed **\$6,864** with local farmers at the **Denman Island Farmers Market** and we proudly partnered with **Denman Island Community Education Society**.

This community partner provided lower-income pregnant people, families and seniors with coupons to purchase fresh fruits, vegetables, cheese, eggs, nuts, fish, meat and herbs from farmers at your local farmers' market.

Over 25 lower-income residents from Denman Island ate more local foods, learned about healthy eating, and felt connected to their community. At the same time, the local food system was strengthened with farmers in your community benefitting from additional revenue to sustain their farms.

Our Request To You

Our community partners, participants and farmers are grateful for this Program in Denman Island. If you agree, we kindly ask you to send a letter to the Minister of Health Adrian Dix. Your encouragement and feedback can strengthen support for ongoing funding for the Farmers' Market Nutrition Coupon Program and ensure we continue to build healthier BC communities together.

We are ready to roll up our sleeves and work with your community again in 2022!

With gratitude,

Heather O'Hara
Executive Director

Vickey Brown
President, Board of Directors

BC Association of Farmers' Markets

208 - 1089 West Broadway Vancouver, BC V6H 1E5
604-734-9797 | bcfarmersmarket.org | bcfarmersmarkettrail.com



**Hornby Island Residents' and Ratepayers' Association
(HIRRA)**

4305 Central Road, Hornby Island, BC, V0R 1Z0
Ph: (250) 335-1842 E-mail: office@hirra.ca

November 23, 2021

Re: "Limited visitor accommodation" signage at Buckley Bay

To: Hornby Island and Denman Island Local Trust Committees

It has been identified at several times over the past few years that the previous large Islands Trust sign at Buckley Bay ferry landing has been removed (probably during the construction of the new BC Ferries parking area). This sign was an important tool for advising visitors of the need for reservations on Hornby during the busy summer season.

We believe it is urgent that this sign be replaced with clear eye-catching wording to help reduce the increasing incidents of roadside camping, garbage and defecation on Hornby.

It is important that the sign be located in a high visibility area before the ticket booths to provide advance warning to visitors of the very real accommodation capacity limits of our little island.

Denman may be experiencing similar issues and ideally would participate in cost-sharing for replacing the public notice sign regarding limited visitor accommodation outside the Buckley Bay ticket booths. We would appreciate having input into the final wording of the sign (e.g. Limited summer accommodation on Hornby and Denman books up early. Help us protect our precious islands by confirming you have a place to stay before visiting.).

Please add this topic to your upcoming LTC meeting agendas and let us know what actions you will take to assist in notifying visitors about the limited tourist accommodation before they arrive on our islands.

Sincerely,

Reina LeBaron, HIRRA Executive Administrator
on behalf of the HIRRA Executive

Cc:
CVRD Area A Director,
Hornby Is. Community Economic Enhancement Corp.,
Hornby/Denman Ferry Advisory Committee

From: "INFO, BCEBC BCEBC:EX" <info@bcebc.ca>
Subject: Greetings from the BC Electoral Boundaries Commission
Date: March 3, 2022 at 11:45:56 AM PST
To: "sefast@bimbc.ca" <sefast@bimbc.ca>



March 3, 2022

Councillor Sue Ellen Fast
Island Municipality of Bowen Island

Greetings from the BC Electoral Boundaries Commission.

Please accept this letter as an invitation to your organization to express your views on the province's current electoral district boundaries.

The BC Electoral Boundaries Commission is an independent, non-partisan commission with a mandate to review the area, names and boundaries of provincial electoral districts. The Commission submits two reports to the Legislative Assembly with recommendations for the next two provincial general elections.

Your voice is an important part of this process. To help prepare its preliminary report, the Commission is now seeking public input on the province's current electoral district boundaries. We will be publishing a preliminary report with initial recommendations. After, we will seek public input on those recommendations.

You can share your organization's views in the following ways:

- through the [Commission website](#),
- at an in-person or virtual [public meeting](#), or
 - by [writing the Commission](#) directly.

Visit our website to learn more about the Commission, review maps and resources, and find the electoral districts in your community.

Please feel free to share this information with others and contact us with any questions.

Sincerely,

Justice Nitya Iyer
Commission Chair

BC Electoral Boundaries Commission

100- 1112 FORT STREET, VICTORIA B.C. V8V 3PK
BCEBC.CA | INFO@BCEBC.CA | 1-800-661-8683

From: John Millen <millenj@telus.net>

Date: March 19, 2022 at 4:27:32 PM PDT

To: Laura Busheikin <lbusheikin@islandstrust.bc.ca>, dcritchley@islandstrust.bc.ca

Subject: Denman's 'Orphan' Crown Lands

Hello Laura and David,

Denman Conservancy (DCA) has for some time been concerned about the status of the four Crown Land parcels on Denman Island that were not accepted as part of Denman Island Provincial Park. DCA has now requested the Board of Islands Trust Conservancy to undertake management and protection of these lands, preferably by owning them as Nature Reserves. Our letter requesting this action and its supporting document is attached. (Sue-Ellen Fast, as an ITC Board member, has already received this request)

As you can see from the attached documentation each of the four parcels can make a significant contribution to a Protected Areas Network for Denman Island. Should you want further information please ask.

We understand Islands Trust Conservancy Board will consider this request at its meeting on 24 May. We hope that you both will endorse this initiative as we believe it is the best way to ensure the adequate protection of these four parcels.

Regards,
John Millen
for Denman Conservancy Association



Denman Conservancy Association
P.O. Box 60, Denman Island, B.C. V0R 1T0

17 March 2022
Islands Trust Conservancy Board

Dear Conservancy Board Members,
Denman Conservancy Association supports Canada's worthy 30 by 30 aim to increase preserved conservation land this decade. We have great hope that Denman Island can achieve this specific target for protected land on our Island.

There are four crown land parcels on Denman Island that are orphaned conservation properties. Two of these parcels are adjacent to ITC's Morrison Marsh NR, another contains a section of Valens Brook just upstream of Valens Brook NR and the fourth is a rock quarry site that has been returning to nature for over 100 years and is adjacent to a DCA covenant area. Maps and additional brief descriptions of the considerable conservation values of each of these properties is appended.

The four properties are considered 'orphans' because they were, as part of the establishment of Denman Provincial Park in 2010, subject to all the administrative steps to allow them to be part of the Park. However BC Parks decided in the end that these four individual parcels would not be suitable for Park purposes. At present the orphan parcels are Crown land with Conservation status and zoning.

DCA is very concerned that conservation land, without the management and monitoring normally provided for such land by each of our organizations, is subject to encroachment and degradation. While these properties may be considered for designation under the Province's CDF program, giving additional protection, that program does not provide the management and planning that DCA seeks for these properties.

We are aware that ITC has had an administrative policy that strictly limited the number of crown land parcels sought to be acquired at one time. We urge you to reconsider this policy in the case of these four orphaned properties, taking into account the increased ambition of our governments for preservation and the possible funding that may thereby be available. Alternatively a formal arrangement to manage and monitor the properties could be sought if they are to be designated under the CDF program.

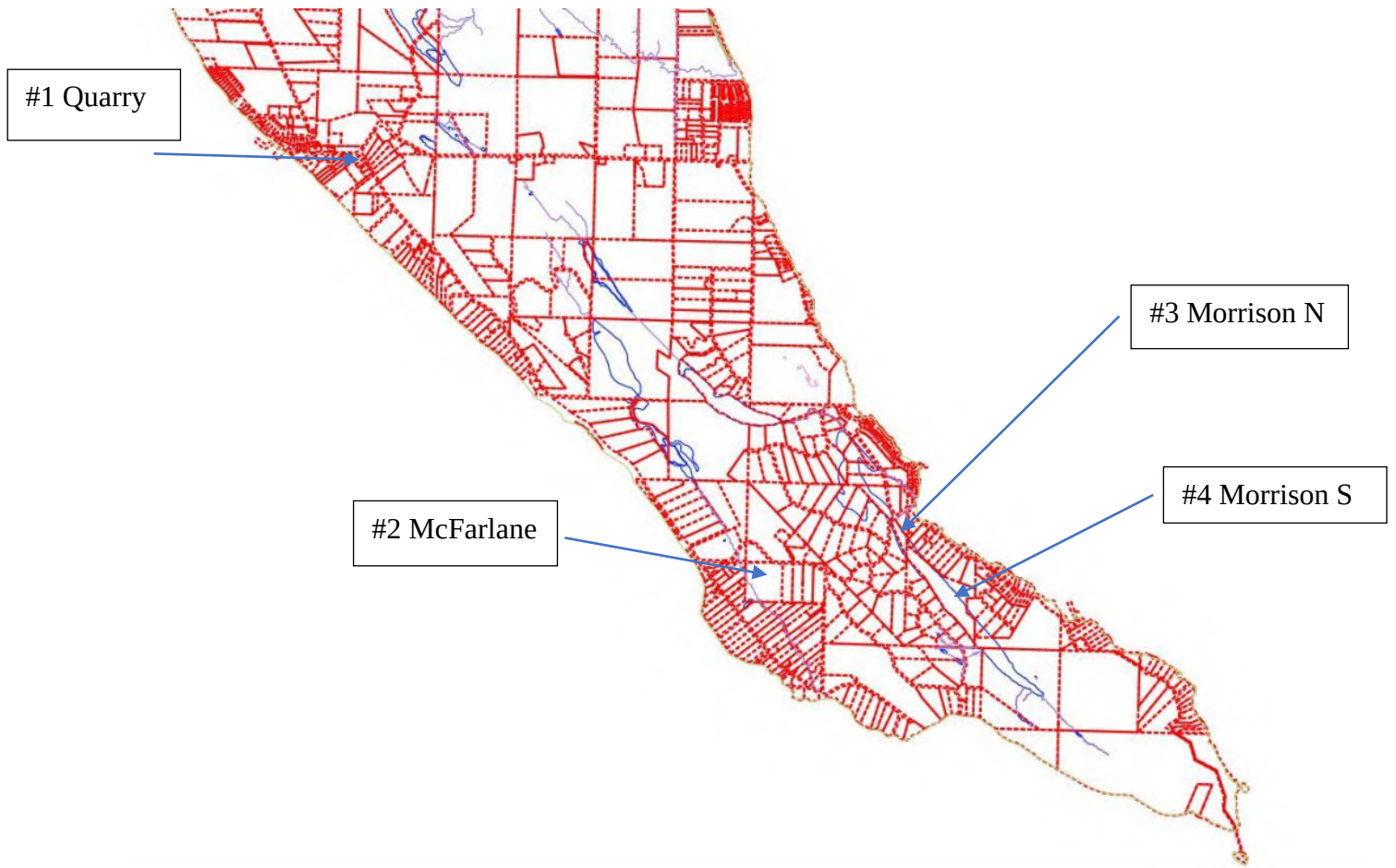
Considering the above extraordinary factors DCA requests that ITC proceed to formalize the protection and management, preferably by the acquisition and establishment as Nature Reserves, of the four 'orphaned' crown land parcels on Denman Island.

Yours truly,

A handwritten signature in cursive script, appearing to read "John Miller".

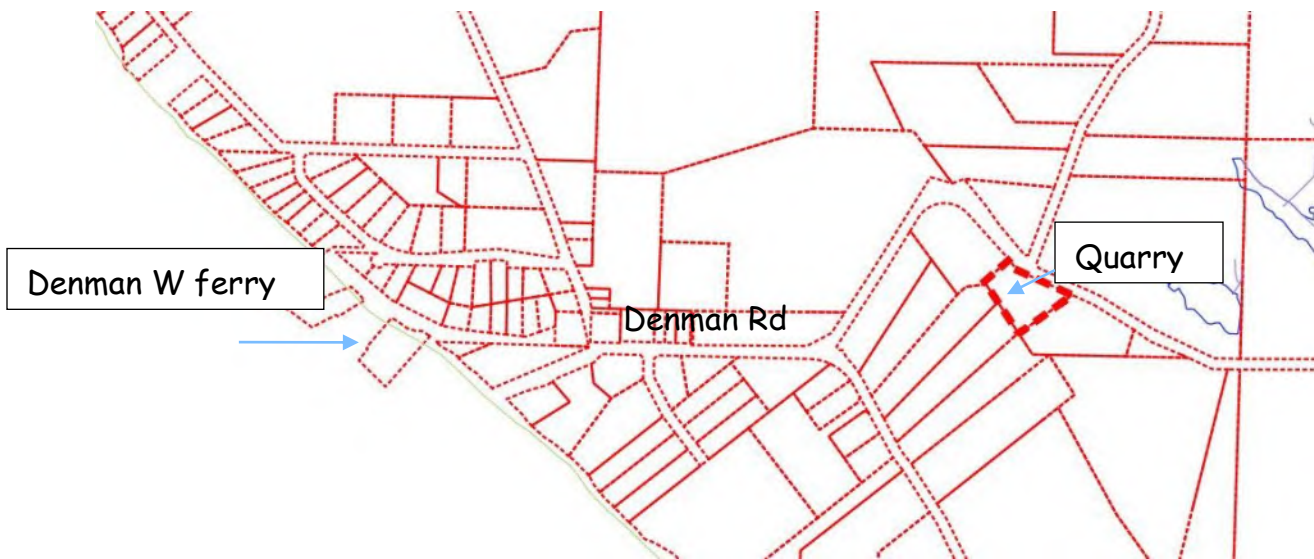
----- Director,
for Denman Conservancy Association Board

Denman FLNRO Conservation Status Crown Parcels



Quarry Crown Land #1

Location:



Arial view:



FLNRO Order of Minister of Environment transfer information March 2015:

1. That part of Section 18, Denman Island, Nanaimo District, shown as "Return to Crown - Historic Site" on Plan 30791, 1.05 hectares, No PIN

Islands Trust Map Data:

PID: NPD-022-367

DESCRIPT: PART SHOWN RETURNED TO CROWN HISTORIC SITE, SECTION 18,
DENMAN ISLAND, NANAIMO DISTRICT, PLAN 30791.

HECTARES: 1.04456422566

PLAN_NUM: RTC 30791

ZONING: CN

ZONING_DES: Conservation

ZONING_CLA: Community

STATUS: Crown

ImprovValu: the Quarry

Description:

The Denman quarry is in the central part of a coastal bluff that is the steep ridge comprising the "backbone" of Denman Island. The land consists of spectacular sandstone quarried cliff-faces that drop steeply from adjacent to Denman Rd to the bench land below. The quarry is adjacent to land held under a conservation covenant by the Denman Conservancy Association that is part of the Canadian Ecological Gifts Program¹ and is on the property of Denman Island Chocolate. The site has remnant moss-covered sandstone blocks, with a hanging garden of mosses, lichens, ferns and flowering plants on the cliff walls, topped by a couple of Garry oak trees. A few large Douglas-firs and Big leaf maples are present within and on the steep rock-walls.

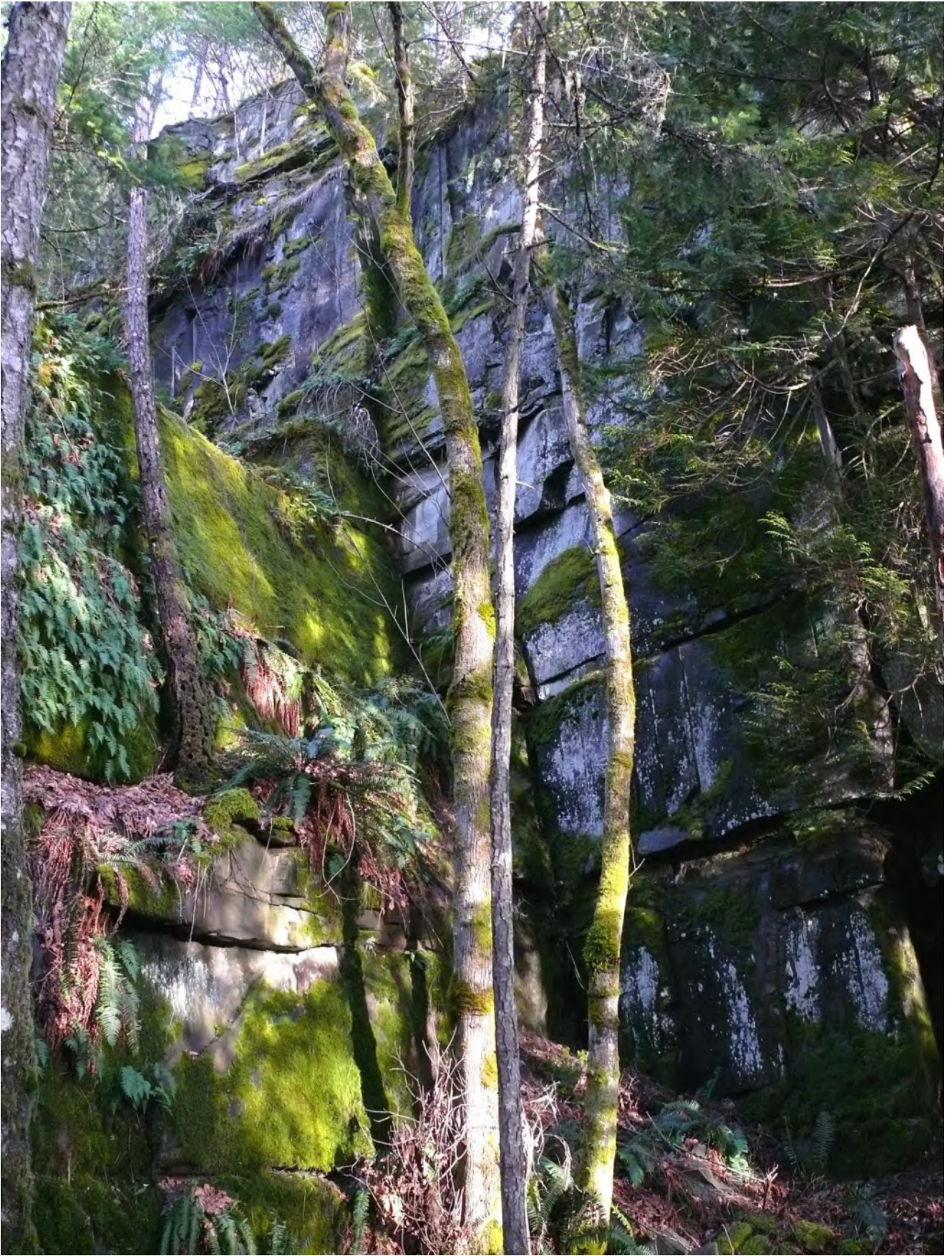
The quarry company began around 1907, operated successfully for about six years, but closed at the outbreak of World War I². Production had slowed as the sandstone blocks on buildings began to have a streaky, silty appearance and showed signs of weathering. During the operational period, several buildings were built and a huge derrick was used to move the blocks. There was a wide-gauge railway track running from the quarry, across the lower slope of the conservation covenant property to the base of the hill, where some of the concrete foundation-remnants are present. From there the railway turned and ran 0.5 mile, crossing Lacon Rd., to a wharf at the water front, where the loading and barging of the blocks took place. Sandstone blocks from this quarry were used in Vancouver to build the old normal School, part of the old post office and the Royal Bank of Canada. Blocks also were used in Victoria for several buildings including part of Victoria high school.



