

Regular Meeting Revised Agenda

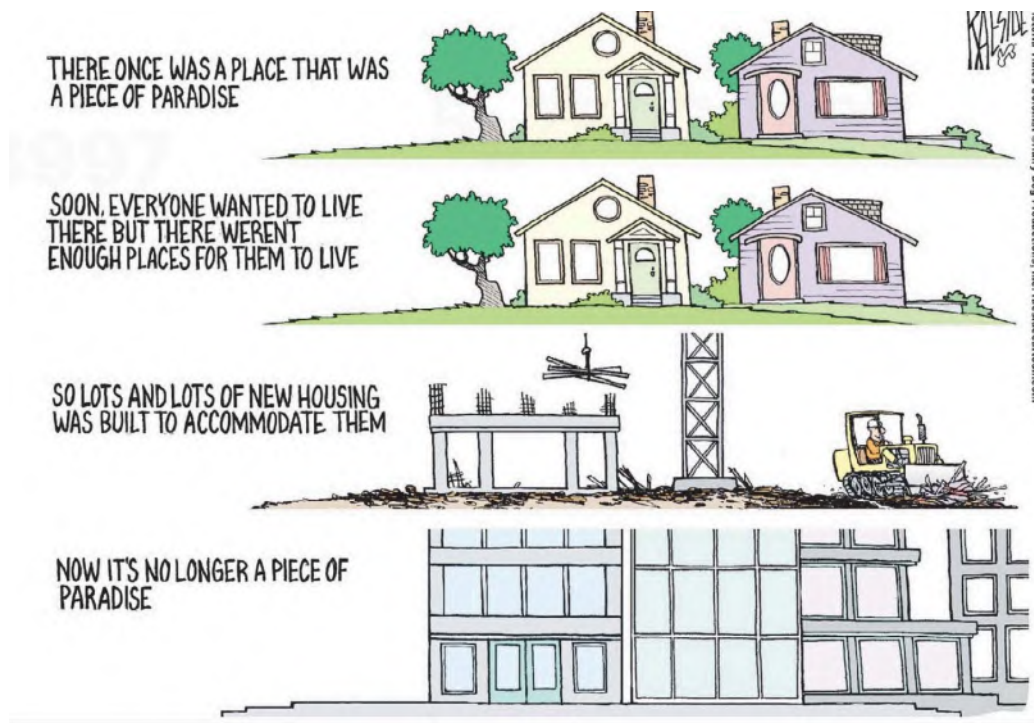
Date: May 31, 2022
 Time: 10:30 am
 Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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. **TOWNHALL** 10:50 AM - 11:00 AM
6. **DELEGATIONS** 11:00 AM - 11:30 AM
 - 6.1. Harlene Holm regarding Carrying Capacity in All Local Trust Committee Decisions 4 - 7
 - 6.2. Riane Da Silva regarding Agricultural Land Reserve (ALR) Regulations and Secondary Dwellings on ALR Lands 8 - 35
7. **MINUTES** 11:30 AM - 11:35 AM
 - 7.1. Local Trust Committee Minutes dated March 22, 2022- for adoption 36 - 47
 - 7.2. Local Trust Committee Special Meeting Minutes dated April 21, 2022 - for adoption 48 - 52
 - 7.3. Local Trust Committee Special Meeting Minutes dated April 29, 2022 - for adoption 53 - 58
 - 7.4. Section 26 Resolutions-Without-Meeting - none

7.5.	Advisory Planning Commission Minutes - none	
8.	BUSINESS ARISING FROM MINUTES	11:35 AM - 11:55 AM
8.1.	Follow-up Action List dated May 25, 2022	59 - 61
8.2.	Fees Bylaw No. 245 - Staff Report - for decision	62 - 74
9.	APPLICATIONS AND REFERRALS	11:55 AM - 12:30 PM
9.1.	DE-RZ-2021.1 (Denman Housing Association (DHA) - verbal update - for decision	
9.1.1.	Bylaw No. 241	75 - 78
9.1.2.	Bylaw No. 242	79 - 87
9.1.3.	Bylaw No. 243	88 - 98
9.1.4.	Restrictive Covenant	99 - 141
9.2.	Bylaw No. 240 - Siting and Use Bylaw - Staff Report - for consideration of adoption	142 - 144
	That Denman Island Local Trust Committee Bylaw No. 240 cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021", be adopted	
10.	LOCAL TRUST COMMITTEE PROJECTS	12:30 PM - 12:45 PM
10.1.	Denman Island Farming Regulation Review Project - Staff Report - for decision	145 - 148
	----- BREAK 12:45 PM to 1:15 PM -----	
11.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
11.1.	Email dated May 20, 2022 from R. Dickson on behalf of Triple Rock Land Cooperative (TRLC) - Formal Request regarding Amendments on the TRLC Property	149 - 150
12.	NEW BUSINESS	1:15 PM - 1:25 PM
12.1.	Annual Report - Staff Report - for decision	151 - 152
12.2.	WiFi Upgrade	
13.	REPORTS	1:25 PM - 1:45 PM
13.1.	Trust Conservancy Report dated March 22, 2022	153 - 154
13.1.1.	The Heron - Spring 2022	155 - 162

13.2.	Applications Report dated May 25, 2022	163 - 169
13.3.	Trustee and Local Expense Report dated March, 2022	
13.4.	Adopted Policies and Standing Resolutions	170 - 174
13.5.	Local Trust Committee Webpage	
14.	WORK PROGRAM	1:45 PM - 2:00 PM
14.1.	Top Priorities Report dated May 25, 2022	175 - 175
14.2.	Projects List Report dated May 25, 2022	176 - 178
15.	INFORMATION ITEMS	
15.1.	Islands Trust Council Decision Highlights - March 8-10, 2022	179 - 179
16.	UPCOMING MEETINGS	
16.1.	Next Regular Meeting Scheduled for Tuesday, July 19, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC	
17.	CLOSED MEETING - none	
18.	ADJOURNMENT	2:00 PM - 2:00 PM



Carrying Capacity — Delegation to May 31, 2022 Local Trust Committee

According to a 2022 Trust-wide *Governance Review Report*, “Islands Trust lacks both a comprehensive analysis of the Trust Area’s capacity to sustain current population and activity, and its ability to accommodate more growth and development, especially in light of climate change and other considerations.”

Also according to the *Governance Review*, “a multitude of federal, provincial, and other organizations set policy and make decisions with significant impact on the Trust Area’s environment and well-being. Strengthening relations with these organizations is essential to achieve harmonized and complementary policies and practices in support of the Preserve and Protect Object.”

How many people can inhabit, exploit and play on a finite island without disrupting the island’s web of life —the amenities the Islands Trust was created to preserve and protect?

The National Geographic Society writes, “Carrying capacity can be defined as a species’ average population size in a particular habitat. The species population size is limited by environmental factors like adequate food, shelter, water, and mates. If these needs are not met, the population will decrease until the resource rebounds.”

Humans are not constrained by these limits while non-human life forms can neither travel to replace depleted nutrients nor purchase cisterns to provide water. However, humans can and do destroy environmental factors critical to the survival of plants and animals. If an environment becomes sufficiently degraded, humans have the option to move elsewhere. Thus carrying capacity needs to be defined in terms of protecting the environment.

What can the LTC do?

The LTC can enact bylaws to set limits on land use and build out and update the Official Community Plan (OCP) to best represent residents' collective stewardship of this finite island. Additionally, the LTC represents 3 of the 26 trustees who make up the Trust Council and these voices should call for Trust Area carrying capacity safeguards plus advocacy to extend safeguards to the policies and actions of other levels of government.

Water

The LTC's initiative to study freshwater sustainability is framed as "the first phase to determine carrying capacity of the islands." Quantifying aquifers in fractured rock is rather like counting unicorns. It's easiest to count and colourfully portray something no one can see using terms such as "Lineament TWI Wetness Coefficient."

Protecting wetland areas and watersheds is both pragmatic and long overdue. A measure of the limits to carrying capacity can be seen with the growing number of water deliveries.

The Farm Regulation Project's recommended changes to the bylaws and the OCP could protect sources of ground water recharge on 46% of Denman —the area designated as Agricultural Land Reserve. Unfortunately, the project could choose to further enshrine ALR parcels as impervious to environmental protection.

The LTC could use local knowledge and accurate mapping as a basis —mapping that pre-dates the current mapping by Google. Freshwater protection requirements could be introduced in parallel with subdivision and rezoning applications to reduce the impact of development including the negative impacts of roads, driveways and ditching.

Some general regulatory changes could include 1) redefine "lot coverage" to include all surfaces covered by non-permeable surfaces; and 2) redefine "structures" to include non-permeable ground-level paving for driveways, vehicle parking and sidewalks.

The LTC should pressure the Trust Council to negotiate changes in the Ministry of Transportation approach to road construction and ditching to neither drain nor disrupt wetlands and streams. Additionally, landowners should be required to obtain a permit to channel water into roadside ditches. Water that is directed into the ocean does not recharge groundwater.

Land

The 2019 *State of the Islands Report* appears to be based on anthropocentric vision, a combination of outdated data and a bucket list of what scientific research might reveal. The 2019 *Report* sets a threshold of 30 - 40% for "natural areas converted for human use in the Islands Trust Area." As of 2019, 16.4% of land in the Trust Area has been converted into roads compared with "protected area" land accounting for 25%. Add to this, the Islands Trust Conservancy's declaration that 25% of Denman is conserved land. To support biodiversity, how big an area is big enough if humans get to 'convert' the rest?

If Denman's conserved/protected areas are open to recreational use with trail building, signage and toilets, does conservation merely translate into no residential or industrial use? Moreover, how much of the protected land has been degraded by logging with little to protect or conserve at this time?

Parks clearly have a commercial aspect and a history of increasing commercialization. Past plans for destination camping facilities and RV parking have only been averted thanks to the Denman community's strong, negative response.

As a consequence, the LTC should regularly meet with regional and provincial park administrators as per E-3 Conservation/Recreation advocacy policies 1-6 as well as update these policies in light of added parkland and the pressure of recreational tourism, particularly with a growing urban population in the Comox Valley and climate change disasters in BC recreation areas.

The LTC should add a strong voice on Trust Council for hiring a qualified expert in biodiversity to best protect existing reserves and to recommend and justify new reserves. Expert analysis would enable the LTC's implementation of Development Permit Areas for Protection of the Natural Environment (EDPAs). According to the Veridian Report: "reserves should be representative of all the ecosystems present in an area." To date the Trust seems to focus on single specimens (e.g. Coastal Douglas-fir, eelgrass).

Housing and Diversity

There is a real possibility that conserved land will be used to justify increased density elsewhere on island and that areas with adequate freshwater will be the focus of cluster housing and, using the new R4 Zone, condominiums.

All decisions should be made with regard to carrying capacity knowing that 1) population pressure will increase; 2) land costs will continue to escalate; 3) humans 'convert' the natural environment either intentionally and by accident; and 4) environment degradation, pollution, road traffic and demand for services increase as population increases.

The present LTC has consistently adopted measures that increase density without reference to carrying capacity. Suites were allowed but not counted as densities, enforcement of housing bylaws was suspended and, currently, the doubling of density in the 46% of Denman in the ALR is contemplated.

The OCP contains this affirmation as part of its Vision Statement: "We will use innovative options to promote a diversity of age and financial means within the carrying capacity of the island." The OCP also states this objective, "To identify, preserve and protect the integrity of the natural ecosystems on Denman Island and the adjacent islets including the foreshore and intertidal areas. This objective should be understood to be the highest priority in land use planning."

The task of the LTC should be to seek solutions within these two goals.

The following are possibilities:

- a) Limit the square footage of houses to reduce the burden of ‘starter castles’ on the carrying capacity of the island.
- b) Reduce lot coverage in all zones to discourage over-building.
- c) Encourage amalgamation of lots especially in R1.
- d) Create a moratorium on small lot subdivision.
- e) Recognize that “cluster housing” is not a panacea. Clusters rarely benefit the environment, seldom suit a rural setting and impose collectivity with strangers.
- f) Work with bonafide farmers to seek a solution to the problem of succession (with the farmer retiring on the land) in order to preserve existing farms.
- g) Promote the housing option within the definition of “dwelling unit ...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.” Low-income and retired residents might prefer this option rather than cluster housing.
- h) Enforce existing regulations that disallow vacation rentals and short-term rentals. Bed and Breakfast accommodation —with the landowner in residence— should continue as a permitted activity.

Carrying capacity is a benchmark only if it can be effectively enacted and upheld. An informed and participating community is an essential component wherein collective good outweighs individual sticking points.

Harlene Holm
3900 Lacon Road, Denman Island, V0R 1T0

Sources:

- * *Denman Island Official Community Plan*
- * *Denman Island Land Use Bylaw*
- * *2019 Status of the Islands Report*
- * *2022 Islands Trust Governance Review*
- * 2020 Islands Trust Area Groundwater Recharge Mapping Project — Phase 1
- * 2007 *Conservation Planning and Targets for the Coastal Douglas Fir Ecosystem* (Veridian report)
- * EDPA webinar https://www.youtube.com/watch?v=0M52xMu_Pms
- * March 2022 H Holm submission to the Trust Council meeting
- * April 2022 H Holm letter to Honourable Nathan Cullen re Affordable Housing
- * 2021 Census Profile for Denman Island

To: the Denman Island Local Trust Committee
From: Riane da Silva

May 31, 2022

I acknowledge that I am an uninvited guest living on the land of the Pentlatch People and the Komox First Nation. I am grateful to the Komox Nation for peacefully continuing to allow us to occupy this land.

Back in 2019, the Agricultural Land Commission (ALC) of British Columbia made a terrible mistake and removed the option for secondary homes on Agricultural Land Reserve (ALR) lands. Fortunately, they realized their mistake, which is why in only 2 years (remarkably quickly in government time) they rolled back that decision. As of January 1, 2022, the ALC now allows greater flexibility for farmers to provide housing options on ALR lands.

The Denman Island Local Trust Committee has recently sought community engagement through the Farm Plan survey. This indicates that you would like to know what the community of Denman Island thinks, and that you will respond accordingly. Your survey has been responded to by approximately 150 residents, and non-resident land-owners.

However, the petition I present to you today has engaged significantly more community members than that. This petition states:

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

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

Several hundreds of Denman Island residents and non-resident property-owners have signed this petition because we the undersigned support our local farmers and land owners being able to provide housing options – whether it is for farm workers, or to house family; to provide a rental income to supplement the insecure realities of farming, or for whatever reason a person may have to provide housing-access to others.

While a fear of change (and unforeseen consequences) may seem like a compelling reason for politicians to avoid necessary change – maintaining the status quo is actively harming our community.

Our community members want the Denman Island Local Trust Committee to embrace and make the changes necessary to allow the secure housing of our Denman residents, and to remove the daily stress of potential bylaw enforcement at people's homes.

Perhaps you are tired of hearing me repeatedly calling for change to local housing bylaws? I know I'm getting tired of saying the same important things over and over again. Perhaps hearing it in the words of other members of our community might help you to hear, and then make the vital and immediate changes that must be made to our local land use bylaws?

The following are direct quotes from many of the respondents to the petition I have presented you with today. They are in answer to the question, “Why do you support this petition?”

"There is a severe shortage of affordable housing for workers on this island."

"Because we need a home more than we need privileged desires."

"I believe in social housing, and creative approaches."

"We're in crisis....land, people and nature needs to be respected"

"Sharing resources (like land) lowers the negative impact on climate (compared to "single family dwelling" where ONE family has ONE house/land) When we share, we only need one tractor, one lawnmower, etc....Sharing costs less, improves quality and connections with others, is friendly to the land we live on. Many hands make light work. And its better for children. Single Family Dwelling is a capitalistic concept to make people wealthy. Enough already."

"I support affordable housing."

"So many people are looking for a safe, legal place to live and so many people want to farm."

"I want people to have homes!"

"I'm signing because I've been advocating for a broad and fair liberation of housing bylaws on Denman Island for many years. In brief, I propose that secondary dwellings—with important limitations (but not disqualifications)—be permitted on ALL properties, regardless [of] Islands Trust land use zoning... I welcome an amendment to ALR policy in order to allow for a secondary dwelling on each property in the ALR."

"it's the right thing to do!"

"Because affordable housing is a necessity to a thriving community."

"There's a house crisis on Denman Island. As long as the application for a second home meets criteria, it should absolutely be allowed."

"We need more affordable housing"

"it affects all of us xxxxx"

"I'm signing because I see tiny and small house dwellings as a way of including marginalized people among home owners, giving them dignity and a sense of security. In addition, I would like to downsize to a tiny house, in order to maximize the benefit of the capital I have accrued during my lifetime, so I can remain independent of my children as I age."

"Changes to ALR need to be respected and adopted by our Local Trust."

"I'm signing because I want to see local businesses and farms thrive on Denman"

"We need housing"

"We need much more housing; the Trust needs to allow the changes made by the ALC."

"The lack of affordable safe housing for workers on Denman has no end in sight and if decisions are not made to create a solution at every possible opportunity, this community will quickly be one for only those with abundant resources. But who is going to serve this population at the General store/post office/liquor outlet? Make your coffee and lunch while providing a space to connect? Mow the lawns and tend the gardens when retirees become unable? And provide end of life support to keep people in their homes? The people needing affordable housing are providing the day to day necessary services required to make a community function. Please for heavens sake, why are their [sic] barriers to making this happen. Please evolve with the times and current housing situation in our province and community. Please please please."

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At 500 signatures, this petition is more likely to be featured in recommendations!

Make Denman housing regulations align with provincial regulations on ALR lands

290 have signed. Let's get to 500!



At 500 signatures, this petition is more likely to be featured in recommendations!



Riane da Silva started this petition to Denman Island Local Trust Committee (Islands Trust)

On January 1, 2022 the Province of BC will allow secondary dwellings (up to 90 m2 in size) on all Agricultural Land Reserve lands. This legislation must be approved by local governments to take effect in any given jurisdiction.

By approving those changes Denman's Local Trust Committee (LTC) will be helping local farmers, improving our housing situation on Denman, and improving Denman food security. Making these changes to our bylaws will be a huge step back to where we were before 2019. While these changes are not **the** solution to our housing crisis, this is **one of the solutions**.

The LTC has suggested (in Farm Plan documents) that they are considering allowing secondary dwellings only with a Temporary Use Permit [TUP]. TUP's are temporary; require bureaucratic applications every 3 years; are granted on a first come-first served basis (with a finite number of densities available to "borrow" from the complicated "density bank"); can be costly; are not an appropriate way to provide long term stability for Denman Island's farmers or resident renters.

Therefore:

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

Take the next step!

