



Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: September 7, 2021
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:05 AM	
"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."			
2.	APPROVAL OF AGENDA		
3.	RISE AND REPORT - IN CAMERA MEETING JULY 6, 2021		
4.	REPORTS	10:05 AM - 10:20 AM	
4.1.	Trustee Reports		
4.2.	Chair's Report		
4.3.	Electoral Area Director's Report		
5.	TOWN HALL	10:20 AM - 10:30 AM	
6.	DELEGATIONS - None		
7.	MINUTES	10:30 AM - 10:35 AM	
7.1.	Local Trust Committee Minutes dated July 6, 2021- for adoption		4 - 14
7.2.	Section 26 Resolutions-Without-Meeting - none		
7.3.	Advisory Planning Commission Minutes - none		
8.	BUSINESS ARISING FROM MINUTES	10:35 AM - 10:50 AM	
8.1.	Follow-up Action List dated August 27, 2021		15 - 20
9.	APPLICATIONS AND REFERRALS	10:50 AM - 11:20 AM	

9.1.	DE-RZ-2017.1 (Denman Community Land Trust Association - DCLTA) - Staff Report for Decision	21 - 36
9.2.	Islands Trust Area Bylaw No. TC 183 - Referral Request for Response	37 - 40
10.	LOCAL TRUST COMMITTEE PROJECTS	11:20 AM - 11:50 AM
10.1.	Farming Regulation Review Project - Staff Report	41 - 48
11.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
	-----BREAK 11:50 AM - 12:20 PM-----	
12.	NEW BUSINESS	12:20 PM - 1:10 PM
12.1.	Siting and Use Permit Bylaw Update - Staff Report	49 - 60
12.2.	Upcoming Meeting with Comox Valley Regional District for Discussion	
12.3.	<i>Dust 'n Bones film screening on September 26, 2021 - for discussion</i>	
13.	REPORTS	1:10 PM - 1:30 PM
13.1.	Trust Conservancy Report dated July 13, 2021	61 - 63
13.2.	Applications Report dated August 27, 2021	64 - 68
13.3.	Trustee and Local Expense Report dated June, 2021	69 - 69
13.4.	Adopted Policies and Standing Resolutions	70 - 74
13.5.	Local Trust Committee Webpage	
13.6.	<i>Trust Conservancy Report dated August 24, 2021</i>	75 - 76
14.	WORK PROGRAM	1:30 PM - 2:00 PM
14.1.	Top Priorities Report dated August 27, 2021	77 - 77
14.2.	Projects List Report dated August 27, 2021	78 - 80
15.	INFORMATION ITEMS	
15.1.	Islands Trust Conservancy Newsletter - The Heron - Summer 2021	81 - 84
15.2.	Trust Policy Statement - Islands 2050	
	<u>Trust Policy Statement</u>	

15.3. September 2021 - Islands Trust Council Meeting Program

Trust Council Quarterly Meeting - September 21, 2021

16. CLOSED MEETING

16.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (d) and (m) for the purpose of considering (d) adoption of In-Camera Meeting Minutes dated July 6, 2021 and (m) under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

17. UPCOMING MEETINGS

17.1. Next Regular Meeting Scheduled for Tuesday, November 2, 2021 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

18. ADJOURNMENT

2:00 PM - 2:00 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: July 6, 2021
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
Sonja Zupanec, Island Planner
Ian Cox, Planner 2
Wil Cottingham, Administrative Assistant
Vicky Bockman, Recorder

Others Present: Approximately five (5) members of the public

1. CALL TO ORDER

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

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

2. APPROVAL OF AGENDA

By general consent the agenda was approved.

3. RISE AND REPORT - IN CAMERA MEETING MAY 4, 2021

Chair Fast reported that at the May 4, 2021 *In Camera* meeting, the Local Trust Committee (LTC) adopted the *In Camera* minutes dated March 16, 2021.

4. REPORTS

4.1 Trustee Reports

Trustee Busheikin provided a summary of activities and meetings attended:

- June Trust Council;
- Compiling documents to assist with preparation of a business case for a housing project;
- Preparing for the upcoming special Trust Council;
- Denman Island group coordinating and sharing information regarding COVID;
- Baynes Sound/Lambert Channel Marine Ecosystem Forum.

Trustee Critchley provided a summary of activities and meetings attended:

- June Trust Council;
- Two meetings of the Trust Council Select Committee-governance and management review;
- Preparing for the special Trust Council meeting July 7 and 8;
- Baynes Sound/Lambert Channel Marine Ecosystem Forum.

4.2 Chair's Report

Chair Fast provided a summary of activities and meetings attended:

- June Trust Council;
- Trust Programs Committee meetings;
- Islands Trust Conservancy;
- Hornby Island LTC;
- Gambier Island LTC;
- Howe Sound community forum applying for designation as a UN Biosphere Region.

4.3 Electoral Area Director's Report - none

5. TOWN HALL

There were no speakers.

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated May 04, 2021 - for adoption

By general consent the minutes dated May 4, 2021 were adopted.

7.2 Section 26 Resolutions-Without-Meeting Report dated June 28, 2021

Chair Fast presented the Resolutions-Without-Meeting report.

7.3 Advisory Planning Commission Minutes – none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated June 28, 2021

Discussion on the Follow-up Action List included the following:

- The BC Investment Agriculture Foundation (IAF) grant application for the Farm Plan Implementation work has been conditionally approved; staff is working on providing the remaining requested information;
- The March 16, 2021 activity may be removed as the new Islands Trust website includes a section effectively addressing public participation guidelines under the “share your views” within the “I want to...” tab.

8.2 Letter dated May 15, 2021 from S. Stanford, Assistant Deputy Minister, Ministry of Citizens' Services to Chair Fast regarding letter of support for Connected Coast Network

Received.

9. APPLICATIONS AND REFERRALS

9.1 DE-DVP-2021.1 (Gamble - 5621 Lacon Road, Denman Island) - Staff Report for decision

Planner Cox presented the Staff Report addressing a request to vary the Land Use Bylaw (LUB) to allow a kitchen addition to an existing house to be sited on the face of the building farthest away from the foreshore, within 13.09 metres of the setback to the natural boundary of the sea -a variance from the regulated 15.0 metres. He advised of a correction to the size of the proposed addition in the staff report after receiving information from the applicant. The addition will now be 8'x24'.

Trustees' discussion on the application included the following:

- Noted that a setback variance from the natural boundary of the sea for this property was granted in 2003;
- Concern was expressed regarding the existing concrete block breakwater retaining wall;
- Trustees requested that information be provided to the applicant regarding limitations of "hard armouring" barriers versus "soft" shore designs that effectively work with nature to resist erosion and protect shorelines. Planner Cox will follow-up on this request.

Chair Fast invited the applicant to speak, and Eugene Gamble expressed his satisfaction with the process.

DE-2021-043

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of DE-DVP-2021.1 (Gamble) as amended by showing dimensions of the addition to be 8'x24' metric equivalent.

In discussing the motion, a Trustee noted circumstances that helped informed his decision: this application follows a variance approval in 2003 that allowed rebuilding of the destroyed house in the original location; the construction is outside of the area where a midden is shown to exist; and the proposed addition is further away from the foreshore.

CARRIED

9.2 DE-DVP-2021.2 (Pandesign Inc. - 1151 Kirk Road, Denman Island) - Staff Report for decision

Planner Zupanec presented the Staff Report that asks the LTC to consider an application to vary the minimum lot size for the R1 portion of a currently split-zoned property to permit a subdivision in the first step to enable a proposed multi-unit affordable housing project. Most of the lot (1.06 ha) is zoned Commercial (C) and the remainder of the lot (0.28 ha) is zoned Residential (R1).

She reported that this variance would not result in an increase in density, would be retained as a residential lot, adjacent property owners were notified thereby satisfying the statutory requirement, and that an early referral of this application and the companion rezoning application were sent to K'ómoks First Nation with no correspondence or response received to date.

Planner Zupanec noted that staff is suggesting that a covenant be required to be on the Commercial portion that the land cannot be sold or transferred until DE-RZ-2021.1 is completed, and that the covenant would likely be registered at the time of subdivision.

DE-2021-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2021.2 (Pandesign Inc.).

Chair Fast invited the applicant to speak. Henning Nielsen appreciated the responsiveness of the Islands Trust to move this entire project forward in a timely manner.

CARRIED

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

Planner Zupanec presented the staff report that asks the LTC to consider amendments requested by the DCLTA to proposed Bylaw No. 239 (Housing Agreement) and to the draft restrictive covenant should the rezoning application be approved.

She advised that these amendments are consistent with LTC direction; and that while the application Bylaw Nos. 233 (OCP) and 234 (LUB) are post Public Hearing, this information is not considered new and does not change the use, density or content of either proposed bylaw.

Trustees suggested that consultation with the applicant be conducted to address sections 9ii, 10ii and 10iv of the Schedule B Tenant Selection Procedure to improve Indigenous inclusiveness that is desired, and to consider other ways that connect Indigenous people to a place.

DE-2021-045

It was MOVED and SECONDED,

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

- a. Replace section 2. With the following text: “2. Only Seniors, that is, persons who are at least 65 years of age (to a maximum of two such persons) may apply for an Affordable Dwelling Unit. Seniors of all ethnicities and races including but not limited to all on-reserve and off-reserve, status and non-status, and self-identifying indigenous, Inuit and Metis people may become “Tenants” upon entering into a tenancy agreement.”;
- b. Section E. Rental rates, subsection i., be amended by adding the following to the end of the clause: “provided ‘rent’ does not include any sums received by way of institutional rent subsidy or rent assistance available from time to time.”
- c. Remove section 9i) and renumber 9ii), iii) and iv); and
- d. Add a new section after 11. “12. Tenants at Pepper Lane will be entitled to age in place provided they arrange for any medical or other personal assistance they require.”

CARRIED

DE-2021-046**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 239 cited as “Denman Island Housing Agreement Bylaw No. 239, 2020”, be read a second time as amended.

CARRIED**DE-2021-047****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to amend the Restrictive Covenant as follows:

- a. Section 2 No Build – (a) add the text “or amendment thereto approved by the ALC” to the end of the sentence.
- b. Section 2 No Build – (c) delete text and replace with “Before construction of any buildings, it erects (and thereafter maintains) a solid wood fence suitable to enhance visual privacy and mitigate dust along its entire shared boundary (including driveway) with its three neighbouring properties as 3716, 3690 and 3676 Denman Road.”
- c. Section 2 No Build – (d) delete text and replace with “In the course of construction of any buildings, it installs a berm along its shared southerly boundary (excluding driveway) with its neighbour at 3806 Denman Road, said berm to be a minimum height of 1.5 metres.”
- d. Section 6 Monitoring and Reporting Requirements – (c) i. remove the text “and a hydrograph showing continuous groundwater levels, temperature, electric conductivity and monthly periodic water volume totals”;
- e. Schedule “D” Water Champion Covenant Annual Report Template, In Scope – remove the sixth bullet and remove the “Well Monitoring Analysis” section entirely.