**Remnant sandstone
blocks on quarry
floor**

¹ <http://www.ec.gc.ca/pde-egp/> Ecological Gifts Program which accepts ecologically sensitive lands to 'protect nature and leave a legacy for future generations'

² Quarry information from Isbister, W.A. My Ain Folk. Denman Island 1875-1975. Printed by E.W. Bickle Ltd, Comox, BC.



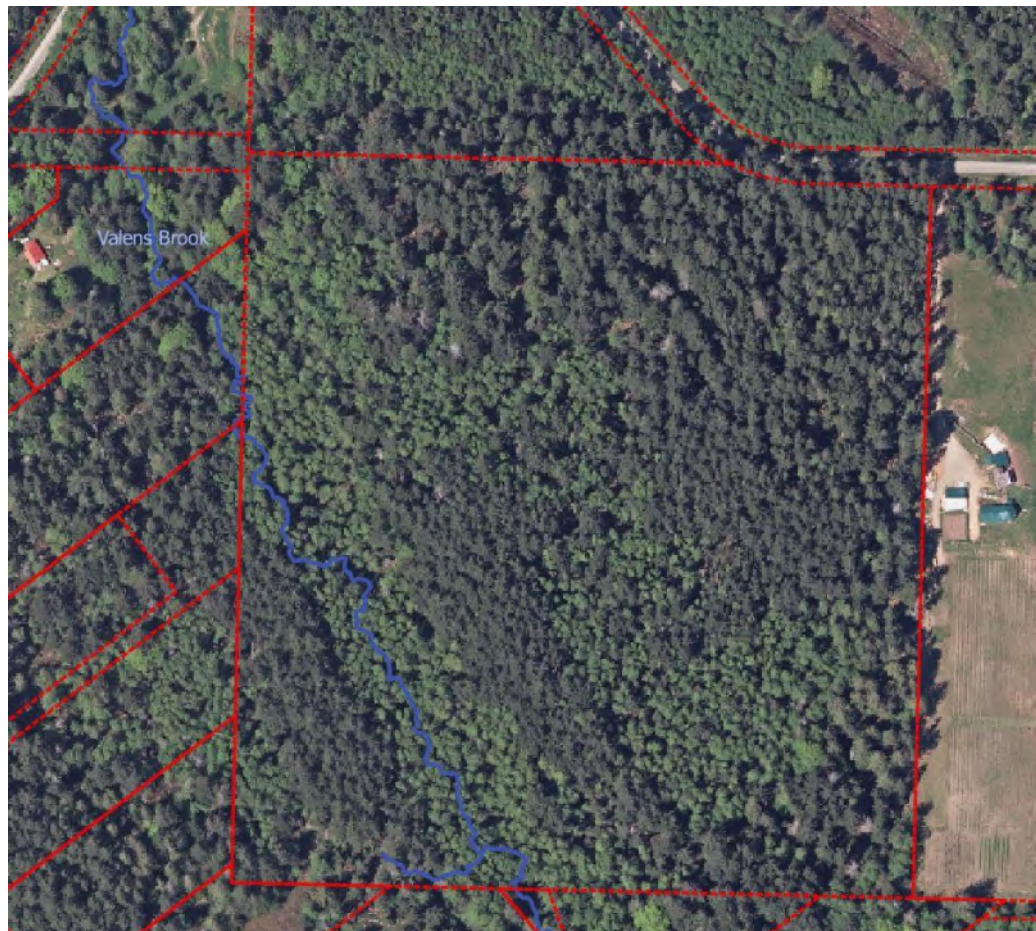
Old Quarry sandstone rock face

McFarlane Crown Land #2

Location:



Arial view:



FLNRO Order of Minister of Environment transfer information March 2015:

Northwest ¼ of Northwest ¼ of Section 6, Denman Island, Nanaimo District, 16.19 hectares, PIN: 418281

Islands Trust Map Data - McFarlane Crown Land

PID: CRO-022-771

HECTARES: 15.01403451510

ACRES: 37.10048726220

ZONING: CN

ZONING_DES: Conservation

ZONING_CLA: Community

STATUS: Crown

Description:

The Valens Brook Conservation land – McFarlane Crown Land is crossed on the diagonal by Denman's second largest salmon spawning creek, Valens Brook. Both Coho salmon and cutthroat trout are present in the creek. The property is completely forested. Most of the forest is approximately 100 year-old Douglas-fir. Mature Red alder stands are present in wet depressions and drainage areas, and mixed riparian forest surrounds the creek. Sixteen species at risk and four rare ecological communities have been identified in adjacent Valens Brook land parcels and these may also use or be present on this land.

The topography of the property changes from northeast to southwest. The northeast half of the land is an upper bench of Douglas-fir forest. From the bench, the land drops with varying steepness towards the southwest, down to Valens Brook. Additional coniferous forest is present in the southwest section of the land, on the west side of Valens Brook. The northeast corner borders McFarlane Rd and an old driveway crosses the corner of this property into the adjacent parcel.



Old driveway
off
McFarlane Rd
at northeast
corner
&
Conservation
Area sign

The McFarlane Crown land is just 300m north of the Islands Trust's Valens Brook Nature Reserve. In addition, small 'Return to Crown' (from subdivision) portions of land along the creek are present over four of the six narrow properties that lie between the Reserve and the McFarlane Crown land. The conservation plan for the area is to make the Nature Reserve into a Conservation salmon-stream greenway along the creek, by gradually adding portions of creek-side-properties to the two that were donated to create the current Reserve.



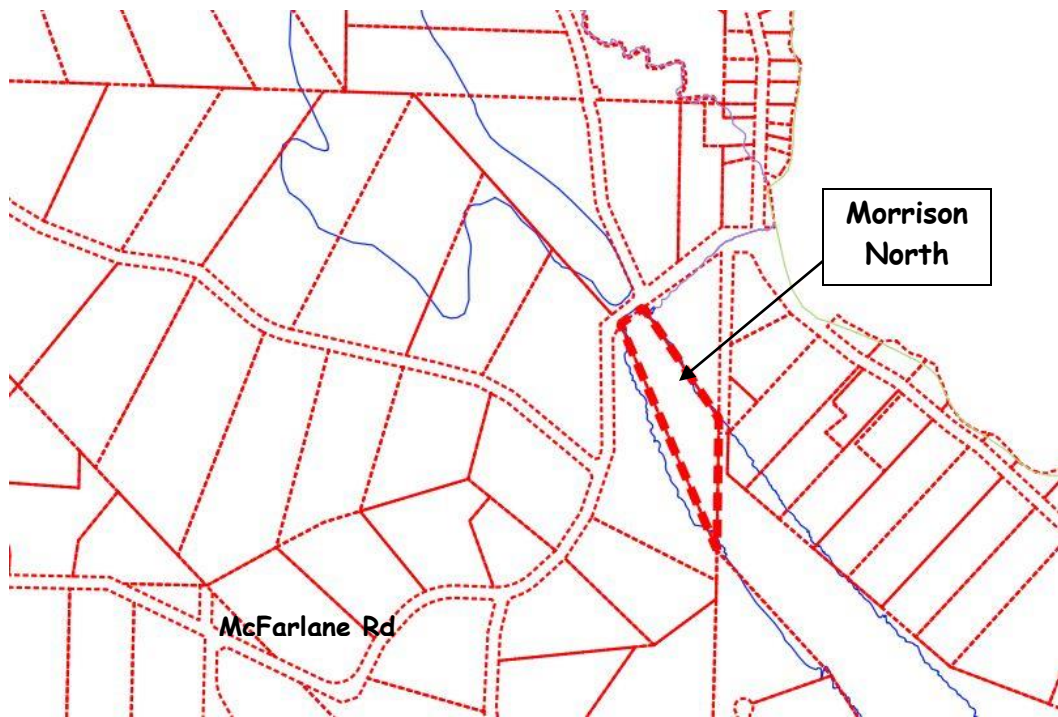
McFarlane Crown forest



McFarlane Crown - Valens Brook

Morrison North Crown Land #3

Location:



Arial view:



FLNRO Order of Minister of Environment transfer information March 2015:

3. That part of Parcel A, South 1/2 of Section 9 and Northeast 1/4 of Section 6, Denman Island, Nanaimo District, shown as "Return to Crown" on Plan 31399, 2.217 hectares, No PIN

Islands Trust Map Data:

PID: CRO-022-726

DESCRIPT: PORTION SHOWN RETURNED TO CROWN, SECTION 9, DENMAN ISLAND, NANAIMO DISTRICT, PLAN

HECTARES: 2.21699520374

ZONING: PK

ZONING_DES: Park

ZONING_CLA: Community

STATUS: Crown

Description:

Morrison North is the north end of Morrison Marsh, a shallow open water wetland with sedges, rushes and other marsh vegetation along the edges. The marsh abuts McFarlane Road to the north. The outflow is in the northeast corner and flows east adjacent to the road and empties into Lambert Channel. The water level of the marsh is maintained at the current level (approximately 0.8m) by a weir at the outflow, managed by Ducks Unlimited. The weir was the result of a project, begun in 1985, involving Ducks Unlimited, Ministry of Environment, Lands and Parks and the marsh's surrounding landowners. Beavers have also contributed their own dam to controlling the outflow.

This property is immediately adjacent to #4 Morrison South, which is only 70m north of the Islands Trust's Morrison Marsh Nature Reserve. Small portions of three properties occupy the 70m of marsh between Morrison South and the Reserve.

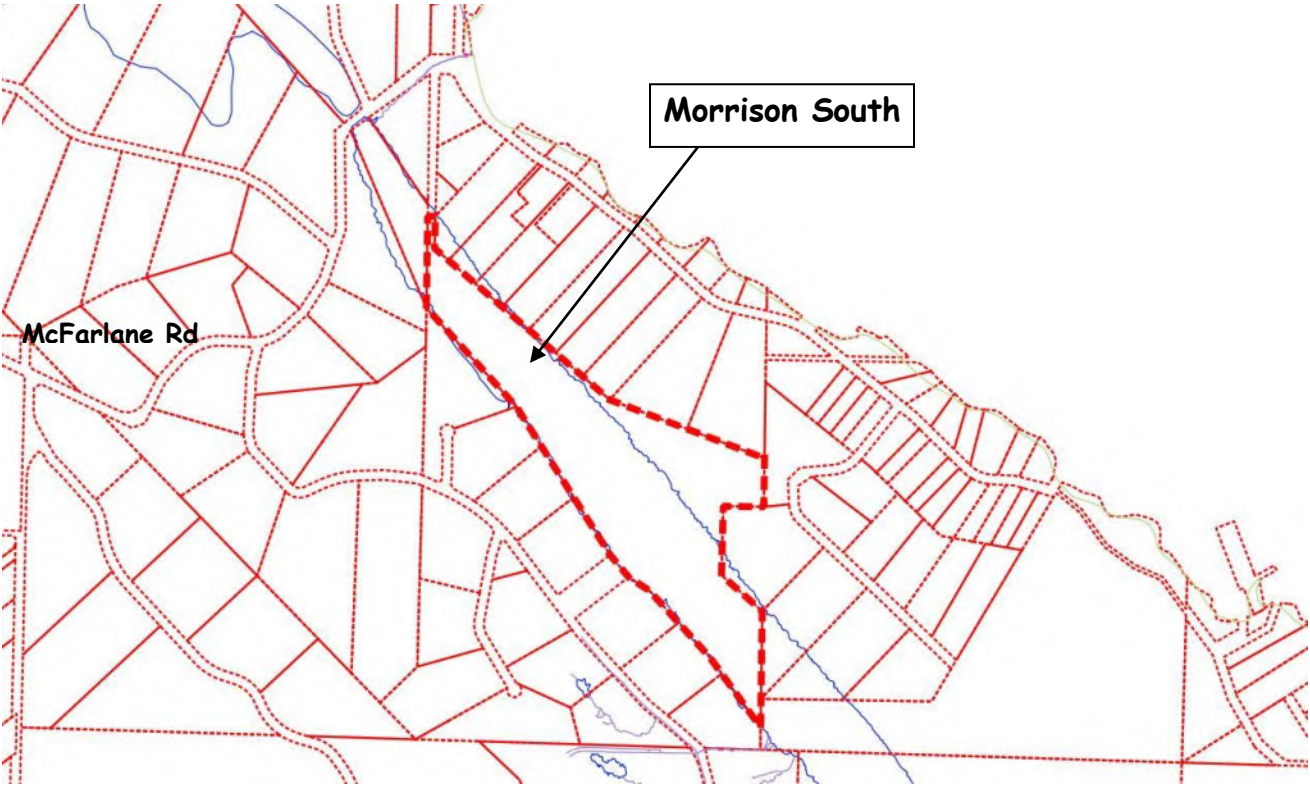
Wetlands on small gulf islands are of particular ecological significance. The marsh is an important home and fresh water source for an abundant array of wildlife and plants, and also provides water for various private properties along the marsh. Over-wintering and nesting waterfowl use the marsh, including trumpeter swans, great blue herons, Canada geese, rails and a wide variety of ducks. Beaver, otter and mink regularly use the marsh, as do many resident and neotropical-migrant birds, northern red-legged frogs, chorus frogs, a variety of salamanders and numerous invertebrates.



Morrison Marsh – looking south over both Crown properties #3 & #4

Morrison South Crown Land #4

Location:



Arial view:



FLNRO Order of Minister of Environment transfer information March 2015:

4. Lot 18, Northwest 1/4 of Section 7 and part of the fractional SW 1/4 of Section 8, Denman Island, Nanaimo District, Plan 32019, 20.32 hectares, No PIN

Islands Trust Map Data

PID: 001-117-131

DESCRIPT: LOT 18, SECTIONS 7 AND 8, DENMAN ISLAND, NANAIMO DISTRICT,
SUBDATE: 1978-12-31

HECTARES: 19.77495344080

ACRES: 48.86497413490

PLAN_NUM: 32019

ZONING: CN

ZONING_DES: Conservation

ZONING_CLA: Resource

STATUS: Crown

Description:

The Morrison South property covers 1200 m of the long, narrow, shallow, open-water wetland that is Morrison Marsh, and also includes 4.5 ha of mature Douglas-fir forest on the east side of the marsh. As noted above, the marsh is maintained as open-water throughout this property by a weir at the north-end outflow, which controls the water level. This property is 70m north of the Islands Trust Morrison Marsh Nature Reserve. Small portions of three properties occupy the 70m of marsh between Morrison South and the Reserve.

Midway on the east side of marsh, the forested land rises westward to a ridge, running along the southeast side of Denman and then gradually drops to the marsh. The forest is primarily 100 year old Douglas-fir.

As noted for property #3, wetlands on small gulf islands are of particular ecological significance. The marsh is an important home and water source for an abundant array of wildlife and plants, and also provides water for various private properties along the marsh. The open water with submerged vegetation provides breeding and foraging habitat for birds, fish, beaver, river otter, mink, amphibians, and numerous invertebrates. In winter, the water is particularly important as both over-wintering and staging habitat for waterfowl that migrate from the north on Pacific flyway. Shoreline trees provide additional nesting habitat for waterfowl and other birds. Some nest boxes on the marsh are maintained by Ducks Unlimited and local volunteers.



