



Denman Island Local Trust Committee

Regular Meeting Agenda

Date: March 17, 2020
Time: 12:30 pm
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

	Pages
1. CALL TO ORDER 12:30 PM - 12:35 PM	
"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. REPORTS 12:35 PM - 1:05 PM	
3.1 Trustee Reports	
3.2 Chair's Report	
3.3 Electoral Area Director's Report	
4. DELEGATIONS	
5. TOWN HALL 1:05 PM - 1:15 PM	
6. MINUTES 1:15 PM - 1:20 PM	
6.1 Local Trust Committee Minutes dated January 21, 2020 - for adoption	4 - 14
6.2 Section 26 Resolutions-Without-Meeting - none	
6.3 Advisory Planning Commission Minutes dated February 25, 2020 - for receipt	15 - 20
7. BUSINESS ARISING FROM MINUTES 1:20 PM - 1:50 PM	
7.1 Follow-up Action List dated March 9, 2020	21 - 27
7.2 Drainage and Erosion Concerns at Cable Beach and Mable Road	
7.2.1 Response Letter dated February 25, 2020 from Ministry of Transportation and Infrastructure (MOTI)	28 - 28
7.2.2 Email Response dated February 10, 2020 from Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)	29 - 29

7.3 Denman Island Density Register - Staff Report - for decision - to be distributed

8. APPLICATIONS AND REFERRALS

1:50 PM - 3:20 PM

- | | | |
|-----|--|-----------|
| 8.1 | DE-SUB-2018.1 (Denman Farmhouse Inc. & PanDesign Inc. - Nielsen) - Staff Report - for decision | 30 - 45 |
| 8.2 | DE-DVP-2019.2 (McKeachie) - Staff Report - for decision | 46 - 56 |
| 8.3 | DE-DP-2019.2 (McKeachie) - Staff Report - for decision | 57 - 82 |
| 8.4 | DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report for decision | 83 - 157 |
| 8.5 | DE-RZ-2018.1 (Denman Housing Association) - Staff Report for decision | 158 - 171 |

9. LOCAL TRUST COMMITTEE PROJECTS - none

----- **BREAK 3:20 PM TO 3:50 PM** -----

10. CORRESPONDENCE

3:50 PM - 3:55 PM

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

- | | | |
|------|---|-----------|
| 10.1 | Email dated January 29, 2020 from Association for Denman Island Marine Stewards (ADIMS) regarding Denman Island Shellfish Aquaculture Complaint | 172 - 177 |
|------|---|-----------|

11. NEW BUSINESS

3:55 PM - 4:00 PM

- | | | |
|--------|--|--|
| 11.1 | Denman Island 2020 Phone Directory - for discussion and decision | |
| 11.2 | K'omoks First Nation | |
| 11.2.1 | Information Session on Local Government Authorities in the Estuary - verbal update | |
| 11.2.2 | Annual Community to Community Meeting - verbal update | |

12. REPORTS

4:00 PM - 4:20 PM

- | | | |
|------|--|-----------|
| 12.1 | Trust Conservancy Report dated February, 2020 | 178 - 179 |
| 12.2 | Applications Report dated March 9, 2020 | 180 - 189 |
| 12.3 | Trustee and Local Expense Report dated January, 2020 | 190 - 190 |
| 12.4 | Adopted Policies and Standing Resolutions | 191 - 193 |
| 12.5 | Local Trust Committee Webpage | |