CARRIED**DE-2021-048****It was MOVED and SECONDED,**

that staff be requested to work with the applicant to amend Bylaw No. 239, Schedule B, Tenant Selection Procedure for Pepper Lane, to clarify that Indigenous people with ties to Denman Island who do not currently reside on Denman Island be considered as potential tenants on a par with current Denman Island residents, regardless of whether or not they meet all provisions in the Schedule.

CARRIED

Trustee Busheikin expressed her gratitude for this resolution that begins to welcome Indigenous people back to Denman Island, shifting the perspective in a meaningful way; and implies that when Pepper Lane units are available that outreach will be conducted at least to K'ómoks First Nation and welcoming their applications.

Trustee Critchley also wished to acknowledge and value the important reconciliation work that the Islands Trust is conducting. He pointed out that records indicate that the Pentlatch people disbursed to K'ómoks and Qualicum after the abandonment of Village Point; and acknowledged that we are mindful of their continuing connection to Denman Island.

By general consent the meeting recessed at 11:51 am and reconvened at 12:23 pm.

9.4 DE-RZ-2021.1 (Denman Housing Association (DHA)) - Staff Report

Planner Zupanec presented the Staff Report that addresses the rezoning application that proposes amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB) to transfer density between three parcels and draw upon the Denman Island Density Bank to enable the development of 20 units of rent-controlled, affordable housing in the Denman Village.

She advised that an updated site plan has been provided for the Commercial zone portion of the property. She outlined the additional information that the LTC is being asked to consider requesting for receipt prior to a Public Hearing, and suggested that staff be directed to prepare draft bylaws for future consideration.

Trustees discussed the application and noted that the provincial water license is an important element to the creation of a water management plan and advancement of the project.

DE-2021-049

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request staff to prepare for signature by the Chair a letter of support to the BC Water Licensing Branch for an expedited processing approval respecting the application of Denman Housing Association (a copy of which is attached) on the basis of community need and community benefit.

CARRIED

Discussion on the application continued with the following noted:

- A water management plan prepared by the applicant would address conservation measures being planned;
- The sewage treatment or approved system in this densely populated location will rely on professional or engineering reports to meet provincial requirements, address water recharge, and ensure adequate conditions to support the project;
- Trustees expressed concern that downslope properties' water quality not be negatively impacted by the project;
- Siting a densely populated residential unit in the Village Commercial zone across from the Community Hall might present late night noise issues. Staff will provide analysis and options for balance and flexibility between adjacent residential and commercial uses for LTC consideration;
- Consultation will provide an opportunity for the community to consider the balancing of factors that might be necessary to address a need for housing while blending with existing surroundings;
- Consideration might be given to including an electric car charging station at the site.

Chair Fast invited the applicant to speak. Simon Palmer's comments included the following:

- Reports from professionals provide assurances regarding proximity of the septic field and water sources;
- This development would provide ¼ of the necessary units of affordable housing on Denman Island as identified by the Islands Trust Housing Needs Report;
- The location has benefits that outweigh the disadvantages such as proximity to the school, ferry and grocery store;

- Islands Trust was thanked for working toward a best-case timeline; expeditious advancement was requested wherever possible as funding is competitive;
- The LTC was requested to allow the submission of the water license as late as possible, perhaps after the Public Hearing and as a condition to fourth reading to avoid delay.

DE-2021-050

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to enable application DE-RZ-2021.1 (Denman Housing Association).

CARRIED

DE-2021-051

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Land Use Bylaw, 2008, to enable application DE-RZ-2021.1 (Denman Housing Association).

CARRIED

DE-2021-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2021.1 (Denman Housing Association) to submit the following to the Local Trust Committee prior to a Public Hearing being considered/scheduled:

- a. Confirmation from a qualified professional that the receiver parcels PID 000-393-941 and PID 006-660-495 have adequate conditions to support community sewage treatment or other approved systems, compliant with the BC Sewerage System Regulation under the *Health Act* for the proposed increase in density;
- b. A copy of the provincial water license intended to supply water to the 20 units of affordable rental housing;
- c. A water management plan based on an approved provincial water license and expanding on the findings of the May 2021 hydrogeological assessment for 1151 Kirk Road, to address:
 - I. Peak and expected water demand calculations;
 - II. Water conservation commitments to exceed BC Building Code requirements;
 - III. Minimum onsite storage capacity for potable, non-potable, rainwater and fire suppression and types of storage being considered;
 - IV. Emergency considerations should temporary demand be greater than designed storage or well capacity;
 - V. Proposed plan for irrigation and grey-water re-use;
 - VI. Proposed groundwater monitoring and reporting; and
 - VII. Proposed storm water management.

In further discussion, Trustees considered that the receipt of the water license is an integral component of the application framework and expressed hope that the proposed letter to the BC Water Licensing Branch asking for expeditious processing will be successful. They acknowledged that waiting for a later submission of the water license is an approach that can be considered later in the process if desired.

CARRIED

DE-2021-053

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2021.1 (Denman Housing Association) enter into a cost recovery agreement with the Islands Trust for the purposes of drafting:

- a. A housing agreement for 20 units of affordable rental housing (Denman Green); and
- b. A restrictive covenant for compliance with BC Energy Step Code, water conservation and groundwater monitoring.

CARRIED

DE-2021-054

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to advise the applicant for DE-SUB-2021.1 (Pandesign Inc.) that a covenant or other legal instrument be registered on the "Commercial" zoned portion of lot PID 000-393-941, 1151 Kirk Road, to prevent the sale or transfer of the subdivided parcel until such time that application DE-RZ-2021.1 (Denman Housing Association) is completed, and that confirmation that this has been completed is submitted to the Islands Trust as soon as the subdivision of the subject property is registered on title.

CARRIED

DE-2021-055

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to report back on engagement with the Archaeological Branch and K'ómoks First Nation on whether an Archaeological Overview Assessment for the Commercial zoned portion of PID 000-393-941 (1151 Kirk Road) should be requested as a condition of the Local Trust Committee's consideration of an increase in density on the subject property through application DE-RZ-2021.1 (Denman Housing Association).

CARRIED

DE-2021-056

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to send an early referral of DE-RZ-2021.1 (Denman Housing Association) to the Denman Island Fire Department, the Islands Trust Conservancy and Islands Trust Freshwater Specialist for comment.

Trustees discussed including a referral to the Advisory Planning Commission and concurred that this might be considered in the future.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Business Case for Housing Project - Staff Report

Regional Planning Manager Kauer presented the Staff Report that includes a business case to accompany a potential request for project dollars to initiate a review of the OCP focusing on housing in the 2022/23 fiscal year.

- The grant for work on the Farm Plan Implementation first Top Priority has been conditionally approved; staff resources might be utilized to complete that project prior to work on the second Top Priority project on housing;
- Budget request timeline and process for the OCP and/or LUB housing project in fiscal 2022/23 were identified;
- The Regional Planning Team would be assigned a major project such as an update of the OCP and/or LUB relating to housing; Northern Office staff might provide analysis of bylaws to provide options to improve housing possibilities and remove regulatory barriers to initiate the process within the current fiscal budget.

Trustee discussion included the following:

- Affordable housing strategies might be addressed by the Regional Planning Committee on behalf of all Trust islands given the common themes;
- A strategy to initiating the budget request for the housing project while utilizing the grant from the IAF to complete the Farm Plan Implementation project was supported;
- The Farm Plan Implementation will remain the Top Priority number one.

DE-2021-057

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend the title of the second Top Priority Project to be “Denman OCP and LUB Housing and Short Term Rentals Review”.

CARRIED

DE-2021-058

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend the description of the second Top Priority Project by adding bullets that read:

- a. Implementation of recommendations listed in the Islands Trust Northern Region Housing Needs Assessment, 2018;
- b. Consideration of Section 473 of the *Local Government Act* regarding housing policies.

CARRIED

DE-2021-059

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Business Case for the Denman Affordable Housing project.

CARRIED

DE-2021-060

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff forward the Denman Affordable Housing project Business Case to the Islands Trust Financial Planning Committee for consideration of inclusion in the 2022/23 Islands Trust budget.

CARRIED

DE-2021-061

It was MOVED and SECONDED,

that if staff workload permits, staff develop a discussion paper analysing the opportunities for and barriers to affordable housing and increased housing options currently existing in the Denman Island Official Community Plan and Land Use Bylaw.

Trustee Busheikin spoke to the motion, observing that “increased housing options” might include a variety of types of housing such as affordable and market rate rentals, and entry level purchase ownerships. She suggested that different models of housing work such as that being done on Mayne Island might be explored as potential opportunities.

CARRIED

11. CORRESPONDENCE

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

Received.

12. NEW BUSINESS

12.1 Denman Community Land Trust Association (DCLTA) Housing Agreement - 2345 Chickadee Road - Schedule B – Memorandum

Received.

13. REPORTS

13.1 Trust Conservancy Report dated May 25, 2021

Chair Fast presented highlights from the report.

13.2 Applications Report dated June 28, 2021

Received.

13.3 Trustee and Local Expense Report

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

No changes requested.

14. WORK PROGRAM

14.1 Top Priorities Report dated June 28, 2021

No changes requested.

14.2 Projects List Report dated June 28, 2021

Received.

15. UPCOMING MEETINGS

**15.1 Next Regular Meeting Scheduled for Tuesday, September 7, 2021 at 10:30 am,
Location - to be determined**

Trustees confirmed the next regular meeting date and time.

16. INFORMATION ITEMS

16.1 News Release regarding upcoming Trust Council Meeting July 7-8

Received.

16.2 Highlights of June, 2021 Trust Council meeting

Received.

16.3 News Release regarding Surge of Development

Received.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

DE-2021-062

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (a), (d), (f) and (m) for the purpose of considering (a) appointments to the Advisory Planning Commission, (d) adoption of *In-Camera* Meeting minutes dated May 4, 2021, (f) Bylaw Enforcement, if council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment and (m) under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 2:38 pm.