Morrison South Forest



Morrison South forested marsh-edge east side.

BRIEFING

To: Local Trust Committees **For the Meeting of:** January 18, 2022
From: David Marlor, Director, Local Planning Services **Date Prepared:** December 15, 2021
SUBJECT: Shoreline Protection Model Bylaw Report

PURPOSE:

The purpose of this briefing is to provide the subject report to each local trust committee.

BACKGROUND:

Trust Council passed a resolution in September, 2021 requesting that Staff forward the Shoreline Protection Model Bylaw Report dated March 2021 to local trust committees and Bowen Island Municipality for information.

This report was undertaken by the Regional Planning Committee in accordance with Islands Trust Strategic Plan Item 2.3. "Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore."

This report undertakes a review of official community plan and land use bylaw provisions for shoreline protection in the Islands Trust Area as well as examples from outside the Islands Trust Area, and provides recommendations for local trust committees and Bowen Island Municipality to consider when developing new, or updating existing shoreline policies and regulations.

ATTACHMENT(S):

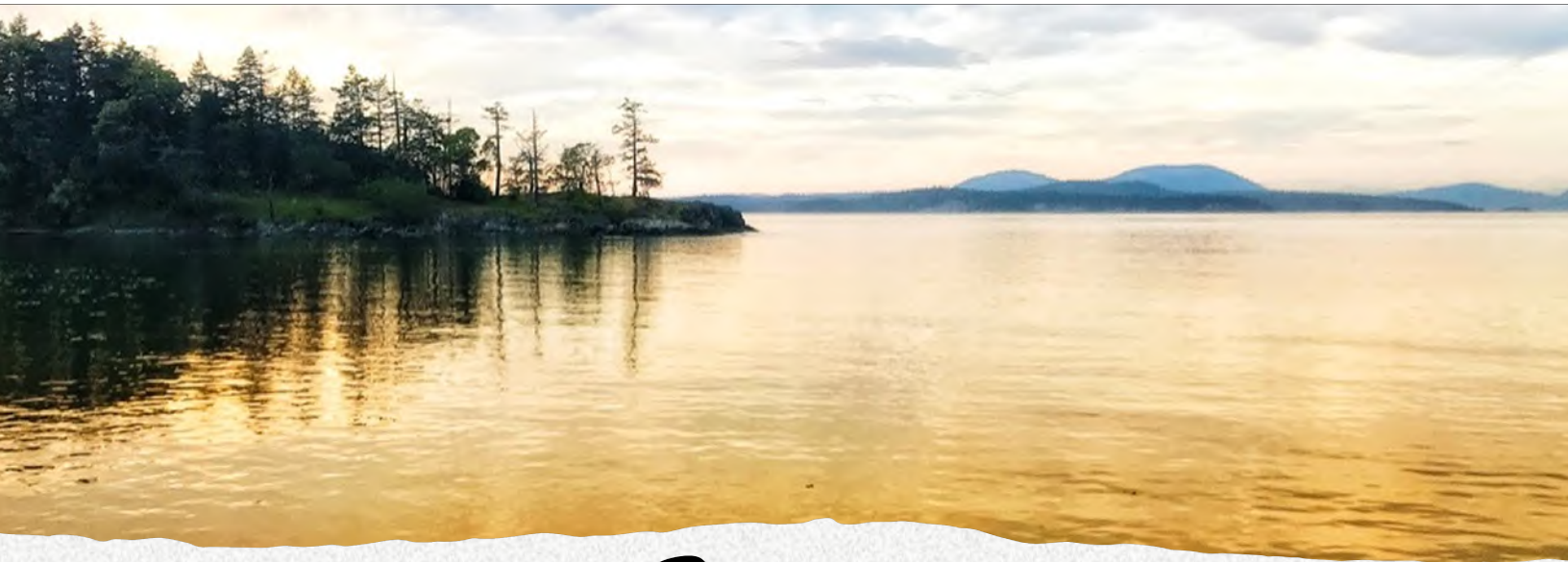
1. Shoreline Protection Model Bylaw Report

FOLLOW-UP:

A requested by the local trust committee. Note that any work on shoreline would be a project of the local trust committee with relevant consideration of staff and budget resources.

Prepared By: David Marlor, Director, Local Trust Committees

Reviewed By/Date:



Islands Trust

Shoreline Protection Model Bylaw Report
March 2021

ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust.

We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

Islands Trust

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It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



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OVERVIEW

Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

Project Deliverables:

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

HERITAGE AND CULTURAL CONSIDERATIONS

Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (*Source: SSI OCP Volume 1 Section A4 Objective 15*)

Provincial Archaeological Requirements:

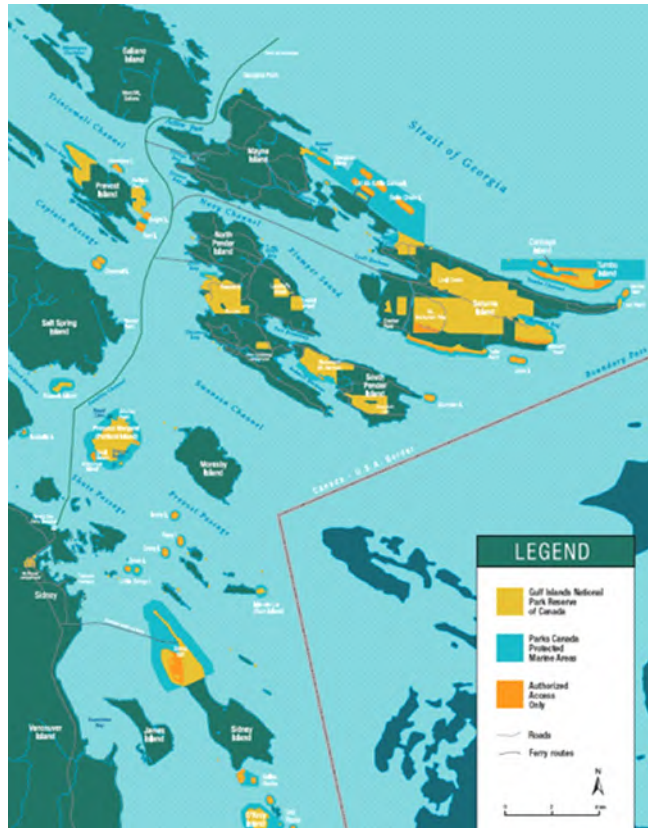
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

Federal Government Initiatives:

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://pc.gc.ca))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region's inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada's most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada's ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

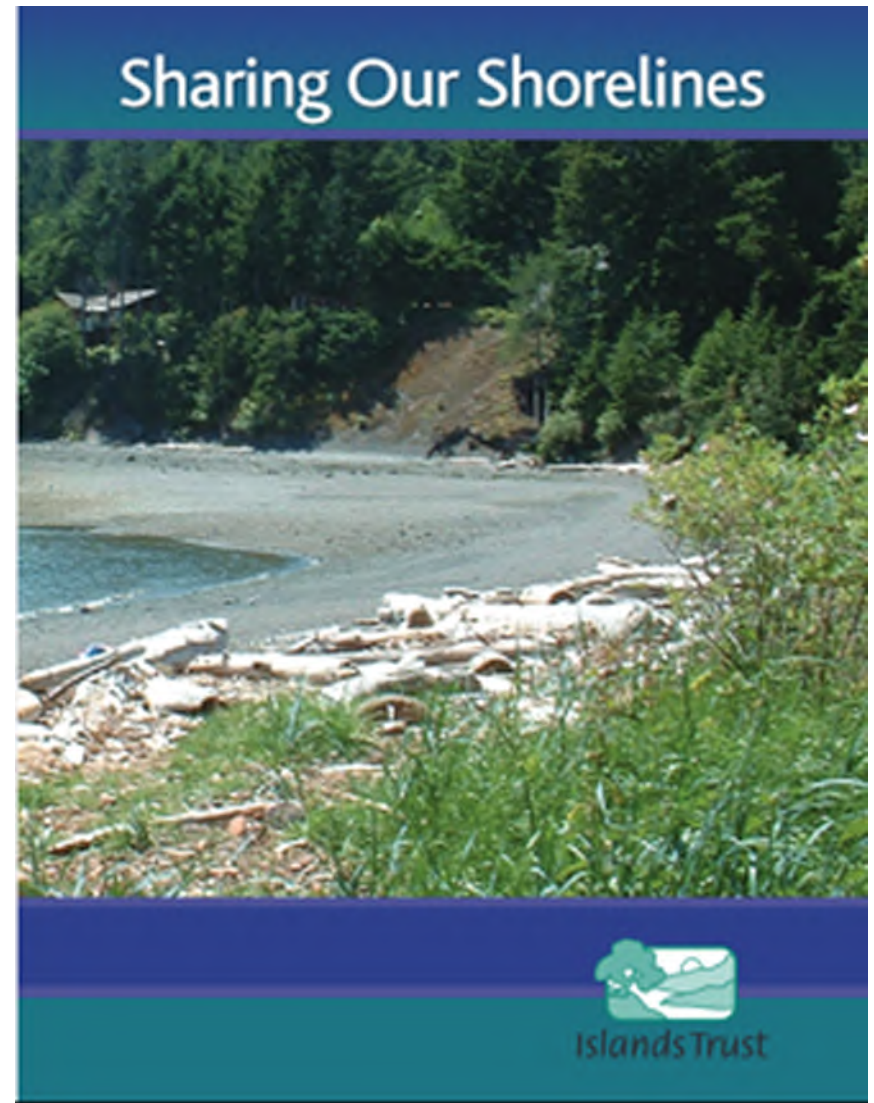
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

Local Trust Committees have the following tools available for addressing climate change mitigation efforts:

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

BC MARINE COASTAL SHORELINES JURISDICTION

Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



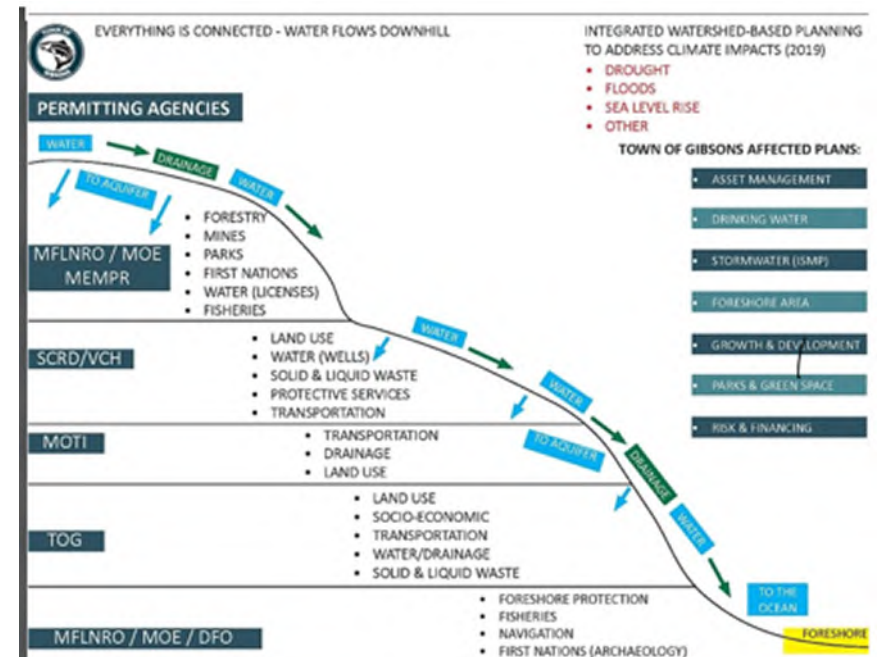
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline “riparian” habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

Professional Organizations Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

(Source: [Waters | Nanwakolas Council](#))

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC
Rocks placed to slow tidal action



LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

1. Islands Trust Policy Statement

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that 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.

2. Official Community Plans

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

"The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." (Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
 - The natural environment, its ecosystems and biological diversity
 - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
 - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
 - Energy conservation
 - Water conservation
 - Reduction of greenhouse gas emissions

Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. northcowichan.ca/assets/MarineWaterfront.pdf
(North Cowichan Development Permit)
2. foreshore-development-permit-area.pdf
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.
[gm-ltc 2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2)

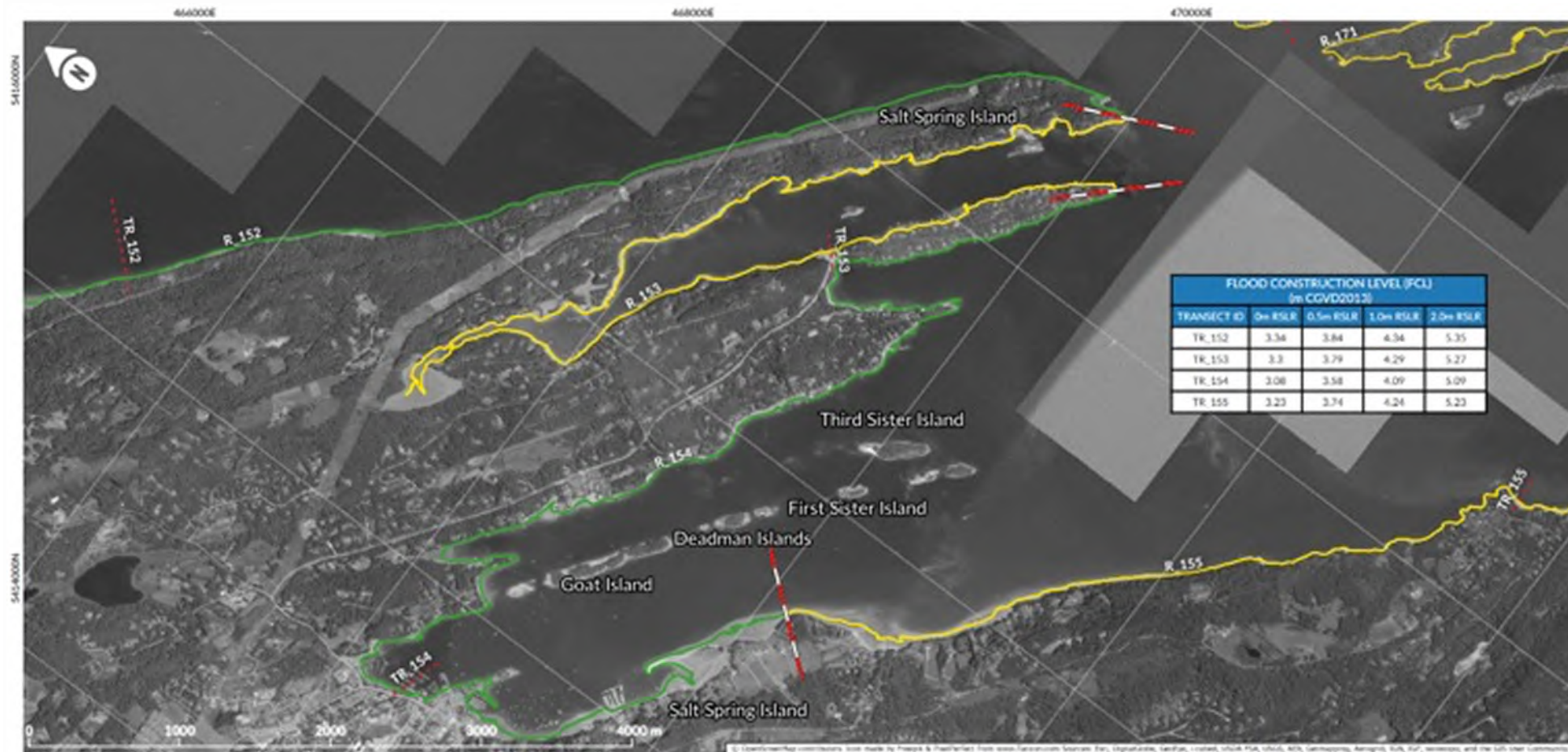


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

**May be reduced with engineer certification.

Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14.>) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: *Greenshores Credits and Ratings Guide*

The following features may project into a required setback area:
o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

Marine/Coastal Policies

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

Objectives

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

Environmentally Sensitive Areas

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

Objectives and Justification

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.
- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.
- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.
- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.
- vii. minimize and mitigate the environmental and visual impacts of development.
- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.
- ix. restore and enhance sites previously degraded or denuded of vegetation.
- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning. The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

Conclusion:

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

RECOMMENDATIONS

First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

regulated through development permits; and b) consider on a case-by-case basis.

8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres.

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 (washington-apa.org) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](#) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

Best Practices – Islands Trust

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf](#) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

APPENDICES

REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

Bowen Island Municipality

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

Denman Island Local Trust Area

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

Gabriola Island Local Trust Area

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

Mudge Island

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

DeCourcy Island

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

Gambier Island Local Trust Area

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

Keats Island

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

Gambier Associated Islands

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. Modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

Galiano Island Local Trust Area

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

Hornby Island Local Trust Area

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

Lasqueti Island Local Trust Area

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

Mayne Island Local Trust Area

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

North Pender Island Local Trust Area

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

Salt Spring Island

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

Saturna Island Local Trust Area

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

South Pender Island Local Trust Area

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

Thetis Island

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

Ballenas and Winchelsea

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

Review other Examples

- Oak Harbour SMP

Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.