ALR->LTC 2021-22

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

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

Name	Name	City		Country
Graham	Hayman	Vancouver		Canada
Sharon	Mackin	Denman	Island	Canada
Christine	Arnet	Saltspring	Island	Canada
Deborah	Bishop	Denman	Island	Canada
Kevin	Mitchell	Denman	Island	Canada
Mary	jane	Stewart	Hornby	Canada
Liz	Johnston	Denman	Island	Canada
Steven	Carballeira	Denman	Island	Canada
Bente	Pilgaard	Denman	Island	Canada
Roger	Jane	Denman	Island,	Canada
Maggie	Murray	Vancouver		Canada
Joanne	Graham	Denman	Island	Canada
Lyne	Rondeau	Denman	IslandDenr	Canada
Malread	Boland	Saturna	Island	Canada
Megan	Babb	Denman	Island	Canada
Alan	Stoddart	Denman	Island	Canada
Rob	Manering	Denman	Island	Canada
David	Lang	Denman	Island	Canada
Damaris	Munro	Surrey		Canada
Geoffrey	Donaldson	Denman	Island	Canada
Erika	Bland	Denman	Island	Canada
Lindsay	Harrison	Denman	Island	Canada
Magdalena	Anna	Denman	island	Canada
Michael	Gries	Denman	Island	Canada
Maya	Rytz	Denman	island	Canada
Bill	Engleson	Denman	Island	Canada
Karla	Neufer	Denman	Island,	Canada
Francesca	Barker	Denman	Island	Canada
David	Fairbairn	Vancouver		Canada
Heather	Neun	Denman	Island	Canada
Shelley	Bijou	Denman	Island	Canada
Renee	Robichaud	Vancouver		Canada
Devi	Swan	Denman	Island	Canada
Laurena	Fairbairn	Mansons	Landlng	Canada
Mary	Wood	Denman	Island	Canada
suzette	cullen	Vancouver		Canada
David	Graf	Denman	Island	Canada

ALR->LTC 2021-22

Jennifer	Cope	Calgary		Canada
Finn	Crowe	Vancouver		Canada
deNeen	Baldwin	Denman	Island	Canada
Keyo	Hayward	Denman	island	Canada
Lindsey	McDonald	Pitt	Meadows	Canada
Jessica	Johnston	Victoria		Canada
debbie	winkler	Denman	Isalnd	Canada
Maxine	Matilpi,	JD,	LL.M	Canada
Sandi	Krenbrink	Denman	Island	Canada
Noah	Ross	Denman	Island	Canada
Lori	MILLER	Courtenay		Canada
Earl	Best	Victoria		Canada
Monica	Gildersleeve	Denman	Island	Canada
Chili	Leblanc-Wulff	Vancouver		Canada
Judith	Kirk	Denman	Island	Canada
Samuel	Borthwick	Denman	Island	Canada
Patrice	Leblanc	Denman	Island	Canada
Donna	Wooley	Hornby	Island	Canada
Sandra	Shaffer	Denman	Island	Canada
Sheelagh	Mackenzie	Denman	Island	Canada
Ian	Jenkins	Salt	spring	Canada
patsy	obrien	cumberland		Canada
Arielle	Agar	Denman	Island	Canada
Bob	Gamble	Denman	Island	Canada
Angus	Hayman	Denman	island	Canada
Darren	Budnyk	Pender	Island	Canada
Cheryl	Henkelman	Denman	Island	Canada
Aunabeth	Ross	Victoria		Canada
Shirley	Phillips	Denman	Island,B.C.	Canada
Lenore	Black	Markham		Canada
Ishbel	Galloway	Salt	Spring	Canada
Chris	Stiebel	Victoria		Canada
Dan	Miller	Victoria		Canada
Lindsay	McGinn	Denman	Island,	Canada
Margie	Gang	Denman	Island	Canada
Perrl	Gorrara	Vancouver		Canada
Del	Phillips	Denman	Island	Canada
Kerri	Boland	Denman	island	Canada
Henning	Nielsen	Denman	Island	Canada
tom	kirwin	Denman	Island	Canada
Dominique	Husereau	Hornby	Island	Canada
Christine	Opp	Regina		Canada
Ann	Paisley	Denman	Island	Canada
shelley	mahoney	Salt	Spring	Canada
Ireneusz	Pryl	Denman	Island	Canada
Kari	Wasylciw	Denman	island	Canada
Noah	Johnston	Victoria		Canada
Nikolai	Neun-Hornick	Denman	Island	Canada
Luke	Haist	Clark	Thorold	Canada

ALR->LTC 2021-22

Chris	Wardman	Denman	Island	Canada
Liticia	Gardner	Denman	Island	Canada
Sherry	P.	Williams	Orrick	Canada
andrew	slater	Denman	Island	Canada
Michael	East	Denman	Island	Canada
Naomi	Elliot	Vancouver		Canada
Juliet	Geremia	Denman	Island.	Canada
Joni	Daniels	Denman	Island	Canada
Mara	Pungente	Denman	Island	Canada
Bronwyn	Schuster	Denman	Island	Canada
Judy	Bruce	Wasaga	Beach	Canada
Andrew	Szczepanski	Edmonton		Canada
Jason	Gravel	Peterborough		Canada
fei	yan	Vancouver		Canada
Denise	Gratton	Denman	Island	Canada
Lisa	Fiederer	Victoria		Canada
Debra	Tabler	Toronto		Canada
Brian	Miles	Denman	Island	Canada
Erin	Nolan	Manitoba		Canada
Jade	Everest	Port	Coquitlam	Canada
Heather	Richardson	Denman	Island	Canada
Sandy	Laurie	Kelowna		Canada
Leigh	Harrington	Denman	Island	Canada
Christopher	Malnella	Montreal		Canada
Brittany	Neadow	Calgary		Canada
Teresa	Wenner	Denman	Island	Canada
pip	van	nispen	parksville,b.c.	Canada
Heather	Hilberry	Denman	island	Canada
Jana	Schmidt	Pokorna	Denman	Canada
Renee	Andor	Denman	Island	Canada
Heather	Monks	Qualicum	Beach	Canada
Patricia	O'Connell	Denman	Island	Canada
David	Graham	Burnaby		Canada
Deanna	Vernon-Wood	Denman	Island	Canada
Erin	Lee	Union	Bay,	Canada
Nick	Montgomery	Denman	Island	Canada
ravi	kant	Delhi		Canada
Bronwynne	Fogarty	Denman	Island	Canada
Paul	Scanlon	Vancouver		Canada
Susan	Tait	Denman	Island	Canada
Dylan	Gale	Denman	Island	Canada
Melanie	Hewson	Denman	Island	Canada
Angela	Robinson	Denman	Island	Canada
Steven	Morgan	Denman	Island	Canada
Sara	French	Denman	Island	Canada
Eli	Hason	Denman	Island	Canada
Ron	Sakolsky	Denman	Island	Canada
sylvie	marcil	Denman	Island	Canada
edi	johnston	Denman	Island	Canada

ALR->LTC 2021-22

Leo	Simmons	Denman	Island	Canada
Rebecca	Apter	Denman	Island	Canada
Philip	Biebach	Denman	Island	Canada
Devmurti	Khalsa	Qualicum	Beach	Canada
Christine	Charlie-Schmidt	Fraser	Lake	Canada
Myles	Walters	Denman	Island	Canada
Sharon	Walberg	Denman	Island	Canada
Shawna	Alward	Salisbury		Canada
Claire	Williams	Vancouver		Canada
Bhargav	Trivedi	Toronto		Canada
Bryce	Stewart	Victoria		Canada
Vitali	Alexeev	Toronto		Canada
Heidi	Schnepf	Denman	Island	Canada
Matthew	Fraser	Dartmouth		Canada
Michael	Renney	denman	island	Canada
Laura	Thomson	Comox		Canada
Pankaj	Singh	Edmonton		Canada
Sheila	Nopper	Denman	Island	Canada
Natalie	Peel	Saskatoon		Canada
David	Law	Denman	Island	Canada
Charlie	Tait	Denman	Island	Canada
dar	lessard	Denman	Island	Canada
Hailey	Wyngaarden	Okotoks		Canada
Ania	Chmielewska	Denman	Island	Canada
Chrissy	Hyatt	Comox		Canada
Robyn	bay	Edmonton		Canada
Katarina	Meglić	DENMAN	ISLAND	Canada
cathy	stoyko	Cumberland		Canada
Jamie	Packer	Cambridge		Canada
Suzanne	Hiddink	Denman	Island	Canada
Eric	Groom	Aldrie		Canada
Chris	David	Chestermere		Canada
Heather	Halvorson	Denman	island	Canada
Richard	Hark	Gibsons		Canada
Stacy	Seabrook	denman	island	Canada
Branden	Tutkaluk	Summerland		Canada
Mary	Conrad	Denman	Island,	Canada
Andrea	Barrette	Staples		Canada
Suzette	Cullen	Denman	Island	Canada
Kim	Petrie	Devon		Canada
Madison	Gidge	Kitchener		Canada
Norie	McGillivray	Denman	Island	Canada
Elizabeth	Walton	Denman	Island,	Canada
Karen	Kehler	Sidney		Canada
Maryann	Handy	Courtenay		Canada
Marie	Perrett	Saanichton		Canada
Melissa	St	John	Penticton	Canada
Yvonne	Seibold	Denman	Island	Canada
Cynara	Messenger	cumberland		Canada

ALR->LTC 2021-22

C.	Urquhart	Denman	Island		Canada
Danuta	Guzylak	Toronto			Canada
Sus	Postor	Brampton			Canada
Keelan	Gamble	Denman	Island		Canada
Lester	Hornilla	London			Canada
Victoria	Pitchford	Toronto			Canada
Nicole	Backs	Victoria			Canada
Nikhil	Patel	Brampton			Canada
Michael	Scott	Denman	Island		Canada
Rookie	Burns	Denman	Island		Canada
christine	wilson	Denman	Island		Canada
Joanne	Wyvill	Hornby	Island		Canada
Victoria	Randell	Calgary			Canada
Lynda	Dabbs	Denman	Island		Canada
Gemini	McMahon	Toronto			Canada
Carmine	Boskovich	North	Vancouver		Canada
Elisabeth	Dhont	Hornby	Island		Canada
Alexander	Wilcock	Ottawa			Canada
Amanda	Mack	Vancouver			Canada
Stacey	Borgstrom	Borgstrom	Vancouver		Canada
Karen	Closs	Denman	islan		Canada
Crystal	Cowan	New	Westminster		Canada
Cara	Barter	Parksville			Canada
Bea	Nicholson	Duncan			Canada
Patricia	Jones	Denman	Island		Canada
Eileen	O'Brien	Denman	Island		Canada
Lisa	Pierce	Denman	Island		Canada
kassandra	Ianthier	Edmundston			Canada
Rimple	Chahal	Calgary			Canada
Daniel	Ayrheart	Brampton			Canada
Matthew	Cerantola	Coquitlam			Canada
Spencer	Eidt	Stratford			Canada
Phil	Foster	Victoria			Canada
Tessa	Limowski	Sechelt	BC		Canada
Brad	Jones	Edmonton			Canada
Carol	Lewis	Black	Creek		Canada
Frances	Finn-Latteier	Vancouver			Canada
Talbot	Gelger	Mitchell			Canada
Theresaharmon	Harmon	Lutselke			Canada
Christopher	Stimson	Akron			Canada
Virginia	Lesley	Spinney	Denman		Canada
Priya	Nash	Edmonton			Canada
Laura	Birmingham	Vancouver			Canada
Arvind	Bhatt	Winnipeg			Canada
Karen	Parkinson	Courtenay			Canada
Jay	reid	Brampton			Canada
Susie	Koivu	Denman	Island		Canada
Serge	Rousseau	Plessisville			Canada
Wendy	Northcut	Denman	Island		Canada

ALR->LTC 2021-22

roy	stephane	Bathurst		Canada
Amelia	Candy	Denman	Island	Canada
Bonnie	White	St	George	Canada
Emiliano	Marquez	Alvarez	Denman	Canada
Maya	Urbanczyk	Mississauga		Canada
Urvashi	Amin	Toronto		Canada
Teresa	Bullock	Airdrie		Canada
Milton	Watt	Mitchell		Canada
Shepard	Trosky	Winnipeg		Canada
Carla	Hazell	North	Vancouver	Canada
Ron	Hamers	Calgary		Canada
Youdit	Shibeshi	Brampton		Canada
Diane	C	Crenna	Denman	Canada
Karen	Fontana	Chilliwack		Canada
Bradley	Stricker	Montreal		Canada
John	Cowhig	Sidney		Canada
Rajesh	Kusumanchi	Toronto		Canada
Lara	Minter	Egmont		Canada
olaf	knezevic	Vancouver		Canada
Francesca	Loro	Victoria		Canada
Janet	Troughton	Kingston		Canada
Catalina	Molina	Oakville		Canada
Shahzad	Khan	Hamilton		Canada
Michael	Donaldson	Toronto		Canada
Sean	Kelly	Osgoode		Canada
Lynn	Stary	Qualicum	Beach	Canada
Caelan	Loewen	Steinbach		Canada
Meron	Lemma	Scarborough		Canada
Be	Balm	Denman	Island	Canada
Michael	Egan	Courtenay		Canada
Sharon	Small	Hornby	Island	Canada
Matthew	Gauldie	Dundas		Canada
Carol	Clarke	Sooke		Canada
Caouette	Tia	Courtenay		Canada
darryl	engerdahl	nelson		Canada
Kelsey	Bertin	Vancouver		Canada
David	Froese	Winnipeg		Canada
DARRY	Clark	Vancouver		Canada
Jillian	Pebesma	Vancouver		Canada
Jacqueline	Pearlson	Denman	Island	Canada
Emily	Dame	vancouver		Canada
Roxanne	MacPhail	denman	island	Canada
eli	hilberry	Denman	Island	Canada
Nicolette	Audy	Vancouver		Canada
Scot	Taylor	Sooke		Canada
Barbara	Jones	Denman	Island,	Canada
Diane	Hobelaid	Ladysmith		Canada
Dorothy	Spencer	Qualicum	Beach	Canada
Diane	Langlois	Parksville		Canada

ALR->LTC 2021-22

Luis	Tingchuy	Winnipeg		Canada
Garth	Lindgren	Regina		Canada
Kimberly	Chambers	Leamington		Canada
Winnie	Wong	Edmonton		Canada
Cristina	Biermann	Parksville		Canada
Richard	Day	Vancouver		Canada
Glenda	Delas	Alas	Calgary	Canada



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Name PAUL SCARLETT
Paul Scarlett
Esther M. Wickham
CLAIRE HALL
J.M. THURNTON
John Doe
Theresa Clinton
Myra S. Sargent
Peter Kanton
USA GARDEN
Heather Hubbard
Nancy Hyslop
Sarah Gough
John Doe
[REDACTED]
Ann Paisley
Melanie Murray
K. Wilson
Sandra Shaffer
Flaherty D. Smith
Clare Diercks

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Name	Signature
Lorraine Seibold	
Nicki Swann	
Paula Dan	
SALLY PAY	
Caroline Eppich	
Toni Johnson	
Michael Lindsay	
Steve Kitchin	
Betty Kaulback	
Carol Hansen	
THOMAS PROVENCE	
Michael Winkler	
Lucas Provencal	
RANDY WOODS	
Rebecca Denny	
JAN FLORIAN	
Courtney Hemmeling	
Kate McElyre	
Brittany Hemmeling	

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Name	Address	Phone # and/or e-mail for	Signature
Alison Kainaland			
DAREN KOKUTZ			
Maril Calman			
FRANK WOODEN			
BRUCE			
V. TEMPLE			
Arthur Grant			
DAVID PICK			
Kyle Frestley			
Tamar VanderMeer			
Danielle VanderMeer			
Dean Williams			
Lara Spence			
Archie Barclay			
Charlie Johnson			
SAM STEVENS			
Kyle Robinson			
Frank Green			
Michael Black			
Jeremy Hallett			

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Name	Address	Phone # and/or e-mail for	Signature
NORA Teutschler			
Teresa Beers			
Kathleen Helden			
Kayla Clark			
Norma Ryall			
Jane McKeown			
Heather Robinson			
NANCY J. LEE			
Ken Halpern			
William White			
Marie Anne Harrison			
Bev Schreier			
Rachel Lambert			
ANDREW EGAN			
Mary Simpson			
GOD KORTZ			
Heather Royal			
NICKIE L. G. H.			
Dean Heyland			
Valerie J. H. H.			

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Name	Address	Phone # and/or e-mail for	Signature
BRUCE HAYWARD			
Jackie Hipwell			
Andreas			
Jim McCook			
Daniel Farrow			
Brian Miles			
Paula Goodman			
Shelley			
John & Mary			
SELYS			
HOLLY WALKER			
John Walker			
Jim Allen			
Randall Duncan			
SHARON WALTON			
ROD SMITH			
John Clark			
Tina Watt			
KICK			
Steve Steele			

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Name	Address	Phone # and/or e-mail for	Signature
D. Bishop			
John Bishop			
Carol Dugas			
Robert Scott Wilson			
Bob Scott			
Col. H. H. H.			
L. Macdonald			
Dave B. B.			
G. B. B.			
John B. B.			
Shirley Wilson			
John B. B.			
John B. B.			
Marlene Munro			
Sharon Mackinnon			
Heather M. M.			
ANNE PAGE			

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3. To ensure that these dwellings are not used for vacation and other short term rentals.

Name	Address	Phone # and/or e-mail for follow up	Signature
Christine O'Neill			
WAGDA LARA SCISAK			
Helen Mason			
Norin Stewart			
Perry Van Hornemortley			
Sara Henderson			
CHRISTINE OLIVE R			
Peter Jones			
Wendy Hinde Mather			
Sam Macdonald			
Melanie Macdonald			
Debra Roullet			
Anne de Gooch			
Peter Snel			
John Paine			
Alexandre Rogers			
D. Bann			

Housing on ALR

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Name	Address	Phone # and/or e-mail for follow up	Signature
Paula Johnson			
Frank Wilson			
GRANT SQUIRES			
Vol. Hays			
Vanda Wood			
Jim Hays			
STEVE CARRAQUEIRA			
Mandy Wilson			
GARY PIRCHET			
HEILA SUMMISON			
GORD & ROWEN			
David Hays			
Frank Lindsay			
Judith & Andrew			
Carole Herring			

HOUSING ON ALR

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Name	Address	Phone # and/or e-mail for	Signature
David Simon			
David Simon			
Alan Erickson			
Harold Schaefer			
CASHE LEWIS			
LEYAH KELLY			
Walter Villalobos-Jimenez			
Heather Hylan			
Andrea Robinson			
Helen Burt			
Michael Burt			
Michael Burt			
M. J. Burt			
John Gaudin			
Debbie Fokkema			
S. McCall			
Wendy Ganga			
Melanie Hansen			

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Name	Address	Phone # and/or e-mail for follow up	Signature
David Jones			
Lise Hernandez			
Sean Patterson			
Oliver Pinner			
Julia Cox			
Mike Ross			
Bonnie Wong Wood			
Don G. Wood			
Carol Dyck			
Ken Beaulieu			
James Telford			
John Yarrow			
Don Murphy			
Brian Kane			
Debbie			
IAN Ewart			
Aron Sellar			
Marion Cobb			
Stacey MacIsaac			
Carmel B. Southam			

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Name	Address	Phone # and/or e-mail for	Signature
Howl Austin			
JAYNE FEARTY			
STEVE BARETT			
RUSSELL MACKIN			
Colleen Tognatelli			
MARLEY CROSBY			
ANNE BAKER			
Donna Miller			
Heather Monks			
Nancy Martin			
Sheldon Russell			
Beth Doherty			
Karen Hendrix			
Jennifer West			
Bonnie Adams			
Sandra Shaffer			
STEVE HARRIS & BRIAN			
Harlan Ford			
Kath Ford			
Don Waring			

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Name	Address	Phone # and/or e-mail for follow up	Signature
Doreen Henderson			
Rich GRIFFITHS			
ANITA CHAMELINSKA			
Lisa Larkin			
Philippe Vuy			
Chris Sosa			
Sylvie SCHROEDER			
Elaine Martin			
Wendy Anderson			
Quinn Lundberg			
S. SUTHER			
ROBERT FRENCH			
SHIRLEY WARD			
MARK PRIBB			
Adam Thompson			
Ryan Gietz			
Brittany Gietz			
Shirley Gietz			
Donna Gietz			
John Gietz			

HOUSING ON ALR

On January 1, 2022 the Province of BC will allow secondary dwellings (up to 90 m2 in size) on all Agricultural Land Reserve lands. This legislation must be approved by local governments to take effect in any given jurisdiction.

By approving these changes Denman's Local Trust Committee (LTC) will be helping local farmers, improving our housing situation on Denman, and improving Denman food security. Making these changes to our bylaws will be a huge step back to where we were before 2019. While these changes are not "the" solution to our housing crisis, this is "one of the solutions".

The LTC has suggested (in Farm Plan documents) that they are considering allowing secondary dwellings only with a Temporary Use Permit (TUP). TUP's are temporary; require bureaucratic applications every 3 years; are granted on a first come-first served basis (with a finite number of densities available to "borrow" from the complicated "density bank"); can be costly; are not an appropriate way to provide long term stability for Denman Island's farmers or resident seniors. Therefore,

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Name	Address	Phone # and/or e-mail for follow up	Signature
A. LARSEN			
E. OLSEN			
L. OLSEN			
BENTE EILAND			
Wade Rownd			
STEVE BYRES			
JUDE McPHERSON			
Wayne Newcombe			
h. Slater			
MICHELLE COUD			

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Name	Address	Phone # and/or e-mail for follow up	Signature
Seamus Shuter			
Clare Kennedy			
Victoria Doherty			
Shelly Wilson			
Lizbeth Gries			
Colin Burrows			
KEVIN HOLLINGER			
El. Hutchins			
Leanne Kelly			
Tara Pickens			

Housing on ALR

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Name	Address	Phone # and/or e-mail for follow up	Signature
ROSIE GRAYNE			
Alex Loope			
Lois Hendra			
Colin Campbell			
Kevin Hayward			
Werner Kasten			
Shelley Lidd			
HAUNE CHRISTEN SEA			
CATHERINE PLATZ			
MARK CROOKS			

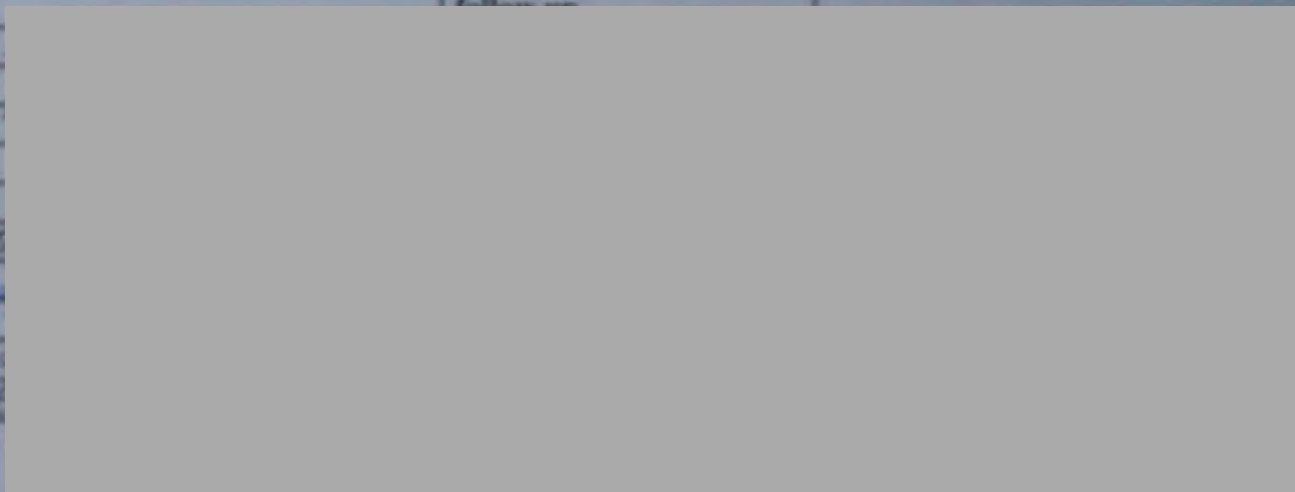
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Name	Address	Phone # and/or e-mail for	Signature
Patricia Thomson			
John Thomas			
Sherry Williams			
Kelsey Carter			
Barry Bay -			
Dana Wright			
Candice Egg-Groves			
Angela Elze			
Phil Taylor			
BEN JONES			
HEIDI - PF			

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Name	Address	Phone # and/or e-mail for	Signature
Rebecca Moore			
Karina Bjornshak			
Ally Holt			
Colleen Dand			
Don Cuddy			
Samilla Davies			
Don Sperry			
Ally Coulter			
Rebecca Eakin			
2 401 211 0015			

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Name	Address	Phone # and/or e-mail for	Signature
Tony Gregson			
D. English			
Tina White			
Helen Adams			
Ana Hernan			
Dave Marshall			
Senia Villavilla			
Alan Andersen			
FOX			



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: March 22, 2022
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

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

Others Present: Approximately twenty-five (25) 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 10:03 am. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in territory of the Coast Salish First Nations that includes K'ómoks First Nation.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:
 11.5 Orphan Crown Lands

DE-2022-019

It was MOVED and SECONDED,
 that the Denman Island Local Trust Committee approve the agenda as amended.