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:38 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Follow Up Action Report

Denman Island

07-Feb-2019

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

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
<p>2 Amend Bylaw No. 229 (LUB) for LTC consideration:</p> <ul style="list-style-type: none"> a. Include TUP and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family; b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms; c. Reduce the lot line setback for feedlots from 50 m to 30 m. d Remove the term feedlot e. Add a new defined term, confined livestock area. f. remove agriculture as an accessory use in the R1 zone, while retaining horticulture as an accessory use in this zone; g remove the term intensive agriculture; h. amend the definition of horticulture to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner; i. permit the keeping of animals for personal use as an accessory use in the R1, R2, R3 zones. j. Remove horticulture as a permitted use in the A, F, and RE zones, while retaining agriculture as a principal permitted use in these zones. 	<p>Becky McErlean Sonja Zupanec</p>		In Progress

Follow Up Action Report

Denman Island

04-Jul-2019

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

03-Oct-2019

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

21-Jan-2020

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

08-Sep-2020

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

08-Sep-2020

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

19-Jan-2021

Activity	Responsibility	Dates	Status
1 LTC request that staff bring back a memo explaining the difference between a bed and breakfast and secondary suite, as per the Denman Land Use Bylaw.	Warren Dingman		In Progress

16-Mar-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

16-Mar-2021

Activity	Responsibility	Dates	Status
<p>1 DE-RZ-2017.1 (DCLTA- Pepper Lane) - Proposed Bylaw 233 given second and third reading. Forward to EC for consideration of approval and then Minister.</p> <p>Proposed Bylaw 234 amended (see minutes). Given second and third reading. Forward to EC for consideration of approval.</p> <p>Restrictive covenant: amended as per minutes. staff to work with applicant to ensure clauses c) and d) address neighbour's concerns regarding fencing, screening and noise. return draft language to LTC for consideration. Staff to provide alternatives to clause 6 c) to reduce or eliminate burden of expense on applicant.</p> <p>Housing Agreement: amended as per minutes. staff to return draft language to ensure qualified occupants includes indigenous people; tenant selection criteria address concerns around palliative care.</p>	<p>Becky McErlean Sonja Zupanec</p>		Completed

04-May-2021

Activity	Responsibility	Dates	Status
<p>1 Send letters to APC thanking for participation and inviting them to submit expressions of interest to be reappointed. Advertise for new expressions of interest.</p>	<p>Penny Hawley</p>		Completed

Follow Up Action Report

Denman Island

04-May-2021

Activity	Responsibility	Dates	Status
<p>2 Affordable Housing:</p> <p>1) request staff to prepare a discussion paper to list and analyze options to facilitate affordable housing and include strategies proved successful in the Trust Area and elsewhere.</p> <p>2) request staff to prepare a draft business case for a review of the Denman Island Land Use Bylaw and Official Community Plan, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing impacts of housing generally to better protect the environment while supporting equity, diversity and inclusion, and that this business case include the use of a consultant for all or part of the work.</p>	Heather Kauer		In Progress

File No.: DE-RZ-2017.1
(Denman Community Land
Trust Association)

DATE OF MEETING: September 7, 2021

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner
Northern Team

SUBJECT: Rezoning Application for Seniors Affordable Housing Development
Owner/Applicant: Bev Severn (Owner) and Doug Olstead (Agent/Applicant)
Location: 3730 Denman Road, Denman Island (PID 009-708-537)

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 239 cited as “Denman Island Housing Agreement Bylaw No. 239, 2020”, is amended as follows:
 - a. Terms of Instrument, Part 2 be amended to replace the Denman Community Land Trust Association address from 3900 Lacon Road to 3771 East Road.
 - b. Schedule B, Replace section 2. with the following text: “2. Only Seniors, that is, persons 65 years of age and over (to a maximum of 2 such persons) may apply for an Affordable Dwelling Unit. Seniors of all ethnicities and races including but not limited to all on-reserve and off-reserve, status and non-status, and self –identifying indigenous, Inuit and Metis 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) may become “tenants” upon entering into a tenancy agreement.
 - c. Schedule B, Section 9(i), 10(i) and 10(ii), add the words “Subject to Section 13 below” at the beginning of each subsection.
 - d. Schedule B, add a new section 13. That reads: “The requirements of subsections 9(i), 10(i) and 10(ii) will be waived for indigenous elders who are seniors and whose ancestry relates to those First Nations having territorial claims to Denman Island.
2. That Denman Island Local Trust Committee Bylaw No. 239, cited as “Denman Island Housing Agreement Bylaw No. 239, 2020”, be read a second time as amended.
3. That Denman Island Local Trust Committee Bylaw No. 239, cited as “Denman Island Housing Agreement Bylaw No. 239, 2020”, be read a third time.
4. That Denman Island Local Trust Committee Bylaw No. 239, cited as “Denman Island Housing Agreement Bylaw No. 239, 2020”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

Several minor changes are recommended to the Housing Agreement (Proposed Bylaw No. 239 – Attachment 1) to address the Local Trust Committee's request during the July 2021 meeting. Staff recommend the bylaw be amended and advance to third reading and forwarded to the Executive Committee of the Islands Trust for approval.

BACKGROUND

At their July 2021 business meeting, the LTC passed the following resolution:

DE-2021-048 It was MOVED and SECONDED,

that staff be requested to work with the applicant to amend Bylaw No. 239, Schedule B, Tenant Selection Procedure for Pepper Lane, to clarify that Indigenous people with ties to Denman Island who do not currently reside on Denman Island be considered as potential tenants on a par with current Denman Island residents, regardless of whether or not they meet all provisions in the Schedule. **CARRIED**

The DCLTA Board suggested several changes to Proposed Bylaw No. 239, shown as tracked changes in Attachment 1. The DCLTA Board requested the following change to Schedule B, Section 2:

“Seniors of all ethnicities and races, including but not limited to indigenous elders who are Seniors and whose ancestry relates to those First Nations having territorial claims to Denman Island, may become “Tenants” upon entering into a tenancy agreement.”

Staff, in consultation with the Senior Intergovernmental Policy Advisor, have presented alternative wording for Schedule B, Section 2 which is consistent with wording used in recent housing agreements in the Islands Trust:

“Seniors of all ethnicities and races including but not limited to all on-reserve and off-reserve, status an non-status, and self-identifying indigenous, Inuit and Metis people may become “Tenants” upon entering into a tenancy agreement.”

Staff reports and associated information for rezoning application DE-RZ-2017.1 (DCLTA) are available on the Islands Trust website under Denman Island, [Current Applications](#).

Rationale for Recommendation

The bylaw amendments are consistent with LTC direction. Staff recommendations are found on Page 1 of the staff report.

NEXT STEPS

Should the LTC concur with the staff recommendation, staff will update the bylaw with the approved changes and post to the web and forward to the Executive Committee for approval.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	July 29, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	July 30, 2021

ATTACHMENTS

1. Proposed Bylaw No. 239 (Housing Agreement)

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 239

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. 239, 2020”.

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 3RD DAY OF NOVEMBER , 2020

READ A SECOND TIME THIS 6TH DAY OF JULY , 2021

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

Housing Agreement and Section 219 Covenant

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

Denman Community Land Trust Association a society incorporated under the laws of the province of British Columbia and having its office at ~~3900 Lacon~~3771 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 _____ Denman Road on Denman Island British Columbia and legally described as:

[Insert Legal Description of Lands]

(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. 1, 2019 and Denman Island Official Community Plan, 2008, Amendment No. 1, 2019 has been put in place to permit the development of a seniors' affordable housing project;
- C. The Owner intends to rent the units in the housing project, by way of a Tenancy Agreement, at an affordable rate to Qualified Occupants;
- D. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of Dwelling Units located on those lands;
- E. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;

F. The Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement; 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 to Seniors on an affordable basis as set out in this agreement;

“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;

“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;

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

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

“Senior” means a person 65 years of age or older;

“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;

“Tenant” means a Senior who has entered into a Tenancy Agreement;

“Tenancy Agreement” means an agreement between a landlord and a tenant respecting possession of an Affordable Dwelling Unit, use of common areas and services and facilities, and includes a licence to

occupy an Affordable Dwelling Unit.

- 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:
 - i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any permit issued for the Lands by the Local Trust Committee and this Agreement;
 - ii. it will design and construct not less than eight Dwelling Units on the Lands provided that construction may, at the sole discretion of the Owner, proceed in stages;
 - iii. all Dwelling Units located on the Lands will be used only as Affordable Dwelling Units pursuant to the terms of this Agreement;
 - iv. it will maintain the Affordable Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands; and
 - v. the Affordable Dwelling Units will only be used and occupied by Qualified Occupants as a permanent, principal, and sole residence pursuant to a Tenancy Agreement.
- 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. the Owner will only select Tenants in accordance with the Tenant Selection Procedure set out in Schedule B;
 - ii. prior to entering into a Tenancy Agreement, the Owner will ensure that each Qualified Occupant who will reside in an Affordable Dwelling Unit meets the applicable criteria set out in Schedule B;
 - iii. the Affordable Dwelling Units will only be occupied by Qualified Occupants whose Annual Household Income has not, in any of the previous three years, exceeded 160% of the most recently published before tax Low Income Cut-offs, for rural areas and with a family size that corresponds with the number of Qualified Occupants residing in an Affordable Dwelling Unit, as determined and published from time to time by Statistics Canada or its successor in function. If Statistics Canada discontinues the publication of the Low Income Cutoff, the Owner may substitute a similar monetary amount based upon available statistical information (adjusted to economic circumstances on Denman Island) which estimates the minimum income required to meet basic living needs and which, for example, may include reference to the CMHC Core Needs Income Threshold.;
 - iv. an Affordable Dwelling Unit will not have more than two total occupants, and if the Affordable Dwelling Unit has two occupants, the composition of the occupants shall be:
 - 1) two Seniors related through blood or marriage or that have a marriage-like relationship; or

2) one Senior and one Family Member.

v. only Seniors shall be parties to an Affordable Dwelling Unit's Tenancy Agreement, that is, a Family Member shall not be a Tenant; and

vi. a Tenancy Agreement for an Affordable Dwelling Unit will identify each Qualified Occupant who will be residing in an Affordable Dwelling Unit.

d. **Tenancy** – The Owner covenants and agrees to:

i. include in every Tenancy Agreement for an Affordable Dwelling Unit a term:

- 1) requiring the Tenant and each permitted occupant of the Affordable Dwelling Unit to comply with this Agreement;
- 2) entitling the Owner to terminate the Tenancy Agreement if the Tenant or a permitted occupant of the Affordable Dwelling Unit fail to comply with this Agreement;
- 3) entitling the Owner to terminate the Tenancy Agreement if the Affordable Dwelling Unit is made available as a short-term vacation rental; and
- 4) entitling the Owner to terminate the Tenancy Agreement if the Affordable Dwelling Unit is occupied by a person or persons other than the Qualified Occupants identified in the Tenancy Agreement;

ii. not consent to the subletting of an Affordable Dwelling Unit or an assignment of a Tenancy Agreement governing an Affordable Dwelling Unit;

iii. deliver to the Trust Committee a true copy of every Tenancy Agreement entered into in respect of any Affordable Dwelling Unit within 10 days of any request to do so; and

iv. specify in every Tenancy Agreement the existence of this Agreement and the occupancy restrictions applicable to the Unit, and provide to each Tenant, upon their request, a copy of this Agreement.

e. **Rental rates** - The Owner covenants and agrees that it will:

i. not charge any Tenant a rent for an Affordable Dwelling Unit, exclusive of utilities, that on an annual basis is greater than 30% of the Annual Household Income of all Qualified Occupants of the Affordable Dwelling Unit, provided 'rent' does not include any sums received by way of institutional rent subsidy or rent assistance available from time to time; and

ii. not require a Tenant under a Tenancy Agreement to pay any extra charges or fees for use of septic services or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges. For metered water, each

Affordable Dwelling Unit located on the Lands will be allocated a share of the usage permitted under a water licence issued by the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development. A Tenant will be required to pay a penalty if their consumption exceeds their allocation.