13.	WORK PROGRAM	4:20 AM - 4:40 PM	
13.1	Top Priorities Report dated March 9, 2020		194 - 194
13.2	Projects List Report dated March 9, 2020		195 - 197
14.	CLOSED MEETING - none		
15.	UPCOMING MEETINGS		
15.1	Next Regular Meeting Scheduled for Tuesday, May 19, 2020 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC		
15.2	Special LTC Meeting and Community Information Meeting regarding Denman Housing Society (DE-RZ-2018.1) March 24, 2020 at 6:30 pm at Denman Activity Centre, Main Hall, 1111 Northwest Road, Denman Island, BC - TENTATIVE		
15.3	Free Screening and Discussion of "Dust and Bones" on March 28, 2020, 1:00 pm to 4:00 pm at Denman Island Community Hall, Denman Island, BC		
	Dust 'n Bones examines threats to the preservation and rededication of First Nations artifacts, cultural heritage, and ancestors in Coast Salish territory.		
	The screening of Dust n Bones is a way to “create opportunities for knowledge-sharing and understanding as people come together to preserve and protect” the cultural heritage and learn about the cultural heritage of the islands.		
16.	INFORMATION ITEMS		
16.1	Email dated January 29, 2020 to Islands Trust regarding Department of Fisheries and Oceans Canada (DFO) Pacific Herring Integrated Fisheries Management Plan <u>2019-2020 DFO Pacific Herring Integrated Fisheries Management Plan</u>		198 - 198
16.2	Response Letter dated January 28, 2020 from Minister of Fisheries, Oceans and the Canadian Coast Guard regarding Shellfish Aquaculture in Baynes Sound		199 - 200
16.3	Ministry of Agriculture - Residential Flexibility in the Agricultural Land Reserve (ALR) - for discussion		201 - 204
17.	ADJOURNMENT		



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: January 21, 2020
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

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

Staff Present: Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner (by telephone)
 William Shulba, Island Trust Freshwater Specialist
 Vicky Bockman, Recorder

Others Present: Approximately twenty (20) 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 12:30 pm. She welcomed the public, introduced Trustees and staff, and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Add item 11.1 Cable Beach

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Critchley reported on the following:

- There were many who stopped by to discuss issues during his Trustee Office Hours;
- Baynes Sound Forum was an opportunity for stakeholders concerned with the health and well-being of Baynes Sound and Lambert Channel to meet;
- Highlights from Trust Council included the budget and budgetary funding for the Islands Trust to assume an ongoing role as secretariat for organizations similar to the Baynes Sound Forum;
- The Association for Denman Island Marine Stewards hosted an event that included updates on the scientific research being conducted on the impact of marine microplastic contamination on Baynes Sound.

Trustee Busheikin reported on the following:

- The Baynes Sound Forum included a variety of stakeholders with different perspectives united in the goal of protecting Baynes Sound and Lambert Channel;
- Financial Planning Committee was engaged in work on the Islands Trust 2020/2021 budget;
- A Local Planning Committee initiative is a Coastal Douglas Fir mapping project;
- The Denman Island Residents Association meetings included an update on the Internet Committee's work; and the Marine Guardians Committee reported that significant aquaculture debris was observed on beaches after a recent storm;
- Concerns were heard during her Trustee Office Hours regarding a proposed regulatory change to permit a longer hunting season on Denman Island;
- She will follow-up to investigate the possibility of more climate-friendly catering options for Trust Council meetings.

3.2 Chair's Report

Chair Fast reported on Executive Committee meetings she attended. She brought several items for public viewing including a decision highlight sheet of Trust Council's December meeting and the Islands Trust Strategic Plan. She reported that a 2020/2021 budget has been drafted and will be available for public consultation.

3.3 Electoral Area Director's Report – none

4. TOWN HALL

Members of the public commented with the following noted:

- The Denman Community Land Trust Association (DCLTA) Seniors Affordable Housing project:
 - Support for site-specific zoning, and objections to its inclusion in a proposed R4 zone;
 - The Local Trust Committee (LTC) was asked to accept three metre setbacks;
 - The LTC was asked to accept the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD) conditional water license as proof of adequate water;
 - The LTC was urged to encompass a perspective of how we can best go forward with this project in a way that is appropriate for this venture;
 - The community supports the initiative, it is needed, and it should not be delayed by adding anything to it.
- Denman Housing Association (DHA) – Denman Green:

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:04 pm.

 - This initiative is not supported as it has no well and would rely on expensive trucked water as a water source secondary to rain catchment; the Islands Trust's required climate change perspective should be considered for this application; the proposed allotted water per day is unreasonably low;
 - The community has not had adequate consultation and should not have to wait until the end of a lengthy process to receive information and provide input.