- Natural Resources Canada, Land Use Planning Tools 2012

This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.

Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.

The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

Natural Environment: Objectives

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

Climate change – policies (adaptation)

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

Coastal areas

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

Coastal area - objectives

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

Coastal areas - policies

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

Shoreline protection devices

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District's sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as "Managed Water". Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

REFERENCES

General:

www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf (islandstrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandstrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandstrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0

Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

Island Ecosystems:

[Marsh Fine Sediment](#) (islandstrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)](#) [June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)
[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

Other:

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

[Local Updates \(caorda.com\)](#)

[Hul'qumi'num Heritage Law Case Study Report](#)

[KFN Marine Plan 2012.pdf \(komoks.ca\)](#)

[squamish.ca/assets/OCP_Coastal_marine_planning](#)

Policy Compliance Checklist

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.
	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
	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
	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.

	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.
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PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
	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.

	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.
	4.3	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
	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.
	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.
	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.
	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

	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
	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.
	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
	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.

	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.
	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
	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
	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.
	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.
	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.
	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	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:

MEMORANDUM

File No.: 3040-60 Housing Agreements

DATE OF MEETING: March 22, 2022
TO: Denman Island Local Trust Committee
FROM: Sonja Zupanec
SUBJECT: Denman Community Land Trust Association Housing Agreement

PURPOSE

To inform the Denman Island Local Trust Committee that Owner Statutory Declarations for the transfer of shares and ownership from C. Bjorge to T. Pinal have been received from Triple Rock Land Development in regards to their Housing Agreement at 5321 Denman Road, Denman Island. The property is in compliance with the Housing Agreement.

The declaration is included in the Housing Agreement as a method for the Islands Trust to monitor the property and it is the responsibility of Triple Rock Land Development to submit a declaration.

Submitted By:	Sonja Zupanec, Island Planner	March 8, 2022
Concurrence:	Heather Kauer, AICP Regional Planning Manager	March 8, 2022

From: Logan Lapointe <llapointe@swiftdato.com>
Sent: Monday, May 31, 2021 1:16 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: Laura Busheikin <laura.busheikin@gmail.com>
Subject: Transfer of Interest in Triple Rock Land Cooperative

Good afternoon,

Pursuant to the Housing Agreement noted under number FB269464 on title to certain Lands owned by Triple Rock Land Cooperative, attached are the statutory declarations required by that Agreement.

Please advise if the Local Trust Committee will require anything else in respect of this transaction.

Best,

Logan N. Lapointe
Lawyer

Swift Dato LLP
201-467 Cumberland Road, Courtenay, BC, V9N 2C5
Tel: 250.334.4461 | Fax: 250.334.2335 | www.swiftdato.com

For our updates on legal transactions and COVID-19, see [here](#).

I, Laura Bushkiri, of Denman Island, 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 3 and 4 of the Statutory Declaration of Conna Bjorge 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 Courtenay, in
the Province of British Columbia, this 28
day of May, 20021.


A Commissioner for Taking Affidavits for
British Columbia

)
)
)
)

) Signature of person making declaration
)
)

LOGAN N. LAPOINTE
Barrister & Solicitor
#201-467 Cumberland Road
Courtenay, B.C. V9N 2C5
250-334-4461

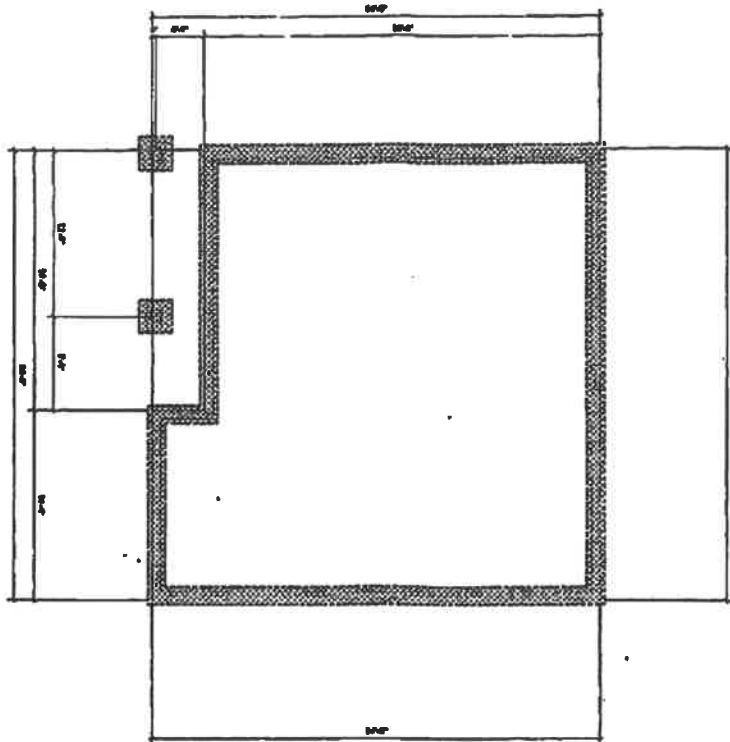
DENMAN ISLAND LOCAL TRUST COMMITTEE FORM OF STATUTORY DECLARATION

I, Corinne George, of Comox, British Columbia, do solemnly declare:

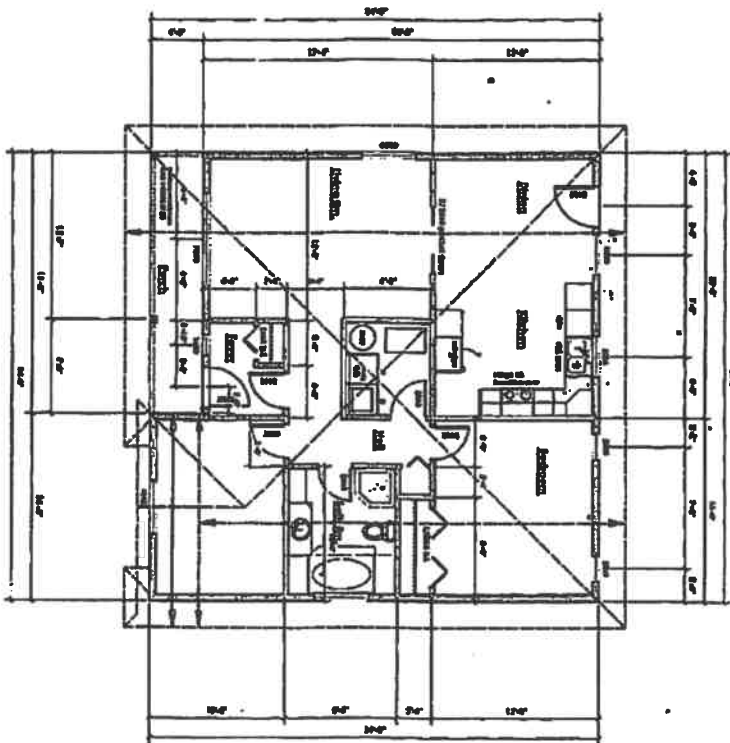
- SWORN BEFORE ME at Courtenay in
the Province of British Columbia, this 22
day of May, 2001.

Signature of person making declaration

17



1
A2
Foundation Plan
Scale: 1/8" = 1'-0"



2
A2
Main Floor Plan
Scale: 1/8" = 1'-0"
Notes: (see notes)

step one design "Your Best Interest Is Our First Step" PH: 779-633-5438 10000 100th Street, Suite 100 Richmond, BC V6X 2C1 507 Pender Way Vancouver, B.C. V6C 2L5	Pacific Homes RESIDENTIAL DEVELOPERS IN AND THROUGHOUT THE PACIFIC NORTHWEST PACIFIC HOMES ONE HARRIS CIRCLE, SUITE 100 COQUITLAM, BC V3K 4W8 604-661-2266 www.pacific-homes.com	client	Courtne Bjorge
		project	Proposed Residence
		address	
		city/township	Denman Island, B.C.

SHARE TRANSFER AGREEMENT

THIS AGREEMENT is made effective May 20, 2021.

BETWEEN:

CORINNE BJORGE, of [REDACTED], Comox, British
Columbia

("Corinne")

AND:

TRISTAN PINAL, of [REDACTED], Denman Island, British
Columbia

("Tristan")

AND:

TRIPLE ROCK LAND COOPERATIVE, Inc. No. CP-1897, of
5201 Denman Road, Denman Island, British Columbia

(the "Co-op")

WHEREAS:

- A. Corinne is the registered and beneficial owner of 2 shares in the membership of the Co-op (the "Shares");
- B. Upon the terms and conditions set forth herein, Corinne proposes to sell to Tristan, and Tristan proposes to purchase from Corinne, both of the Shares in exchange for the consideration set forth herein (the "Purchase"); and
- C. Tristan has been approved as a member by the Co-op.

THEREFORE, the Parties agree as follows:

1. Transfer

- 1.1 Relying upon the representations and warranties as set out in this Agreement, Corinne hereby transfers, assigns and conveys to Tristan all right, title and interest of Corinne in and to the Shares, such transfer, assignment and conveyance to be effective on May 31st, 2021 (the "Closing Date"), on the terms set out in this Agreement, free and clear of any lien, charge and encumbrance of any nature or kind whatever, except the liens over the Shares in favour of the Co-op as required by the bylaws of the Co-op.

2. Price and Consideration

- 2.1. The Parties agree that, pursuant to Section 8 of the Housing Agreement between the Co-op and the Local Trust Committee, the purchase price for the Shares is \$62,598.92 (the "Purchase Price").
- 2.2 On the Closing Date, Tristan will pay or direct to be paid the Purchase Price to Corinne by bank draft, certified cheque, wire transfer or as otherwise directed by Corinne and Corinne will deliver a fully signed instrument of transfer to Tristan.

3. Representations and Warranties

- 3.1 Corinne represents and warrants to Tristan, with the intent that Tristan will rely on them in entering into this Agreement and in concluding the transactions contemplated by this Agreement, that:
 - (a) the Shares are legally and beneficially owned by Corinne and are free and clear of all liens, charges and adverse claims, except as noted herein; and
 - (b) Corinne is not a non-resident of Canada for purposes of the *Income Tax Act* (Canada).
- 3.2 Tristan represents and warrants to Corinne, with the intent that Corinne will rely on such in entering into this Agreement and in concluding the transactions contemplated by this Agreement, that Tristan is not a non-resident of Canada for purposes of the *Income Tax Act* (Canada).
- 3.3 The Co-op represents and warrants to Tristan and Corinne that the Co-op has approved Tristan as a member and will accept Tristan as a member and enter his name into the register of members of the Co-op immediately upon the completion of this Agreement as set out herein.
- 3.4 All representations and warranties of the Parties set out in this Agreement, and the covenants of the Parties set out in this Agreement will survive the completion of the sale and purchase of the Shares provided for in this Agreement and, notwithstanding such completion, will continue in full force and effect for the benefit of the Parties hereto, as the case may be, in accordance with the terms thereof.

4. General Contract Provisions

- 4.1 It is expressly agreed that, as between the Parties, Corinne will have the sole liability for, and shall assume and bear the payment of, all income taxes the liability for which arises out of or results from the sale and transfer of the Shares pursuant to this Agreement, and that Corinne shall fully and effectually indemnify and hold the Co-op and Tristan harmless in respect thereof.
- 4.2 From time to time as needed the Parties will each execute and deliver all such further documents, certificates, deeds, conveyances, transfers, assignments, declarations, affidavits and other documents necessary or desirable to give effect to the full intent of this Agreement, including the transfer of the Shares.

- 4.3 This Agreement will enure to the benefit of, and be binding upon, the respective heirs, executors, administrators, successors and permitted assigns of the Parties.
- 4.4 Whenever the singular or masculine is used in this Agreement, it will be construed as meaning the plural or the feminine or neuter, and vice versa, where the context or the parties so require.
- 4.5 This Agreement and all matters arising hereunder will be governed by and construed in accordance with the laws of British Columbia, and all references to money refer to Canadian dollars.
- 4.6 Time will be of the essence in this Agreement.

IN WITNESS WHEREOF each of the Parties executes and delivers this Agreement.

DATED effective the date first above written.


CORINNE BJORGE

TRISTAN PINAL

TRIPLE ROCK LAND COOPERATIVE

By: _____
Authorized Signatory

- 4.3 This Agreement will enure to the benefit of, and be binding upon, the respective heirs, executors, administrators, successors and permitted assigns of the Parties.
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DATED effective the date first above written.

CORINNE BJORGE



TRISTAN PINAL

TRIPLE ROCK LAND COOPERATIVE

By: _____
Authorized Signatory

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IN WITNESS WHEREOF each of the Parties executes and delivers this Agreement.

DATED effective the date first above written.

CORINNE BJORGE

TRISTAN PINAL

TRIPLE ROCK LAND COOPERATIVE

By: _____

Authorized Signatory

CO-OPERATIVE HOUSING UNIT TRANSFER AGREEMENT

This agreement made effective the 20th day of May, 2021

BETWEEN:

CORINNE BJORGE, of [REDACTED], Comox, British Columbia
(the "Transferor")

AND:

TRISTAN PINAL, of [REDACTED] Denman Island, British Columbia
(then "Transferee")

AND:

TRIPLE ROCK LAND COOPERATIVE, Inc. No. CP-1897, of 5201 Denman
Road, Denman Island, British Columbia
(the "Co-op")

WHEREAS:

- A. The Co-op owns certain Lands legally described as Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 (the "Lands").
- B. The Transferor is a member of the Co-op and owns the co-operative housing unit with civic address 5321 Denman Road, Denman Island, British Columbia (the "House"), located on the Lands.
- C. The Transferor and the Transferee have agreed that the Transferee shall purchase the shares in the membership of the Co-op from the Transferor, in accordance with the Share Transfer Agreement between them, and the Co-op has approved such transfer.
- D. Incidental to the transfer of shares above, the Transferor now wishes to transfer all of her rights and obligations in respect of the ownership of the House to the Transferee, and the Transferee wishes to assume those same rights and obligations.
- E. The Purchase Price of the House has been determined in accordance with section 9 of the Housing Agreement, as defined hereafter.

- F. The Transferee recognizes that his membership in the Co-op and his ownership of the House, and his rights and obligations in respect thereof, are subject to the Housing Agreement, the bylaws of the Co-op and such policies of the Co-op as have been approved by the directors and recorded in the minutes of the meetings of the directors.
- G. The transfer contemplated by this Agreement is subject to approval by the Co-op, and a copy of this Agreement must be provided to the Local Trust Committee pursuant to section 11 of the Housing Agreement.

NOW THEREFORE, in consideration for the sum of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties hereto, the parties agree as follows:

1. Each of the recitals hereto is true and correct.
2. Each of the representations and warranties of either party contained in the Share Transfer Agreement is true and correct.
3. In this Agreement, the following terms have the following meanings:
 - a. "Closing" means the 31st day of May, 2021, at 11:00 a.m. and shall occur at the offices of Swift Datto LLP in Courtenay, British Columbia;
 - b. "Purchase Price" means, pursuant to section 9 of the Housing Agreement, the depreciated replacement cost of the unit as determined by a member of the Appraisal Institute of Canada acting at arms length from both Transferor and Transferee, and as evidenced by the certification of that appraiser attached as Schedule "A" hereto;
 - c. "Housing Agreement" means the housing agreement entered into between the Co-op and the Denman Island Local Trust Committee as at March 25, 2009 and registered against title to the Lands;
 - d. "Share Transfer Agreement" means the agreement entered into by the parties hereto as at even date hereof with respect to the transfer of the Transferor's shares in the membership of the Co-op to the Transferee;
4. The Transferor hereby agrees to transfer, assign and convey to the Transferee all right, title and interest of The Transferor in and to the House, such transfer, assignment and conveyance to be effective on Closing, on the terms set out in this Agreement, free and clear of any lien, charge and encumbrance of any nature or kind whatever, except as otherwise set out herein.
5. The Transferee shall, at Closing, pay the Purchase Price to the Transferor by bank draft, certified cheque, wire transfer or as otherwise directed by the Transferor.

6. Notwithstanding anything else in this Agreement, the Transferee acknowledges and agrees that he is acquiring the House on an as-is, where-is, basis and, without limiting the generality of the foregoing, specifically acknowledges that the House has been constructed without building permits and the Transferor makes no representations as to compliance with any or all potentially applicable bylaws, zoning requirements, or otherwise.
7. The Transferor shall, at Closing, deliver a fully signed instrument of transfer to the Transferee.
8. Subject to any agreement between the parties, the Transferor shall bear all costs, including residential property tax costs, associated with the ownership of the House before Closing and the Transferee shall bear all such costs thereafter. The Transferor and the Transferee shall make all adjustments, both incoming and outgoing, in respect of such costs as at the date of Closing.
9. The Transferee shall have possession of the House as at Closing.
10. The Purchase Price includes all fixtures, appurtenances and attachments to the House in the normal course of a residential sale but does not include any of the landscaping surrounding the house, the cistern or any other items external to the House building itself.
11. The parties represent and warrant to one another that neither of them is a non-resident of Canada for purposes of the *Income Tax Act* (Canada).
12. The representations and warranties of the Parties set out in this Agreement, and the covenants of the Parties set out in this Agreement will survive the completion of the sale and purchase of the Shares provided for in this Agreement and, notwithstanding such completion, will continue in full force and effect for the benefit of the Parties hereto, as the case may be, in accordance with the terms thereof.
13. The obligations of the Transferee hereunder are subject to the approval of the Co-op of this Agreement and the Transferee being a person referred to in paragraph 7 of the Housing Agreement, the Transferee having made his best efforts to become such a person.
14. From time to time as needed the Parties will each execute and deliver all such further documents, certificates, deeds, conveyances, transfers, assignments, declarations, affidavits and other documents necessary or desirable to give effect to the full intent of this Agreement, including the transfer of the Shares.