- 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 June of each year, a completed statutory declaration, substantially in the form attached as Schedule A sworn by the Owner, in relation to the Units. The Owner irrevocably authorizes the Trust Committee to make inquiries 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. 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 Society.
- i. **No Transfer** – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the Society Act, having as its objective the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization.
- j. **Society Standing** – The Owner must maintain its standing as a society under the Society 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 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 a 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 Commercial Arbitration Act of 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 housing 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 and Termination** – 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.

ii. **Interpretation** – In this Agreement:

i. the word "enactment" has the meaning given in the Interpretation Act on the reference date of this Agreement;

ii. reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

iii. reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided.

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.

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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 Community Land Trust Association, the Owner of the land known as Pepper Lane, Denman Road, Denman Island, legally described as: *[Insert Legal Description of Lands]* (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

DENMAN COMMUNITY LAND TRUST ASSOCIATION TENANT SELECTION PROCEDURE FOR PEPPER LANE

1. A vacancy for an Affordable Dwelling Unit at Pepper Lane shall be advertised by Denman Community Land Trust Association (“the Owner”) in at least two editions of one or more publications circulated on Denman Island.
2. Only Seniors, that is, persons 65 years of age and over (to a maximum of 2 such persons) may apply for an Affordable Dwelling Unit. Seniors of all ethnicities and races including but not limited to all on-reserve and off-reserve, status and non-status, and self-identifying indigenous, Inuit and Metis 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) may become “tenants” upon entering into a tenancy agreement.
3. Where the applicant consists of only 1 Senior, 1 additional person who is under 65 years of age and related to the Senior (a “Family Member”) may occupy an Affordable Dwelling Unit, but a Family Member may not enter into a tenancy agreement for, or become a tenant of, an Affordable Dwelling Unit. However, where a tenancy agreement comes to an end due to the Tenant’s death or voluntary surrender of that agreement, any Family Member who then meets all the age, income, asset and other requirements herein will be offered the opportunity to enter into a new lease for that Affordable Dwelling unit on similar terms
4. Quiet, friendly pets weighing less than 30 pounds may be allowed at Pepper Lane if specifically approved in writing by a tenant selection committee which in exercising its discretion shall take into account, among other things, the number and kind of pets already in residence.
5. Smoking is prohibited inside all Affordable Housing Units. Tenants may smoke outside at Pepper Lane provided the smell cannot be detected in or nearby any of the other Affordable Housing Units.
6. Applicants must meet the following financial requirements:
 - i) the combined gross annual income of the applicant(s) and any Family Member for the previous three years must not exceed 160% of the Before Tax Low Income Cutoff for Rural Areas for 1 or 2 persons, as applicable, as determined by Statistics Canada* or its successor agency;
 - ii) the aggregate household assets of the applicant(s) must not exceed \$60,000. Similarly, the aggregate household assets of the Family Member must not exceed \$60,000 (These limits shall be adjusted annually beginning in 2021 based on the Consumer Price Index rate of inflation for Victoria as calculated by Statistics Canada). Assets included for valuation are: cash, funds on deposit, stocks, bonds, term deposits, annuities, mutual funds, equity in a business or real estate, RRSPs and RRIFFs. Assets excluded for valuation are: personal jewelry, furniture, a vehicle for personal use, bursaries and scholarships, and trade tools for employment.

7. Applicants shall obtain from the Owner such application form as it may prescribe from time to time and in returning the completed form to the Owner shall include verification of the financial information above required, including:

- i) copies of the 3 most recent years' Notice of Assessment from Canada Revenue Agency;
- ii) a statement of assets included for valuation as detailed in section 6 ii) above.

8. Applicants who meet these financial qualifications shall be referred to a tenant selection committee which shall be composed of not less than five people appointed by the directors of the society. The committee members need not be affiliated with the Owner but must be residents of Denman Island who have been such for not less than three years. Where possible, the committee will include two members nominated by two other charitable societies on Denman Island (one nominee per society) and a retired or practicing physician. Committee members must not be related to, or close friends with, any of the people who are then applying for a tenancy.

9. The committee shall screen applicant(s) and any Family Member to determine those who meet the following mandatory requirements:

- i) Subject to section 13 below, the applicant(s) must have been primarily resident on Denman Island for at least the two years preceding the consideration of the application;
- ii) the applicant(s) must have provided satisfactory references to establish that they would be responsible Tenant(s), i.e. would pay rent promptly, cause no damage, and create no nuisance; and
- iii) any Family Member must provide satisfactory references to establish that they would be a responsible occupant i.e. would cause no damage and create no nuisance.

10. From the qualified applicants, the committee will select the Tenant(s) after due consideration of the following criteria:

- i) Subject to section 13 below, the length of the applicant's and any Family Member's connection to Denman Island;
- ii) Subject to section 13 below, the contribution of the applicant and any Family Member to Denman Island through paid or volunteer work;
- iii) the degree of unsuitability of the applicant's present housing;
- iv) the degree of suitability of the personal characteristics of the applicant and any Family Member to the type of accommodation and living arrangement offered at Pepper Lane; and
- v) all things being equal between competing applicants, to meet the needs of as many as possible, preference shall be given to a couple over a single applicant.

11. Upon selecting Tenant(s), the committee shall:

- i) promptly advise all qualified applicants of their decision;
- ii) maintain a waiting list of those qualified applicants still seeking residence at Pepper Lane.

* If Statistics Canada discontinues the publication of the Low Income Cutoff, the Owner may substitute a similar monetary amount based upon available statistical information (adjusted to economic circumstances on Denman Island) which estimates the minimum income required to meet basic living needs and which, for example, may include reference to the CMHC Core Needs Income Threshold.

12. Tenants at Pepper Lane will be entitled to age in place provided they arrange for any medical or other personal assistance they require.

~~12.~~13. The requirements of subsections 9(i), 10(i) and 10(ii) will be waived for indigenous elders who are seniors and whose ancestry relates to those First Nations having territorial claims to Denman Island.



ISLANDS 2050 BYLAW REFERRAL FORM

Islands Trust – Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8
islands2050@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: July 22, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 90 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 25 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island Municipality. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement furthers the mandate of the Islands Trust, in cooperation with the Province and other agencies. Please note that the Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs before Trust Council can adopt this bylaw.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#).

On Wednesday, July 28, 2021, from 1:00 p.m. to 3:00 p.m., Islands Trust will be hosting a Zoom webinar to provide information to referral agencies on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar: <https://islandstrust.zoom.us/j/nyXptbv6RWugCwftiQyJmA>

After registering, you will receive a confirmation email containing information about joining the webinar.

If you are unable to attend on this day, the session will be recorded and posted to the [Islands 2050 webpage](#) on the Islands Trust website.

Please return the response form by **Tuesday, October 22, 2021** to islands2050@islandstrust.bc.ca

OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the Draft New Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: David Marlor

Title: Director, Local Planning Services

This referral has been sent to the following agencies:

Federal Agencies

Environment and Climate Change
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)
Transport Canada
Parks Canada

Regional Agencies

Capital Regional District
Comox Valley Regional District
Cowichan Valley Regional District
Metro Vancouver Regional District
Nanaimo Regional District
qathet Regional District
Sunshine Coast Regional District

School District Boards

School District No. 45 (West Vancouver – Gambier)
School District No. 46 (Gambier)
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)
School District No. 68 (Gabriola/Ballenas Winchelsea)
School District No. 69 (Lasqueti/Ballenas Winchelsea)
School District No. 71 (Denman/Hornby)
School District No. 79 (Thetis)

First Nations

Cowichan Tribes
SXIMELEŁ (Esquimalt) Nation
Halalt First Nation
Homalco First Nation
K'ómoks (Comox) First Nation
Klahoose First Nation
Lake Cowichan First Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
xʷməθkʷəy̓əm Musqueam Indian Band
BOKÉĆEN (Pauquachin) First Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
Semiahmoo First Nation
Shíshálh (Sechelt) Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw (Nanaimo) First Nation
Lekwungen (Songhees) Nation
Skwxwú7mesh (Squamish) Nation
Stz'uminus First Nation
Tla'amin (Sliammon) First Nation
T'Sou-ke (Sooke) Nation
WJOLEŁP (Tsartlip) First Nation
S7ÁUTW (Tsawout) First Nation
Tsawwassen First Nation
Tsleil-Waututh/ Səlílwətaʔ/Selilwitulh (Burrard Inlet) Nation
WŚIKEM (Tseycum) First Nation
We Wai Kai (Cape Mudge) First Nation
Wei Wai Kum (Campbell River) First Nation

Treaty Groups

Nanwakolas Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Naut'sa mawt Tribal Council
Te'Mexw Treaty Association

Adjacent Local Trust Committees and Municipalities

Ballenas-Winchelsea Islands Local Trust Committee
Bowen Island Municipality
Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Islands Trust Conservancy Board