CARRIED

A Trustee requested that in future agendas Reports be placed following the Town Hall and Delegations sections to accommodate members of the public attending primarily to speak to the Local Trust Committee (LTC). She also asked that flexibility be allowed for time given to today's Delegation and Town Hall speakers.

3. RISE AND REPORT - IN CAMERA MEETING NOVEMBER 2, 2021

Chair Fast reported that at the November 2, 2021 *In Camera* meeting the LTC adopted the minutes of the September 7, 2021 *In Camera* meeting.

4. REPORTS

4.1 Trustee Reports

Trustee Busheikin provided a summary of activities and meetings attended including:

- Trust Council held recently;
- Regional Planning Committee;
- A meeting with community groups to discuss responding to COVID and other items;
- She has begun offering “Tea with Trustee” opportunities for public to discuss matters of interest relating to Islands Trust;
- Participated at the Islands 2050 Trust Policy Statement review information pop-up tent on Denman Island;
- Forwarded a letter previously written to officials encouraging them to undertake a feasibility study on establishing a Housing Service on Denman Island.

Trustee Critchley provided a summary of activities and meetings attended including:

- Ferry Advisory Committee (FAC): action taken to communicate major problems including long summer delays and capacity issues, and follow-up including an electronic meeting with MLA Osborne and initiating further meetings outside of the FAC after concerning response received from BC Ferries on those issues;
- Trust Council held in Nanaimo March 8-10 where the budget and Governance Review report were major topics of discussion;
- Attended an electronic meeting with officials from DFO and elected officials from municipalities and regional districts to discuss updates and plans relating to shellfish and finfish aquaculture;
- Participated at the Islands 2050 Trust Policy Statement review information pop-up tent on Denman Island which was well attended;
- Islands 2050 public engagement event held at the Community Hall.

4.2 Chair's Report

Chair Fast reported on activities and meetings including:

- Trust Council: major topics included the 2022/23 budget which was reduced from the estimate and passed; receipt of the Governance Review; and heard from consultants on the Trust Policy Statement project;
- Islands Trust Conservancy;
- Species at Risk workshop;
- Bowen Island Municipal Council next week;
- Executive Committee is upcoming;
- Gambier Island LTC meeting next week.

4.3 Electoral Area Director's Report

Chair Fast reported that the funding for a Housing Service feasibility study has been approved by Comox Valley Regional District.

5. TOWN HALL

- Islands Trust is not supporting housing solutions; approval of large, resource-heavy homes does not preserve and protect for the benefit of the residents; insecure housing is a concern, voices are not being heard; lack of housing to rent or afford and bylaw enforcement that prevents land owners from providing space and small accommodations for those who need housing is causing staff shortages at local businesses. LTC was

requested to review and remove bylaw housing restrictions that prevent small housing solutions and to permit home owners who wish to provide space for housing to be permitted to do so.

- Request was made to stop the enforcement of non-permitted housing and to give homeowners the right to provide space for those in need of housing on a permanent basis. Lack of housing is causing staffing shortages on BC Ferries and the loss of a diverse population is a concern.
- The Farming Regulations Review Project and Questionnaire are addressing the regulation of agri-food, defined as the business of producing food agriculturally and relating to the commercial production of food by farming. The definitions of agriculture do not include land size, output or income/merchandizing. The Farm Plan is silent on climate change and water conservation including existing forms of regenerative agriculture, sustainability which includes buying local and productive gardens, or subsistence agriculture and barter.
- Concern was expressed that the banning of all cannabis business on Denman Island is possibly being considered. The speaker wants to develop a micro grow operation with no dispensary, creating jobs and using resource responsibly.
- Expansion of the Islands Trust or tax increases was opposed.
- Suggestion was made that the ferry currently docked here could be used to assist with capacity issues being experienced on the Hornby Island route; support was expressed for the delegation by Riane da Silva and affordable housing; expansion of the Islands Trust was not supported and the speaker would support a referendum to remove Denman Island from the Islands Trust.

6. DELEGATIONS

6.1 Riane da Silva regarding Housing as a Human Right

Riane da Silva expressed her belief that her human rights under United Nations Declaration of the Right to Adequate Housing (UNDRAH), adopted by the Canadian government in 2019, are being violated by Islands Trust policies, staff and procedures that have deemed her home to be unlawful. She requested the LTC, Executive Committee, and Trust Council engage with her as a rights-holder as defined by UNDRAH, and requested 13 measures be adopted that have been identified in the paper submitted with this delegation.

She prioritized three items:

- 1) require all Bylaw Enforcement officers and staff to make advance arrangements with property owners before visiting peoples' homes (or suspected homes) on private property;
- 2) implement an immediate moratorium on Denman Island and Trust-wide on all bylaw enforcement action against "unlawful" housing until housing needs can be "lawfully" met to the satisfaction of rights-holders; and
- 3) 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.

She asked if the LTC is ready to meet the minimum core obligation to recognize, respect, protect and fulfill the human right to housing.

- Trustees thanked the delegate for the presentation, research and material provided. A dialogue ensued with follow-up points for clarity, questions and answers; and a Trustee expressed an understanding of the interpretation that maintains the right of local government to zone to preserve and protect as it relates to this discussion of human rights to housing;
- A Trustee encouraged the public to take part in the Islands Trust 2050 public participation and the Farming Regulation Review opportunities as there are housing components in both of these projects.

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes dated February 15, 2022- for adoption

DE-2022-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the Special Meeting minutes dated February 15, 2022.

CARRIED

7.2 Section 26 Resolutions-Without-Meeting Report dated March 14, 2022

Received.

7.3 Advisory Planning Commission Minutes - none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated March 14, 2022

Staff was requested to review the status of the July 4, 2019 item regarding draft procedures for cell tower application consultation and report back as to whether the model has been endorsed.

8.2 Siting and Use Permit Bylaw - Staff Report

Planner Zupanec presented the Staff Report that asks the LTC to give Bylaw No. 240 second and third readings and forward it to the Islands Trust Executive Committee for adoption. She explained the changes to the Siting and Use Permit Bylaw that include updating of outdated references and 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 one metre of the required setback.

It was reported that advertising of the proposed changes to this administrative bylaw has occurred and there have been no comments received by staff to this point, while a Trustee has received one comment with concerns minimized after clarification of the changes.

DE-2022-021

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-022

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-023

It was MOVED and SECONDED,

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.

CARRIED

8.3 Fees Bylaw - Staff Report - for decision

Planner Zupanec presented the Staff Report that asks the LTC to consider the proposed new Fees Bylaw, Bylaw No. 244. The comparison tables included in the report identify the application descriptions, the existing bylaw fee and the proposed model bylaw fee based on the model fee bylaw recommended by Trust Council.

Trustees discussed the proposed fee bylaw with the following noted:

- A Trustee acknowledged that fees have not been adjusted for many years however expressed concern that double or triple fee increases would affect affordability;
- Other Trustees were generally in favour of the draft model fees bylaw, noting budgetary considerations, the rising costs and complexity of applications, and supporting a user-paying framework as opposed to taxpayers’ subsidizing of development;
- Deferring consideration of the draft bylaw to the next regular LTC meeting was suggested to provide time to consider changes.

DE-2022-024

It was MOVED and SECONDED,

that Denman Island Local Trust Committee defer consideration of Draft Bylaw No. 244 (new Fees Bylaw) until the next regular Local Trust Committee business meeting.

Trustee Busheikin offered to provide a submission for Trustee review with suggested changes.

CARRIED

9. APPLICATIONS, REFERRALS and BYLAWS

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

Planner Zupanec presented the Staff Report that summarizes draft amendments to Proposed Bylaw Nos. 241 (Official Community Plan) and 242 (Land Use Bylaw) and the draft restrictive covenant for DE-RZ-2021.1 (Denman Housing Association). She reported that these recommended amendments are based on direction to staff provided at the

last LTC meeting and address additions to the draft restrictive covenant to implement the recommendations in the baseline environmental report for the protection of the wetland area. She advised that the applicant is working with the Ministry of Lands, Waters and Resource Stewardship to obtain their hydrogeological review of the Denman Green water plan.

Trustees were asked to consider the amendments to advance the application in preparation for a future public hearing pending provincial review of the Denman Green Water Plan. She noted that all relevant background information is posted to the Islands Trust Denman Island current applications webpage.

Chair Fast invited Simon Palmer, Denman Housing Association, to speak to the application. He reported on the status of the hydrological review of the water plan, hydrologist report and environmental biologist report, noting that fieldwork must be completed to address potential drawdown on the wetland. He advised that timing is important for funding opportunities and requested that the LTC continue to advance the application by scheduling a public hearing prior to the next LTC meeting and to consider a third reading at that meeting.

Discussion included the following points:

- A Trustee asked if an updated septic report is necessary to address the change in the septic field area. Staff suggested a report showing the new site plan and confirmation that it would still be a supportable volume of flow as intended, would form the basis for the report with Island Health and would be helpful at a public hearing; the applicant has indicated that an updated report will be provided;
- Island Health cannot issue a water license at this stage without construction drawings and the LTC needs to ensure it meets the Trust Policy Statement prior to a public hearing;
- A special LTC meeting held prior to the next regularly scheduled meeting with a limited agenda including a review of the revision to the septic report and review of the Islands Trust Policy Statement checklist might provide an opportunity to schedule a public hearing in a responsible manner to advance the application as efficiently and quickly as possible without being problematic.

Planner Zupanec explained proposed amendments to the Danes Road receiver parcels.

Chair Fast invited Henning Nielsen, owner and co-applicant, to speak.

- He wishes to continue the ability to apply for Temporary Use Permits for those parcels as is the case for any other R2 zone site; and is requesting that the specific 30 metre setback requirement be reconsidered, presenting arguments for these positions.
- Staff confirmed that the rear line setback in the R2 zone is 3 metres; a Trustee suggested that a setback of 6 metres might be reasonable for these lots due to the proposed densification of the area.

By general consent the meeting recessed at 1:10 pm and reconvened at 1:54 pm.

DE-2022-025

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-026

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008” be given first reading as amended.

CARRIED

DE-2022-027

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw 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.

CARRIED

DE-2022-028

It was MOVED and SECONDED,

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

Section 1.21 be amended by adding the following new text after the “R2(6)” site specific regulations:

“R2(7)

1. 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 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 boundary is 6 meters.
3. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(8) zone is 5.

4. Despite line 1 in Table 7 of this Section, the minimum average lot area permitted by subdivision, subject to the regulations in 2.8 is 2.8 ha.”

CARRIED

DE-2022-029

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 as follows:

- I. Section 1.22 lines 5 and 6 be amended by adding the words “and water cisterns” after “solar array”;
- II. Section 2., Plan No. 1 Subject Area Text be amended to read “From: Commercial-C To: Affordable Rental Housing-R4(1)”;
- III. Section 2., Plan No. 2 Subject Area Text be amended to read “From: Rural 2-R2 to: Rural 2(8)-R2(8).

CARRIED

DE-2022-030

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-2022-031

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-032

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to set up an electronic special meeting for late April or early May to consider further steps in the Denman Green rezoning.

CARRIED

9.2 DE-ALR-2022.1 - (A. Davidson, 3592 Northwest Road) - Staff Report

Planner Zupanec presented the Staff Report that asks the LTC to consider the application for a Non-Adhering Residential Use for conformance with Official Community Plan (OCP) policy and Land Use Bylaw (LUB) zoning before forwarding to the Agricultural Land Commission for consideration.

DE-2022-033

It was MOVED and SECONDED,

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.”

CARRIED**9.3 DE-RZ-2017.1 (Denman Community Land Trust Association) - verbal update**

Planner Zupanec provided a verbal update, reporting that bylaws for DE-RZ-2017.1 (Denman Community Land Trust Association) have been approved by the Ministry office. The applicant has been advised that the LTC is ready to proceed with advancing the bylaws; however, the applicant has requested that the bylaws not be considered for final adoption at this time.

10. LOCAL TRUST COMMITTEE PROJECTS**10.1 Denman Housing and Short Term Rentals Review Project - for discussion**

Planner Zupanec provided an update on the Denman Island OCP and LUB Review of Housing project, noting that Trust Council has approved funding of \$13,500 for this project and that next steps might be considered. She suggested that the May LTC meeting might be an opportunity to review a draft framework for this project with a draft Project Charter, and to launch the work through the Regional Planning team, planning staff resources, or through a lead consultant in conjunction with the community.

Discussion on this project included the following points:

- The business case prepared for this project did not include home occupations; review of the business case along with information that was provided in support of it would assist in creation of the Project Charter;
- A Trustee suggested topics for consideration in the project including:
 - consideration of distributed square footage of dwellings or an approach similar to the Mayne Island methodology;
 - review permitting secondary dwelling suites and secondary cottages not just in R2 zones also in properties over a certain size;
 - changing zoning in the downtown village centre to allow densification;
 - consideration of creation of a community housing zone;
 - supporting tiny home village or trailer park housing.

DE-2022-034

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a project charter with respect to the Denman Island Official Community Plan and Land Use Bylaw review for housing.

Trustees expressed support to move this project forward and suggested that it might be included in the special meeting being organized for late April or early May.

CARRIED**11. CORRESPONDENCE**

(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

Received. Chair Fast noted that standing resolutions are on the agenda at item 13.4.

11.2 Letter dated February 9, 2022 from the British Columbia Farmers Markets requesting Letter of Support

DE-2022-035

It was MOVED and SECONDED,

that the Chair of the Denman Island Local Trust Committee write a letter to the Minister of Health thanking him for participation in the Farmers Markets Nutrition Coupon Program and supporting the program's participation on Denman Island.

CARRIED

11.3 Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association (HIRRA) regarding Limited Visitor Accommodation Signage at Buckley Bay

Chair Fast spoke to the complexities involved with creation of signage and indicated that the Senior Intergovernmental Policy Advisor has been contacted regarding this issue.

11.4 Email dated March 3, 2022 - Greetings from the BC Electoral Boundaries Commission

Received.

11.5 Orphan Crown Lands

Trustee Critchley reported that the LTC and Islands Trust Conservancy have been notified that four Crown parcels of land on Denman Island have been identified as being conservation lands and that responsibility for these lands needs to be assigned. He noted that Denman Conservancy Association is suggesting that ownership or management by Islands Trust Conservancy would be the preferred approach.

DE-2022-036

It was MOVED and SECONDED,

that the Chair of the Denman Island Local Trust Committee write to the Islands Trust Conservancy expressing support for the request of the Denman Island Conservancy Association, by its letter of 17 March 2022, that certain Crown parcels on Denman Island be acquired by the Islands Trust Conservancy or otherwise managed by it.

CARRIED

12. NEW BUSINESS

12.1 Shoreline Report - Briefing - for discussion

Trustees acknowledged the importance of the topic.

DE-2022-037

It was MOVED and SECONDED,

that the Shoreline Protection Project be placed on the Denman Island Local Trust Committee Projects List.

Trustees requested that the title "Shoreline Protection Model Bylaw Report" be referenced in the description within the Projects List.

CARRIED

12.2 Triple Rock Housing Agreement Declaration – Memorandum

Received. Trustees requested that the subject title on the memorandum be corrected.

13. REPORTS

13.1 Trust Conservancy Report

13.1.1 November 23, 2021

Received.

13.1.2 January 25, 2022

Received.

13.2 Applications Report dated March 14, 2022

Received.

13.3 Trustee and Local Expense Report dated January, 2022

Received.

13.4 Adopted Policies and Standing Resolutions

A Trustee spoke to two Standing Resolutions regarding bylaw enforcement of unlawful dwellings:

- Consideration might be given to removing Standing Resolution No. 9. DE-IC-2021-002 regarding restriction of bylaw enforcement on unlawful dwellings during the COVID-19 public health emergency as restrictions are now being reduced;
- Amendments to Standing Resolution No. 7 DE-2021-015 were suggested for clarity and to remove the date of review of the resolution. Other Trustees requested this issue be deferred to the next regular LTC meeting with input from staff to inform a decision.

DE-2022-038

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Manager of Bylaw Enforcement to provide commentary on the advisability of adding to Standing Resolution No. 7. DE-2021-015 the following: after d) that the Islands Trust will not issue any eviction notices and will balance the need for bylaw enforcement compliance with consideration of personal and community impact of the current housing crisis, seeking to avoid contributing to homelessness, and that the statement "This Standing Resolution will be reviewed in one year's time" be removed.

CARRIED

13.5 Local Trust Committee Webpage

The LTC requested that the Farming Regulation Review be brought forward on the Denman Island webpage, informing the public that the Farming Regulation Review project is underway and there is a paper survey available.

14. WORK PROGRAM

14.1 Top Priorities Report dated March 14, 2022

Planner Zupanec provided an update on the Farming Regulations Review project, noting that the survey questionnaire was sent by direct mail out to 214 properties and that those responses and the online survey responses are being received. The Community Information Meeting on this topic is scheduled for April 21st from 6:30 pm to 8:00 pm.

14.2 Projects List Report dated March 14, 2022

Received.

15. INFORMATION ITEMS

15.1 Trustee Notebook - Grapevine April 2021

The supporting document for this item was not included in the agenda package.

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

Community Information Meeting regarding the Farming Regulations Review scheduled for Thursday, April 21 from 6:30 pm to 8:00 pm with location to be determined

17. CLOSED MEETING - none

18. ADJOURNMENT

DE-2022-039

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee meeting be adjourned.

CARRIED

The meeting was adjourned at 3:19 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee Minutes of Special Meeting

Date: April 21, 2022
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Marlis McCargar, Island Planner
 Vicky Bockman, Recorder

Others Present: Ione Smith, Consultant
 Kazlyn Bonner, Consultant
 Approximately seven (7) 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 6:35 pm. She welcomed the public and acknowledged that the meeting was being held in territory of the K'ómoks and other Coast Salish First Nations. She introduced Trustees, staff, recorder and consultants from Upland Agricultural Consulting; and advised that this meeting is being recorded for upload to the Islands Trust website after the meeting.

She advised that this Special Local Trust Committee (LTC) meeting was being held to conduct a presentation and facilitated question and answer session where members of the public will hear information and can ask questions about the Denman Island Farming Regulations Review project.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. PRESENTATION ON FARM REGULATIONS REVIEW PROJECT BY UPLAND AGRICULTURAL CONSULTING

Ione Smith, consultant and project manager, began the presentation with background information, noting that this project was funded in part by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation of B.C.. She confirmed that this presentation will be posted online for public viewing.

She advised that the purpose of this project is to implement actions under recommendations 11, 13, 14 of the Denman Island Farm Plan:

- Undertake a review of farm worker housing and agri-tourism accommodation;
- Implement zoning updates through the Land Use Bylaw (LUB), and
- Amend the Official Community Plan (OCP).

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

She explained that the purpose of this meeting is to present preliminary results from online submissions of the questionnaire and to provide an opportunity for a question and answer session. She reported that questionnaire submissions are still being received and that the engagement results will be analyzed and presented to both the Local Trust Committee (LTC) and the Advisory Planning Commission to inform next steps.

She presented information on parcels on Denman Island as well as the number of properties with secondary dwellings according to BC Assessment; and summarized the results received to date of the questionnaire topic areas:

- Definitions of agriculture, horticulture and intensive agriculture
- Housing in the ALR
- Agri-tourism and associated tourist accommodation
- Setbacks for agricultural buildings and practices from waterbodies.

4. QUESTION AND ANSWER SESSION

Members of the public were invited to raise questions with answers provided by the consultant, planner or Trustees.

- Would there be restrictions to intensive agricultural greenhouse production for growing lettuce, for example, on a small lot either inside or outside of the ALR?
 - Inside of the ALR intensive agriculture cannot be restricted; exclusions can only occur outside of the ALR. The questionnaire provides an opportunity to suggest types of agriculture permitted in different zones.
- How would the Farm Regulations be enforced? Would it be through the Bylaw Enforcement Notification (BEN) system?
 - Bylaw enforcement of the regulations in the LUB is complaint driven and the approach is to work with the property owner to gain compliance. Bylaw enforcement on non-ALR properties would likely be addressed through the BEN system. Properties in the ALR may be subject to the bylaws of local jurisdiction, or could be subject to provincial enforcement procedures.
- Will these regulations serve the needs of the community? The Farm Plan did not originate with local knowledge, and there are errors in basic data and mapping. Fencing to keep animals out of wetlands on large acreage can be onerous - much of Denman Island is wetland; the BC Ministry of Environment definition of watercourse does not define it well for this island. Some property owners not on ALR land may not understand they may not be able to sell commercially as they are doing now. Also, is there any way to prevent or limit people from establishing greenhouses on cement foundations?
 - Concern with mapping is acknowledged due to limited access to private property and it is hoped that the community can help to make sure the maps are as accurate as possible. If in the ALR, cement foundation restrictions can only apply to cannabis

production, otherwise are not restricted. In non-ALR land, local government can make restrictions.