15. This Agreement will enure to the benefit of, and be binding upon, the respective heirs, executors, administrators, successors and permitted assigns of the Parties.

16. Whenever the singular or masculine is used in this Agreement, it will be construed as meaning the plural or the feminine or neuter, and vice versa, where the context or the parties so require.

17. This Agreement and all matters arising hereunder will be governed by and construed in accordance with the laws of British Columbia, and all references to money refer to Canadian dollars.

18. Time will be of the essence in this Agreement.

IN WITNESS WHEREOF each of the Parties executes and delivers this Agreement.

DATED effective the date first above written.



CORINNE BJORGE

TRISTAN PINAL

TRIPLE ROCK LAND COOPERATIVE

By: _____

Authorized Signatory

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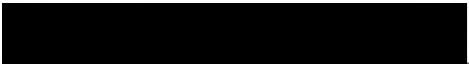
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CORINNE BJORGE



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CORINNE BJORGE

TRISTAN PINAL

TRIPLE ROCK LAND COOPERATIVE

By: _____

Authorized Signatory

Schedule A



JACKSON & ASSOCIATES
Affiliate **VERRAGROUP** Valuation

Replacement Cost Estimate of:

5321 Denman Road
Denman Island, BC V0R 1T0

Prepared for:

Ms. Corinne Bjorge
[REDACTED]
Denman Island, BC

Attention: Corinne Bjorge

Effective Date of Report:

April 02, 2020



April 23, 2020
R17384-A

Ms. Corinne Bjorge
5321 Denman Road
Denman Island, BC
V0R 1T0

**RE: Depreciated Replacement Cost Estimate
5321 Denman Road, Denman Island BC V0R 1T0**

Single Family Dwelling

As per your instruction and authorization, Wm. S. Jackson & Associates Ltd. has performed an inspection and completed an estimate of the replacement cost new of the above-described property. The subject property comprises "Parent Site", Lot A, Section 17, Nanaimo District, Plan VIP87456.

The purposes of the replacement cost estimate, is to aid in determining the appropriate property value for marketing purposes only.

After careful review and consideration, the Depreciated Replacement Cost, as of April 02, 2020 is estimated at:

Building Construction:	\$231,555.00
Allowance for Bylaw Updates:	\$ N/A
Site Improvements:	\$ 300.00
Total:	\$231,855.00

\$231,855.00
(Inclusive of Site Improvements)

Data, information, and calculations leading to the value conclusion are incorporated in the report following this letter. The report, in its entirety, including definitions, all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter. It is inappropriate to rely upon this replacement cost estimate or individual sections of this report without reference to the report in its entirety. Any special assumptions and limiting considerations were clearly defined in this report.

This report sets forth the most pertinent data gathered and the techniques employed. Please note that the depreciated replacement cost estimates do not include any allowances for removal/abatement of hazardous materials.

The report has been prepared in conformance with our interpretation of the guidelines and recommendations set forth in the Canadian Uniform Standards of Professional Appraisal Practice as prescribed by the Appraisal Institute of Canada.

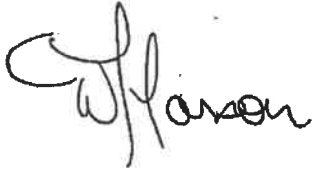
917A Fitzgerald Avenue, Courtenay, BC V9N 2R6
(250) 338-7323 fax (250) 338-8778
www.comoxvalleyappraisers.com

Affiliate VERRAGROUP Valuation
Local Expertise - National Perspective
www.verificationvaluation.com

This report was prepared exclusively for the client, Ms. Corinne Bjorge, for marketing purposes. It is intended to be used only for this specified purpose. It may not be distributed to or relied upon by other persons or entities without written permission of the Appraiser. Unauthorized third party reliance is expressly denied.

Thank you for the opportunity to be of service to you.

Respectfully submitted,
Wm. S. Jackson & Associates Ltd.

A handwritten signature in black ink, appearing to read "D. Larson". The signature is stylized with a large, looped initial "D" and a cursive "Larson".

Dennis Larson
CRA, P.App



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1.0 Executive Summary

i) Subject: Single Family Dwelling



- ii) Location: 5321 Denman Road, Denman Island, BC V0R 1T0
- iii) Legal Description: "Parent Site", Lot A, Section 17, Nanaimo District, Plan VIP87456
- iv) Purpose and Intended Use of Report: To estimate the Depreciated Replacement Cost to aid in determining appropriate value of home
- v) Intended Users: Ms. Corinne Bjorge
- vi) Interest Valued: Depreciated Replacement Cost of the Improvements
- vii) Effective Date: April 02, 2020
- viii) Buildings: The subject property comprises of a 2012 - "Pacific Homes" built Ranch style single family home
- ix) Zoning: A – ALR & R3
- x) Official Community Plan: Agricultural – Single family residential dwelling Co-Housing
- xi) Replacement Cost Estimates:
- | | |
|------------------------------|---------------------|
| Building Construction: | \$231,555.00 |
| Allowance for Bylaw Updates: | N/A |
| Site Improvements: | \$ 300.00 |
| Total: | \$231,855.00 |

2.0 Reference

2.1 Introduction

This summary report presents a Replacement Cost Estimate of an existing, single family home. The home is located at 5321 Denman Road, Denman Island, BC, and is part of a Co-Housing development known as "Triple Rock Land Co-Housing" on Denman Island.

This report has been prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice as set forth by the Appraisal Institute of Canada. The extent to which data, analysis, and conclusions are presented is a reflection of mandatory content; the reports intended use, compensation, and client requirements. The method of communicating our findings is commonly referred to as a summary or short narrative report.

2.2 Client, Purpose, Function and Use of Report

i)	Client:	Ms. Corinne Bjorge, 5321 Denman Road, Denman Island, BC (part of Triple Rock Co-Housing)
ii)	Purpose:	To estimate the current replacement cost of the subject improvements as at the April 02, 2020
iii)	Intended Use:	To assist in determining the Depreciated replacement cost for the subject dwelling
iv)	Intended Users:	Ms. Corrine Bjorge and Triple Rock Co-Housing

2.3 Dates

i)	Inspection Date:	April 02, 2020
ii)	Effective Date:	April 02, 2020
iii)	Preparation Dates:	April 08, 2020 to April 23, 2020

2.4 Definitions

Replacement Cost New

The Appraisal Institute of Canada, in its publication, The Appraisal of Real Estate. Second Canadian Edition, 2002, defines Replacement Cost as follows:

"Replacement cost is the estimated cost to construct, as of the effective appraisal date, a building with utility equivalent to the building being appraised, using contemporary materials, standards, design, and layout. When this cost basis is used, some existing obsolescence in the property is assumed to be cured" (page 14.8).

Please note that this report is not considered a market value estimate.

Replacement Cost Estimates

The replacement cost is estimated using Marshall and Swift Cost Services, localized to reflect construction costs in the Vancouver Island region. The quality rating recognizes observed interior and exterior finish and the style of the buildings. The floor areas are derived from House Plans supplied by the homeowner.

Replacement Cost Inclusions:

The following classifications of property were included in the scope of our Replacement Cost Estimate:

- Site preparation and excavation (within the footprint of the building)
- Foundations
- Framing
- Exterior walls
- Roof Frame and Coverings
- Floor Structure
- Electrical and Lighting Systems
- Conveyance systems
- Plumbing and Sewerage Systems
- Heating systems
- Fire Protection and Security Systems
- Additional Specialty Features
- Interior finishing as described
- Common area finishing as described
- Site Services from the Structure to the Lot Line, Figured for a Typical Setback

Yard Improvements (not applicable)*

- Clearing of Lot
- Fencing
- Landscaping – fencing, hard and soft landscaping
- Cost of initial greywater cistern provided by co-housing

**The Replacement Cost of the Yard Improvements is relatively small in comparison to the Building improvements. As per the guidelines set out by "Triple Rock Co-Housing Development" we are not to include cost of clearing lot, landscaping and fencing, ponds, etc. As set out in Guidelines adopted in principle in September 2019.*

Replacement Cost Exclusions:

Our Replacement Cost Estimate excludes the following classifications of property:

- Land
- Furnishings and equipment
- Betterments and Improvements within the units made by the Owners/Tenants (see below)
- Furniture and other Chattels owned by the Owner or Tenants
- Underground site services (located outside the lot line)
- Inventory, Supplies and other Consumables
- Personal property of owner
- Greywater cistern and underground dispersal system



Interior Finishing

The subject dwelling is a 2012, ranch style home, built by Pacific Homes, of Cobble Hill, BC. The home is a ranch style dwelling on crawlspace, that is situated within a Co-Housing development known as "Triple Rock Land Co-Housing" on Denman Island. The home offers a modern theme, with an open floor plan. The home is built using the Pacific Smart Wall System, providing 8" wide exterior walls, with R28 Insulation for better heat retention. The interior of the home offers 8' interior wall height finished in painted drywalled, with painted 4" wide baseboards and trim work through-out. Some of the baseboards and window casing are yet to be completed, which appear to be finished at the time of our inspection, and therefore are considered to be completed for purposes of this report. The home offers painted raised panel interior doors and closet doors, with raised panel pocket doors between the living room and dining area. The home offers fiberglass "Arts & Craft" style exterior doors and Thermopane vinyl sash windows through-out.

The home provides a mix of pot lighting and some pendent lighting. The flooring in the home is oak plank floors, some sheet vinyl in the laundry room as well as at the entrance. The home offers a large living room with a Pacific Energy – Vista Classic wood stove used for supplementary heating, sitting on a large ceramic tiled base, requiring the transition strips between the ceramic tile and wood floors yet to be installed. The Dining room is accessed through double raised panel pocket doors from the living room, with door access through to the rear deck. Directly off the dining room is a galley style kitchen finish in shaker style PVC cabinets with soft closures and laminate floors. There is a Bosch built-in dishwasher and a small walk-in pantry. The home provides two good sized bedrooms, with the master suite finished with oak floors and second bedroom. There is a full 4-piece bathroom with a composting toilet system. There is a built-in soaker tub with shower head and floor to ceiling tiled tub surround and vinyl floors. The home also provides a large laundry/storage room also finished in sheet vinyl floors.

Note: At the time of our inspection the home required some minor finishing in a few areas, including baseboards in some room, window casings and trim work. Transition strips between various flooring and tiling behind wood stove. Most of the items to complete the work appears to be on site with work on-going. The appraiser has estimated the cost to finish these items to be in the \$1,000 price range.

Insurance Exclusions

We have not reviewed the property insurance policy relative to the specified property to identify insurance exclusions, if any. Our replacement cost conclusions therefore, include both above grade and below grade assets. We recommend that you review with your insurance broker or agent, if any insurance exclusions apply to the subject property.



2.5 Scope of Work

This Replacement Cost Estimate has been prepared in accordance with our understanding of the Canadian Standards of Professional Appraisal Practice (the Standards) as provided by the Appraisal Institute of Canada. This report provides only the replacement cost of existing improvements. No attempt is made to estimate the market value of the subject property.

The Replacement Cost New was estimated using the nationally recognized Marshall & Swift Valuation Service. This Service is considered sufficiently precise for this purpose.

We inspected the property on April 02, 2020. Our identification of the property also involved a review of mapping prepared by the. The photographs appended were taken on April 02, 2020.

The following is a brief summary of the processes initiated in completing the report:

- i) Exterior inspection of the complex along with an interior inspection completed April 02, 2020.
- ii) Information presented regarding land use regulations was obtained from Islands Trust on-line records.
- iii) Site dimensions were taken from a combination of sources available survey plans and our onsite observations.
- iv) Building dimensions and details were taken on-site during our inspection and confirmed against the Floor plans, supplied by the client.
- v) All information and data presented cannot be guaranteed but is considered reliable.
- vi) The cost estimation methods utilized are consistent with current standards of practice within the appraisal profession.
- vii) The findings and analysis completed have been summarized and included in this report.
- viii) No technical investigations have been completed such as engineering reviews of the structure and systems, environmental assessment, site survey or any soil analysis.

The Canadian Uniform Standards require that competency for the type of property to be appraised must be demonstrated by the appraiser. In this regard, we advise that we have completed numerous appraisals on similar type properties throughout central Vancouver Island, Powell River and other areas of coastal British Columbia and have first-hand knowledge of the issues involved in the valuation of this type of property.

2.6 Demolition Costs/Insurable Value

Replacement cost estimates for insurance do not represent *insurable value*. The replacement cost estimates for the structure(s) do not include costs for demolition, clean up, debris removal or waste disposal as the degree of destruction is not foreseeable. The reader's attention is drawn to the fact that the Marshall Valuation Service lists Demolition and Debris Removal as 'averages of costs of complete building demolition and removal, excluding any hazardous material abatements'.

Marshall and Swift cost estimates do not provide any way to account for inclusion or exclusion specific to the client's insurance policy. The replacement cost estimates are intended as an overall estimate of the entire home and may not be used to determine individual component parts. Replacement cost estimates are derived from Marshall and Swift Cost Services and are assumed to be reliable.

3.0 Subject Property

3.1 Location

- i) Province: British Columbia
- ii) Region: Vancouver Island
- iii) Community: Denman Island
- iv) General: 5321 Denman Road, Denman Island, BC
- v) Map: General location of Subject is noted below:



- vi) Comments:

The subject property is a 87.695 acre site which is the result of a larger parcel of land subdivided into two separate acreage sites. This is a quiet rural neighborhood situated to the central part of Denman Island. The subject site has a slightly irregular shape, with a variable terrain that has been logged in the past with good re-growth, with some mature mixed forest remaining. The site provides some 1,103' of road frontage along Denman road with a depth of approximately 2,673' and some 2,016' along the southern rear lot line, which runs along a high ridge on the property, providing outstanding ocean and mountain views to the west looking towards Vancouver Island and farm land below.



The site is generally level at street grade offering good soil conditions with garden area being developed. From that point the land rises gradually upward from north to south, to the high point on the property known as the ridge.

The northern lower half of the property is contained within the agricultural land reserve, while the upper half of the property is zoned R3 residential and is the location of the 15 - half acre home sites plus the common house. Access to the property is via a long gravel roadway some 30' in width, which runs along the westerly side of the site then cutting across at the center of the property, being the southern half of the lot known as shop row, where several individual workshops have been built. The roadway then continues up the center of the site to the area of the 15 home sites and common house.

There is hydro overhead to the mid-point of the property, then underground to the individual home sites. The subject site has power underground wiring to home.

3.2 Legal Descriptions

- i) Source: BC Assessment & Land Titles
- ii) Description: Lot A, Section 17, Nanaimo District, Plan VIP87456 (Parent Site)
- iii) Property Identifier #: 028-101-677
- iv) Community: Denman Island

3.3 Site

- i) Location: 5201 Denman Road, Denman Island - Latitude - 49.5630 degrees North, Longitude 124.79810 degrees West

The parent site is located to the center of Denman Island, fronting onto Denman Road, one of the main traffic routes across the Island.
- ii) Dimensions: The parent site is some 87.695 acres in size.
- iii) Shape: Irregular
- iv) Topography: Upward Sloping – Treed and cleared sections
- v) Services:
 - Water: Roof Collection System
 - Sewer: Composting System
 - Storm Sewer: No
 - Fire Protection: Yes – Denman Island Volunteer Fire Department
 - Natural Gas: No
 - Hydro-Service: Yes – Underground to homesite
 - Telephone: Yes
 - Paved Road: No – On-site gravel road
- vi) Soil Conditions: An Environmental Site Assessment has not been provided to the writer for consideration. This report assumes that any contamination, if existing, would fall within prescribed regulatory levels for this type of property.

Further, it is assumed that soil conditions are capable of supporting the structures for their estimated life expectancies.

Should these assumptions be incorrect all value estimates would be subject to review.