Provincial Agencies

Agricultural Land Commission
Attorney General (Housing Policy Branch)
BC Ferries
Ministry of Agriculture
Ministry of Energy, Mines and Petroleum Resources
Ministry of Environment and Climate Change Strategy
Ministry of Environment and Climate Change Strategy (BC Parks and Conservation Officer Service Division)
Ministry of Environment and Climate Change Strategy (Climate Action Secretariat)
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
Ministry of Health
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)
Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
Ministry of Transportation and Infrastructure on Vancouver Island and South Coast

Improvement District Boards

Gabriola Fire Protection District
Graham Lake Improvement District
Schmidt Improvement District
Galiano Estates Improvement District
Gossip Island Improvement District
Montague Improvement District
Spanish Hills Improvement District
Wise Island Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Lighthouse Point Waterworks District
Mayne Island Improvement District
Village Point Improvement District
Georgina Improvement District
Razor Point Improvement District
Trincomali Improvement District
Harbour View Improvement District
Mount Belcher Improvement District
North Salt Spring Waterworks District
Piers Island Improvement District
Salt Spring Island Fire Protection District
Scott Point Waterworks District
Saturna Shores Improvement District
Thetis Island Improvement District
Vaucroft Improvement District

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐
 Approval Recommended for Reasons Outlined Below
- ☐
 Approval Recommended Subject to Conditions Outlined Below
- ☐
 Interests Unaffected by Bylaw
- ☐
 Approval Not Recommended Due to Reason Outlined Below

Islands Trust Area (Islands 2050)

(Island)

(Signature)

(Date)

TC 183

(Bylaw Number)

(Title)

(Agency)



IFile No.: 6500-20
(Denman Farm Regulations
Review)

DATE OF MEETING: September 7, 2021
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, 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 endorse the Denman Island Farming Regulations Review Project Charter dated September 7, 2021.

REPORT SUMMARY

The purpose of this report is to advise the Denman Local Trust Committee (LTC) of project funding securement for the Denman Farm Regulations Review Project (formerly the Denman Farm Plan Implementation Project), and to provide a revised project charter (Attachment 1) for their endorsement.

BACKGROUND

The LTC passed the following resolution without meeting on April 20, 2021 regarding this project:

DE-RWM-2021.3

It was MOVED and SECONDED,

That the Denman Island Local Trust Committee request staff to prepare and submit an application for the 'Local Government Partnership Program – Investment Agriculture Foundation' by the May 17, 2021 deadline, to implement the 'Denman Farm Plan project.'

CARRIED

Since then, an application to BC Investment Agriculture Foundation (IAF) was submitted by staff. On July 21, 2021 final approval was granted in the amount of \$18,000.00 as a 50% contribution towards the project. See Analysis below for more detail on the award.

ANALYSIS

Issues and Opportunities

BC Investment Agriculture Foundation (IAF) Funding Grant

Islands Trust was recently awarded a 50% contribution grant of \$18,000.00 from IAF towards this Denman LTC project to be utilized by August 1, 2022. A Contribution Agreement is now signed between the parties committing Islands Trust to delivering the project as described in the application. The main commitments of Islands Trust are:

- to support this project with a 50% contribution: \$8,000.00 from budget sources and \$10,000.00 in kind staff support (contribution spans 2021-2022 and 2022-2023 fiscal years);
- to hire a land use planning consultant as the lead planner to undertake research, analysis, engagement, bylaw drafting and provide report recommendations;
- to update the inventory of Agricultural Land Reserve land and activities;
- that staff manage the project, review draft recommendations from the consultant, and provide support in respect of mapping/data and general meeting and website administration;
- that funding acknowledgement requirements are met;
- to include 3-4 Advisory Planning Commission meetings, 2 in person or electronic community information meetings; and
- that staff provide a progress report to IAF on April 1, 2022 and a final report on September 30, 2022.

Revised Project Charter

Staff have provided a revised draft project charter (Attachment 1) for LTC consideration, based on the original Farm Plan Implementation Project Charter (Attachment 2). Staff is recommending to advance this project:

- from where the Farm Plan Implementation Project essentially left off, because of the substantial amount of work that has already been completed, including the following: both bylaws were given first reading and were presented at a community information meeting (August 2, 2018) and a facilitated community workshop (April 24, 2019). Extensive referral responses from the Advisory Planning Commission and Growers and Producers Alliance have been received and incorporated into the bylaws; and
- to incorporate the conditions and timeframe of the funding agreement.

The Purpose remains the same as the previous project charter and the Background is revised to recognise the most recent changes that have led to the current status of this project.

Objectives and Scope

Objectives remain the same as previous, with the addition of building upon the past work of the Denman Farm Plan Implementation Project. In Scope is revised to include activities as outlined in the conditions of the funding agreement. Out of Scope remains the same as previous.

Workplan and Deliverables

The revised project charter is divided into three phases and anticipates a completion date by 2023. The three phases are as follows:

Phase 1: Project Initiation - Fall 2021 to Winter 2021/22

During this phase, once the consultant is hired, the main activities will be to develop a community engagement plan, review the Farm Plan project work, review relevant legislation/regulation/standards, and to conduct a community questionnaire/survey. The LTC will consider endorsement of a draft engagement plan and draft survey/questionnaire before they are executed.

Staff recommend that the public participation level for this project should be “consult” on the International Association for Public Participation (IAP2) spectrum (Attachment 3). “Consult” in the IAP2 framework is implemented with the following intent:

Public Participation Goal:

“To obtain public feedback on analysis, alternatives and/or decision.”

Promise to the Public:

“We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.”

Phase 2: Consultation and Bylaw Development - Winter 2021/22 to August 1, 2022

During this phase, engagement will be executed in accordance with the engagement plan along with re-development of bylaws to draft stage. August 1, 2022 is the date in which draft bylaws must be completed as established in the IAF funding agreement.

Phase 3: Legislative Process and Implementation - Summer 2022 to 2023

The third and last phase of the project will see the draft bylaws through readings, any further engagement, referrals, public hearing, approvals, adoption and final communications regarding the bylaw amendment.

Budget

Current budget sources for Phase 1 (within 2021-2022 fiscal year) are as follows:

- \$3,500.00 – Denman LTC Project funds
- \$9,000.00 – BC IAF

Proposed budget sources for Phase 2 and Phase 3 (within 2022-2023 fiscal year) are as follows:

- \$4,750.00 – Denman LTC Project funds
- \$9,000.00 – BC IAF

Denman LTC Project funds would total \$8,070.00, which would ensure the \$8,000.00 contribution to the project from Islands Trust. BC IAF is contributing \$9,000.00 this fiscal and the remaining \$9,000.00 next fiscal.

Note: that as a part of the funding agreement with IAF, Islands Trust has committed to \$10,000.00 in kind staff support over the course of the project. Staff support (or staff wages) are typically not included in project charter budgets.

Staff do not anticipate a need for further Project funds other than the \$3,500.00 already allotted to cover costs for this fiscal year. For the 2022-2023 fiscal year, staff estimate that \$4,750.00 of LTC Project funds will be needed to cover remaining costs of the project. The need for further Project funds can be re-assessed and addressed closer to the close of Phase 2.

Advisory Planning Commission

Staff suggest that either an Agricultural Advisory Planning Commission is established or that the current Denman Advisory Planning Commission (APC) is utilized so as to assist the consultant with engagement plan development during Phase 1, and to be referred draft bylaws during Phase 2. Staff recommend that utilizing the current APC is easier since it is already established and the given the time constraint to have the engagement plan completed by winter 2021/22. Efforts to establish an Agricultural APC may add delay the project’s progress, which could compromise the funding agreement and funding with IAF. If utilizing the APC, staff would plan to invite targeted participation in engagement activities with the Denman Growers and Producers Alliance and other relevant stakeholders.

Rationale for Recommendation

Staff recommend LTC endorsement of the revised the project charter for the Denman Island Farm Review Project following the funding contribution award from the BC IAF. Refer to the formal recommendation, included on Page 1 of the report.

ALTERNATIVES

1. Amend the Project Charter

The LTC may want to amend the revised project charter. Implications of making changes to the project charter are the following:

- If the amendments are minor and can be made at the meeting, then the charter can be endorsed at as amended.
- If the amendments are major, staff would return to a subsequent meeting with an amended charter for endorsement.

Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee requires staff to amend the Denman Island Farming Review Project Charter by [insert requested changes].

NEXT STEPS

Should the LTC endorse the revised project charter, staff will undertake the following next steps:

- Staff will continue to proceed with the process to retain a land use planning consultant to undertake research, analysis, community engagement, bylaw drafting and report recommendations.
- Further to the status update on the bylaws in the March 16, 2021 Memorandum to the LTC, staff will work with the consultant and legislative clerk to evaluate how to best proceed with proposed Bylaw Nos. 228 and 229.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	August 26, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	August 27, 2021

ATTACHMENTS

1. Revised Project Charter, dated September 7, 2021
2. Project Charter, dated February 7, 2019
3. International Association for Public Participation (IAP2) spectrum

Denman Island Farming Regulations Review – Project Charter

Denman Local Trust Committee

Date: September 7, 2021

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

Background: *This top priority project, originally named the Farm Plan Implementation Project, was put on hold in May 2019 due to re-prioritizing of staff resources. The project is now reinvigorated after receipt of a 50% contribution of \$18,000.00 in grant funding of from British Columbia Investment Agriculture Fund, to be utilized for the development of draft bylaws amendments.*

Objectives

- To prepare bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw, which implement Farm Plan Recommendations 11, 13, 14 and which align with the ALC Act and Regulation.
- To amend the LUB definition of agriculture, intensive agriculture, feedlot and establish appropriate LUB setbacks for intensive agriculture and feedlots.
- To engage community members, the Advisory Planning Commission (APC), Growers and Producers Alliance (GPA) and other stakeholders in the development of policies and regulations to implement the farm plan.
- Review and build on past work undertaken during the Denman Farm Plan Implementation Project.

In Scope

- Update inventory of ALR land & activities data.
- Regulatory review of changes & updates to the Agricultural Land Commission (ALC) Act and Regulations, & other relevant legislation, regulations and standards.