- Is there a way to protect water through these regulations? What tools might be available to address the draining of wetlands in the ALR?
 - Setbacks are the best jurisdictional tool and most setbacks for the protection of water on farmland are set by the BC Ministry of Environment through the Agricultural Environmental Management Code of Practice. Local regulations cannot be less restrictive than those guidelines. Drainage is an agricultural use and is allowed in the ALR; the LTC cannot regulate that activity.
- Would housing for Worldwide Opportunities on Organic Farms (WWOF) farm help be considered agri-tourism accommodations?
 - Agri-tourism accommodation has to be directly connected to agri-tourism activity. Farm worker housing is a different category.
- What is the budget for this Farm Regulations Review project?
 - A grant for \$18,000 has been received for this project.
- Why are non-farmers being tasked with limiting farm activity?
 - This LTC was elected to process and create land use bylaws for the community; specialized consultants and engagement with community are helping to shape the bylaws. The questionnaire has asked participants “in which zone do you live” rather than “are you a farmer”.
- Will farmers continue to be able to apply to ALC for exemption from a regulation? Currently a farmer can apply to the ALC for an exemption to resolve a problem and the LTC was requested to ensure that this ability continues. The speaker understood from a discussion with a Planner that this will no longer be possible unless the bylaws include a provision that allows an application to the ALC for exemptions.
 - The ALC would notify the LTC of any application and would require that the LTC provide a motion of support, non-support or no comment to the ALC to inform their decision.
- How many secondary dwellings would be allowed on a property in the ALR with 101 acres?
 - If the property is over 40 hectares then one secondary dwelling of no more than 180 m² would be permitted. An application for a non-adhering residential use would need to be submitted to the ALC for an additional dwelling.
- What does “confined” mean specifically as it relates to intensive farming and feedlots? A definition should be created that clarifies that it is not feeding animals in a confined manner that constitutes intensive farming because, for example, 250 chickens scratching outside might be inappropriate for small lots where intensive agriculture is not currently permitted.
 - The Guide for Bylaw Development in Farming Areas, created by the province, provides definitions: “Confined Livestock Area means an outdoor area, other than a grazing area, seasonal feeding area or temporary holding area, where livestock are confined by structures or topography” and “Confined Poultry Area means an outdoor area, other than a grazing area or seasonal feeding area, where poultry are confined by structures or topography”. The questionnaire includes a question asking “would you support the permitted use of intensive agriculture in R1 and/or R2 zones on Denman Island on land that is outside of the ALR” in order to gauge if the community would consider that appropriate.
- What is the definition of “fencing” as it relates to setbacks?
 - Fencing can be required for Development Permit Area (DPA) #4 (Streams, Lakes, and Wetlands) however, this is out of scope for this project. The questionnaire included a

question to gauge interest in revisiting DPA #4 to ensure that livestock and poultry are kept out of streams.

- Is there a way for regulations to ensure good practice continues when farms change hands or go through changes in activity?
 - Permitted uses are designated within zones which are broad enough to accommodate a wide diversity of agricultural activities.
- Are there already regulations through the Ministry of Environment Code of Practice to keep livestock away from streams?
 - The Ministry requires there be setbacks, however, they do not require specific structures such as fencing, and it is up to the landowner to determine how that setback is implemented.
- Are there many instances on Denman Island where cows are getting into wetlands? This might help inform a decision that could impact farmers with a requirement for fencing that might be onerous.
 - A community member responded that this answer depends on how wetland or watercourse is defined. Definitions within the Ministry of Environment are fairly broad and livestock are allowed to graze but the property owner is also responsible for any mitigation that might be required.
- Why is there a condition for agri-tourism accommodations to have adequate potable water and septic capacity? Should this not be a requirement for cabins and tents located anywhere?
 - Agri-tourism accommodation is not currently permitted on Denman Island and this option is in the questionnaire to help gauge how important that condition might be in consideration of this topic.
- Are there regulations in the *Agricultural Land Commission Act* regarding frequency or duration of stay for agri-tourism accommodation?
 - Yes; the regulations require that the occupancy must be temporary and seasonal, and any individual tourist must limit the stay to a maximum of 30 days.
- Can a legal secondary dwelling be used for seasonal WWOOF farm help housing?
 - Yes; there are no restrictions on the occupancy of the secondary dwelling. An application for a non-adhering residential use could be made to the ALC for additional farm worker housing. Other options could apply for a farm that has been in operation since before the creation of the ALC.
- Could a farmer of ALR or non-ALR land house WWOOF farm help in a dwelling on another property owned by the farmer?
 - As long as the intent is not for a short-term vacation rental, temporary visitors are not regulated.
- Are there any tools the LTC can use to reduce the risk of property values increasing on farm property that is allowed a large principal residence and a secondary dwelling in order to keep farmland in the hands of farmers?
 - Suggestions included the consideration of additional conditions to limit the size of the principal residence and/or secondary dwelling; exploration of restrictions on secondary dwellings in ALR land that might include a rental only option to limit the uptake. It is difficult to reconcile affordable housing with ALR, which has the priority of agriculture, not housing.

Chair Fast invited the public to view the maps displayed in the room to identify additions, corrections, or changes that can be brought to the attention of the consultant or planner.

ADJOURNMENT

By general consent the meeting was adjourned at 8:15 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Denman Island Local Trust Committee Minutes of Special Meeting

Date: April 29, 2022
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
William Shulba, Freshwater Specialist
Vicky Bockman, Recorder

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 4:02 pm. 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 that due to technical and staff limitations the meeting is available for viewing by streaming and is being recorded, however, public participation is not possible at this meeting.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. DE-RZ-2021.1 (Denman Housing Association) - Staff Report

Planner Zupanec summarized the Staff Report that asks the Local Trust Committee (LTC) to consider the following staff recommendations for next steps in the Denman Green project application to amend the Official Community Plan (OCP) and Land Use Bylaw (LUB) to allow for a density transfer and 20 units of affordable housing:

- Amend Proposed Bylaw No. 242 (LUB) to remove the site-specific setback regulation from the R2(8) zoning as per the owner's request;
- Give second reading to Bylaw No. 242 (LUB);
- Review and confirm consistency with the Islands Trust Policy Statement checklist;
- Give second reading to Bylaw No. 241 (OCP);
- Consider that proof of an approved water license not be required prior to a Public Hearing being scheduled with the applicant requested to submit it prior to final consideration of proposed Bylaw Nos. 241, 242, and 243 for adoption; and
- That staff be requested to schedule a Community Information Meeting and Public Hearing for proposed Bylaw Nos. 241, 242, and 243.

Discussion of these recommendations included the following point:

- A Trustee asked the co-applicant and owner of the Danes Road receiver parcels to explain his request to remove the proposed six metre setback from the Denman Island Conservancy covenant lot boundaries requirement, as the area is not likely to be developed and this might provide a sense of due diligence in a proposal that is adding to the density of the area.
 - Henning Nielsen responded that he is proposing to expedite an affordable housing project on Denman Island; and that setback changes to adjacent types of land should be a process that is done as a project and not as a site-specific adjustment.

Planner Zupanec reported on the following:

- The Ministry of Lands, Waters and Resource Stewardship (LWRS) conducted a hydrogeological review of the Denman Green water plan; the applicant has submitted an updated wastewater report and an updated professional report addressing the impact of the well's use on the adjacent wetland. The reports and an analysis of the key findings of these reports are provided in the Staff Report. The supporting documentation gives planning staff confidence to advise the LTC that the bylaws are consistent with the Islands Trust Policy Statement.
- The well licensing authority has indicated a timeline of 4-5 months to complete the process. The LTC may consider advancing the project to second reading and proceeding to a Public Hearing in May, 2022 prior to receipt of the final license with the applicant to provide proof of the approved water license prior to consideration of final adoption of the bylaws.

A Trustee asked Freshwater Specialist Shulba to comment on the professional reports, discrepancy of soil characterizations, daily design flow of the wastewater system, well monitoring options, and possible requirement of wastewater system maintenance reports.

The following key points were noted in response:

- The extensive clay layer below the wetland reported in the Elanco Enterprises report is in contrast to the sandy loam soil in the H₂O Wastewater Assessment, however it is possible that soils can vary across a property.
- The average daily flow estimated by H₂O Wastewater to be ½ the daily design flow may be explained by factors including the reusing of greywater for toilet flushing and the addition of precipitation; and it was noted that the daily design flow is designed to allow for peak uses.
- This well will need careful management to be a sustainable, viable water source. A storm water management plan and water management plan are recommended; monitoring of the well levels and flow are important parameters through seasons and over time; well water storage for approximately 4-5 days of storage was suggested.

Other comments on water and wastewater included the following:

- Planner Zupanec advised that the proposed wastewater system is a Type 3 system which is the most complex system that comes with a multitude of maintenance requirements.
- Simon Palmer, speaking on behalf of Denman Housing Association (DHA), commented that the funding agencies will require responsible management of the systems and that these systems will be part of a comprehensive management plan and comprehensive water system design.

He reported that LWRS had asked about the impact, if any, the well might have on the drawdown of the wetland particularly during the dry season and what, if any, impact the

well might have on the flora and fauna. Current Environmental investigated further and the conclusion was that there will not be any impact to the wetland nor to flora or fauna. An email was received from LWRS stating that their questions have been satisfied and they are now moving on to the consultation stage.

Although this has not yet been addressed by DHA, Island Health will require that this water system be operated by an Environmental Operators Certification Program qualified professional operator.

- Dave Ricketts, DHA, advised that there will be a storm water management plan and that the water license and Island Health will have monitoring requirements. He reported that a more rigorous survey has been completed and an adjustment will be made to ensure the septic system does not impinge within 30 metres of the well.

Trustees debated whether a professional review of the proposed waste water system should be conducted:

- A Trustee expressed concern with the proximity of the septic discharge fields and system to the well, potential impact on neighbouring wells, the uphill nature of the septic system from the well, the size of the project and need to protect the environment and water for the needs of the project.
- A Trustee argued that complete and detailed professional reports have been received, funding agencies and Island Health will be involved, and a need for further review was not considered necessary.

DE-2022-040

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 by removing line item 2 from section 1.20 of the R2(8) site specific zoning regulations and renumbering subsequent sections accordingly.

Trustee Busheikin observed that while regulating setbacks on a site specific basis is not unreasonable there has not been any scientific reason presented to support an increased setback, and the advancement of an affordable housing project is a compelling reason to favour this amendment.

Trustee Critchley noted that the originally proposed setback regulation of 30 metres that was supported by Denman Island Conservancy was reduced to six metres as a compromise, and he did not consider the process and policy to be reason to reduce the setback further.

Chair Fast proposed that the need to protect land needs to be balanced with the need of projects such as this affordable housing project. She recognized that this process is still at an early stage and would like to see the process go forward.

CARRIED

Trustee Critchley Opposed

DE-2022-041

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 read a second time.

Trustee Busheikin appreciated that meaningful work and care have gone into this project; a diligent response was taken when the wetland was discovered; volunteers have created a project that works in a good location and will provide a variety of different types of housing; and it is time to see it move forward.

CARRIED

DE-2022-042

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021” and Bylaw No. 242, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” are not contrary to or at variance with the Islands Trust Policy Statement.

Trustee Critchley suggested that this may be outside of the Islands Trust Policy Statement with regard to the water license issue, however, the Local Trust Committee is willing to continue with the process, noting that approval will not occur until a water license is issued. He is personally satisfied with the ability of the applicant to provide sufficient water to this project through a combination of well and harvested rain water.

CARRIED

DE-2022-043

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021” be read a second time.

CARRIED

DE-2022-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has considered the March 11, 2022 Hydrogeological Technical Review from the Ministry of Land, Water and Resource Stewardship (formerly Ministry of Forests, Lands and Natural Resource Operations) for 1151 Northwest Road and determined that despite resolution DE-2021-052, proof of an approved water license is not required prior to a Public Hearing being scheduled and the applicant is requested to submit it to Islands Trust planning staff prior to final consideration of Proposed Bylaw Nos. 241, 242 and 243 for adoption.

CARRIED

DE-2022-045

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 241 cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021" and Bylaw No. 242 cited as "Denman Island Land Use Bylaw, 2308, Amendment No. 1, 2021".

Trustees requested that that the Community Information Meeting and Public Hearing be scheduled the evening before the next regularly scheduled Local Trust Committee meeting if possible as this provides time for Trustees to consider input provided, allows community members who might not be available during the day to attend, and if held separately from a business meeting would allow more time for agenda business items to move forward.

CARRIED

Simon Palmer, on behalf of the applicant Denman Housing Association, thanked Planner Zupanec for the hard work on this project. He commented that it is gratifying to see the project move forward and hoped it can advance further at the May 31st Local Trust Committee meeting.

By general consent the meeting recessed at 5:44 pm and reconvened at 5:47 pm.

4. Denman Housing and Short Term Rentals Review Project - Staff Report

Planner Zupanec presented the Staff Report that asks the LTC to consider endorsement of a draft project charter for their second Top Priority project. She advised that this project charter represents phase one of the project and would utilize the budget that was approved by Trust Council.

Trustees clarified that "Short Term Rentals" was not intended to be a part of the Housing Review and suggested amendments to the draft project charter including the changing of the name of the project to "Denman Island Housing Review Project".

DE-2022-046

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend the Housing Review Project Charter as follows:

- The words "short term rental" be removed throughout the document and the name of the project be changed to "Denman Island Housing Review Project";
- Replace the In Scope item "flexible housing" with "distributed square footage or similar approach";
- Move Out of Scope item "Review of land use designations or zoning categories" into In Scope;
- In Scope third bullet to read: "Secondary suite, secondary dwelling, travel trailer regulations".

CARRIED

DE-2022-047

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend the title and description of the second Top Priority Project to be “Denman Island Housing Review Project – Targeted public engagement with First Nations, residents, external agencies and local organizations to update the Official Community Plan and Land Use Bylaw with policies and regulations to strengthen housing options and affordability on the island.”

CARRIED

DE-2022-048

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve the project charter for the “Denman Island Housing Review Project” dated April 29, 2022 as amended.

CARRIED

Trustees discussed budgetary considerations, suggesting that additional funding may be required to address all items in the project charter. Staff indicated that avenues to obtain more funding can be explored without delaying the process significantly.

DE-2022-049

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to look into options for increasing the budget of the Denman Island Housing Review Project to allow for thorough exploration of options.

CARRIED

5. ADJOURNMENT

By general consent the meeting was adjourned at 6:17 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

08-Sep-2020

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

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

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. - contact Denman general store and bookstore to determine if completed paper surveys can be dropped off; - add to project webpage, background documents, items a), b), c) and e) from Harlene Holmes' correspondence Feb 1, 2022	Marlis McCargar		Completed

Follow Up Action Report

Denman Island

22-Mar-2022

Activity	Responsibility	Dates	Status
1 Search resolution database to determine if DE LTC has adopted the model antenna strategy.	Wil Cottingham	Target: 31-May-2022	Completed
2 Siting and Use Permit Bylaw 240 given second and third reading; forward to EC for approval.	Becky McErlean Heather Kauer		Completed
3 Fees Bylaw No. 244 - defer staff report package to next regular LTC meeting in May 2022. Include attachment of Trustee Busheikin's suggested fee structure for LTC consideration.	Becky McErlean Heather Kauer		In Progress
4 DE-ALR-2022.1 LTC recommendation to forward to ALC as per staff report.	Penny Hawley Teresa Mahikwa		Completed
5 Denman Housing Review Project - prepare a draft project charter outline based on the business case approved by Trust Council for LTC consideration at the special electronic meeting being scheduled late April/early May. Include objectives/in-scope items: 1) distributed square footage or similar approach to Mayne Island; 2) review of expanding where secondary dwellings and secondary suites are permitted; 3) increase in density in downtown; 4) tiny home/trailer park zoning	Heather Kauer		Completed
6 DE LTC Chair to prepare a letter of support for the Farmer's Market Nutrition Coupon Project and to ITC regarding crown land.	Mike Richards Wil Cottingham		Completed

Follow Up Action Report

Denman Island

22-Mar-2022

Activity	Responsibility	Dates	Status
7 Defer agenda item 15.1 "Trustee Notebook" to the next regular LTC meeting in May.	Becky McErlean		Completed
8 Farming Regulations Review project - adjust the project website so that the survey is more prominent and easy to find.	Marlis McCargar		Completed
9 LTC request for staff to assist Trustee Busheikin in reviewing proposed changes to the wording of Standing Resolution #7 (see March 22 minutes) for future LTC consideration.	David Marlor Warren Dingman		In Progress

29-Apr-2022

Activity	Responsibility	Dates	Status
1 Amend "Housing Project Review Project" charter as per LTC resolution and post to a new project webpage. Update Top Priorities List with Project name and descriptor.	Sonja Zupanec		Completed
2 BL 241 and 242 given second reading. Schedule a CIM and PH night before the May 31 LTC meeting on Denman Island. <i>Special Meeting to hold CIM & PH scheduled on May 30, 2022 @ 6:30pm.</i>	Becky McErlean Sonja Zupanec Wil Cottingham		Completed

DATE OF MEETING: May 31, 2022
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: Draft New Fee Bylaw

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 245, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 245, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 245, cited as “Denman Island Local Trust Committee Fees Bylaw, 2022”, be read a third time.
4. That Denman Island Local Trust Committee Bylaw No. 245, 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. 245 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 their March, 2022 regular business meeting, the LTC passed the following resolution:

DE-2022-024

It was MOVED and SECONDED,

that Denman Island Local Trust Committee defer consideration of Draft Bylaw No. 245 (new Fees Bylaw) until the next regular Local Trust Committee business meeting.

Trustee Busheikin offered to provide a submission for Trustee review with suggested changes.

CARRIED

The following comparison table depicts a comparison between the current Denman Fees bylaw, the model bylaw recommended by staff, and potential amendments suggested by Trustee Busheikin.

Trustee Busheikin submitted this amended table to staff with the following explanatory note:

The proposed new fees for Denman (in the right-hand column) are **based on increasing current fees by 50%**, or setting new fees at the model bylaw amount minus 20% (this is supported in the new fees model bylaw) with some exceptions (noted below).

MODEL BYLAW APPLICATION DESCRIPTIONS		EXISTING BYLAW	Trustee Busheikin Proposal	Staff Comment
TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw				
Type of Application	MODEL BYLAW	BYLAW NO. 181	PROPOSAL	
1. Major (e.g. change to density or OCP)	\$7,800	\$4,950	\$6240 (model -20%)	
2. Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600	\$4,400	\$4600 As per model bylaw	
3. Land Use Bylaw or Zoning Bylaw or Subdivision Bylaw Amendment	Not in Model	\$1,000		
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		
5. Amendment for affordable housing	Not in Model	\$1000	\$1500	Presumably this would be an application for an OCP and / or LUB amendment

TABLE 2 – Permits			
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Development Permit in Respect of:	MODEL BYLAW	EXISTING BYLAW NO. 181	PROPOSAL	Staff Comment
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000	\$440	\$660	This is more than a 20% deviation from the model
2. Protection of Development from Hazardous Conditions	\$1,000	\$440	\$660	This is more than a 20% deviation from the model
3. Protection of Farming	\$1,000	N/A	\$660	This is more than a 20% deviation from the model
4. Objectives for Form and Character	\$1,700	\$660	\$990	This is more than a 20% deviation from the model
5. Objectives to Promote Energy Conservation	\$1,000	N/A	\$660	This is more than a 20% deviation from the model
6. Objectives to Promote Water Conservation	\$1,000	N/A	\$660	This is more than a 20% deviation from the model
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000	N/A	\$660	This is more than a 20% deviation from the model
8. Development Permit Amendment	\$1,000	\$165	\$330 (double current fee)	This is more than a 20% deviation from the model
Development Variance Permit	Fee : MODEL BYLAW	BYLAW NO. 181		
9. Development variance permit (commercial, industrial or institutional development)	\$1900	\$935	\$1200*	This is more than a 20% deviation from the model
10. Development variance permit (residential development)	\$1900	\$715	\$1200* This number is a rough average of the current fees +50%, so that all DVP fees are the same, as per the model bylaw	This is more than a 20% deviation from the model

Type of Temporary Use Permit	Fee : MODEL BYLAW	BYLAW NO.181		
11. Temporary Use Permit (commercial/industrial)	\$2150	\$1,100	\$1650	This is more than a 20% deviation from the model; The draft bylaw recommended by staff includes the word "residential."
12. Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide community benefit (secondary dwellings).	\$1000	\$440 (for secondary dwellings)	\$440 Unchanged; we have only one of these and want to incentivize this	This is more than a 20% deviation from the model; The draft bylaw recommended by staff removes this category.
13. Temporary Use Permit (other than commercial and industrial uses)	Not in Model	\$440		
14. Temporary Use Permit Renewal	\$700	\$165	\$250	This is more than a 20% deviation from the model
15. Temporary Use Permit Renewal (Community Benefit)	\$350	New \$165 is current fee to renew a TUP for a secondary dwelling	\$165 Stays the same; see note for 12, above	This is more than a 20% deviation from the model; The draft bylaw recommended by staff removes this category.
Other Permits	Fee : MODEL BYLAW	BYLAW NO. 181		
16. Siting and Use Permit	\$250	\$220	\$300 Model bylaw amount +20%	
17. Heritage Alteration Permit	\$1,700	N/A	\$1700	
Combination Applications	Fee : MODEL BYLAW	BYLAW NO. 181	PROPOSAL	

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	N/A	\$1500 DP + DVP less 30%	This is more than a 20% deviation from the model
19.	Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000	N/A	\$1750 DP + DVP less 30%	This is more than a 20% deviation from the model
20.	Development Permit in combination with a companion application for a Development Variance Permit (residential)	Not in Model	\$770	\$1500 DP + DVP less 30%	
21.	Development Permit in combination with a companion application for a Development Variance Permit (commercial, industrial, or institutional))	Not in Model	\$935	\$1500 DP + DVP less 30%	
Combination Applications		Fee : MODEL BYLAW	BYLAW NO. 181	PROPOSAL	
22.	Siting and Use Permit in Combination with a companion application for a Development Variance Permit (residential)	Not in Model	\$715	\$1200 DP + DVP less 30%	
23.	Siting and Use Permit in Combination with a companion application for a Development Variance Permit (commercial, industrial, or institutional)	Not in Model	\$935	\$1200 DP + DVP less 30%	
24.	Siting and Use Permit in Combination with a companion application for a Development Permit (protection area)	Not in Model	\$550	\$770 SUP + DP less 30%	
25.	Siting and Use Permit in Combination with a companion application for a Development Permit (form and character)	Not in Model	\$660	\$1030 SUP + DP less 30%	
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	\$1600 SUP + TUP less 30%	

27.	Siting and Use Permit in Combination with a companion application for a Temporary Use Permit for community benefit	Not in Model	\$440	\$440 Bundle TUP and SUP into one step	
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TABLE 3 – Subdivision Referrals				
Type of Application	Fee : MODEL BYLAW	BYLAW NO.181	PROPOSAL	
1. Application for Subdivision Review – base fee	\$1,000	\$1,100	\$1200 Model bylaw fee +20%	
2. Application for Subdivision Review – per additional lot created	\$100	\$110	\$120 Model bylaw fee +20%	
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500	\$330	\$400	

TABLE 4 – Other Applications				
Type of Application	Fee : MODEL BYLAW	BYLAW NO.181	PROPOSAL	
1. Board of Variance	\$2,200	\$990	\$1500	This is more than a 20% deviation from the model
2. Land Use Contract amendment	\$2,000	\$4,400	\$2200	
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500	\$825	Same as model	
4. Liquor & Cannabis Regulation Branch – Non-Medical Cannabis Retail License Applications.	Not in Model	\$2,200	Same as model	
5. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500	N/A	Same as model	
6. Strata Conversions	\$1,500	1,100	Same as model	

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. 245 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.