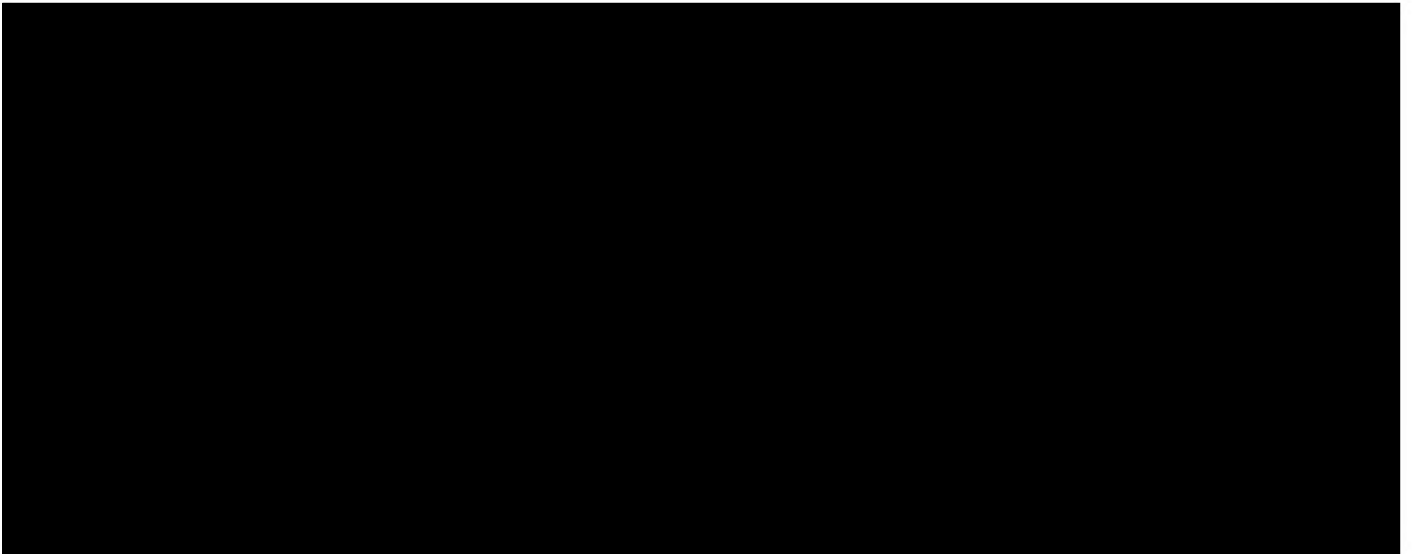
3.4.1 Reference

The following descriptions are based on plans supplied by the homeowner, observations and assumptions made by the writer during an onsite inspection. This is not a complete building detail. It contains typical descriptions consistent with this type of construction. It is meant to assist the reader and provide minimal information for the application of the Depreciated Replacement Cost.

3.4.2 Building Descriptions

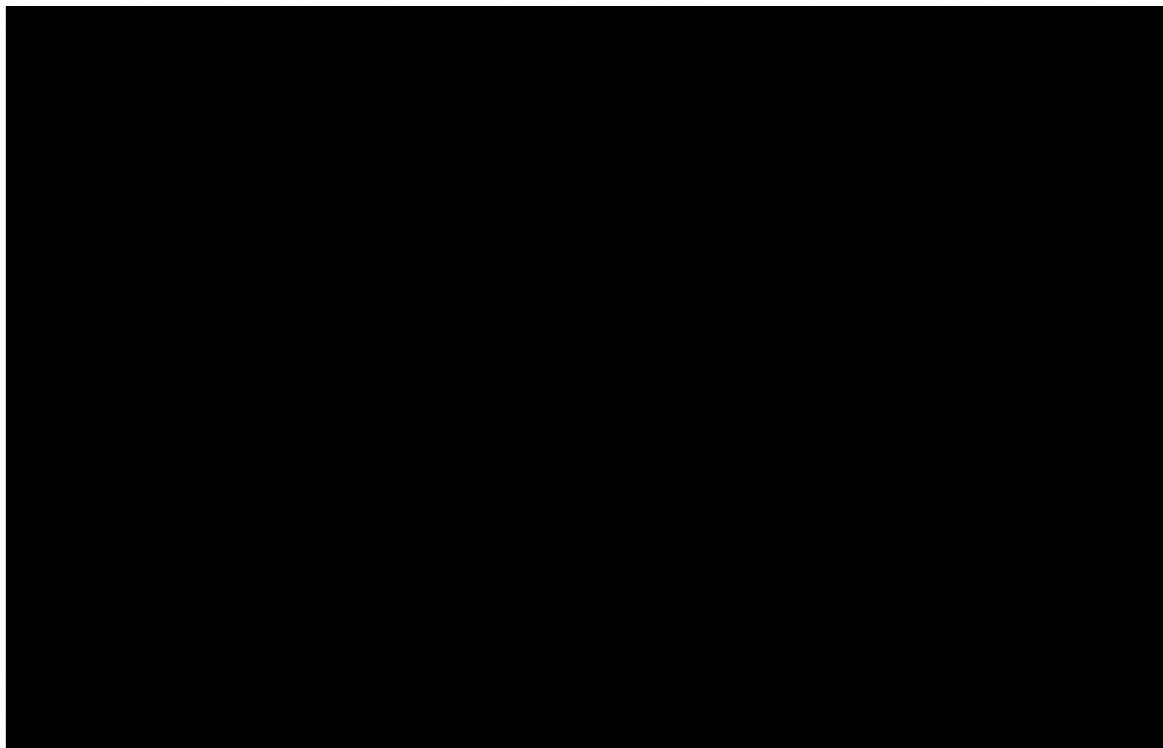
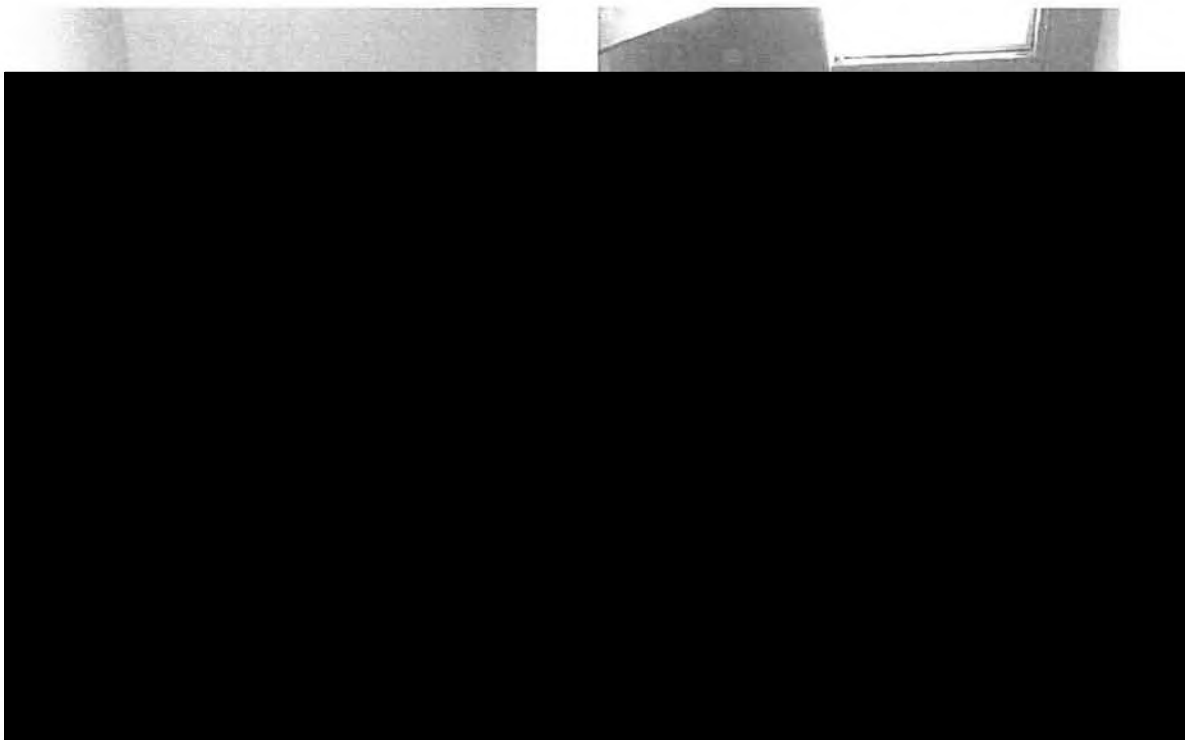
General:	Plans were available from the client. A summary of our observations of the construction details of the building are as follows:	
Sizes:	Main Floor:	1,077 square feet
	Balconies/Decks:	208 square feet
	Building Height:	13'
	Building Perimeter:	±136'
	Site Coverage:	5%
Foundation:	ICF (Insulated Concrete Form) with rain screening exterior finish on concrete with plastic vapor barrier and interior walls of crawlspace faced in ridged insulation to code.	
Exterior Walls:	2" x 8" Pacific Smart Wall System with R28 insulation, and two layers of building paper wrap.	
Floors:	Mixed – Oak floors, sheet vinyl and ceramic tiling below the wood stove.	
Interior:	Interior offers an 8" ceiling height with and open floor plan. The interior is finished in painted drywalled, with 4" wide trim work	
Roof:	Standing seam metal roof with 5" aluminum gutters.	
Balconies:	The home offers a 6' x 19.8' covered front porch finished in cedar decking with wood railings with iron rod spindles. There is also an 8.9' x 10' ground level cedar deck to the rear of the home with access from the dining room.	
Mechanical:	The home offers electric baseboard heating, with wood stove used for supplementary heating, and a roof collection water system with a 2,600 gallon above ground plastic cistem, which is then sent through a charcoal and ultraviolet filter system and pressurized for home use.	
Electrical:	100 AMP service panel with underground wiring	

Site Improvements:	Site improvements include two outbuildings, a wood storage shed – 5' x 10' with dirt floor and a corrugated plastic roof. The second shed is a 4' x 12' storage shed, set on patio blocks. The storage shed offers a metal roof with a plywood floor. The exterior is partly finished in plywood with some temporary plastic sheathing on others.
Scope of Inspection:	The interior and exterior of the subject complex was inspected and photographed on April 02, 2020. The estimates set out in the report assume that the improvements are structurally sound and that all mechanical systems are properly sized, suited to the improvements, and are in good working order. The services of engineers and other qualified specialists are necessary to confirm this assumption. We are not qualified in technical or professional matters related to improvements like legal survey, engineering reports, the sizing and adequacy of the mechanical systems and components such as the heating, plumbing, and electrical systems, building condition survey, risk assessment, or inspections for termites or of the roof. We did not commission and were not provided reports relating to these factors. Investigation of issues like these do not form part of an appraisal investigation. We did not inspect or check the drainage and drain tiles, or the heating, septic, sewer, air conditioning, electrical, plumbing and other systems and therefore cannot report that any such features are free from defect. This report assumes that such features and systems are in good working order. We also did not inspect or test the soil or subsoil, the foundation, woodwork, framing and the parts of any structure that are covered, unexposed or inaccessible, and we are therefore unable to report that any such part of the property is free from rot, beetle or other defects or is in such condition as to render the property less valuable. For the purposes of this report, we assumed that there are no inadequacies, insufficiencies or faults in the property which are not easily detectable and assume no responsibility for such conditions or for any inspection or testing which might be required to discover such conditions.





Photos:





Cistern

Composting System

3.5 Assessment and Taxes

i)	Assessment Year:	2020
ii)	Valuation Date:	July 01, 2019
iii)	Assessment: Total	\$979,000.00 (Parent Property)
iv)	Tax Class:	Residential
v)	Taxes 2019:	\$5,024.52 (Parent Property)
vi)	Comments:	The tax assessment is an estimate of the property's market value as at July the 1 st of 2019 employing mass appraisal techniques. As such, it is considered to have no relevance to the estimation of replacement cost.

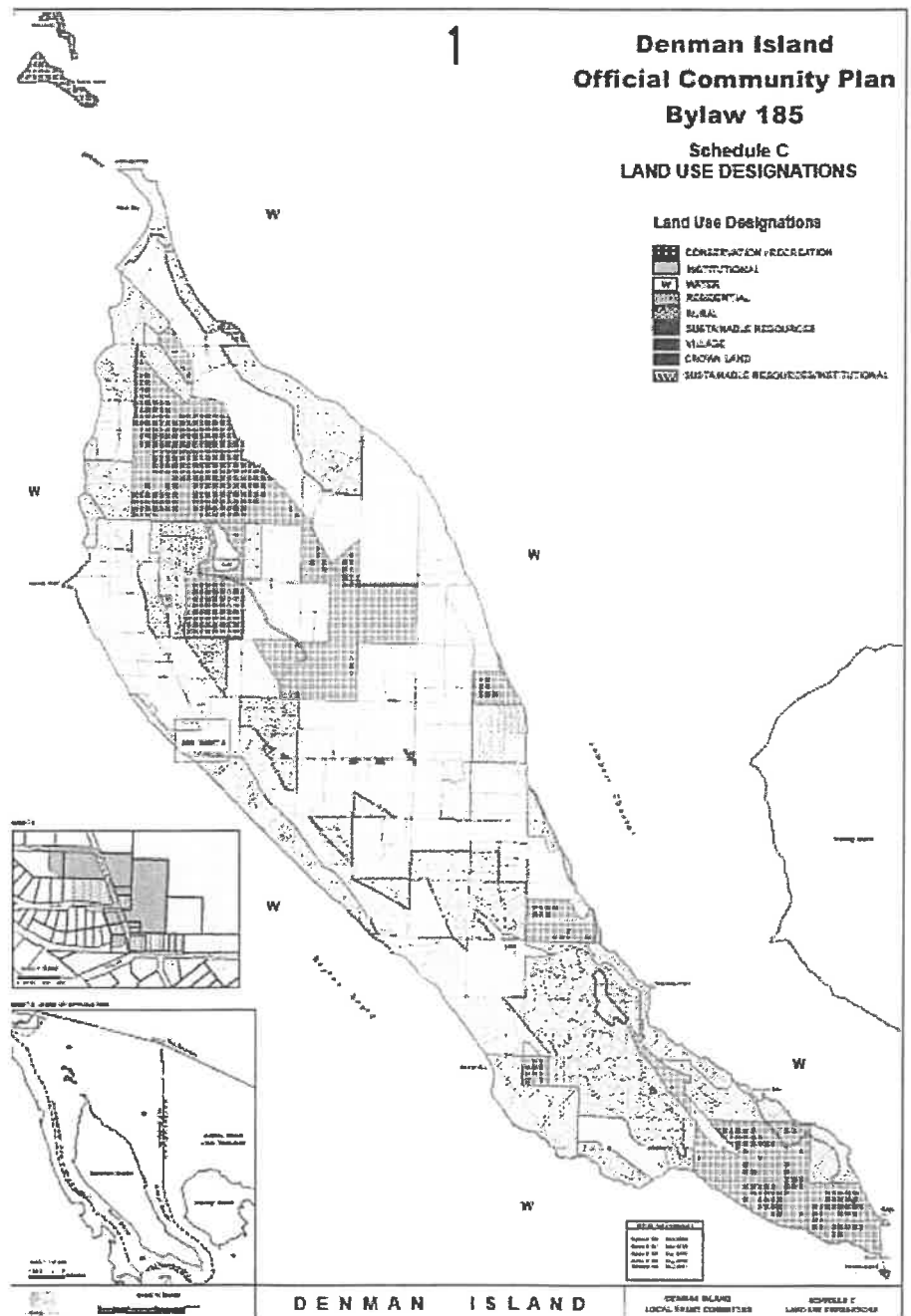
3.6 Land Use

3.6.1 Reference

This report addresses the two primary regulators of land use, the Official Community Plan and Zoning By-Law.

3.6.2 Official Community Plan

i)	By-Law:	Denman Island Land Use Bylaw
ii)	Date:	Consolidated: November, 2011
iii)	Designation:	Bylaw No. 186, 2008
iv)	Conformance:	Yes
v)	Official Community Plan:	



3.6.3 Zoning

- i) By-law: No. 186
- ii) Date: 2008
- iii) Designation: A-ALR & R3
- iv) Permitted Uses:
- v) Regulations: Applicable to Subject:

Minimum Parent Parcel Area
Minimum Parent Parcel Frontage

Principal building siting requirements:

- Minimum front yard:
- Minimum rear yard:
- Minimum side yard:

Maximum Building Height: The maximum height of a principal building is metres.

Lot Coverage: The maximum lot coverage of all buildings and structures shall not exceed % of the lot area

On Site Parking: Open style parking

vi) Conformance: Based on a cursory overview, the subject development appears to conform to the requirements of the zoning bylaw

vii) Zoning Map:



3.3 Residential Zoning Tables

Table 1 - Permitted Uses		R1	R2	R3
Principal Uses				
1	Residential	✓	✓	✓
2	Parks	✓	✓	✓
3	Utilities	✓	✓	✓
Accessory Uses				
4	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓
5	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓
6	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓
7	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓
8	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓

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

Table 3 - Density of Uses, Buildings and Structures		R1	R2	R3
1	Minimum lot area per principal single family dwelling unit	1.0 ha	4.0 ha	n/a
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	n/a
3	Subject to line 1 of this table, maximum number of dwelling units per lot	5	n/a	15
4	Maximum combined lot coverage of buildings and structures	25%	25%	n/a

Some words and phrases are defined in Section 1.1



5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1
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Table 4 – Height

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

Table 5 – Setbacks

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

Table 6 – Floor Area

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

Table 7 – Subdivision

		R1	R2	R3
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha

Some words and phrases are defined in Section 1.1



2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha
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Table 8 - Site Specific Regulations

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

Site Specific Zoning Code	Site Specific Regulations
R1(1)	1 In addition to Table 1 of this Section, accessory residential is a permitted use. 2 Despite lines 2 and 3 in Table 3 of this Section, the maximum number of accessory residential dwelling units permitted is one per lot, provided it is contained in or attached to the principal dwelling unit. 3 The maximum permitted gross floor area of an accessory residential dwelling unit is 55.6 square metres.