Out of Scope

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

Workplan Overview

Phase 1: Project Initiation	Date
LTC endorses project charter	Sept. 7, 2021
Retain land use planning consultant to undertake engagement planning and activities, bylaw drafting	Early Fall 2021
Establish an Agricultural Advisory Planning Commission (APC) or utilize current APC	Sept./Nov. 2021
Review Farm Plan Implementation Project work, including proposed bylaws; review changes and updates to relevant legislation, regulation and standards etc.	Early Fall – Winter 2021/22
Update inventory of ALR land and activities data	Early Fall – Winter 2021/22
Consultant to develop a community engagement plan to be endorsed by the LTC	Early Fall – Winter 2021/22
Conduct a community questionnaire/survey	Winter 2021/22
Phase 2: Consultation and Bylaw Development	Date
Community engagement as per plan	Winter 2021/22 – June 2022
Development of draft bylaws	Winter 2021/22 – early summer 2022
Completion of draft bylaws	August 1, 2022
Phase 3: Legislative Process and Implementation	Date
Public engagement as per Plan – cont.	Summer 2022 – Winter 2022/23
Bylaw readings, public hearing, approvals, adoption	2022-2023
Bylaw consolidation, post bylaw adoption communications	2022-2023

Project Team	
Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Land Use Planning Consultant	Research, analysis, engagement, bylaw drafting
GIS Technician	Mapping support
Office Administrative Assistant, Planning Team Assistant, Legislative Clerk	Administrative and legislative support
RPM Approval: <i>Heather Kauer</i> Date: 2021-08-26	LTC Endorsement: Resolution #: Date: xxx

Budget		
Budget Sources: 2021-2022: DE LTC Farm Plan: \$3,500.00; BC IAF: \$9,000.00 2022-2023: DE LTC Farm Plan: \$4,750.00*; BC IAF: \$9,000.00 *pending		
Fiscal	Item	Cost
2021-2022	Phase 1: Project Initiation <ul style="list-style-type: none"> Research, analysis, development of engagement plan Update inventory of ALR land and activities data 	9,000.00
2022-2023	Phase 2: Consultation and Bylaw Development <ul style="list-style-type: none"> Undertake engagement plan Draft bylaws 	12,250.00
2022-2023	Phase 3: Legislative Process <ul style="list-style-type: none"> Engagement cont., referrals Legal review public hearing Bylaw amendment communications 	4,750.00
	Total	26,000.00
Note: the Islands Trust in-kind contribution of staff support, agreed to in the IAF funding agreement in the amount \$10,000, is not reflected in the budget.		

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

Date: February 7 2019

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

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

Objectives

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

In Scope

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

Out of Scope

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

Workplan Overview

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

Project Team

Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Island Planner/Planner 2	Project Support
RPM Approval: Ann Kjerulf Date:	LTC Endorsement (amended): Resolution #: DE-2019-011 Date: 7 February 2019

Budget

Budget Source: Denman Farm Plan Implementation Project

Fiscal	Item	Cost
2018-2019	Community consultation event; advertising, legal review	\$3600
2019-2020	Public hearing	\$1,000
	Total	\$4,600⁴⁷

IAP2 spectrum

developed by the international association for public participation

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.



DATE OF September 7, 2021

MEETING:

TO: Denman Island Local Trust Committee

FROM: Heather Kauer, Regional Planning Manager
 Northern Office

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

RECOMMENDATION

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

REPORT SUMMARY

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

BACKGROUND

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

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

The draft bylaw is included as Attachment 1, and for comparison, a track changes version of bylaw no. 52 is included as Attachment 2.

ANALYSIS

Housekeeping

The Denman Island Siting and Use Permit bylaw has outdated references to Provincial Legislation. The proposed bylaw would update these references. In addition, when the Siting and Use Permit bylaw was originally adopted, there was a particular application form that was used and that form was attached to and adopted as part of the bylaw. Islands Trust no longer uses the form attached to the original bylaw. Current best practice also dictates that forms not be attachments to bylaws making them simpler to amend and update when necessary. The proposed bylaw eliminates reference to this form.

Site plans – drafting

For most application types within the Islands Trust, one of the application requirements is “a Site Survey completed by a registered BC Land Surveyor (BCLS),” so it isn’t an unusual requirement, even within the Trust. However, none of the Denman bylaws currently require that a site plan submitted with a Siting and Use Permit application form be professionally drafted. Applicants have the option of drafting the site plans themselves. While this minimizes the cost of the application process for the applicant, this situation is challenging for a number of reasons:

1. **Applicant error:** Often applicants are not experienced in drafting site plans so provide plans that are missing relevant information or provide information that proves inaccurate after the Planner reviews the application. This causes a situation in which the Planner asks for revised site plans multiple times from the applicant. This is a common scenario, occurring with approximately 85% of the Siting and Use Permit applications we receive. The fee associated with siting and use permit applications (\$220) doesn’t typically cover the cost associated with the hours that planners spend asking for and reviewing updated site plans from inexperienced applicants.
2. **Lack of verification:** Without professional measurements, site plans submitted by applicants are at best a good guess at the location of buildings and structures. Planners aren’t professional surveyors either and aren’t able to definitively determine whether buildings and structures actually meet the setback or lot coverage requirements of the Denman Island Land Use Bylaw. This undermines the whole purpose of the bylaw and permitting process. Conversely, if a site plan is drafted by a professional, staff can be reasonably sure that the site plan is accurate and determine if the proposal meets the bylaw requirements.

The most reliable way for staff to ensure that proposed development on Denman Island is consistent with the Denman Island Land Use Bylaw when reviewing a Siting and Use Permit application would be to require a site survey with every application. This is standard practice in most if not all other jurisdictions in British Columbia. However, staff understand the logistical and financial challenges of getting a surveyor to Denman Island. With this understanding, staff’s recommended bylaw proposes to only require a site survey in cases where the buildings or structures are proposed to be one metre or less from a required setback. As an illustration, consider the following table:

Required Setback	Proposed setback	Needs a Survey?
15 metres from Natural Boundary of the Sea	16.5 metres	No
	15.5 metres	Yes
8 metres from front lot line	9 metres	No
	8.5 metres	Yes

Consultation:

No public consultation is required or recommended for this draft amendment bylaw.

Options:

The LTC has a few options beyond the recommendations of staff. Potential motions for these options are listed in the Alternatives section of this staff report below. Specific options contemplated by staff are as follows:

1. **Decline to require a survey with any application:** The LTC has the option of only amending the bylaw with the “housekeeping” items identified by staff. The result of not requiring a survey for any application will be continued staff time spent trying to obtain an accurate site plan from applicants and lack of assurance that proposed development is compliant with the Denman Island Land Use Bylaw.
2. **Require a survey with every application:** The LTC has the option of requiring a professionally drafted site survey with every application. This would be the most effective way to ensure that every application meets the provisions of the Denman Island Land Use Bylaw. As of the writing of this report, it’s estimated that depending on the complexity of a survey, the average cost of a survey across Canada is in the range of \$380 to \$540¹.
3. **Conduct public consultation:** The LTC has the option of requesting staff to undergo some form of public consultation for this bylaw. As this amendment process is not an LTC “project,” staff would anticipate that a process of this nature would be minimal; likely in the form of the draft bylaw being posted to the Islands Trust website and an advertisement posted in local publication(s) requesting comment during a defined comment period.

¹ <https://homeguide.com/costs/land-survey-cost>

Rationale for Recommendation:

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

ALTERNATIVES

1. Adopt housekeeping amendments only

The LTC may wish to amend the Denman Island Siting and Use Permit bylaw by only addressing housekeeping amendments and not requiring a survey for any application. If the LTC chooses this option, a proposed motion would be:

That the Denman Island Local Trust Committee request staff amend draft Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021 by excluding any requirements for site surveys and bringing back an amended draft bylaw for consideration at a future meeting.

2. Require site surveys drafted by a BCLS surveyor for every Siting and Use Permit application

The LTC may wish to require a survey with each siting and use permit application. If this option is chosen, a proposed motion would be:

That the Denman Island Local Trust Committee request staff amend draft Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021 by including a requirement that all applications include a site survey drafted by a BC land surveyor and bringing back an amended draft bylaw for consideration at a future meeting.

3. Seek public comment on draft bylaw prior to 2nd reading

The LTC may wish to only give the proposed bylaw first reading and seek public comment. If this option is chosen, the LTC would pass an amended version of recommendation number two of this report to only include first reading and also submit the following motion:

That the Denman Island Local Trust Committee request staff post proposed Bylaw No. 240 cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021", at 1st reading on the Islands Trust website and advertise a six week comment period.

NEXT STEPS

Should the LTC decide to give this draft bylaw all three readings, staff have also recommended that the LTC forward the bylaw to the Executive Committee for approval.

Submitted By:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	August 24, 2021
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ATTACHMENTS

1. Draft Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021
2. Track changes version of Bylaw No. 52

DRAFT

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 the "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.

DRAFT

"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	____ ^{xx}	DAY OF	____	, 20XX
READ A SECOND TIME THIS	____ ^{xx}	DAY OF	____	, 20XX
READ A THIRD TIME THIS	____ ^{xx}	DAY OF	____	, 20XX
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS				
	____ ^{xx}	DAY OF	____	, 20XX
ADOPTED THIS	____ ^{xx}	DAY OF	____	, 20XX

SECRETARY

CHAIRPERSON

DENMAN ISLAND

SITING AND USE PERMIT BYLAW NO. **52240**

~~AS AMENDED BY DENMAN ISLAND TRUST COMMITTEE BYLAWS: 58, 146 and 160~~

NOTE: This Bylaw is consolidated for convenience only and is not be construed as a legal document.

Certified copies of the Siting and Use Permit Bylaw are available from the Islands Trust Office,
2nd Floor, 1627 Fort Street, Victoria, BC V8R 1H8

Consolidated ~~August, 2004~~

BYLAW AMENDMENTS

This copy is consolidated for convenience only and includes the following **text** amendments:

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 58	Amendment No. 1, 1990	September 14, 1990
Bylaw No. 146	Amendment No. 1, 2002	April 26, 2002
Bylaw No. 160	Amendment No. 1, 2003	December 17, 2003

**DENMAN ISLAND TRUST COMMITTEE
BYLAW NO. ~~52~~240**

A Bylaw to Require and Define Procedures for Application for Siting and Use Permits in compliance with Denman Island Official Community Plan No. ~~35~~185, ~~1987-2008~~ and Denman Island Land Use Bylaw No. ~~40~~186, ~~2008~~1989.

WHEREAS the Denman Island Local Trust Area is not subject to a requirement established under ~~Part 21 of the Municipal Act~~ 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. ~~40~~186, ~~1989-2008~~ 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. ~~1989~~1996, enacts as follows:

1. Title

This bylaw may be cited for all purposes as the "Denman Island Trust Committee Siting and Use Permit Bylaw No. ~~52~~240, ~~1990~~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.

32. 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.

34. 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.