Trust Council has indicated that the model fees should not be modified by more than 20%. Many of the fees recommended by Trustee Busheikin constitute a variation of more than 20% and as such, a bylaw consistent with her recommendations runs a high risk of being rejected by the Executive Committee when the bylaw is presented to them for approval. Therefore staff are not recommending amendments recommended by the Trustee.

ALTERNATIVES

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

1. Adopt Trustee Busheikin's recommended amendments

Recommended wording for a resolution to this effect could be:

That the Denman Island Local Trust Committee request staff draft an amended fees bylaw consistent with the recommendations of Trustee Busheikin presented to the LTC on May 31, 2022.

2. Amend the bylaw in other ways, give three readings, and forward to the Executive Committee:

Recommended wording for a resolution to this effect could be as follows and should be made prior to the recommendations listed on the first page of this report:

That the Denman Island Local Trust Committee amend draft bylaw No. 245 by [indicate specific amendments]...

Submitted By:	Heather Kauer Regional Planning Manager	May 24, 2022
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ATTACHMENTS

1. Draft Bylaw No. 245 (based on the model bylaw)

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 245

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

ADOPTED THIS _____ DAY OF _____, 202X

CHAIR

SECRETARY

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 241

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

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

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202X

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ , 202X

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

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.”

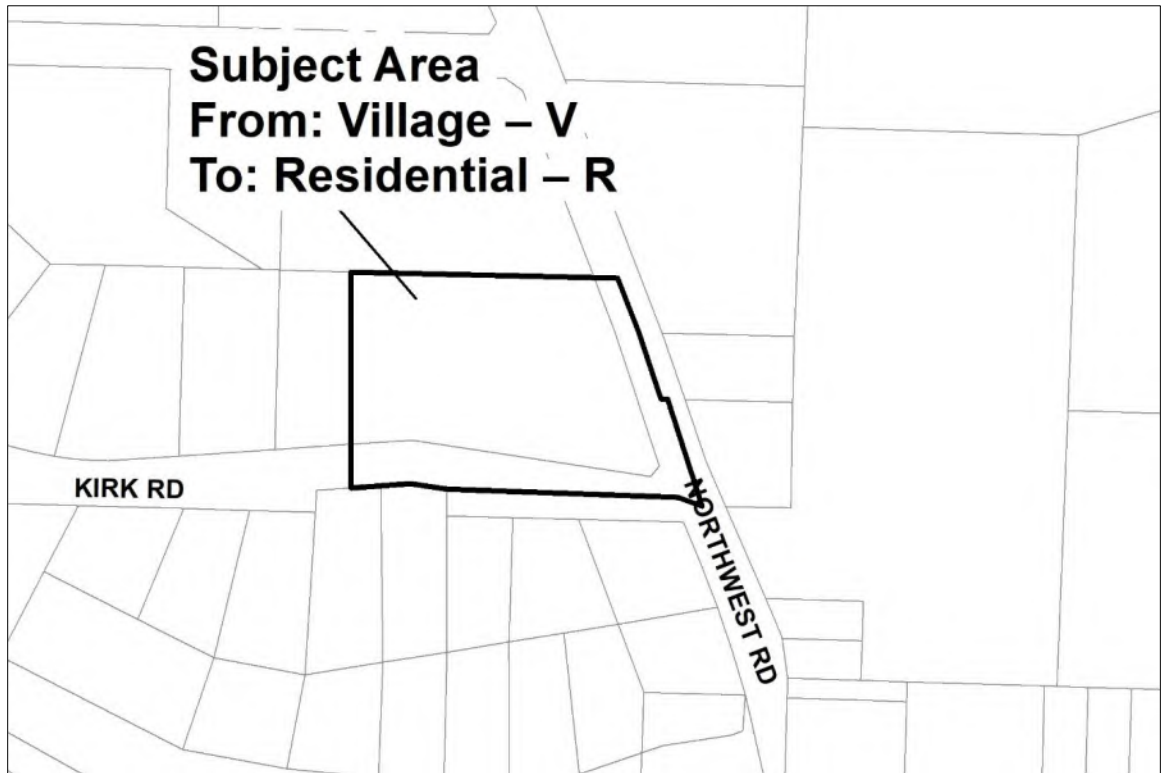
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 241

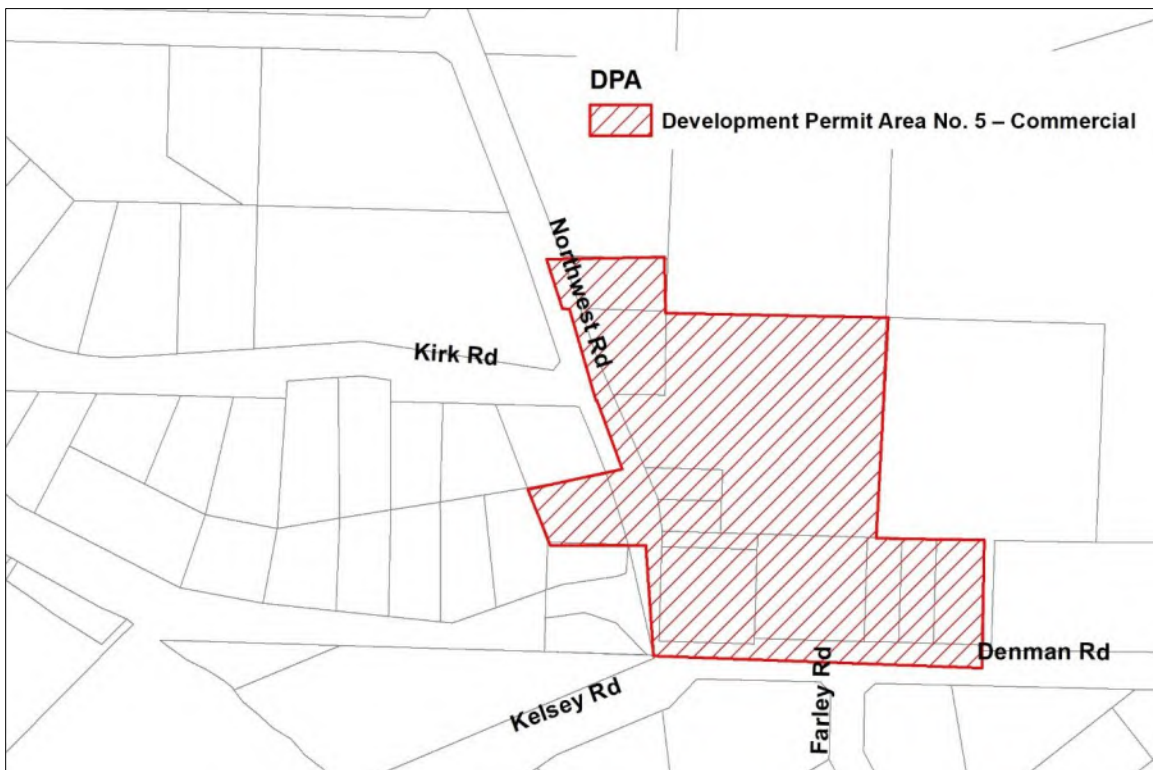
Schedule "2"

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

Plan No. 1



Plan No. 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

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

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

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 2022

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 R2(6):

“R2(7)

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

R2(8)

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

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

Table 8 - Site Specific Regulations

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

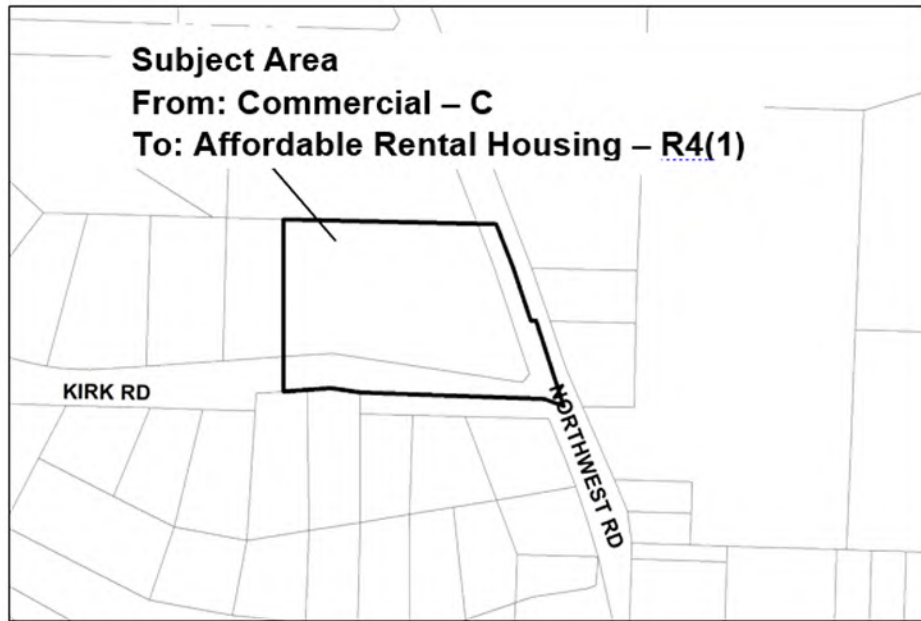
Site Specific Zoning Code	Site Specific Regulations
R4(1)	1 Despite line 7 of Table 1 of this Section, the following is not permitted: • the keeping of chickens or other livestock; 2 Despite line 3 in Table 3 of this Section, the maximum number of affordable dwelling units per lot is 20. 3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%. 4 Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 meters or more from the natural boundary of the sea is 10.0 m. 5 Despite line 1 in Table 5 of this Section, the minimum setback of a free standing photovoltaic solar array or water cistern from any interior lot line is 1.5 m. 6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays and water cisterns, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line. 7 Despite line 4 in Table 6 of this Section, the maximum gross floor area of an affordable dwelling unit is 140 m². 8 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 1.0 hectare. 9 Despite regulations 16 of Section 2.5, the minimum number of automobile parking spaces required is 1.0 per affordable housing unit. 10 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

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

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

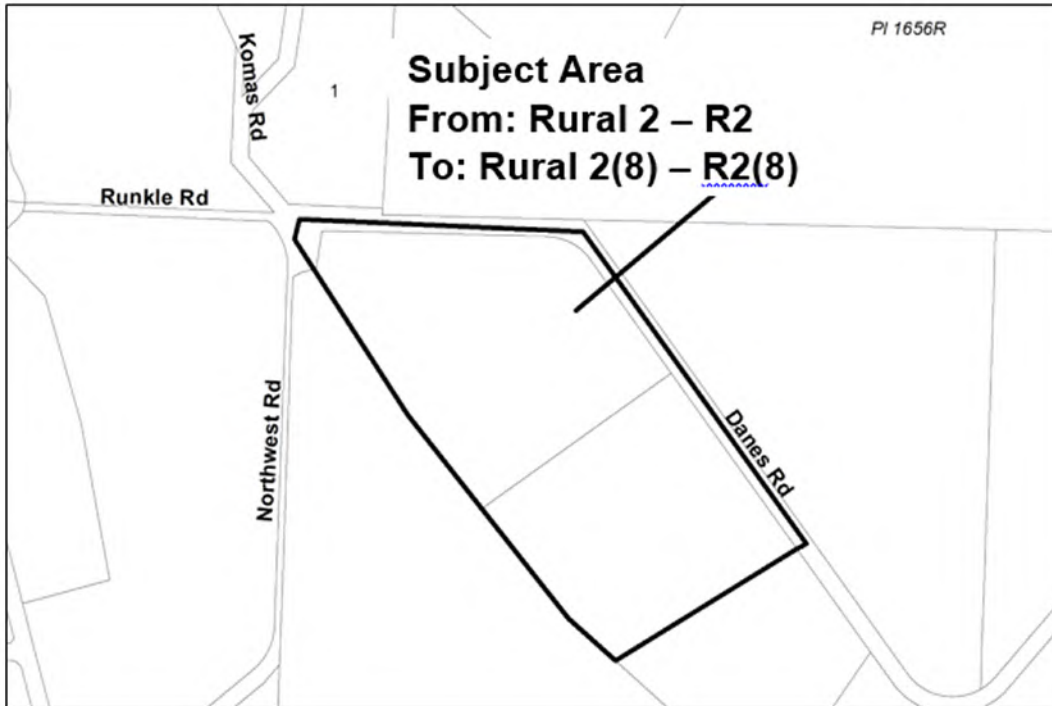
Plan No. 1

(Final plan to be inserted prior to bylaw adoption)



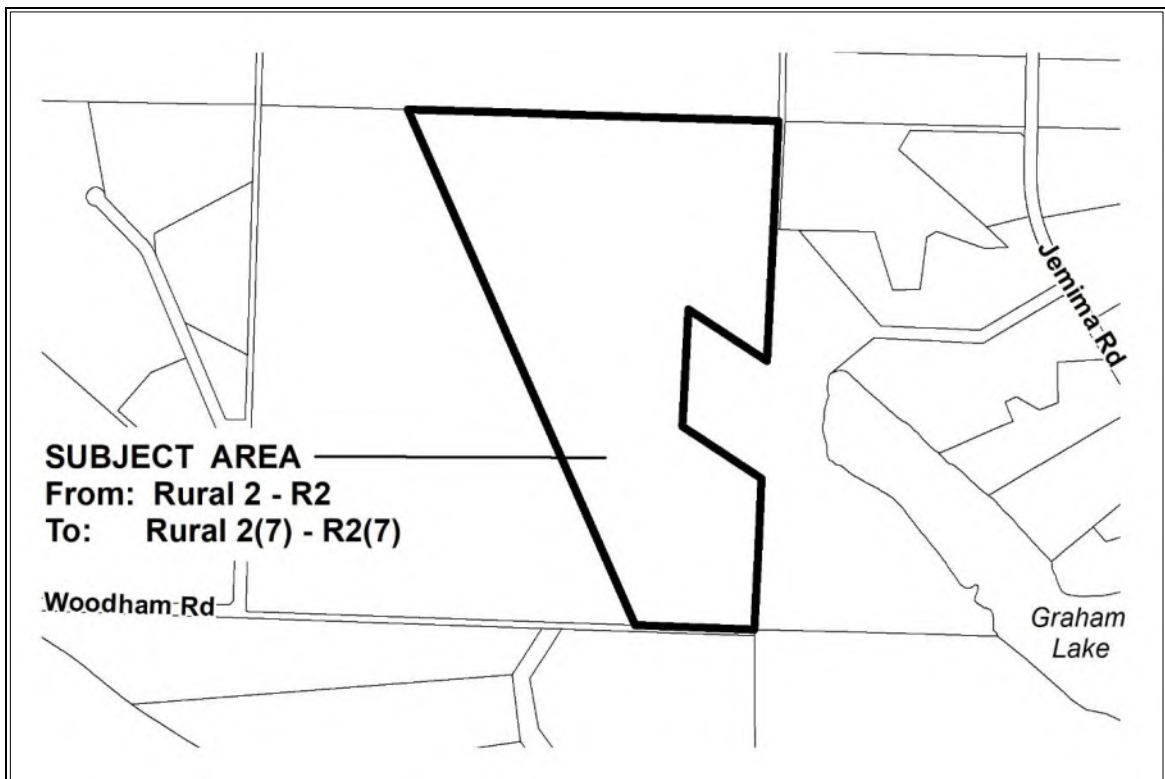
Plan No. 2

(Final plan to be inserted prior to bylaw adoption)



Plan No. 3

(Final plan to be inserted prior to bylaw adoption)



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 243

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under the *Islands Trust Act*;

AND WHEREAS Section 483 of the *Local Government Act* and Section 29 of the *Islands Trust Act* permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Denman Island Local Trust Committee wishes to enter into a Housing Agreement;

NOW THEREFORE the Denman Island Local Trust Committee enacts in open meeting assembled as follows:

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 243, 2021”.

2. Any two Trustees of the Denman Island Local Trust Committee are authorized to execute an agreement in the form attached to this Bylaw with Denman Community Land Trust Association.

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

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

READ A THIRD TIME THIS -- DAY OF -- , 202x

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

Housing Agreement and Section 219 Covenant

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

Denman Housing Association a society incorporated under the laws of the province of British Columbia and having its office at 3720 East Road, Denman Island,
B.C. V0R 1T0

(the "Owner");

AND:

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

(the "Trust Committee")

WHEREAS:

A. The Owner is the registered owner of the lands situated at 1151 Northwest Road on Denman Island British Columbia and legally described as:

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

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

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

D. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of Dwelling Units located on those lands;

E. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;

- F. As a condition of rezoning the Lands, the Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands and to restrict the use of, and construction on, the Lands and the use of the Affordable Housing Units constructed on the lands, on the terms and conditions of this Agreement to have effect as both a covenant under section 219 of the *Land Title Act* and a housing agreement under section 483 of the *Local Government Act*; and
- G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

THIS AGREEMENT is evidence that in consideration of \$1.00 paid by the Trust Committee to the Owner (the receipt of which is acknowledged by the owner), and in consideration of the promises exchanged below, the Trust Committee and the Owner agree, as covenants granted by the Owner to the Trust Committee under Section 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Trust Committee under Section 483 of the *Local Government Act*, as follows:

a. **Definitions** – In this Agreement:

“Affordable Dwelling Unit” means a deed restricted or rent controlled Dwelling Unit that is designated as an Affordable Dwelling Unit by this Agreement and is available on an affordable basis as set out in this agreement;

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

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

“Annual Household Income” means the gross income, as shown on line 150 of their preceding year’s T1 General Income Tax and Benefit returns or an equivalent document produced by the Canada Revenue Agency, of all Qualified Occupants of an Affordable Dwelling Unit combined;

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

“Dwelling Unit” means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy;

“Family Member” means a person under the age of 65 years old who lives with and is related to the Tenant through blood or marriage including a person with whom the Tenant is living in a marriage-like relationship;

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

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

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

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

“Schedule B” means that Schedule B annexed hereto or any variation thereof made by the Owner that does not contradict any of the terms in the balance of this Agreement;

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

- b. **Agreement over the Lands** – Pursuant to section 219 of the Land Title Act and section 483 of the Local Government Act, the Owner covenants and agrees that:
- ii the Lands must at all times be used and occupied in compliance with all statutes, laws, regulations, orders of any authority having jurisdiction, and this Agreement;
 - iii it will design, construct and maintain in a reasonable state of repair the Affordable Housing Units on the Lands, including Affordable Market Units in accordance with the terms of this Agreement;
 - iv the Lands must not be used or occupied for residential purposes unless the buildings have been designed to meet
 - 1. at least the performance requirements of the BC Energy Step Code 2 energy efficiency standards established by the British Columbia Building Code Regulation, BC Reg. 264/2012 (the “Performance Standards”) of the Building Act (BC); or
 - 2. if required by an Affordable Housing Funder, a different energy performance target; and
 - 3. the Owner shall provide to the Trust Committee a Compliance Report, from a certified energy adviser, that the building has been constructed and is operating in accordance with 1. or 2. as the case may be.
 - v the development on the Lands will be constructed with a Type 3 advanced secondary treatment sewage system, or equivalent alternative as approved by the Affordable Housing Funder, that meets similar performance criteria
- c. **Affordable rental housing eligibility** – The Owner covenants and agrees that Affordable Dwelling Units will only be occupied in accordance with the following criteria:
- i Either;

- a. the Household's Annual Household Income must be less than or equal to BC Housing's Housing Income Limits for the Comox Valley Planning Area or,
 - b. if the Owner has an agreement with an Affordable Housing Funder under which the Affordable Housing Funder has agreed to provide funding for the construction and operation of affordable housing on the Lands, the Household meets the income or non-financial criteria imposed on the occupancy of the relevant Affordable Housing Units on the Lands established by such Affordable Housing Funder, which may include but are not limited to the requirement that a Qualified Occupant has certain physical or mental conditions, is a senior receiving the Guaranteed Income Supplement, or is a recipient of social or disability assistance.
- ii the household will occupy the Affordable Housing Unit as their permanent, principal and sole residence; and
- iii the household is comprised of at least one Qualified Occupant;
- and the Owner covenants and agrees to:
- iv include in every Tenancy Agreement a prohibition on subletting, including short-term vacation rentals, and a provision entitling the Owner to terminate the Tenancy Agreement in accordance with the *Residential Tenancy Act* in the event of any breach of that prohibition;
- v deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Housing Unit within 10 days of any request to do so;
- vi specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Affordable Housing Unit, and provide to each tenant, upon their request, a copy of this Agreement, and
- vii if one of the individuals comprising a Qualified Renter who rents an Affordable Housing Unit dies, that individual's spouse or adult child residing in the Affordable Housing Unit at the time of the Qualified Renter's death may continue to rent the Affordable Housing Unit for the longer of:
 - a. The balance of the fixed term under the Tenancy Agreement; or
 - b. twelve (12) months on the same terms, including monthly rent, set out in the Tenancy Agreement.