INFORMATION NOTE: The site specific regulations for R1(1) are to permit a use previously permitted on two specific lots.

R1(2)	1 Despite lines 4 to 7 in Table 1 of this Section, the only accessory use permitted is accessory residential. 2 Despite line 2 in Table 2 of this Section, the only accessory buildings and structures permitted are cabins. 3 Despite lines 2 and 3 in Table 3 of this Section, the maximum number of cabins permitted is six per lot. 4 Despite Table 7 of this Section, the minimum lot area permitted is 3.75 hectares. 5 The maximum gross floor area of a permitted cabin is 36.0 square metres.
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INFORMATION NOTE: The site specific regulations for R1(2) are to permit the historical use on one specific lot.

AL 200

R1(3)	1 Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted providing one is limited to a footprint of 18.6 m² (200 square feet) and one storey.
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INFORMATION NOTE: The site specific regulations for R1(3) are to permit the historical density on one specific lot.

R2(1)	1 In addition to the uses listed in Table 1 of this Section, a kennel accessory to a residential use is permitted. 2 In addition to the buildings and structures listed in Table 2 of this Section, buildings or structures for a kennel use are permitted. 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a kennel is 30.0 metres.
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R2(2)	1 In addition to the uses listed in Table 1 of this Section, a riding stable accessory to a residential use is permitted. 2 In addition to the buildings and structures listed in Table 2 of this Section, buildings or structures for a riding stable use are permitted. 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot
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Some words and phrases are defined in Section 1.1



lines for a riding stable is 30.0 metres.

s1.200	R2(3)	1	Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted.
	R2(4)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.4 hectares.
	R2(5)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 3.33 hectares.

INFORMATION NOTE: The site specific regulations for R2(3), R2(4) and R2(5) are to permit the historical density on four specific lots.

Some words and phrases are defined in Section 1.1



3.4 Resource Zoning Tables

Table 1 - Permitted Uses		A	F	RE
Principal Uses				
1	Residential	✓	✓	✓
2	Agriculture, including intensive agriculture	✓	✓	✓
3	Horticulture	✓	✓	✓
4	Forest fungi production	✓	✓	✓
5	Forestry	✓	✓	✓
6	Parts	✓	✓	✓
7	Utilities	✓	✓	✓
Accessory Uses				
7	Permitted home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓
8	Sale of forest products produced on-site and accessory to a principal forestry use	✓	✓	✓
9	Wood working and wood processing accessory to a principal forestry use on lots 10.0 hectares or larger	✓	✓	✓
10	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓
11	Generation of electricity from non-polluting renewable sources accessory to a principal use	✓	✓	✓

Table 2 - Permitted Buildings and Structures		A	F	RE
1	Single family dwelling units	✓	✓	✓
2	Buildings and structures to accommodate agriculture and forestry	✓	✓	✓
3	Buildings and structures accessory to a constructed single family dwelling unit	✓	✓	✓
4	Buildings and structures to accommodate retail sale of farm products	✓	✓	✓
5	Buildings and structures to accommodate retail sale of forestry products	✓	✓	✓
6	Permanent sawmill on lots 10.0 hectares or larger	✓	✓	✓
7	Dwelling units for full-time farm workers employed on the lot	✓	✓	✓
8	Portable sawmill accessory to a residential use, to accommodate occasional wood working and wood processing, or accessory to a forestry use on lots larger than 10 hectares	✓	✓	✓
9	Buildings and structures for parts and utilities	✓	✓	✓
10	PR privies	✓	✓	✓
11	Fences	✓	✓	✓

Some words and phrases are defined in Section 1.1



12	Signs, subject to Section 2.6	✓	✓	✓
13	Buildings and structures for the generation of electricity from non-polluting renewable sources	✓	✓	✓

Table 3 - Density of Uses, Buildings and Structures

Table 3 - Density of Uses, Buildings and Structures		A	F	RE
1	Minimum lot area per principal single family dwelling unit	15.0 ha	64.0 ha	15.0 ha
2	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%

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INFORMATION NOTE: Approval from the Agricultural Land Commission may be required for more than one dwelling on a lot in the Agricultural Land Reserve.

Table 4 - Height

Table 4 - Height		A	F	RE
1	Maximum height of principal buildings and structures for residential use			
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m
	• located more than 100.0 metres from the natural boundary of the sea	9.0 m	9.0 m	9.0 m
2	Maximum height of accessory buildings and structures	6.0 m	6.0 m	6.0 m
3	Maximum height of buildings and structures used exclusively for agricultural or forestry use	15.0 m	15.0 m	15.0 m
4	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m
5	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m
6	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m

Table 5 - Setbacks

Table 5 - Setbacks		A	F	RE
In addition to regulations 1 to 5 in Section 2.3, the following setbacks apply				
1	Minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy			
	• from the front lot line	10.0 m	10.0 m	10.0 m
	• from the rear, side and exterior side lot lines	4.5 m	4.5 m	4.5 m
2	Minimum setback for buildings and structures used for other than residential purposes, except a fence, pump/utility house or pit privy			
	• from the front or exterior side lot lines	10.0 m	30.0 m	30.0 m
	• from the rear or side lot line	4.5 m	15.0 m	15.0 m

BL 200

Some words and phrases are defined in Section 1.1



	• from an edge lot line	15.0 m		
3	Minimum setback for intensive agriculture from any lot line	30.0 m	30.0 m	30.0 m
4	Minimum setback for buildings and structures associated with a permanent sawmill or wood processing from any lot line	100.0 m	100.0 m	100.0 m
5	Minimum setback from any lot line for a home occupation involving the manufacture, repair and assembly of goods	15.0 m	15.0 m	15.0 m
6	Minimum setback from any lot line for pit privies	6.0 m	6.0 m	6.0 m

Table 6 - Floor Area

		A	F	RE
1	Maximum gross floor area of a pump/utility house located within a setback area	5.0 m ²	6.0 m ²	6.0 m ²
2	Maximum gross floor area of a building or structure for off-property retail sale of farm products or forestry products	300.0 m ²	200.0 m ²	200.0 m ²
3	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	30.0 m ²
4	Maximum combined lot area used for the operation of permanent sawmills, excluding storage area	200.0 m ²	200.0 m ²	200.0 m ²

Table 7 - Subdivision

		A	F	RE
1	Minimum lot area permitted by subdivision, subject to the regulations in Section 2.8	15.0 ha	64.0 ha	15.0 ha

Table 8 - Site Specific Regulations

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

Site Specific Zoning Code	Site Specific Regulations
A(1)	1 Despite Table 7 of this section, the minimum lot area is 64.0 hectares.
A(2)	1 In addition to the uses listed in Table 1 of this Section, a restaurant is a permitted principal use. 2 Despite Regulation 15 of Section 2.4, a maximum of five rooms may be used for home-based guest accommodation. INFORMATION NOTE: The site specific regulations for A(2) are to permit a use previously permitted on one specific lot.
A(3)	1 In addition to the uses listed in Table 1 of this Section, a private non-commercial burial site for the use of residents of the property is a permitted accessory use.
A(4)	1 Despite Table 3, Regulation 1, the maximum number of dwelling units is one per 15 hectares.
A(5)	1 Despite Table 1 of this section, no residential use is permitted. 2 Despite Table 2 of this section, single family dwelling units and buildings and structures accessory to a constructed single family dwelling unit are not permitted. 3 Despite Table 6 of this section, the minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy from the front, rear, side and exterior side lot lines is 30 m. 4 Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject

Some words and phrases are defined in Section 1.1

BL 150



to the regulations in Section 2.8 is 13.0 ha.

BL 194	A(6)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 45.0 hectares.
		2	Despite Table 3 of this section, the minimum lot area per principal single family dwelling unit is 45.0 hectares.
BL 300	A(7)	1	In addition to the uses listed in Table 1 of this section, hermitage is a permitted accessory use.
		2	In addition to the buildings and structures listed in Table 2 of this section, mobile accessory buildings for overnight accommodation of people participating in the activities or programs of a hermitage on the same lot are permitted.
		3	Despite section 2.1(4) up to eight mobile accessory buildings with a floor area not greater than 10m ² each may be used for overnight accommodation of hermitage participants.
	A(8)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 8.4 hectares.
	A(9)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 7.5 hectares.
		2	If a lot in this zone is subdivided, a total of 4 dwelling units are permitted on the resulting lots.
	A(10)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 14.91 hectares.
	A(11)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 5.25 hectares.
	A(12)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 10.45 hectares.
	A(13)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.55 hectares.

INFORMATION NOTE: The site specific regulations for A(8), A(9), A(10), A(11), A(12) and A(13) are to permit the historical density on seven specific lots. Approval from the Agricultural Land Commission may be required for more than one dwelling per lot.

F(1)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 20 ha.
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Some words and phrases are defined in Section 1.1



3.7 Highest and Best Use

3.7.1 Reference

The determination of the highest and best use of a property entails a complete analysis of all factors and conditions that affect the value. For example, the use must be legal, the use must be compatible with zoning, the land characteristics and all constraints must be considered, plus any other force that will determine value. A comprehensive definition of the concept has been formulated:

That reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible that results in the highest value.¹

The highest and best use of both land as though vacant and property as improved must meet four criteria. The highest and best use must be legally permissible, physically possible, financially feasible and maximally productive. These criteria are often considered sequentially. Both tests of legal permissibility and physical possibility must be applied before the remaining tests of financial feasibility and maximal productivity.

Because this is an estimate of replacement cost, an analysis of the highest and best use of the property is not relevant to the scope of this assignment.

4.0 Replacement Cost Estimate

The nationally recognized Marshall and Swift Valuation Service has been used to estimate the Replacement Cost New of the Subject improvements "as-if" new buildings were constructed of similar utility, to modern standards. We do not assume the exact reproduction of the existing structure. Depreciation has not been considered.

The valuation method employed for this Replacement Cost Estimate was the Calculator Cost Method.

The Calculator Cost Method

This method uses as a basis, the current cost per square foot of other properties that are similar to the subject property in their design, style, construction and function. This benchmark cost is then adjusted to more closely suit the specifications and construction quality of the subject property. Once adjusted, this unit cost is applied to the subject property's gross floor area with additional consideration given to any speciality features.

¹AIC, Appraisal of Real Estate, 3rd Canadian Edition (Vancouver, Sauder School of Business, 2010), Highest and Best Use 12.17.

Summary of Replacement Cost Estimates

Utilizing the Calculator Cost Method, of the Marshal & Swift publication.

Based on the characteristics of the subject property, the Estimated Depreciated Replacement Cost of the subject building as at April 02, 2020 is:

Depreciated Replacement Cost (as defined) \$231,555.00

Site Improvements

With respect to site improvements, which include the wood/storage sheds, a replacement cost allowance of \$300.00 has been made.

Conclusions

The Replacement Cost New of the subject buildings, as at April 02, 2020, not including land value is as follows:

Building Construction:	\$231,555.00
Allowance for Bylaw Updates:	N/A
Site Improvements:	<u>\$ 300.00</u>
Total:	\$231,855.00

\$231,855.00

Dollars



5.0 Additional References

5.1 Assumptions & Limiting Conditions

- i) The estimate provided in this report deals with the depreciated replacement cost of the building improvements only; no attempt has been made to provide a valuation of the underlying land. Nor have we attempted to value the property as a whole. The estimate is based on the improvements observed during our inspection.
- ii) This report must not be used partially but only in the context in which it is presented.
- iii) The depreciated replacement cost estimate contained in this report is based on information gathered from various sources that are considered to be reliable and believed to be correct.
- iv) No responsibility is assumed for factors relating to the legal description, state of title, or for unapparent conditions of the Subject property which were not brought to our attention and which may affect the replacement cost.
- v) The depreciated replacement cost estimate is based on the determination by the Marshall & Swift, Residential Estimator program of a new building with similar utility and modern standards. We do not assume an exact reproduction of the Subject building.
- vi) This report is prepared on the assumption that no person other than the addressee and Triple Rock Land Co-Housing will rely upon it for any purpose; therefore, all liability to persons other than the addressee is expressly denied.
- vii) Possession of this report, or a copy thereof, does not carry with it the right of reproduction or publication in whole or in part. It may not be used for any purpose by any other person than the recipient, without written consent of this company, except as required by the due process of law, or if subject to confidential review by the Appraisal Institute of Canada.
- viii) Attendance at any legal proceedings with respect to this report, and any fees and expenses for preparation and attendance are to be agreed to in advance. However, neither this nor any other limiting condition is an attempt to limit the use that might be made of this report should it properly become evidence in a judicial proceeding. In such a case, it is acknowledged that it is the judicial body, which will decide the use of the report that best serves the administration of justice.
- ix) No investigation has been undertaken with the local zoning office, the fire department, the building inspector, the health department, or any other government regulatory agency except as expressly described in this report. The Subject property must comply with such government regulations and, if it does not, its non-compliance may affect the reported conclusion. To be certain, further investigation may be necessary.
- x) It is assumed there are no patent or latent defects in the Subject Property improvements, that no objectionable materials are present, that they are structurally sound and in need of no immediate repairs, unless expressly stated in this report. No soil tests have been done, nor have tests been done on the heating, plumbing, electrical, or other systems, and, for the purpose of this opinion, they are assumed to be in good working order unless noted otherwise herein.
- xi) Unless otherwise stated in this report, the existence of any contaminants or hazardous materials, which may or may not be present on the Subject property, was not observed. We have no knowledge of the existence of such materials on or in the Subject property. We are not qualified to detect such substances, the presence of which may materially affect our conclusion. Our replacement cost estimate is based on the assumption that there is no such material on, in, or near the Subject property. No hazardous materials or contaminated land studies have been provided to us, nor have we been

commissioned to undertake such a study. We therefore offer no opinion with respect to the current status of the land or soils. No responsibility is assumed for any such conditions or for any specialized expertise or engineering knowledge required to discover them, or to remove or eliminate them. The addressee is urged to retain an expert in this field if there is any doubt regarding the quality of the lands and soils in question.

- xii) The figures in this report relating to land and floor areas have been provided to us, unless stated otherwise, and the cost estimates may be subject to revision should a detailed survey indicate significant deviation.
- xiii) The replacement cost estimate contained herein is expressed in Canadian Dollars.
- xiv) The depreciated Replacement Cost estimate is contingent upon the reconstruction of the building being completed substantially in compliance with the plans and specifications provided for this assignment.
- xv) This report is valid only if it bears the original signature of the author.
- xvi) Plans and sketches are intended for visual reference only and we assume no responsibility for their accuracy.
- xvii) Replacement cost estimates for insurance do not represent *insurable value*. Aside from the allowance indicated, the replacement cost estimates do not include costs for demolition, clean up, debris removal or waste disposal. Marshall and Swift cost estimates do not provide any way to account for inclusion or exclusion specific to the client's insurance policy. The replacement cost estimates are intended as an overall estimate of the entire project and may not be used to determine individual component parts. Replacement cost estimates are derived from Marshall and Swift Cost Services and are assumed to be reliable.
- xviii) The author maintains a reasonable level of insurance relative to industry standards to cover errors and omissions with per-claim and per-year limits. Insurance coverage is maintained through the Appraisal Institute of Canada's Mandatory Insurance Program with coverage limits of \$2,000,000.00 per claim and per annum in aggregate. The liability related to this report is limited to the maximum per claim value available at the time a potential claim is made.



6.0 Certification

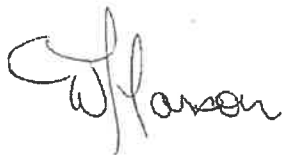
I certify to the best of my knowledge and belief, except if otherwise noted in this report, that:

- 1) The statements of fact contained in this report are true and correct;
- 2) The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal impartial, and unbiased professional analyses, opinions, and conclusions;
- 3) I have no present or prospective interest in the subject matter, the property that is the subject of this report, and no personal interest with respect to the parties involved;
- 4) I am not in a conflict of interest to undertake this assignment.
- 5) I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
- 6) My engagement in and compensation for this assignment were not contingent upon developing or reporting predetermined results, the amount of the value estimate, or a conclusion favouring the client;
- 7) My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Canadian Uniform Standards of Professional Appraisal Practice;
- 8) I have the knowledge and experience to complete the assignment competently;
- 9) No one provided professional assistance or third party professional assistance to the person(s) signing this report;
- 10) As of the date of this report the undersigned has fulfilled the requirements of The Appraisal Institute of Canada Continuing Professional Development Program for members;
- 11) The undersigned is a member in good standing of the Appraisal Institute of Canada.
- 12) I did personally inspect the subject property of the report on April 02, 2020.

Based on the data, analyses and conclusions contained herein, the depreciated replacement cost of the improvements described is, as at April 02, 2020, estimated as follows: (subject to the Assumptions and Limiting Conditions stated in this report.)