45. Interpretation

In this bylaw definitions contained in Section ~~3-1.1~~ of the Land Use Bylaw apply, with the addition of the following:

"Approval" means approval in writing from the person specified in Section ~~5-6~~ 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.

56. Administration

~~56.1~~ This Bylaw shall be administered by the Secretary of the Islands Trust or a designate specified by the Secretary.

~~56.2~~ 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.

~~56.3~~ 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.

67. Application Procedures

~~67.1~~ 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.

~~67.2~~ 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.

~~(a) be submitted to the Islands Trust office on the form prescribed in Appendix 1 of this bylaw;~~

~~(b) not be considered a valid application until it contains all the information required by the form; and-~~

~~(c) include the fees required by Denman Island Trust Committee Fees Bylaw.~~

~~67.3~~ 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 ~~does comply~~ complies with the applicable land use bylaw.

78. 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	day of	, 2021
READ A SECOND TIME THIS	day of	, 2021
READ A THIRD TIME THIS	day of	, 2021
ADOPTED THIS	day of	, 2021

SECRETARY

CHAIRPERSON



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 13, 2021 BOARD MEETING (OPEN PORTION)

NOTE: Islands Trust Conservancy has made changes to the format of this report to make its production and delivery more efficient. For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

JOINT MEETING – Islands Trust Conservancy Board + Islands Trust Executive Committee

- The Islands Trust Conservancy Board and Islands Trust Executive Committee shared a liaison meeting and corresponded on many of the topics outlined in the sections below. The liaison meeting is intended to enhance collaboration between the two bodies by deepening understanding of the current programs and upcoming opportunities each is influencing and to proactively identify points where working together would generate a more positive outcome than would otherwise be possible. This meeting occurs annually as per Islands Trust policy.

1. ORGANIZATION UPDATES/TEAM

- Islands Trust Conservancy Manager Kate Emmings welcomed Wendy Tyrrell as the new Species at Risk Program Coordinator. Wendy comes to the Conservancy from Habitat Acquisition Trust where she worked for 14 years, originally as the Land Protection Coordinator and the past six years as the Habitat Management Program Coordinator. Having joined Islands Trust Conservancy in July 2021, Wendy is now positioned to lead the Species at Risk (SAR) Program through its second and third years.

2. STRATEGIC PLANNING/ADMINISTRATION

- The Minister of Municipal Affairs is selecting three appointees to serve on the Islands Trust Conservancy Board. The Board hopes that at least two of these appointees will be actively on the Board by the end of August 2021.

3. COVENANT AND PROPERTY ACQUISITIONS

- The Islands Trust Conservancy Board reported that they have entered into a lease agreement with the BC Parks Foundation for Saturnina Island in the Gabriola Island Local Trust Area.
- Ecosystem Protection Specialist Kathryn Martell provided an update for the Crystal Mountain application currently in progress on Galiano Island after recently visiting the site.



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

4. COVENANT AND PROPERTY MANAGEMENT

- The Islands Trust Conservancy Board reviewed the Regional Conservation Plan Progress Report and noted that the recent “heat dome” effect in the Islands Trust Area and the Salish Sea may have had wide-ranging effects on forage fish populations. They agreed that the effects from the event could be something to monitor in the future.

5. COMMUNICATIONS AND OUTREACH

- Islands Trust Conservancy Chair Kate-Louise Stamford discussed her attendance of a recent Saturnina Island event hosted by the BC Parks Foundation, noting that Islands Trust Conservancy leaders (herself and Manager Kate Emmings) were guests and highlighting that the event was well-attended by press, students, and donors. Islands Trust Conservancy Board discussed partnership between Islands Trust Conservancy and the BC Parks Foundation, specifically in terms of the opportunities it provides for securing and managing land and for communications. Further, they discussed the importance of improving the inclusion of Snuneymuxw First Nation in the Saturnina Island process.
- The Islands Trust Conservancy Board discussed a plan to make a statement of support for the Howe Sound UNESCO Biosphere Reserve nomination. The process for a formal declaration has almost been completed.
- The 2020/2021 Annual Report process has been slightly delayed by a delayed financial audit. The Board resolved to hold a special meeting to review the audit results on August 24, 2021.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- During the liaison meeting, Executive Committee members recognized Acting Fundraising Specialist Carla Funk for her work and for her plan to bring national attention to the Conservancy through a legacy giving platform called “Willpower”. They discussed fundraising results, the importance of developing long-term connections, and suggested commissioning a simple infographic to convey that the Conservancy is not competing with smaller local conservation groups; rather, all are working together to protect the land with the Conservancy often feeding funds directly to the smaller conservancies to “kick-start” conservancy projects (i.e., Opportunity Fund).

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/>



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

Shortcuts here:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/planning-2018-2027/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association Planner: Sonja Zupanec	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC
Planning Status			
Status Date: 11-Jan-2021 Draft Q+A document; minor amendments to BL 234 and 239 and draft restrictive covenant to be considered by LTC Jan 19, 2021			
Status Date: 08-Dec-2020 File reassigned.			
Status Date: 03-Nov-2020 Bylaw Nos. 233, 234 are given 1st reading as amended. Bylaw No. 239 (Housing Agreement) given 1st reading.			
File Number	Applicant Name	Date Received	Purpose
DE-RZ-2021.1	Denman Housing Association (Denman Green) Planner: Sonja Zupanec	11-Mar-2021	PIDs: 009-704-523, 000-393-941, 006-660-495. Affordable housing units. Civic address: 1151 Kirk Road, Denman Island, BC.
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: Jaime Dubyna	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Planning Status			
Status Date: 12-Apr-2021 Notice to K'ómoks First Nation sent.			
Status Date: 02-Feb-2021 No change in status.			
Status Date: 16-Nov-2020 Copy of modified covenant CA7481577 received.			

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2021.7	Etienne Design Planner: Jaime Dubyna	11-May-2021	PID: 004-360-460 Renos to house, demolition & rebuild of auxiliary buildings. Civic: 9501 Reginald Drive, Denman Island, BC.
Planning Status			
Status Date: 07-Jul-2021 Copy of HIP received.			
Status Date: 23-Jun-2021 Information letter sent to KFN.			
Status Date: 26-May-2021 Planner reviewing file.			



Applications

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

Planner: Ian Cox

Planning Status

Status Date: 15-Jun-2020

No change in status.

Status Date: 12-May-2020

No change in status.

Status Date: 30-Jan-2020

Waiting on applicant to complete appraisal for cash-in-lieu calculation.

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

Planner: Sonja Zupanec

Planning Status

Status Date: 08-Dec-2020

File reassigned.

Status Date: 09-Nov-2020

Referral report sent to MOTI.

Status Date: 02-Oct-2020

Application received. Planner reviewing.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2021.2	1265478 BC Ltd. - Waslen (McElhanney Ltd.)	13-Aug-2021	PID: 006-660-614 - 13 lot subdivision. Civic address: 4201 Park road, Denman Island, BC.

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Aug-2021

Planner reviewing file.

Status Date: 17-Aug-2021

File opened & assigned. Waiting for Etransfer.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending June 2021

615 Denman	Invoices posted to Month ending June 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	185.00	83.94	101.06
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	3,904.00	233.70	3,670.30
65210-615	LTC - Local Exp - APC Meeting Expenses	444.00	415.99	28.01
65220-615	LTC - Local Exp - Communications	250.00	290.00	-40.00
65230-615	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,892.00</u>	<u>939.69</u>	<u>3,952.31</u>
Projects				
73001-615-4011	Denman Farm Plan	<u>3,500.00</u>	<u>0.00</u>	<u>3,500.00</u>
TOTAL Project Expenses		<u>3,500.00</u>	<u>0.00</u>	<u>3,500.00</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> 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	<p>that the Denman Island Local Trust Committee adopt the following standing resolution:</p> <p>that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs):</p> <ol style="list-style-type: none"> 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	<p>It was MOVED and SECONDED,</p> <p>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.</p>
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	<p>It was MOVED and SECONDED,</p> <p>that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>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:</p> <ol style="list-style-type: none"> 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

				<p>and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;</p> <p>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;</p> <p>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.</p>
7.	June 6, 2019 *Amended January 19, 2021	DE-2019-056 DE-2021-015	Bylaw enforcement against unlawful dwellings	<p>It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution:</p> <p>'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:</p> <p>a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property;</p> <p>b) It appears that there is more than one unlawful dwelling on a lot;</p> <p>c) An unlawful dwelling appears to be larger than 90 square meters; or</p> <p>d) An unlawful dwelling appears to be located within a Development Permit Area;</p> <p>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.'</p> <p>This Standing Resolution will be reviewed in one year's time.</p> <p>*Amended by DE-2021-015</p>

8.	May 19, 2020	DE-2020-022	<p>Residential densities See Staff Report dated May 19th for background</p>	<p>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:</p> <p>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:</p> <p>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>;</p> <p>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.</p> <p>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:</p> <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	<p>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:</p> <p>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;</p> <p>And that site inspections for the purpose of gathering information and communication with property owners will continue;</p> <p>And that the Denman Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities.</p>			
10.	July 6, 2021	DE-IC-2021-007	Bylaw Enforcement	<p>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.</p>			



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY AUGUST 24, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

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

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Board thanked Donald Clarke for his service as an appointed member of the ITC Board from August 2019 to August 2021. Don Clarke is a member of the Black River First Nation, and has spent over 25 years working in over 50 First Nations communities (throughout Western Canada) in the area of political advising, negotiations, administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, economic and cultural development. His expertise provided important insights to Board decision-making and he will be missed.
- The Minister of Municipal Affairs has reappointed Linda Adams to the ITC Board for a term ending in August 2023. Linda Adams has served on the Board since August 2018. She is an educator, land use planner, local government consultant and the former Chief Administrative Officer (CAO) of Islands Trust. Linda is currently on the faculty of Capilano University's School of Public Administration, where she coordinates a course for Chief Administrative Officers in BC local governments.
- The ITC Board thanked Devin Hentschel for his work as the ITC Conservation Technician. Devin joined ITC as a summer co-op student and assisted the ITC with annual property monitoring, restoration projects and the Species at Risk Program. Devin is returning to study Biology at the University of Victoria.
- The ITC Board thanked Erin Coulson for her work with ITC as a part-time Communications Specialist. Erin assisted with the ITC Annual Report, the Heron Newsletter and with issuing ITC News Releases and she will be missed.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received and approved its audited financial statements. These are available at islandstrust.bc.ca/about-us/accountability/finance/
- The Minister of Municipal Affairs will be posting a notice of position for a vacant seat at the ITC Board. Staff will circulate the notice of position to trustees and the Bowen Island Municipality and will post it to the Islands Trust website at islandstrust.bc.ca/whats-happening/expressions-of-interest/.