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

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

Affordable Housing Funder and there are other Affordable Housing Units occupied by households whose income does not exceed the Housing Income Limits; and

- ii. will not include more than 30% of the Affordable Housing Units as Affordable Market Units unless necessary to meet the requirements of an Affordable Housing Funder, and not before informing the Trust Committee and providing the Trust Committee and the Denman Island public an opportunity to assist the Owner in limiting the number of Affordable Market Units to 30%

f. Order to Comply - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the owner by the Trust Committee.

g. Statutory Declaration from Owner – The Owner shall deliver to the Trust Committee by the end of January of each year, a completed statutory declaration, substantially in the form attached as Schedule ‘A’, sworn by the Owner, in relation to the Affordable Housing Units. The Owner irrevocably authorizes the Trust Committee to make enquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.

h. Management – The Owner covenants and agrees to furnish good and efficient management of the Lands and the Affordable Housing Units on the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act* and subject to the concurrent delivery of such a notice to the Owner.

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

j. Society Standing – The Owner must maintain its standing as a society under the *Societies Act* and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.

k. Specific Performance of Agreement – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement, in view of the public interest in restricting the occupancy of the Affordable Housing Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee’s Land Use Bylaw, as amended from time to time.

l. Assignment – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that

party provided that the Trust Committee has so advised the Owner.

m. Indemnity – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.

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

o. Trust Committee Powers Unaffected – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.

p. No Public Law Duty – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.

q. No Waiver – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.

r. Arbitration – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy an Affordable Housing Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Arbitration Act* (British Columbia).

s. Notice on Title – The Owner acknowledges and agrees that this Agreement constitutes both a covenant under Section 219 of the *Land Title Act* and a housing agreement under Section 483 of the *Local Government Act*, and agrees that the Owner will register a notice of this Agreement against title to the Lands.

t. Covenant Runs with the Land – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.

u. Limitation on Owner's Obligations – The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.

v. Amendment – This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner.

w. Notices – Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to be received only when actually received by the party to whom it is addressed.

x. Enurement – This Agreement is binding upon and enures to the benefit of the parties and their respective successors and permitted assigns.

y. Remedies Cumulative – The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.

z. Severability – Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to any person or circumstance shall to any extent be found to be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

aa. Joint and Several – In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.

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

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

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

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

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

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

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

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

SCHEDULE "A"

OWNER'S STATUTORY DECLARATION

CANADA, PROVINCE OF BRITISH COLUMBIA

IN THE MATTER OF A HOUSING AGREEMENT WITH THE DENMAN ISLAND LOCAL
TRUST COMMITTEE ("Housing Agreement")

I, _____, Denman Island, BC, declare that:

1. I am the _____ [director, officer, employee] of the Denman Housing Association, the Owner of the land known as Denman Green, Denman Road, Denman Island, legally described as: xxx (the "Lands").
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement.
3. I make this declaration to the best of my personal knowledge.
4. This declaration is made pursuant to the Housing Agreement registered against the Lands.
5. For the period from _____ to _____, the Affordable Dwelling Units were used only by Qualified Occupants meeting all eligibility requirements of the Housing Agreement, including, without limitation, the restrictions on Annual Household Income.
6. At no time during the last year were any of the Affordable Dwelling Units used as a short-term vacation rental or sublet.
7. The rental amounts charged for the Affordable Dwelling Units were in compliance with the Housing Agreement.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

DECLARED BEFORE ME at _____, British Columbia, this _____ day of _____, 20____.

A Commissioner for taking Affidavits
Columbia

Signature of person making declaration in British

SCHEDULE B

Definition of a Qualified Occupant

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

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

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

- a. Previous resident of Denman Island who has lived away from Denman Island for a maximum of three consecutive years; or
- b. Non-resident who is hired to begin at least half-time work (20 hours per week) on Denman Island; or
- c. A person who has worked at least half-time on Denman Island (20 hours per week) for less than one year; or
- d. A person with an immediate family member whose principal residence is on Denman Island. "Immediate family member" means a daughter/son or parent or sibling, to whom the person is related by blood, or by marriage or common-law relationship, or by adoption; or
- e. On-reserve and off-reserve, status and non-status, and/or self-identifying indigenous, Inuit, or Métis people, as outlined in Calls for Justice #4.1 of the "Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls and 231 Calls for Justice" (June 2019)

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

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT – DEVELOPMENT

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

BETWEEN:

DENMAN HOUSING ASSOCIATION

3720 East Road

Denman Island, B.C. V0R 1T0

(the “Grantor”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE

a corporation under the *Islands Trust Act*

having an office at 2 Floor, 1627 Fort Street, Victoria, B.C.

V8R 1H8

(the “Trust Committee”)

WHEREAS:

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

PID: X

LOT x

(the “Land”);

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

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

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

1. **Definitions** – In this Agreement, the following terms have the following meanings:
 - (a) **“Datalogger”** means a device that can record data from a water piezometric pressure transducer, temperature detector and conductivity sensor, at intervals of once per hour (24 times per day).
 - (b) **“Dwelling Unit”** means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.
 - (c) **“Energy Step Code”** means Article 10.2.3 of Division B of the *British Columbia Building Code*, and a reference to a numbered step in the Energy Step Code is a reference to a step established in the Energy Step Code.
2. **No Build** – The Grantor will not develop or build on the Land until:
 - (a) It erects (and thereafter maintains) a solid wood fence or landscape screen or combination of both, suitable to enhance visual privacy and mitigate dust along its entire length of its northern interior lot line;
 - (b) It erects (and thereafter maintains) suitable fencing along the eastern boundary of the wetland to prevent access to the wetland area as delineated in Figure 2. Polygon 3 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (c) A drainage plan prepared by a qualified professional has been submitted to and approved by the Trust Committee in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
3. **Concurrent Construction Requirements** – Concurrently with its construction of any dwelling unit on the Land, the Grantor will:
 - (a) install a down-well continuous datalogger (the “Datalogger”) with a water level pressure transducer, temperature sensor, and electric conductivity sensor, that will allow the Grantor to meet the monitoring requirements imposed on it in section 6, and that is on a direct read smart cable that allows for downloading at the well head or will be installed with telemetry to upload to a desktop application remotely;

- (b) Establish and maintain tree protection zones along the eastern wetland boundary throughout the construction phase in consultation with an ISA certified arborist and in accordance with recommendation 10.1 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (c) Restore the eastern edge of the wetland boundary with clean fill and establish a 3.0 metre vegetated native plant buffer area, in consultation with a professional landscape architect and in accordance with recommendation 10.2 in the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement;
 - (d) Ensure no buildings or structures, excluding a pedestrian trail and fencing, are sited within 3.0 metres of the eastern edge of the wetland boundary in substantial accordance with the Denman Green Site Plan dated March 11, 2022 prepared by VHA attached to and forming part of this agreement.
- 4. **Energy Step Code Requirements** – The Grantor shall construct all dwellings on the Land, to meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.
- 5. **No Occupancy** – The Grantor covenants and agrees with the Trust Committee that the Grantor shall not occupy nor allow any one to occupy any building that may be constructed on the Land unless the Grantor has:
 - (a) provided written certification from an appropriately qualified engineer that the Datalogger has been installed in accordance with the terms of this Agreement; and
 - (b) provided written certification from an appropriately qualified professional architect; engineer or energy advisor that all Dwelling Units meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement;
 - (c) provided written certification from an appropriately qualified professional biologist that the wetland buffer fencing, trail construction and native plant vegetative buffer are in accordance with the Baseline Inventory report dated February 2, 2022 prepared by Current Environmental attached to and forming part of this agreement.
- 6. **Monitoring and Reporting Requirements** – After the Datalogger is installed and the Trust Committee has received confirmation of the same in accordance with the terms of this Agreement, the Grantor will, while this Agreement is in place:

- (a) Be responsible to ensure the datalogger provides continuous groundwater monitoring at a rate of no less than 24 times per day;
 - (b) as part of the aforementioned monitoring, the Grantor will record the groundwater:
 - (i) levels, adjusted for barometric pressure,
 - (ii) temperature, and
 - (iii) electric conductivity;
 - (c) annually, by the date that is no later than 15 days after the anniversary of the date this Agreement is registered in the Land Title Office, provide the Trust Committee with:
 - (i) all raw data recorded pursuant to subsections 6(a) and (b); and
 - (ii) a fully completed “Water Champion Covenant Annual Report” in the form attached hereto as Schedule “A”.
- 7. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Grantor hereby indemnifies the Trust Committee from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, demands and losses at any time suffered or incurred by, or brought against, the Trust Committee, or any of its elected or appointed officials, officers, employees or agents, arising from or in connection with the granting or existence of this Agreement, the performance of any of the Grantor’s obligations under this Agreement, any breach of any provision under this Agreement or the enforcement by the Trust Committee of this Agreement.
- 8. **Specific Relief** – The Grantor agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the Trust Committee, in the event of an actual or threatened breach of this Agreement.
- 9. **No Effect on Powers** – Nothing in this Agreement shall:
 - (a) affect or limit the discretion, rights or powers of the Trust Committee under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or

- (c) relieve the Grantor from complying with any enactment, including in relation to the use, development or subdivision of the Land.
10. **Trust Committee Discretion** – Where the Trust Committee or a representative of the Trust Committee is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
- (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the Trust Committee or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the Trust Committee or the representative, as the case may be; and
 - (c) the Trust Committee or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the Trust Committee or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.
11. **No Obligation to Enforce** – The rights given to the Trust Committee under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the Trust Committee to anyone or obligate the Trust Committee to enforce this Agreement or to perform any act or incur any expense.
12. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
13. **Waiver** – No waiver by the Trust Committee of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
14. **Remedies** - No reference to or exercise of any specific right or remedy by the Trust Committee shall prejudice or preclude the Trust Committee from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the Trust Committee may from time to time exercise any one or more of such remedies independently or in combination.
15. **Priority** – The Grantor shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the

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

16. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Grantor or its successor in title and the Trust Committee or a successor or assignee.
17. **Further Assurances** – The Grantor shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
18. **Grantor's Expense** – The Grantor shall perform its obligations under this Agreement at its own expense and without compensation from the Trust Committee.
19. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
20. **Interpretation** - In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;

- (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
21. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
22. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
23. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.
24. **Execution in Counterparts & Electronic Delivery** - This Agreement may be executed in any number of counterparts and delivered by e-mail, each of which shall be deemed to be an original and all of which taken together shall be deemed to constitute one and the same instrument, provided that any party delivering this Agreement by e-mail shall also deliver to the other party an originally executed copy of this Agreement.

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

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

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



Baseline Inventory

PID 000-393-941

DENMAN ISLAND



February 2, 2022

Prepared for:

Denman Housing Association

Prepared by:

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

Current Environmental Ltd.

558 England Avenue

Courtenay, BC V9N 2N3



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1 ACKNOWLEDGMENTS

Table 1. Project acknowledgements.

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

2 PROPERTY INFORMATION

2.1 LEGAL DESCRIPTION & PROPERTY SIZE

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

2.2 PROPERTY ACCESS INFORMATION

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

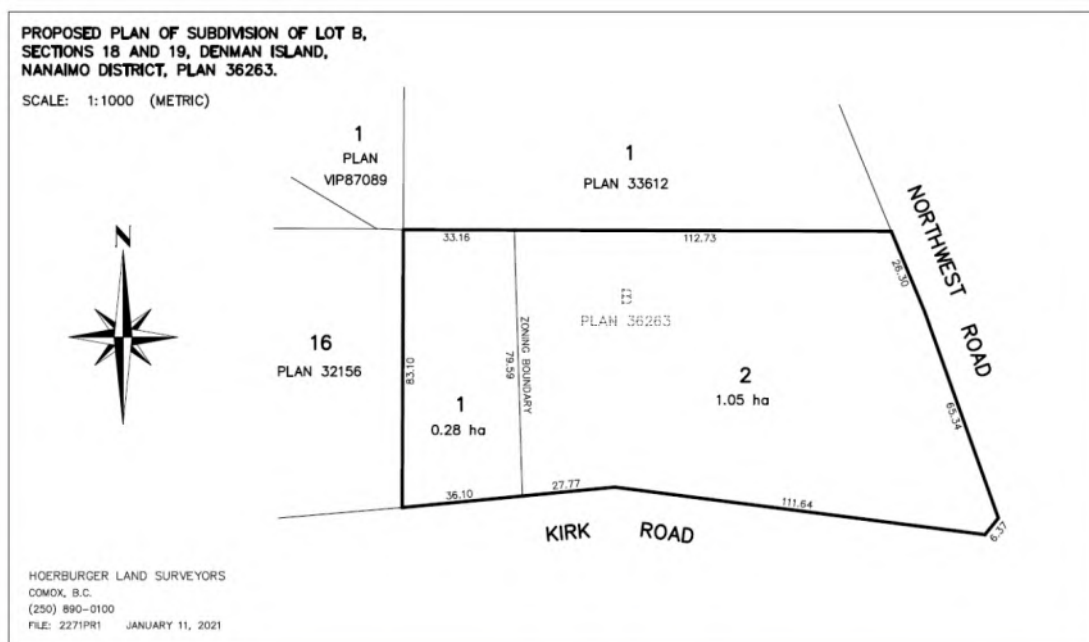


Figure 1. Surveyed plan of subdivide parts “1 & 2”. This assessment pertains to the commercially zoned portion “2” (Lot B).

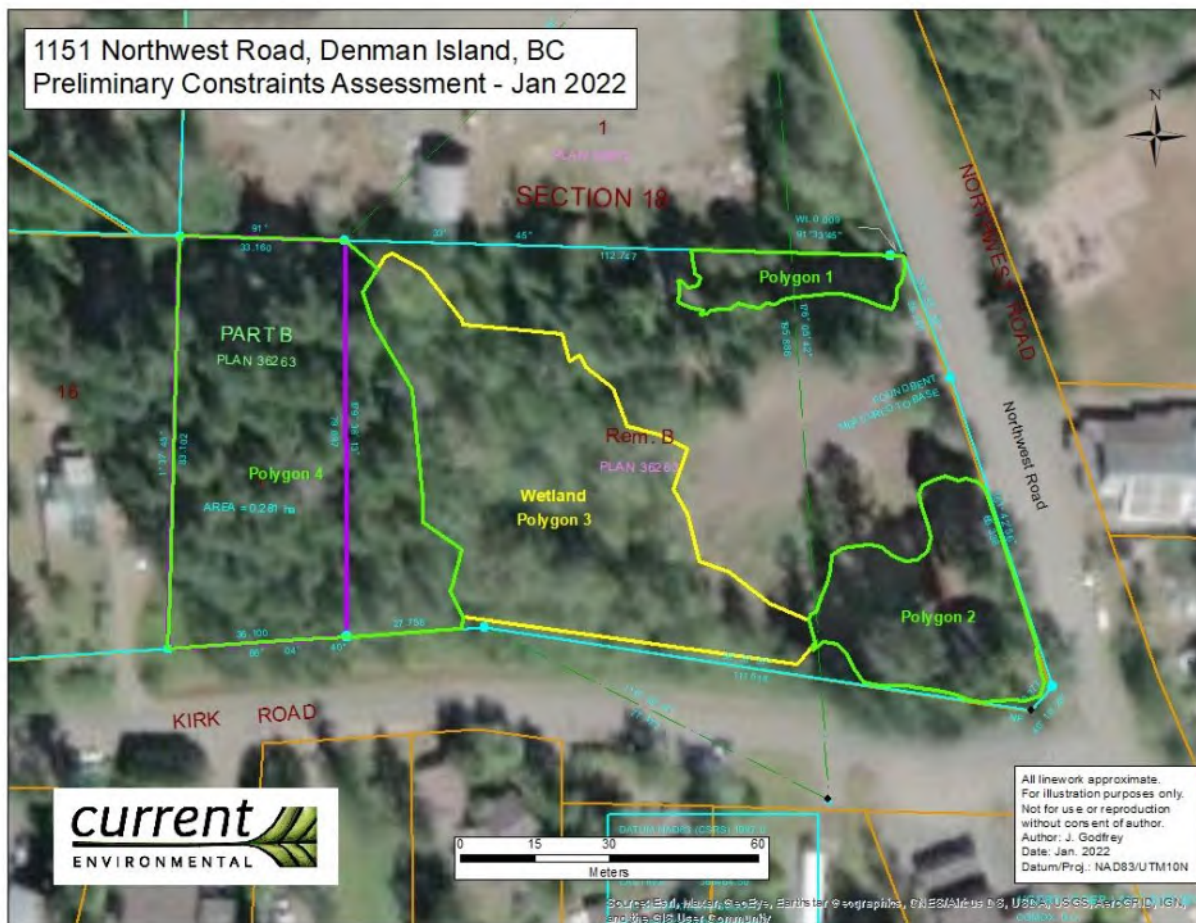


Figure 2. Vegetation communities identified during site visit in January 2022. Purple line dividing Polygon 4 separates the western subdivided lot from the subject lot in the east and corresponds with the zoning boundary as seen in Figure 1.

3 REGULATORY SETTING

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

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

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

3.1 DENMAN ISLAND LAND USE BYLAW, 2008

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

Guideline 3 Landscaping:

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

Guideline 5 Parking:

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

3.2 WILDLIFE ACT

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

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

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

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

3.3 WATER SUSTAINABILITY ACT

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

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

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

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

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

3.4 ENVIRONMENTAL MANAGEMENT ACT

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

3.5 WEED CONTROL ACT

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

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

3.6 CANADA MIGRATORY BIRD CONVENTION ACT

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

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

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

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

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

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

4 REPORT METHODOLOGY

4.1 EQUIPMENT

All surveys were conducted using the equipment listed below:

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

4.2 METHODOLOGY

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

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

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

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

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

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

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

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

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

5 SIGNIFICANCE OF THE LAND AND NATURAL AMENITIES

5.1 GENERAL DESCRIPTION

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

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

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

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

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

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

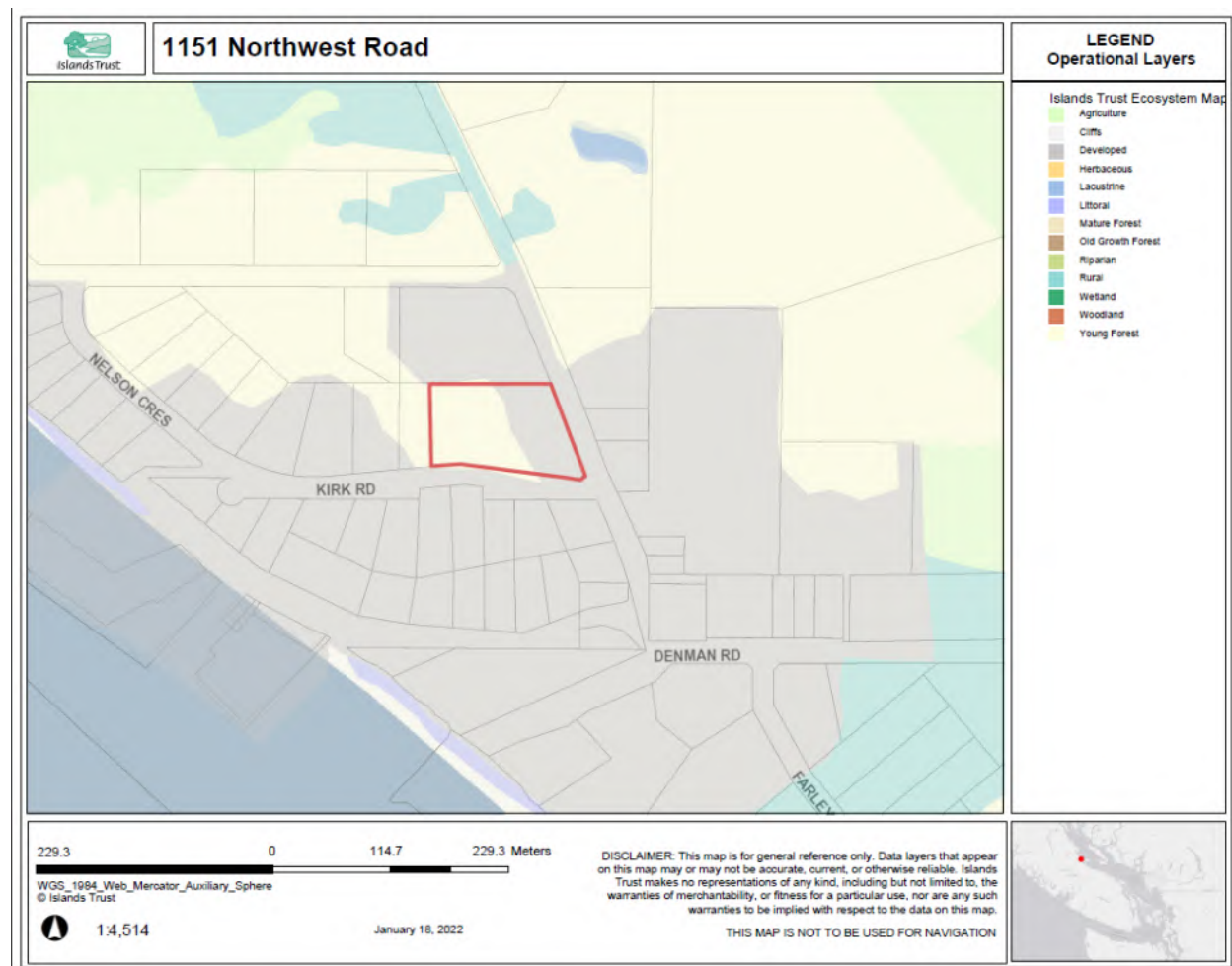


Figure 3. Ecosystems present on the subject property (outlined in red) as mapped by Islands Trust. The subject property consists of “Developed” (grey) and “Young Forest” (tan) ecosystems.