Building Construction:	\$231,555.00
Allowance for Bylaw Updates:	\$ N/A
Site Improvements:	\$ 300.00
Allowance for Demolition and Debris Removal (Allowance):	<u>\$231,855.00</u>
Total:	\$231,855.00

\$231,855.00
Dollars



Dennis Larson, CRA, P.App

Date April 23, 2020

Dennis Larson is a Member of the Appraisal Institute of Canada
Dennis Larson personally inspected this property

Summary of Appraisers Qualifications

QUALIFICATIONS OF THE APPRAISER

DENNIS L. LARSON, CRA

PROFESSIONAL EXPERIENCE

- Real Estate Appraiser & Consultant - Wm. S. Jackson & Associates Ltd., Courtenay
February 1998 to Present
- Real Estate Appraiser & Consultant - D.R. Coell & Associates, Ltd., Victoria
June 1996 - January 1998
- Real Estate Appraiser & Consultant - Thibault & Company Appraisers Inc., Victoria
July 1995 - May 1996
- Real Estate Appraiser & Consultant - Maybee & Thibault Appraisal Inc., Victoria
September 1989 - June 1995

EDUCATIONAL BACKGROUND AND TRAINING

- Accredited Appraiser of the Appraisal Institute of Canada (CRA Designation)
Certificate #301268

APPRAISAL INSTITUTE CERTIFICATION

The Appraisal Institute of Canada has a Mandatory Recertification Program for designated members. As of the date of this report, I have fulfilled the requirements of the program.



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 23, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

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

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Manager welcomed Carmen Smith as the new acting Communications Specialist, noting she was not able to make this meeting, but will be introduced at the January 25, 2022 meeting.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Ecosystem Protection Specialist presented the revised Climate Change project charter. Board members discussed contributions, mitigation and adaptation to climate change, criteria for projects, costs, and staff time. Purpose statement for the program was revised to: *'To conduct a pilot analysis of climate change impacts, including the opportunities for ITC properties to contribute to climate change mitigation and adaptation where possible, for 2—3 ITC Nature Reserves, as a first step in adapting ITC's work to best protect local species and ecosystems through climate futures.'*
- The Species at Risk Project Coordinator presented the Species at Risk project charter which was approved as is.
- The ITC Manager provided an overview to Board members of current staff workloads, and changes over the last three years, and commented that there have been several changes in Islands Trust and ITC administrative systems. ITC staff plan to bring suggestions to the Board in January on how to prioritize work items and manage staff workload, to prevent staff burnout and best meet the goals of the ITC Board.
- ITC Meeting Procedure and Bylaw Amendment decision request was deferred to the January 25, 2022 ITC Board Meeting.
- The Islands Trust Conservancy Board (ITCB) directed staff to schedule the 2022 ITCB meeting dates of March 15th, May 24th, October 4th, and November 22nd, 2022 as electronic meetings, and list the Victoria office boardroom as the public meeting location.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference, and allocated up to \$200 for registration.



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

3. COVENANT AND PROPERTY ACQUISITIONS

- The Ecosystems Protection Specialist reported both the Moss Mountain (Salt Spring) Pare-Baile (North Pender) NAPTEP covenants were successfully signed and registered in October and the tax exemption certificates were issued.
- The Ecosystem Protection Specialist presented a conservation proposal to expand the Nighthawk Hill NAPTEP covenant (North Pender) to Board members; noted this was an extension of the current covenant.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the 2021 Nature Reserves monitoring report to the board. Report was accepted as is.
- The ITC Covenant Management and Outreach Specialist presented the 2021 Covenant monitoring report to the board. The report was accepted as is, and staff were directed to address issues identified in the report.
- The ITC Manager presented a development variance permit (DVP) referral for a Hornby DVP application adjacent to an ITC conservation covenant. The Board moved that ITC staff respond to the Hornby Island Local Trust Committee recommending that the development variance permit be declined because of insufficient setback distance from the ITC Covenant and the protected prairie oak (Garry oak) habitat and that the landowner be encouraged to cancel their plans for the construction of a pool in Garry oak habitat. The Board also recommended actions to protect the covenant should the Hornby Island Local Trust Committee approve the application.

5. COMMUNICATIONS AND OUTREACH

- The Ecosystem Protection Specialist briefed board members on bull kelp mapping for the Islands Trust area. Board members suggested making the mapping public and available to researchers, and keeping track of data requests.
- The ITCB accepted the Public Acquisitions Report and the Public Covenants Report (for information)
- Correspondence was received from Margaret Taylor, a Gabriola Island resident. Her letter raised concerns of development on Gabriola. The ITC Board directed staff to forward the letter to the Gabriola Island Local Trust Committee and requested that the Chair respond to Ms. Taylor.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Manager provided the 2022-23 budget request to the Board for information, including the updated business case for a Strategic Fundraising position. The budget request was approved at the October ITCB meeting.



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

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 25, 2022 BOARD SPECIAL MEETING (OPEN PORTION)

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

1. ORGANIZATION UPDATES/TEAM

- Chair and Vice chair elections were held. Trustee Stamford was acclaimed as Chair of the ITCB. Trustee Fast was acclaimed as Vice-Chair of ITCB.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented the Board with a 2022-23 ITC Work Planning package and request for decision. The ITC has a small team that is working to meet existing commitments with respect to current conservation proposals and land management projects. Woven through all its work, the ITCB has committed to strengthening relationships with First Nations. The ITC is also working on a new Climate Change Project to prepare for effects of climate change on lands that are managed by the ITC, and a new Species at Risk Program aimed at species threatened by extinction in the islands. To enable creation of work programs that can successfully meet these commitments, the ITCB directed staff to focus on these new program areas in 2022. ITC will continue to act on high priority conservation opportunities, but will hold other less urgent work until the spring of 2023.
- The ITCB had three readings of Islands Trust Conservancy Bylaw No. 3, cited as “Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022.” The bylaw will allow the ITC board members to attend meetings electronically.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference
- The ITCB approved attendance at e-Summit of the Pan Canadian Parks and Protected Areas Research Network for Trustees Stamford and Smith.



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

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITBC noted for the public in the 'rise and report' of the in camera meeting, that it has approved signing of a conservation covenant on Lasqueti Island that is the subject of a Natural Area Protection Tax Exemption Proposal application.
- The Ecosystems Protection Specialist presented a conservation proposal to donate a 2.45 ha NAPTEP covenant on Salt Spring Island, to protect mature forests, wetlands, and connectivity to other protected areas. Decision was made to approve the proposal but defer this securement project until late 2022/early 2023 due to staff capacity constraints.
- The Public Acquisitions and Covenants reports were presented to and accepted by the ITCB.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the Moore Hill Management Plan. Board discussed the cultural significance and public opinion regarding closure of public access and relationship building with First Nations and approved the management plan.
- The ITC Covenant Management & Outreach Specialist provided a slide presentation to Board members, highlighting the top six projects completed in 2021. The ITCB commented this was a great learning experience and requested that these presentations be communicated more broadly to the public.
- The ITC Property Management Specialist presented a slide presentation to Board members highlighting the top restoration projects completed in 2021, noting partners, local conservancies and volunteers have been instrumental in doing this work.

5. COMMUNICATIONS AND OUTREACH

- The ITC Manager advised that an outreach letter had been sent to Gabriola landholders in January in collaboration with the Gabriola Land and Trails Trust. The Gabriola Island Local Trust Committee was notified.
- The ITCB received a letter from Sheila Harrington regarding a book she is developing about land trusts in the islands.
- The ITCB received a building permit referral for information for a greenhouse on a covenanted property on North Pender Island. As the greenhouse is well distanced from the covenant boundary, the ITC Manager advised that staff did not have concerns.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- Trustee Smith provided a verbal update noting that Galiano Island recently completed the new Cable Bay conservation area, including 25 hectares, linking to other conservation areas, totalling 500 hectares of Coastal Douglas-fir forests, and wetlands. There will be a celebration in the spring. The ITCB provided an Opportunity Fund Grant to kick start the project in 2019.



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

- The Budget Report was presented and accepted by the ITCB.
- Trustee Fenton advised that the Thetis Island Local Trust Committee is trying to pull together a program to bring community engagement, stewardship and education. Thetis is working towards community composting.
- Trustee Adams advised she signed up for Land Trust Alliance of BC Indigenous Engagement session and will provide an update.

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2022.1	Grower Design Group Inc.	02-Feb-2022	PID: 000-495 Building new SFD. Civic address: 3590 Northwest Road, Denman Island, BC.
Planner: Teresa Mahikwa			
Planning Status			
Status Date: 03-Mar-2022 Staff report to appear on agenda for 22-Mar-2022 LTC meeting.			
Status Date: 23-Feb-2022 Planner reviewing file.			
Status Date: 17-Feb-2022 File reassigned.			

Rezoning

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

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2021.1	Denman Housing Association (Denman Green)	11-Mar-2021	PIDs: 009-704-523, 000-393-941, 006-660-495. Affordable housing units. Civic address: 1151 Kirk Road, Denman Island, BC.
Planner: Sonja Zupanec			
Planning Status			
Status Date: 06-Jul-2021			
Preliminary staff report considered by the LTC. Staff to prepare draft bylaws; enter into cost recovery with applicant; conduct early referrals and present additional information from applicant.			
Status Date: 12-Mar-2021			
File opened & assigned.			

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.21	1165860 BC Ltd. - Dianna Bridge	03-Nov-2020	PID: 024-068-560 Building greenhouse. Civic address: 6345 Hinton Road, Denman Island, BC
Planner: Stephen Baugh			
Planning Status			
Status Date: 04-Feb-2021			
File reassigned.			
Status Date: 10-Dec-2020			
Request for further information			
Status Date: 25-Nov-2020			
Under planner review			

Applications

Siting and use Permit

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

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Waiting for additional information from applicant

Status Date: 25-Nov-2020

Under planner review

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

Planner: Stephen Baugh

Planning Status

Status Date: 11-Jan-2022

File reassigned.

Status Date: 02-Sep-2021

No change in status.

Status Date: 12-Apr-2021

Notice to K'ómoks First Nation sent.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.14	Wright, Christopher & Catherine Planner: Stephen Baugh	01-Dec-2021	PID: 000-211-338 Building SFD and boat shed. Civic: 8335 Komas Road, Denman Island, BC.
Planning Status			
Status Date:			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.1	Jones, Patricia & Robert Planner: Stephen Baugh	18-Jan-2022	PID: 025-692-721 Building shop and barn to create farm. Civic address: 8441 McFarlane Road, Denman Island, BC.
Planning Status			
Status Date: 19-Jan-2022 File opened & assigned.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole Planner: Margot Thomaidis	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.
Planning Status			
Status Date: 07-Mar-2022 File opened & Etransfer requested			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.3	Pandesign Inc. Planner: Marlis McCargar	03-Mar-2022	PID: 031-395-872 Construction of cabin. Civic address: 6900 Danes Road, Denman Island, BC.
Planning Status			
Status Date: 07-Mar-2022 File opened & assigned.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.4	Howey, Cole	07-Mar-2022	PID: 000-995-983 Building garage/workshop. Civic address: 3849 East Road, Denman Island, BC V0R 1T0

Planner: Heather Kauer

Planning Status

Status Date: 14-Mar-2022

Email sent to applicant indicating the need for a revised site plan or DVP application.

Status Date: 07-Mar-2022

File opened & etransfer requested.

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.2	Sea Berry Farm Ltd.	19-Oct-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: Teresa Mahikwa

Planning Status

Status Date: 16-Feb-2022

Revised referral response form sent to MOTI. Planner also emailed agent regarding next steps (i.e. applicant must have the property professionally appraised)

Status Date: 20-Jan-2022

Planner reviewing file. MOTI granted referral extension to 10-Mar-2022

Status Date: 13-Jan-2022

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.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2020.2	Denman Community Land Trust Association (Harlene Holm) Planner: Sonja Zupanec	30-Sep-2020	PID: 031-102-026 2 lot subdivision. Civic address:3730 Denman Road, Denman Island, BC.
Planning Status			
Status Date: 08-Dec-2020 File reassigned.			
Status Date: 09-Nov-2020 Referral report sent to MOTI.			
Status Date: 02-Oct-2020 Application received. Planner reviewing.			
File Number	Applicant Name	Date Received	Purpose
DE-SUB-2022.1	Carballeira, Steven	28-Feb-2022	PIDs: 002-747-430 and 002-748-258. Lot line adjustment, no new lots created. Civic: 3060 Lake Road and 4060 Wren Road, Denman Island, BC.
Planner: Stephen Baugh			
Planning Status			
Status Date: 04-Mar-2022 File opened & assigned. etransfer requested.			

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending January 2022

615 Denman	Invoices posted to Month ending January 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	185.00	93.84	91.16
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,904.00	1,544.73	2,359.27
65210-615	LTC - Local Exp - APC Meeting Expenses	444.00	415.99	28.01
65220-615	LTC - Local Exp - Communications	250.00	805.06	-555.06
65230-615	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,892.00</u>	<u>2,765.78</u>	<u>2,126.22</u>
Projects				
73001-615-4011	Denman Farm Plan	3,500.00	3,800.00	-300.00
TOTAL Project Expenses		<u>3,500.00</u>	<u>3,800.00</u>	<u>-300.00</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	It was MOVED and SECONDED,

			unlawful STVRs	that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples, Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including

				and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019 *Amended January 19, 2021	DE-2019-056 DE-2021-015	Bylaw enforcement against unlawful dwellings	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: 'The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to temporarily withhold enforcement against unlawful dwellings upon receipt of a written complaint, unless any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area; and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time.' This Standing Resolution will be reviewed in one year's time. *Amended by DE-2021-015

8.	May 19, 2020	DE-2020-022	Residential densities See Staff Report dated May 19th for background	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, ‘Residential Density Bank’ of the Denman Island Official Community Plan: Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur: a. The Denman Official Community Plan ‘Residential Density Bank’ in Appendix D has last added or transferred to the bank on <u>January 31, 2017</u> and has a cumulative total of residential densities of <u>14</u>; b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately <u>5 percent</u> beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1. The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is <u>49 densities</u>. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized: <table><tr><th>Authorizing Bylaw/Temporary Use Permit</th><th>Date Utilized</th><th>Number of Residential Densities Utilized</th><th>Cumulative Total of Residential Densities Remaining</th></tr><tr><td colspan="3">Baseline Density at time of adoption of the Denman OCP on May, 2009</td><td>49</td></tr><tr><td>BL 199 (Official Community Plan)</td><td>August 15, 2011</td><td>14</td><td>35</td></tr><tr><td>BL 200 (Land Use Bylaw)</td><td></td><td></td><td></td></tr></table>	Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining	Baseline Density at time of adoption of the Denman OCP on May, 2009			49	BL 199 (Official Community Plan)	August 15, 2011	14	35	BL 200 (Land Use Bylaw)			
Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining																	
Baseline Density at time of adoption of the Denman OCP on May, 2009			49																	
BL 199 (Official Community Plan)	August 15, 2011	14	35																	
BL 200 (Land Use Bylaw)																				

				BL 204 (Land Use Bylaw)	September 24, 2013	1	34
				DE-TUP-2016.2	March 31, 2017	1	33
9.	March 16, 2021	DE-IC-2021-002	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee enact the following Standing Resolution: that the Denman Island Local Trust Committee confirm that the following Enforcement Policy has been and continues in effect: While there is a public health emergency declared for COVID-19, Enforcement activities have been deferred for all unlawful dwellings; there will be no evictions, or demands for eviction; 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.			
10.	July 6, 2021	DE-IC-2021-007	Bylaw Enforcement	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following Standing Resolution: That the Denman Island Local Trust Committee clarify that the reference to a 45 day limit for visitor accommodation means 45 days for one client and that otherwise there are no limits on how many days per year a visitor accommodation home occupation can operate; and that this temporary policy remain in place until this regulation is reviewed.			

Top Priorities Report

Denman Island

1. Farming Regulations Review Project

Responsible

Dates

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

2. Denman OCP and LUB Review

Responsible

Dates

Housing Rec'd: 19-Jan-2021

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

Home occupations

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

Projects Report

Denman Island

1. *Protected Area Network*

Responsible

Date Received

Undertake planning for a Protected Area Network on Denman Island

15-Mar-2011

2. *Alternative Energy*

Responsible

Date Received

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

15-Aug-2011

3. *Dwelling Floor Area Regulation*

Responsible

Date Received

Consider regulations to limit the gross floor area of a dwelling

25-Oct-2011

4. *Climate Change*

Responsible

Date Received

Consider climate change adaptation and mitigation measures

25-Oct-2011

5. *Development Procedures Review*

Responsible

Date Received

Review and update Development Procedure Bylaw No. 71

11-Dec-2012

6. *Alternative Dispute Resolution*

Responsible

Date Received

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

26-May-2015

Projects Report

Denman Island

7. *Denman Village Plan*

Responsible

Date Received

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

26-May-2015

8. *Travel trailers*

Responsible

Date Received

LUB amendments and enforcement policies regarding the use of travel trailers

07-Mar-2017

9. *Occasional use of accessory buildings*

Responsible

Date Received

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

07-Mar-2017

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

Responsible

Date Received

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

07-Aug-2018

11. *Coastal Douglas-fir protection*

Responsible

Date Received

Projects Report

Denman Island

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

07-Feb-2019

12. <i>naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas</i>	Responsible	Date Received
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Reference Staff Report dated November 7, 2019

07-Nov-2019

13. <i>Temporary Use Permits</i>	Responsible	Date Received
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To support the development of Temporary Use Permits for short-term vacation rentals and other uses.

09-Oct-2018