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

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board considered land conservation proposals in the in camera portion of its meeting.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board reviewed the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy and Fallow Deer Eradication on Sidney Island. The Sidney Island Ecological Restoration Project is a joint project with First Nations, Parks Canada, the Province of BC and the Sallia Forest Strata. More information about the project is available at pc.gc.ca/en/agence-agency/bib-lib/rapports-reports/core-2018/ouest-west/ouest-west11
- The ITC Board approved Property Management Fund Guidelines. These guidelines will provide direction for use of the Property Management Fund

5. COMMUNICATIONS AND OUTREACH

- The 2020/2021 Annual Report process has been completed and the final report will be posted to the website at islandstrust.bc.ca/about-us/accountability/annual-report/ shortly.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- There were no updates regarding fundraising and conservancy support, but those interested in donating to ongoing Conservancy campaigns can find information at islandstrust.bc.ca/conservancy/current-campaigns/
- Islands Trust Conservancy is now participating in the Willpower campaign. Information about gifts in your will can be found at willpower.ca/charities/islands-trust-conservancy/

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)

Top Priorities Report

Denman Island

1. Farming Regulations Review Project

Responsible

Dates

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

2. Denman LUB Review

Responsible

Dates

Housing Rec'd: 19-Jan-2021

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

Home occupations

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



Projects Report

Denman Island

1. *Protected Area Network*

Responsible

Date Received

Undertake planning for a Protected Area Network on Denman Island

15-Mar-2011

2. *Alternative Energy*

Responsible

Date Received

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

15-Aug-2011

3. *Dwelling Floor Area Regulation*

Responsible

Date Received

Consider regulations to limit the gross floor area of a dwelling

25-Oct-2011

4. *Climate Change*

Responsible

Date Received

Consider climate change adaptation and mitigation measures

25-Oct-2011

5. *Development Procedures Review*

Responsible

Date Received

Review and update Development Procedure Bylaw No. 71

11-Dec-2012

6. *Alternative Dispute Resolution*

Responsible

Date Received

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

26-May-2015



Projects Report

Denman Island

7. *Denman Village Plan*

Responsible

Date Received

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

26-May-2015

8. *Travel trailers*

Responsible

Date Received

LUB amendments and enforcement policies regarding the use of travel trailers

07-Mar-2017

9. *Occasional use of accessory buildings*

Responsible

Date Received

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

07-Mar-2017

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

Responsible

Date Received

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

07-Aug-2018

11. *Coastal Douglas-fir protection*

Responsible

Date Received

Projects Report

Denman Island

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

07-Feb-2019

12. <i>naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas</i>	Responsible	Date Received
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Reference Staff Report dated November 7, 2019

07-Nov-2019

13. <i>Temporary Use Permits</i>	Responsible	Date Received
----------------------------------	-------------	---------------

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

09-Oct-2018



Protecting islands in the Salish Sea

Lisa Baile of SDAYES/
North Pender Island donates
four hectares to expand network
of protected places [p.3](#)

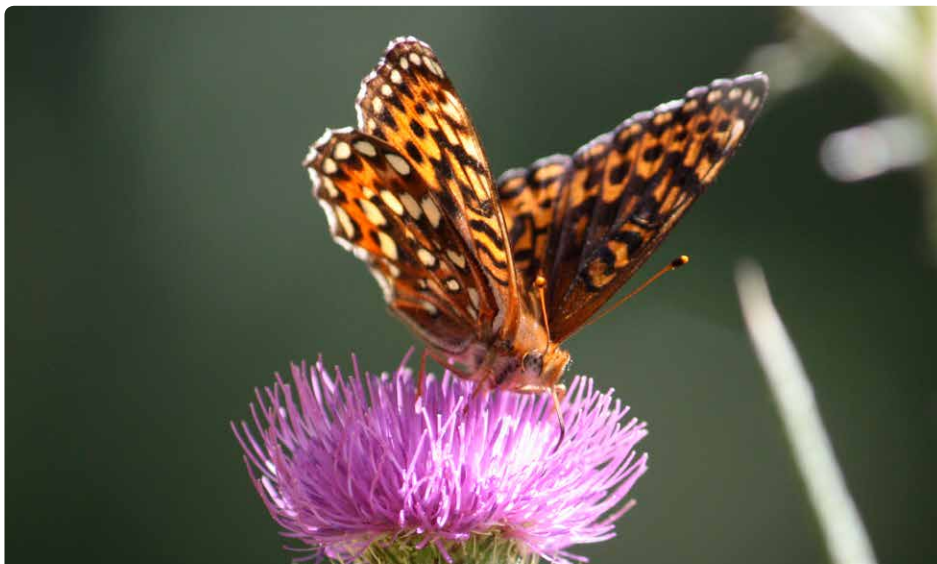


ALSO IN THIS ISSUE

Species at Risk
projects underway
across the region [p. 2](#)



Remembering
Conservation Superheroes
that made their mark [p. 4](#)



Zerene Fritillary Butterfly, Yellow Montane Violet. Cover: Coastal Scouler's Catchfly. PHOTOS: LAURA MATTHIAS

Species at Risk – we've got your backs!

Islands Trust Conservancy has a new program dedicated to protecting and fostering species at risk within the Islands Trust Area. We've begun by searching for the elusive Sharp-tailed Snake, rare lichens, and Western Screech-owl throughout the Trust Area, and by beginning habitat restoration for Yellow Montane Violet and Scouler's Catchfly on Mount Tuam, Salt Spring Island. In July, Wendy Tyrrell began as our Species at Risk Program Coordinator. We are looking forward to growing Islands Trust Conservancy's Species at Risk work with Wendy's help! ([details online](#)) 🌿

You have made a difference!

Supporters of the Opportunity Fund have helped to create a \$47-million-dollar (assessed value) conservation legacy in the islands of the Salish Sea. Kick-start grants were delivered to our partners at critical times — just when they were starting up a land acquisition project, or making the decision to place conservation covenants on sensitive land. ([details online](#)) 🌿

\$47,000,000!

total appraised value of properties
protected by kick-starting grants
to conservation partners



Drum detail. PHOTO: LISA WILCOX

Acknowledgement

Islands Trust Conservancy acknowledges that we work within the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, STÁUTW, Stz'uminus, ʔəʔamən, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁLP, WSIKEM, Xeláltxw, Xwémalhkwx/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

31st Nature Reserve

Lisa Baile of SDAY,ES /North Pender Island donates four hectares to expand contiguous network of protected places

Lisa Baile Nature Reserve on SDAY,ES (North Pender Island), is the most recent protected place to come under the care of Islands Trust Conservancy. It is home to a mixed mature forest of largely Douglas-fir and western redcedar, and rises steeply to a ridge with small rocky bluffs and Garry oak and arbutus woodlands, with patches of native wildflowers such as fairy-slipper, camas (a lily), chocolate lily, and fawn lily. Several veteran, old-growth Douglas-fir trees – including one measuring almost four metres in diameter – were previously protected under a small conservation covenant along Clam Bay Road.

The Lisa Baile Nature Reserve expands an existing nine-hectare grouping of conserved lands, increasing this network of protected places in the Salish Sea to nearly 13 contiguous hectares that will provide habitat for regional species in perpetuity.

How this piece connects to a bigger story, to partners, and to community

The islands within the Salish Sea are part of the creation stories of the Coast Salish Peoples and are deeply interconnected to the oral history, well-being, and place that Coast Salish Peoples have now, and have called their homelands for over 14,000 years.

Lisa Baile made this nature reserve possible through her generous gift of mature Coastal Douglas-fir forest to Islands Trust Conservancy – a donation that Baile had intended from the moment she purchased the four-hectare undeveloped property in 2019.

The federal Ecological Gifts Program, which provides income and capital gains tax relief for gifts of qualifying, ecologically sensitive land, also contributed to reaching this milestone – making this the 25th property donated to Islands Trust Conservancy as an ecological gift.

Pender Islands Conservancy Association, co-holder of the existing covenant with Islands Trust Conservancy, worked with Lisa Baile and Islands Trust Conservancy to expand the protected area and create the new nature reserve, which will provide increased protection to the forest and woodlands on the entire property.

“The vision and generosity of donors like Lisa Baile will be crucial to seeing the islands of the Salish Sea, and their surrounding waters, through the climate crisis and concurrent development surge that we are experiencing,” said Islands Trust Conservancy Board Chair Kate-Louise Stamford. “She deserves our thanks. Our next step will be preparation of the management plan for this site, in collaboration with First Nation governments with shared territory on SDAY,ES/North Pender Island and island residents.”

Lisa Baile donated this land to become the Lisa Baile Nature Reserve on February 25, 2021. Lisa Baile Nature Reserve became Islands Trust Conservancy’s 31st nature reserve. 🌿



“Our lives depend on the lives of flora and fauna, so we’d best act now,” said Lisa Baile, medical researcher, author, long-time Pender Island resident, and B.C. mountaineer.

“I grew up on a farm in England. Out here, I’ve been mountaineering, kayaking. There’s such a loss of biodiversity. There’s a lot of logging still going on, subdividing. The Island is still being fragmented.”



Islands Trust Conservancy donor Lisa Baile pictured with old-growth Douglas-fir tree. PHOTO: TAEVEN LOPATECKI

Remembering extraordinary Conservation Superheroes



Louise Bell, Denman Island (d. June 17, 2021)

While serving as a Denman Island trustee for 15 years, and an Islands Trust Conservancy board member for 10 years, Louise helped shape the future of land conservation in the islands. She was a loyal supporter of the Islands Trust Conservancy's Opportunity Fund which has helped support land acquisition campaigns throughout the Islands Trust Area.



Nancy Braithwaite, Salt Spring Island (d. January 27, 2021)

Nancy was a co-founder of the Salt Spring Island Conservancy and permanently protected land through the creation of the Ruffed Grouse Conservation Covenant. In a final act of conservation, Nancy returned her body to the forest she loved at the Salt Spring Island Natural Cemetery.



Betty Swift, Link Island (d. January 29, 2021)

A Seattleite, Betty loved the islands of the Salish Sea. With her vision and the support of her family, Link Island (21.45 hectares) and the islet Spider Monkey Island (0.17 hectares) were protected, fulfilling a long-time dream to ensure conservation stewardship was in place for future generations, and to contribute a resource for future research.

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Online islandstrust.bc.ca/conservancy

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