5.2 RARE SPECIES AND COMMUNITIES

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

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

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

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

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

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

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

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

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

5.3 HYDROLOGICAL FEATURES

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

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

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

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

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

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

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

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

6 CONDITIONS AT TIME OF DATA COLLECTION

Table 3. Conditions at time of data collection.

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

7 LANDSCAPE CONTEXT

7.1 REGIONAL CONTEXT

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

7.2 ECOLOGICAL CLASSIFICATIONS

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

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

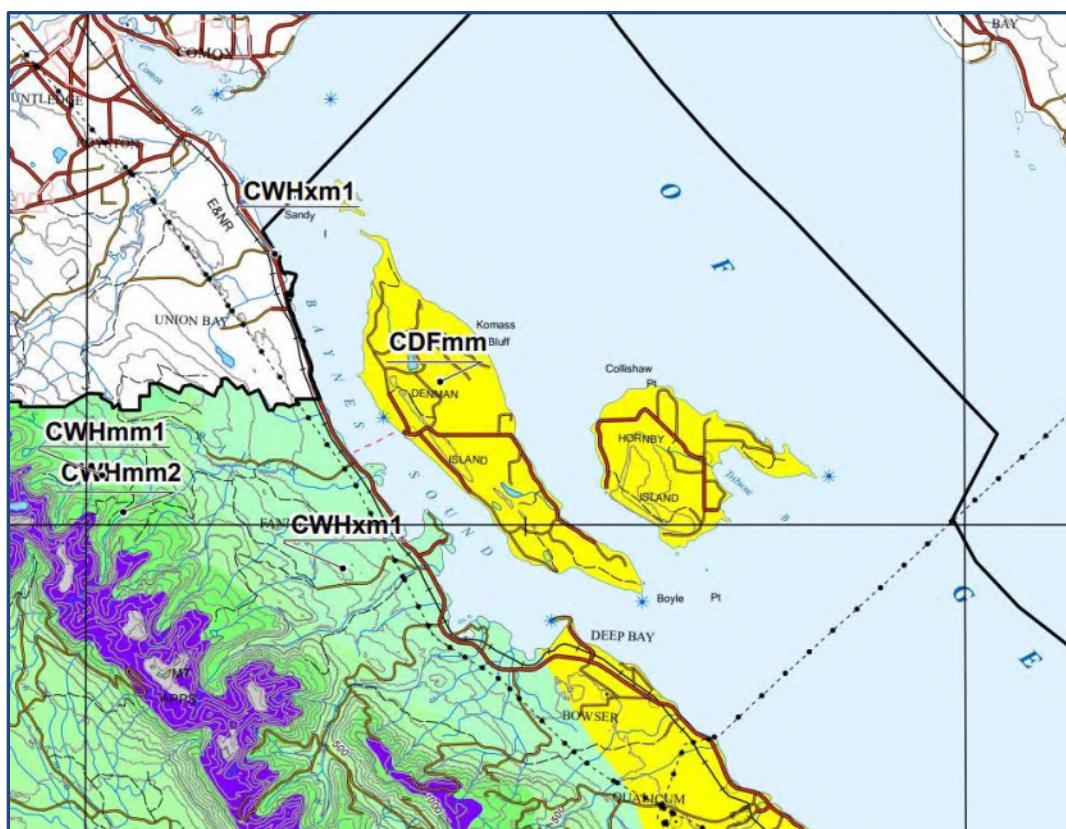


Figure 4. Biogeoclimatic zones and subzones of Denman Island and surrounding areas.

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

7.3 CLIMATE

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

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

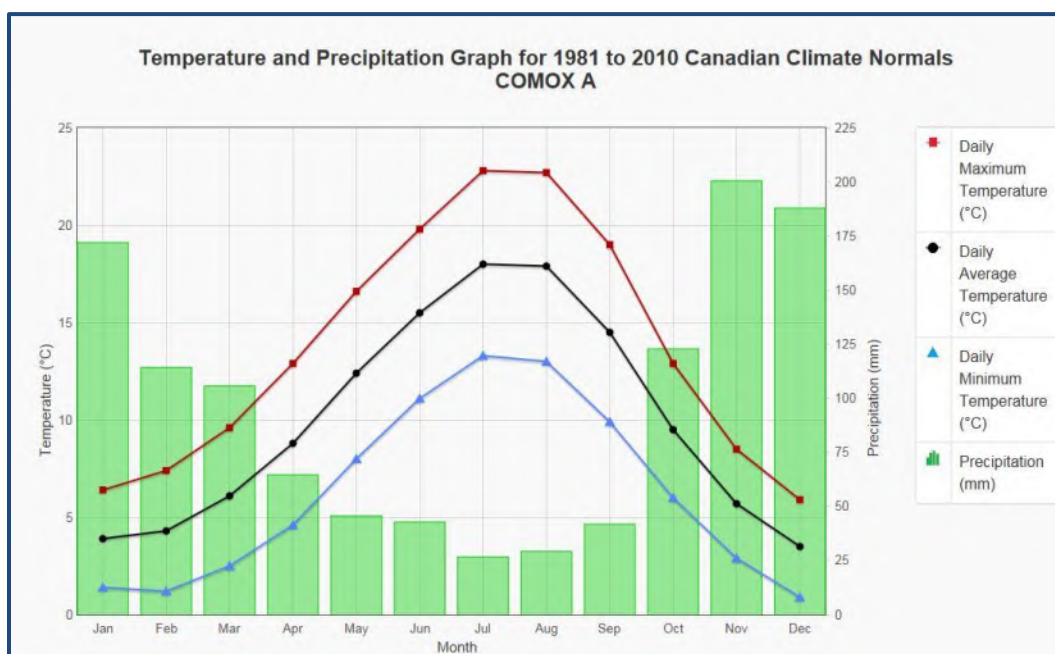


Figure 5. 1981 to 2010 Climate Normals for Comox Weather Station. Obtained from:
http://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?stnID=155&autofwd=1

8 SITE HISTORY

8.1 FIRST NATIONS USE

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

8.2 [POST-COLONIZATION USE](#)

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

9 [ANTHROPOGENIC FEATURES](#)

9.1 [BUILDINGS AND STRUCTURES](#)

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

9.2 [LAND MODIFICATIONS](#)

Table 4. Land modification observed on the subject property.

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

9.3 [ARCHAEOLOGICAL SITES](#)

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

10 RECOMMENDATIONS

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

10.1 TREE RETENTION

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

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

10.2 WETLAND PROTECTION

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

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

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

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

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

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

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

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

10.3 INVASIVE PLANT REMOVAL

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

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

10.4 TIMING OF CONSTRUCTION

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

11 CLOSURE

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



Dusty Silvester, R.P.Bio.

Current Environmental Ltd.

dusty@currentenv.ca

250-871-1944

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</i> spp. (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.

14 **WORKS CITED**

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File No.: 6500-20
(Siting and Use Permit Bylaw)

DATE OF MEETING: May 31, 2022
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
SUBJECT: Proposed Siting and Use Permit Bylaw No. 240

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 240, cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw No 240, 2021”, be adopted.

REPORT SUMMARY

The purpose of this report is for the Denman Island Local Trust Committee (LTC) to consider adoption of Bylaw No. 240, which would replace Bylaw No. 52 (LTC Siting and Use Permit Bylaw) to:

- To increase the quality of application submittals received with Siting and Use Permit applications thereby reducing the amount of time staff spent reviewing these types of permits.

BACKGROUND

Bylaw No. 240 was given first reading September 1, 2021, and given second and third readings on March 22, 2022. Executive Committee approved the bylaw on April 13, 2022 and the bylaw is now back on the LTC agenda for consideration of adoption.

Submitted By:	Heather Kauer Regional Planning Manager	May 24, 2022
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ATTACHMENTS

1. Proposed Bylaw No. 240

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	22 ND	DAY OF	MARCH	, 2022
READ A THIRD TIME THIS	22 ND	DAY OF	MARCH	, 2022
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	13 TH	DAY OF	APRIL	, 2022
ADOPTED THIS	____ ^{XX}	DAY OF	_____	, 20XX

SECRETARY

CHAIRPERSON

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

DATE OF MEETING: May 31, 2022
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Denman Island Farming Regulations Review Project

RECOMMENDATION

1. **That the Denman Island Local Trust Committee request staff to set up an electronic special meeting for late June or early July to consider further steps in the Denman Island Farming Regulations Review Project.**

REPORT SUMMARY

The purpose of this report is to provide to the Denman Island Local Trust Committee (LTC) a project update and direct staff to work with the consultant to organize a time to hold a Special Meeting of the LTC.

BACKGROUND

The LTC passed the following resolutions at their regular business meeting, held February 15, 2022:

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

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

PROJECT UPDATE

Engagement

Engagement for the Denman Island Farming Regulation Review Project targeted key farming and food system players on the island as well as the broader community. Engagement aided the project team in understanding the local farming context, the assets and gaps within the community and the opportunities and challenges faced within the local food system.

Engaging with Denman Island residents occurred through four main activities:

1. Electronic meeting with Advisory Planning Committee (APC) and Denman Growers and Producers Alliance (GPA) members
2. Individual stakeholder interviews by phone
3. Community questionnaire (online and hard copies)
4. Community Information Meeting (in person)

A brief summary of the key findings from these activities follows.

1. Electronic Meeting with APC Members

Members of the APC and GPA were invited by Islands Trust staff to an electronic meeting on January 17, 2022 to be introduced to the consulting team and to discuss some key issues involving the Farming Regulations Review. During the meeting, the draft Engagement Plan was presented and leaders of the farming community were identified.

2. Stakeholder Phone Interviews

The consultant team invited 14 stakeholders to participate in an interview. A total of 8 individuals accepted. Most interviews were conducted by phone, and 2 or 3 via email. Stakeholders included local farmers (4), educators, APC members, GPA members, Trustees, and other members of the community.

The core topics explored in the interviews and the emergent themes are briefly described below:

- Denman farming definitions
 - Local context is important and definitions should be reflective of Denman's unique circumstance.
 - Definitions which restrict food production in R1 and R2 zones will only negatively impact the island's food security.
- Viability of farming

- Temporary Use Permits are not very helpful to farmers. They are expensive and time consuming to navigate.
- TUPs make it difficult to make long term investments in properties as landholders are hesitant to invest in housing infrastructure without long-term guaranteed use.
- Additional housing may be needed for temporary farm workers in summer months
- It is important to preserve viable farmland when consider setbacks from neighbors and secondary dwellings.
- New ALR regulations and Secondary Dwellings
 - Secondary dwellings offer opportunities for additional income for farmers and should be supported so that farming can be viable on Denman.
 - The new ALR regulations could help with the housing crisis on Denman, though there are concerns around these secondary dwellings being used for short term rentals which will not benefit those in need of housing.
 - Secondary dwellings should be allowed with adequate water and septic access as well as considerations for environmental impact.
 - Include considerations for land use when building secondary dwellings so viable farmland is not paved over, including driveways and parking pads.
 - Consider requirement of sustainable management plans for secondary dwellings
- Environmental Sustainability on Denman Island
 - It is important to prioritize protection of water and wetlands.
 - Ensure regulations are aimed at minimizing ecological impacts.

Community Questionnaire

There were 162 responses to the Denman Island Farming Regulation Review Questionnaire. The questionnaire ran from early March to early May 2022. The questionnaire provided a brief overview of the objective the project, explanations of the regulation in question and gave opportunity for respondents to provide their opinions and feedback on the review. The consultants are in the process of analyzing the results of the questionnaire and will provide a full report at a future LTC meeting.

Community Information Meeting

An in-person Community Information Meeting (CIM) was held on April 21, 2022. It was advertised through The Islands Grapevine and online through social media. The event was attended by seven community members, the three LTC Trustees, Islands Trust staff and two members of the consulting team. The consultants provided an overview of the project objectives, and a summary of the preliminary community questionnaire results.

Discussion during the CIM addressed the topics of farming outside the ALR (R1 & R2 properties), agricultural and farming definitions, secondary dwellings and agritourism.

NEXT STEPS

Should the LTC concur with the staff recommendation, staff will work with the consultant to organize a special LTC meeting in June or July. After the consultant has prepared the report and recommendations, staff will refer it to the APC for feedback.

Submitted By:	Marlis McCargar, Island Planner	May 17, 2022
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Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	May 18, 2022
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From: Rose Dickson <islandwildrose@gmail.com>

Sent: Friday, May 20, 2022 6:30 AM

To: Ione Smith <ione@uplandconsulting.ca>; northinfo <northinfo@islandstrust.bc.ca>

Subject: A5 Zone request from Triple Rock

Hi Ione and the Denman Local Trust Committee,

We've had some correspondence with ALC staff who have confirmed that a primary and secondary dwelling on the ALR portion of this split-zoned property would not contravene any ALR regulations. They make it clear that they might not provide supportive comments in a referral, but that there was nothing in the regulations to prevent this, as long as local zoning permitted it.

Therefore **the Triple Rock Land Cooperative would like to formally request to the Denman Island Local Trust Committee that, as part of the farming regulations review, amendments be made to allow a primary dwelling and a secondary dwelling on the ALR portion of the Triple Rock Land Cooperative property.**

Rationale:

- If this is allowed on other ALR lands, there is no substantive reason it should not also be allowed on this property
- These dwellings would support increased agricultural activity on the property because
 - having homes in the ALR portion near the communal garden and orchard would allow better monitoring and ongoing care of the agricultural area, and in particular make it easier to successfully include animals;
 - Triple Rock Land Cooperative members provide the labour for the garden and farm, and having two more households means more labour;
 - These dwellings could be used to house a farm hand, possibly involving a trade for housing (at an affordable rate)
- While supporting more agricultural activity on this property, this amendment provides a reasonably simple way of creating two more affordable housing units on Denman in a shovel-ready situation, on a property already zoned for affordable housing, with a housing agreement and covenant on title, and with proven climate-friendly approaches to sewage treatment and water provision (composting toilets, small septic systems for greywater, rainwater catchment as the sole water source for dwellings). The TRLC has been operational for over 10 years and works well.
- Both these dwellings will be subject to the Housing Agreement registered on title that specifies that all housing must be affordable housing, and to the Cooperative Rules of Association and Memorandum of Association that also legally entrench affordable housing as the only allowable use for this property
- The primary dwelling should adhere to the zoning regulation for the rest of the property that sets a maximum size of 139.4 sq metres, thus keeping the footprint small, as is appropriate in a climate crisis. This way, both the main dwelling and the secondary dwelling, together, would equal less than half of

the floor area that is allowed elsewhere in the ALR for just one primary dwelling (229.4 sq m versus 500 sq m).

- The only other way for the TRLC to increase its capacity would be a rezoning, which is expensive and would take up large amounts of Islands Trust staff time. This level of analysis and oversight would be overkill in this situation, given the low environmental impact and footprint of the two proposed dwellings (no use of groundwater, minimal sewage) and also given that the property is already highly regulated.

Allowing these dwellings would give this ALR land the same options as other ALR land, but in a context that significantly limits square footage, and also requires that the housing be affordable.

Please note that this email is not intended as general public input on the farming regulations review but rather as correspondence to the LTC with a specific request.

Regards,
Rose Dickson
TRLC Secretary, on behalf of the Triple Rock Land Cooperative

DATE OF MEETING: May 31, 2022
 TO: Denman Island Local Trust Committee
 FROM: Heather Kauer, Regional Planning Manager
 Northern Team
 SUBJECT: 2021-2022 Annual Report

RECOMMENDATION:

1. **That the Denman Island Local Trust Committee endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.**

The Denman Island Local Trust Committee (DEILTC) held four regular business meetings, three special business meetings and one special meeting/Community Information Meeting in the 2021/22 fiscal year, for a total of eight meetings.

Work for this period focused on advancing two bylaw amendment applications for affordable housing projects and reviving the Denman Farm Plan implementation project. The DEILTC was also successful in acquiring Trust Council budget approval to advance an Official Community Plan (OCP)/Land Use Bylaw project in 2022/23 focused on housing.

The DEILTC also amended their Fees bylaw and Meeting Procedures bylaw to allow all LTC meetings to be electronic when needed.

From April 1, 2021 to March 31, 2022, staff reviewed 15 siting and use permits, one crown lease referral, one Agricultural Land Reserve referral, and two subdivision referrals in the Denman Island Local Trust Area for a total of 19 referral reviews.

DISCUSSION

Local trust committees are asked to endorse their draft sections of the 2021-2022 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2022.

Preparation of the Islands Trust Annual Report is outlined in Trust Council's [Annual Report Policy 6.10.i](#). Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and subsequent consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs & Housing and circulate it as indicated in Trust Council's policy.

The recommended text (above) has been reviewed by the Islands Trust Communications Specialist and approved by the Director of Local Planning Services.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	April 8, 2022
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ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 15TH, 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

- The Islands Trust Conservancy (ITC) continues to have a vacancy for one Ministerial appointment to the ITC Board. There has been no news from the Crown Agencies and Board Resourcing Office regarding posting of the position.
- ITC Board is preparing to add a 0.6 FTE Fund Development Specialist and a summer Co-op Student to the team in the Spring/Summer, as per the approved 2022/23 Islands Trust Budget.
- ITC Board received verbal updates from the ITC Chair and Vice Chair about the Islands Trust Governance Review the final 2022/23 Islands Trust Budget and the Policy Statement Review Process.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Five-Year Plan concludes at the end of 2022 and ITC Board considered steps for developing the next Plan. A Project Charter was approved that included allocation of staff time and funding for First Nations engagement. The ITC Five-Year Plan is a requirement under the *Islands Trust Act* and is reviewed and approved by the Minister of Municipal Affairs.
- ITC Board requested that Executive Committee forward the correspondence received at Trust Council (item 17.2) about Coastal Douglas-fir to the delegate David Dunnison regarding his presentation to Trust Council dated March 8, 2022 entitled, "Islands Trust Biodiversity".
- Chair Stamford updated the Board regarding a presentation that she and Trustee Smith provided at the pan-Canadian Parks and Protected Areas Research e-Summit in February 2022.
- ITC Board directed staff to review Policy 1.7 Donations and Fundraising Policy to clarify the process of allocation of large undesignated donations

3. COVENANT AND PROPERTY ACQUISITIONS

- ITC Board authorized the Chair to sign a covenant over the whole of Brooks Point Regional Park (South Pender Island) in favour of Islands Trust Conservancy and Habitat Acquisition Trust.
- The Public Acquisitions and Covenants reports were accepted by the ITC Board.



4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board approved a Climate Change Research proposal from UBC Conservation Decisions Lab for up to ten years in the McFadden Creek Nature Sanctuary (Salt Spring Island) and S'ul-hween X'pey (Elder Cedar) Nature Reserve (Gabriola Island)
- ITC Board accepted an addendum to the ITC NAPTEP Covenant Monitoring Report 2021 to reflect the monitoring of Owl's Call NAPTEP Covenant (Salt Spring Island).
- ITC Board endorsed moving forward with the Operational Planning Phase of the Sidney Island Ecological Restoration Project, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal.
- ITC Board received an update regarding research and restoration work occurring in partnership with Capilano University in ITC Nature Reserves on Gambier Island.

5. COMMUNICATIONS AND OUTREACH

- ITC Board receive information on the March 16, 2022 Species at Risk workshop; highlighting registration is currently at 93 attendees, including a great diversity of participants.
- ITC Board was informed that the ITC Rack card has been update and is available for communications purposes. Trustees who wish to receive copies are requested to get in touch with the ITC Administrative Assistant.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board received a donation of \$100,000 from the "Bloom Canadian Alter Ego Trust 2020" and allocated the donation to the Opportunity Fund, earmarking up to \$50,000 for projects on Salt Spring Island to reflect the conservation interests of the donor.
- ITC Board discussed a letter from island conservancies regarding the Islands Trust Policy Statement that was submitted to Trust Council. The ITC Manager advised this document was provided to Trust Council as part of their Policy Statement review process.