Trustee Busheikin returned to the meeting at 1:04 pm.
- Other Topics:
 - Creation of a new R4 zone was opposed. The proposed three-story building maximum height will encourage development and gentrification, is not compatible with Denman

Island's character, will create increased pressures for firefighters, and work on a new R4 zone may slow down the DCLTA's application process;

- Information on results of Ferry Advisory Committee (FAC) meetings is difficult to obtain. The Trustee representing the Denman Island LTC on the FAC was requested to announce in their Trustee Reports how the public can access minutes from the FAC meetings;

- **Denman Housing Association – Denman Green:**

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:18 pm.

- The location of Denman Green was opposed;
- The project does not meet affordable requirements for infrastructure;
- This application is being moved forward with many unanswered questions including potential fire risk considerations;
- This application is being considered without benefit of a full complement of LTC members given a Trustee's declared potential conflict of interest on this application.
 - In response, Trustees clarified that regulations require recusal from participation in declared conflict of interest situations; and noted that a referral to the Advisory Planning Commission (APC) would add input gathered from a variety of community members to the decision making process .

Trustee Busheikin returned to the meeting at 1:20 pm.

5. **DELEGATIONS – none**

6. **MINUTES**

6.1 **Local Trust Committee Minutes dated November 7, 2019 - for adoption**

DE-2020-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the November 7, 2019 Local Trust Committee meeting.

CARRIED

6.2 **Section 26 Resolutions-Without-Meeting – none**

6.3 **Advisory Planning Commission Minutes – none**

7. **BUSINESS ARISING FROM MINUTES**

7.1 **Follow-up Action List dated January 13, 2020**

Trustees requested the following updates to the Follow-up Action list:

- Remove the November 20, 2018 item regarding the Islands Trust signage at the Buckley Bay Ferry Terminal as it duplicates the March 7, 2019 Activity 1;
- Remove March 7, 2019 Activity 2 as it has been completed;
- Staff was requested to have the permanent Density Register, noted in July 4, 2019 Activity 1, completed and in place by the time either of the affordable housing rezoning proposals are presented for public consultation.

7.2 **Response to Spraying on Tree Island - for discussion**

Trustees noted that they would like to request a program of manual eradication such as has been approved for Denman Island and discussed coordinating a response to Spraying on Tree Island with K'ómoks First Nation prior to drafting a letter.

Trustee Critchley offered to contact Cory Frank of the K'ómoks First Nation Guardian Watchmen to discuss this matter and will report back at a future LTC meeting.

8. APPLICATIONS AND REFERRALS

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

The Staff Report asks the LTC to consider draft bylaws to amend the Official Community Plan (OCP) and Land Use Bylaw (LUB) to enable the proposed DCLTA Seniors' Affordable Housing development, recommends first reading of the draft bylaws, referral of the bylaws, the drafting of a housing agreement, and entering into a cost recovery agreement for legal review of the agreement.

Trustees' discussion on the matter included the following points:

Comments regarding proposed Bylaw No. 234:

- The creation of an R4 zone as a template to work with new rental zoning authority, combined with the R4(2) site-specific zoning terms for this project, was considered to be an effective approach;
- The R4(2) zone setback recommendations of 3 metres from the side, rear or exterior side lot lines and 7.5 metres from the front lot line were supported. These setbacks differ from those recommended by the Agricultural Land Commission (ALC); does the ALC have the authority to require their recommendations and might there be consequences as a result of reducing the setback as recommended? Regional Planning Manager Kauer indicated that she will investigate and report back;
- An increase in the R4(2) zone minimum number of bicycle parking spaces required to 1 from 0.5 was supported;
- There might be appropriate aspects of home occupation uses that could be acceptable in the R4 or R4(2) zone;
- Concern was expressed that the three-story maximum height in the R4 zone was not in keeping with Denman Island's smaller scale, rural character;
- Permitted uses of horticulture and agriculture in the R4 zone are permitted; however, these are commercial uses that might not be appropriate on this lot and location;
- A common house was supported as a permitted use in the R4 zone;
- R4 zone definitions that reference rental affordable housing might be changed to "rental and other types of affordable housing" to enable the template to be more inclusive of other types of BC Housing-approved affordable housing types;
- The definition of lot coverage in the R4 zone excludes cisterns; however, whether measurements include the cistern foundation might be clarified.