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)



the Heron



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

SPRING 2022

Celebrating the newest protected places on the islands

Moss Mountain p.2

Woodpecker Forest p.4



Moss Mountain Covenant on Salt Spring Island
Inset: Woodpecker Forest Nature Reserve, SDAY/ES/North Pender Island PHOTOS: C. SMITH

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

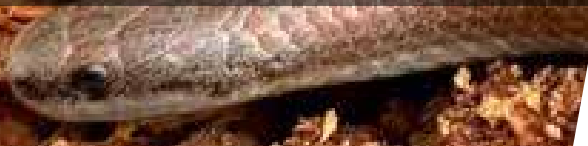
www.islandstrust.bc.ca/conservancy/heron-newsletter/



SCAN ME

ALSO IN THIS ISSUE

2022 Field Season and
Species at Risk Gathering – What's
Next p. 6



Conservation
Legacy Leader 1558



Moss Mountain Covenant

Protecting 45 hectares on Salt Spring Island

Thanks to the actions taken by islander Gay Young 45.4 ha (112.2 acres – approximately the size of 10 BC Place Arenas) of land has now been protected on Salt Spring Island along the Sansum Narrows. It provides a critical wildlife corridor linkage between Stoney Hill Regional Park on Vancouver Island and Burgoyne Bay Provincial Park and Mill Farm Regional Park Reserve on Salt Spring Island. Gay (with the support of her family) placed a conservation covenant on this property with the Islands Trust Conservancy.

“Given the current climate crisis it seemed like a great way to contribute,” says Gay Young. “It was a family decision between me and my three children. We felt the land needed to be protected forever.”

When asked what they wanted to protect most she answered – the trees. “We had 112 acres of mature trees. I don’t want them to be destroyed – they are so important and are doing a great service for us as carbon sinks. It was my job to protect them.”

The covenant area contains a wide range of ecosystems including mature forests, seasonal creeks, wetlands, mossy bluffs, prairie oak, arbutus woodlands, and rocky shoreline. It protects nine provincially listed ecosystems and three documented species at risk of extinction - including the Endangered Little Brown Bat, which was detected during summer bat surveys in 2021.

“Conserving land to protect cultural heritage and ecosystems is a way that individuals can take direct action to help stem the loss of biodiversity and bolster resilience in the face of climate change,” says Kate-Louise Stamford, Chair, ITC Board. 🌿



Gay Young at Moss Mountain Covenant PHOTO: C. SMITH



Drum detail. PHOTO: L. WILCOX

Acknowledgement

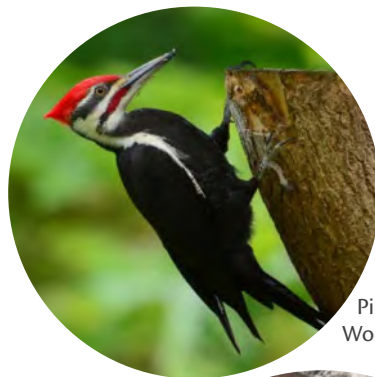
Islands Trust Conservancy acknowledges that we work within the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliłwətaʔt, SEMYOME, shíshálh, Skwəwú7mesh, Snaw-naw-as, Snuneymuxw, Spunə'luxutth, STÁUTW, Stz'uminus, təʔamən, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOELEP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.



Fairyslipper Orchid

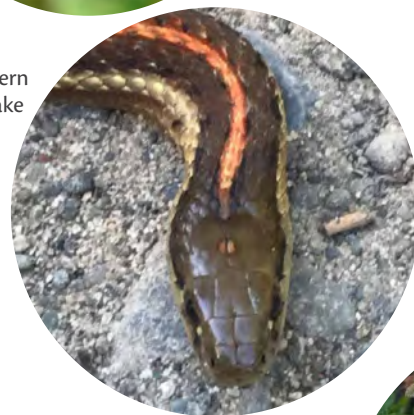


Skunk Cabbage



Pileated Woodpecker

Northwestern Garter Snake



Ocean Spray



Woodpecker Forest Covenant

on SDAY, ES / North Pender Island

Thanks to the ongoing generosity of islanders Peter Paré and Lisa Baile, an additional 3.63 ha of land near the existing Lisa Baile Nature Reserve has been protected on SDAY, ES / North Pender Island. This newly-protected area builds on existing protected lands to create nearly 17 hectares (41.5 acres – approximately the size of 4 BC Place Arenas) of protected land along Clam Bay Rd. Connected protected areas provide movement corridors for wildlife, and help buffer impacts of climate change. This new protected area will aid in stemming biodiversity loss on the island.

Lisa Baile first protected land near their home back in 2021, with the creation of the Lisa Baile Nature Reserve. When the lot next door came on the market, Lisa and Peter decided to act. “We bought the lot next door with the goal of placing a conservation covenant on part of it to protect it,” says Peter.

Lisa and Peter state climate change and a strong desire to protect endangered Coastal Douglas-fir ecosystems are what motivate them to keep finding ways to protect more

land on North Pender. “We want to protect as much rare and endangered Coastal Douglas-fir ecosystems as we can,” says Peter. “The development on these islands has led to a progressive loss of trees – which are one of the best carbon capturing devices out there – we have to do more to protect what biodiversity is left.”

Woodpecker Forest contains several at-risk ecosystems, including rare Douglas-fir and Western redcedar stands. There are remnant old-growth and wildlife trees scattered throughout the forest, and a wetland that supports river otters, amphibians, an incredibly diverse bird community (including several species of woodpeckers) and at least one bat species. There is a public trail through part of the wetland that is to be maintained by Pender’s Alternative Transportation Society’s Moving Around Pender Project (MAP). This conservation covenant will be jointly managed in partnership with the Pender Islands Conservancy Association.



Left: Some of the many species found within the covenant. PHOTOS: L. BAILE Above: Lisa & Peter at Woodpecker Forest. PHOTO: C. SMITH

“It is our hope that each little piece we can protect and set aside will help protect not just the rare coastal Douglas-fir ecosystems, but people as well in the face of climate change.”

– Lisa Baile and Peter Paré.

“Thanks to the generosity and actions taken by Gay, Lisa and Peter, these incredible places – full of rare and wonderful ecosystems and species that they value – will remain protected and intact,” says Kate Emmings, Manager at ITC. “I’d count that as a win for residents, a win for nature, and a win for generations to come.” 🌿

Protect Land You Love

This property was protected using a conservation covenant in the [Natural Area Protection Tax Exemption Program \(NAPTEP\)](#). For qualifying properties, NAPTEP provides landowners with a 65% property tax reduction for the portion of the property protected by a conservation covenant. Waterfront and large lots with proportionally higher values and taxes stand to benefit the most from the program.

Our website provides information and resources to help you determine if a conservation covenant is right for you and your property.

Visit <https://islandstrust.bc.ca/conservancy/protect-nature/conservation-covenants/> for more information.

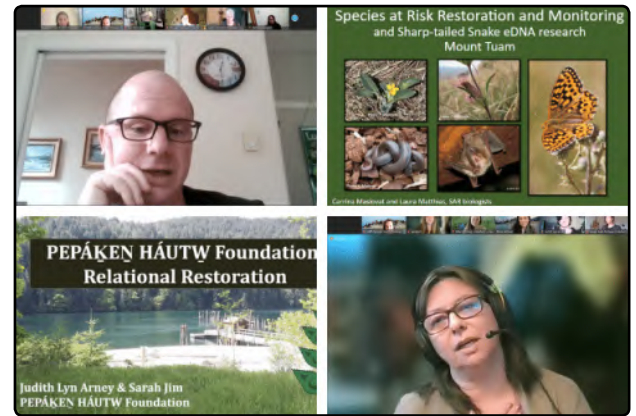
Conservation Covenants and voluntary actions by private landholders are critical to stemming biodiversity loss on islands in the Salish Sea.

Species at Risk Gathering hosts 60+ experts in March 2022

Species-at-Risk Program Coordinator, Wendy Tyrrell, helped organize the first ever ITC Species Gathering on March 17, 2022. The full day digital event brought more than 60 individuals from across the islands together to discuss the issues around addressing species and ecosystems at risk from extinction in the Salish Sea. The day featured a keynote presentation from Ruth Simons of the Howe Sound Biosphere project and presentations on eco-cultural restoration initiatives and new techniques for monitoring species at risk (like e-DNA sampling).

Wendy will take feedback from this group to inform an ongoing workshop series and future gatherings to help enhance partnerships for on the ground actions for species/ecosystems at risk and culturally significant species and ecosystems on islands in the Salish Sea.

For those who missed out on the day we were tweeting highlights and learnings from the ITC Twitter handle @IslTrustConserv – Check out our tweets at <https://twitter.com/IslTrustConserv>. 🌿



Wendy Tyrrell, Species at Risk Program Coordinator (below) hosts the ITC Species Gathering on March 17, 2022



This project was undertaken with the financial support of:
Ce projet a été réalisé avec l'appui financier de :



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada



Sharp-tailed Snake at Cyril Cunningham Nature Reserve on Salt Spring Island.. PHOTO LAURA MATTHIAS

Updates from the field

With field season kicking off we were thrilled to receive an update from biologist Laura Matthias who found an endangered Sharp-tailed Snake using one of the artificial cover objects they placed last spring on the Cyril Cunningham Nature Reserve on Salt Spring Island! Sharp-tailed Snakes are a species-at-risk on the islands and very little is known about these small, non-venomous snakes that spend the majority of their lives underground.

In 2018, field biologists Laura Matthias and Carrina Maslovat began a project to develop an innovative, non-invasive eDNA sampling technique to research the elusive

Sharp-tailed Snakes. eDNA refers to the genetic material that organisms leave behind in the environment (from things like skin, feces or mucus). eDNA sampling is a fairly new tool that has been used mainly to detect rare aquatic species – adapting it for land-based species is an exciting next step.

We have been working with field biologists Laura Matthias and Carrina Maslovat at different suitable protected sites on this work on Salt Spring, Thetis, and SDAYES/North Pender islands. Read more about their work [here](#).

We'll be keeping our fingers crossed that more snakes continue to find and utilize these structures! 🌿

The power of art, language & connection to land.

Writer and artist Eliot White-Hill ([Kwulasultun](#)) breathes deeply on the trail in the old forest. A raven follows him, calling out in guttural tones. He knows that he is standing in the presence of Elders in the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island. "Our history lies in the trees" he says, "They are our roots. A connection to the wisdom and knowledge of our people".

Eliot's great-grandmother Snuneymuxw linguist and elder Dr. Ellen White honoured this special place with a Hul'qumi'num name. When she passed away a few years ago he realized just how spoiled he had been to be able to be with her at any time. He is keenly aware of how much knowledge went with her, and has become 'obsessed' with exploring ways to continue sharing her knowledge between generations.



"Eliot's art helps to tell the powerful stories of the history of this place."

- Geraldine Mason

When ITC approached him to design a new sign for the Nature Reserve, he saw it as an opportunity to tap into Hul'qumi'num knowledge. He turned to Elders - like Geraldine Mason - to help him in this journey. While creating the art for the new sign for the nature reserve Eliot wanted to portray the deep sense of history and connectedness.

"These trees are our whole world. They are our roots and a connection to a time before. And they are almost all gone."

~ Eliot White-Hill (Kwulasultun), writer and artist.



Elder Cedar viewing platform. PHOTO: A. LANDRY

"Sharing our art will form a connection that will create space where empathy and understanding can flourish across cultural divides."

- Eliot White-Hill

Geraldine's passion lays in using specific language to describe history. She explores the significance of place, and asks questions like 'why were camps here?' She has learned that the people who came here were harvesting, collecting, and preserving for winter – they were not idle. She plans to share this history of the land and research online in the future, with place names and a virtual tour.

The [S'ul-hween X'pey \(Elder Cedar\) Nature Reserve's](#) new sign design is set to be recognized with Eliot and Geraldine, ITC, The Gabriola Land and Trails Trust, Nanaimo & Area Land Trust, and the Snuneymuxw First Nation in the late Spring/Summer of 2022. 🌿



Giving thanks to those legacy leaders who remembered us in their Will



Betty Swift, Link Island

Betty had a lifelong commitment to conservation and stewardship of ecologically important lands. Her long-time dream to ensure the conservation of Link Island led to her donation to ITC as a “life estate” bequest and a nature preserve closed to public access. Current family members will continue stewarding the island throughout their lifetime knowing her vision has been achieved. Betty’s family hope Link Island will become a foot-hold for climate-change research in the Salish Sea.



William Tempest, Victoria

As a water resource engineer, William had a lifelong interest in the natural sciences. His friends described him as a ‘quiet environmentalist’. For 50 years he and a group of friends and work colleagues regularly met on Hornby Island to fish, hike and discuss world affairs. William bequeathed 10% of his estate to ITC, which will be put towards conservation on Hornby Island.



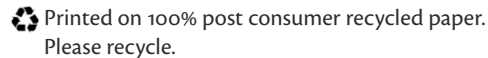
Susan Bloom, Salt Spring Island

As a philanthropist and conservationist, Susan believed strongly in grassroots organizing and worked to help small groups of passionate people do extraordinary things. ITC was selected to receive funding by Bloom’s estate trustees, in recognition of the conservancy’s efforts to preserve our natural heritage. In her memory her estate bequeathed \$100,000 in support of continued conservation efforts on islands in the Salish Sea.

Follow us on social media



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YES! I want to preserve and protect the islands!

100% of your donation goes directly to protecting endangered habitat on the islands you love.

Your donations of \$20 or more will receive an official donation receipt for income tax purposes.*

Questions? Contact us!

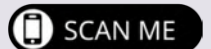
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☐ Yes, I am okay with public recognition of my donation.

My donation amount: ☐ \$50 ☐ \$100 ☐ \$200 ☐ \$_____

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Share your vision with future generations — please consider remembering Islands Trust Conservancy in your will.

*Islands Trust Conservancy is a qualified donee as a Crown agent under the **162**
Islands Trust Act. Islands Trust business # 122013576 RT0001

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2022.1	Shroo's Holding Company Inc.	26-Apr-2022	PID: 005-242-193 Additions to buildings. Civic address: 3676 Denman Road, Denman Island, BC.
Planner: Marlis McCargar			
Planning Status			
Status Date: 28-Apr-2022			
File opened & assigned. Waiting for NoA.			

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.			

Applications

Siting and use Permit

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

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Request for further information

Status Date: 25-Nov-2020

Under planner review

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

Planner: Stephen Baugh

Planning Status

Status Date: 04-Feb-2021

File reassigned.

Status Date: 10-Dec-2020

Waiting for additional information from applicant

Status Date: 25-Nov-2020

Under planner review

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Stephen Baugh	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
<u>Status Date:</u> 11-Jan-2022 File reassigned.			
<u>Status Date:</u> 02-Sep-2021 No change in status.			
<u>Status Date:</u> 12-Apr-2021 Notice to K'ómoks First Nation sent.			
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			
<u>Status Date:</u>			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.10	Neate, John & Melanie Planner: Teresa Mahikwa	10-May-2022	PID: 004-676-513 Building two cabins. Civic address: 4455 Northwest Road, Denman Island, BC.
Planning Status			
<u>Status Date:</u> 13-May-2022 File opened & assigned. Waiting for etransfer.			

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.11	Bartram, James	29-Apr-2022	PID: 002-749-092 Building house and workshop. Civic address: 2500 Jemima Road, Denman Island, BC.

Planner: Marlis McCargar

Planning Status

Status Date: 16-May-2022

File opened & assigned. Waiting for e-transfer.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.12	School District No. 71 (Comox Valley) - MacDonald Hagarty Architects Ltd.	16-May-2022	PID: 008-706-191 Building an open air classroom at Denman Island Community School. Civic address: 1100 Northwest Road, Denman Island, BC

Planner: Teresa Mahikwa

Planning Status

Status Date: 27-May-2022

File opened & assigned. Waiting for Etransfer

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.2	Cleveland & Tetlow, Randy & Carole	03-Mar-2022	PID: 001-095-871 Two story addition. Civic address: 3031 Nelson Crescent, Denman Island, BC.

Planner: Margot Thomaidis

Planning Status

Status Date: 06-Apr-2022

Planner reviewing file. File referred to KFN.

Status Date: 07-Mar-2022

File opened & Etransfer requested

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.7	Lutfy Lapierre & Fraser, Michael-Anthony & Lyndsay Planner: Stephen Baugh	28-Mar-2022	PID: 031-395-830 New SFD and workshop. Civic address: 6500 Danes Road, Denman Island, BC.
Planning Status			

Status Date: 31-Mar-2022

File opened & assigned. Waiting for etransfer.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.8	Denman Island Recreation Commission Society (Stirling Fraser-President) Planner: Margot Thomaidis	05-Apr-2022	PID: 004-102-941 Building covered space for recreational activities. Civic Address: 1196 North Road, Denman Island, BC.
Planning Status			

Status Date: 11-May-2022

Referred to KFN and completed review.

Status Date: 15-Apr-2022

Planner reviewing file.

Status Date: 07-Apr-2022

File opened & assigned. Waiting for etransfer.

Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2022.9	Shroo's Holding Company Inc.	26-Apr-2022	PID: 005-242-193 Additions to buildings. Civic address: 3676 Denman Road, Denman Island, BC.
Planner: Marlis McCargar			
Planning Status			
Status Date: 28-Apr-2022			
File opened & assigned. Waiting for NoA.			

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: 14-Apr-2022 Referral Response sent to MoTI			
Status Date: 04-Mar-2022 File opened & assigned. etransfer requested.			

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 Housing Review Project - Phase 1*

Responsible

Dates

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

Rec'd: 19-Jan-2021

Projects Report

Denman Island

<i>1. Protected Area Network</i>		Responsible	Date Received
Undertake planning for a Protected Area Network on Denman Island			15-Mar-2011
<i>2. Alternative Energy</i>		Responsible	Date Received
Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.			15-Aug-2011
<i>3. Dwelling Floor Area Regulation</i>		Responsible	Date Received
Consider regulations to limit the gross floor area of a dwelling			25-Oct-2011
<i>4. Climate Change</i>		Responsible	Date Received
Consider climate change adaptation and mitigation measures			25-Oct-2011
<i>5. Development Procedures Review</i>		Responsible	Date Received
Review and update Development Procedure Bylaw No. 71			11-Dec-2012
<i>6. Alternative Dispute Resolution</i>		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. <i>Denman Village Plan</i>	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. <i>Travel trailers</i>	Responsible	Date Received
LUB amendments and enforcement policies regarding the use of travel trailers		07-Mar-2017
9. <i>Occasional use of accessory buildings</i>	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. <i>Incorporate the Regional Conservation Plan into land use planning.</i>	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. <i>Coastal Douglas-fir protection</i>	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

<i>12. naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas</i>	Responsible	Date Received
Reference Staff Report dated November 7, 2019		07-Nov-2019
<i>13. Temporary Use Permits</i>	Responsible	Date Received
To support the development of Temporary Use Permits for short-term vacation rentals and other uses.		09-Oct-2018
<i>14. Shoreline Protection Project</i>	Responsible	Date Received
Implement recommendations from the 2022 Model Bylaw Report.		22-Mar-2022



Islands Trust Council Highlights March 8 – 10, 2022

The following is a list of [agenda](#) and [addendum](#) highlights of Trust Council's activities and decisions from its March 8-10, 2022, quarterly meeting. These highlights are not the official minutes; Trust Council will adopt those at its June 21-23, 2022, meeting being held electronically in Victoria. [Visit the meeting site to view the recordings.](#)

Adopted Budget 2022/23

This [news release](#) summarizes highlights of the \$9.1 million budget Trust Council approved to continue operations and implement initiatives from its Strategic Plan.

Receipt of Islands Trust Governance Review

The consultant's [report](#), Islands Trust Governance Review February 2022, prepared by Great Northern Management, was received. A motion to strike an ad hoc committee, which would review the report's recommendations for action, was deferred (postponed) until Council was in receipt of the consultant's feedback/terms of reference for a Governance Committee. Trustees indicated a strong interest to move the matter forward.

Phase 3 Policy Statement Engagement Presentation

ISL Consultants presented a PowerPoint outlining [engagement with island communities](#) as Phase 3 of [Islands 2050](#) Policy Statement Amendment consultation scheduled through mid-April.

Amendments to Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services to Local Trust Committees

Trustees provided feedback on the policy addressing reconciliation work and prioritizing local trust committee official community plan reviews. Feedback will be considered by the Regional Planning Committee with the policy coming back to June Trust Council.

Administrative Policy Review

A draft operational procedure to Policy 2.2.3, Resolutions without Meeting (RWM), a policy that enables council to make decisions outside of a regularly scheduled meeting, was amended at section 3.1 to read "should limit discussion" rather than "should not discuss" when holding a RWM.

Disposition of Delegations

Trust Council supported a request by Simon Fraser University presenters to proclaim June 8, 2022 to June 7, 2023 "Year of the Salish Sea", to raise public awareness about a healthy Salish Sea and learn from Indigenous Nations on how to improve its health and management for the benefit of future generations.

Retirement Recognition

Legislative Services Manager, Carmen Thiel, was recognized for her decades of service with Islands Trust and was presented with a framed relief picture of the Salish Sea/Islands Trust Area.