Comments regarding Proof of Adequate Potable Water and Water Assessment Draft Terms of Reference (TOR):

- The Islands Trust Freshwater Specialist Shulba recommended that the TOR is no longer applicable and further recommended requiring mitigation measures beyond what is required in the Conditional Water License in order to address short comings

in adequately addressing Islands Trust Policy Statement Directive policies 4.4.2 and 4.4.3;

- Trustees discussed the identified salt water intrusion risk and the data from monitoring that could provide early warning of deviation from water requirements and mitigate risk potential of salt water intrusion as well as providing a community amenity by observing in general the health and function of the aquifer.

Chair Fast invited the proponent to speak regarding application DE-RZ-2017.1.

Harlene Holm, agent for the applicant, provided background and rationale for requests that the LTC:

- Formally accept the Conditional Water License as proof of adequate potable water and receive Senior Freshwater Specialist Shulba's recommendations for information, however, direct staff not to incorporate those recommendations into a restrictive covenant as requirements;
- Direct staff to draft a site-specific residential zone bylaw, separate from R4 to represent the rezoning application and to remove all references to DE-RZ-2017.1 Seniors' Affordable Housing and Bylaw Nos. 233 and 234 from the proposed R4 zone;
- Based on a zone solely representing the Seniors' Affordable Housing proposal, that the LTC direct staff to designate a three metre setback from all lot lines;
- She advised that DCLTA has requested that home occupations not be included as a permitted use as there are concerns regarding potential water usage and traffic;
- All parts of the waste water system are included in the lot coverage percentage as defined in the definition of "lot coverage" which is a difficulty.

DE-2020-002

It was MOVED and SECONDED,

that draft Bylaw No. 234 be amended as follows: that in Section 1.12 Table 2 Item 12, Common house be a permitted use in the R4 zone.

CARRIED

DE-2020-003

It was MOVED and SECONDED,

that draft Bylaw No. 234 be amended as follows: that in Section 1.14 Table 4 item 1, the maximum height of the R4 zone be changed from 12 metres to 9 metres.

CARRIED

DE-2020-004

It was MOVED and SECONDED,

that due to the issuance of Conditional Water License 500469 with associated investigation of Groundwater License Application 106290 by the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, the Islands Trust Area Water Assessment Toolkit Draft Terms of Reference is no longer applicable to Application DE-RZ-2017.1.

CARRIED

DE-2020-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee accept the Conditional Water License 500469 issued February 20, 2019 for this project as proof of adequate water.

A Trustee noted that this is a lower amount of water than the Land Use Bylaw subdivision requirement, however, the Conditional Water License is based on the actual amount of water needed there, which is significantly less than the Land Use Bylaw requirement.

CARRIED

DE-2020-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” as amended be read a first time.

CARRIED

DE-2020-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” as amended be read a first time.

CARRIED

DE-2020-008

It was MOVED and SECONDED,

that proposed Bylaw Nos. 233 and 234 as amended be referred to the following First Nations, Local Governments and agencies for comment:

- a. First Nations:
K'ómoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
- b. Local Governments and Agencies:
Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture, and the appropriate fire service.

CARRIED

DE-2020-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” as amended is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2020-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to develop a draft housing agreement in consultation with the applicant/agent for application DE-RZ-2017.1 (Denman Community Land Trust Association) for Local Trust Committee consideration.

CARRIED

DE-2020-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent allowing Islands Trust legal counsel to review a draft housing agreement for application number RZ-DE-2017.1 (Denman Community Local Trust Area).

A Trustee inquired whether any precedent exists for this cost of developing a housing agreement being waived or contributed to by Islands Trust. Regional Planning Manager Kauer will research and report back.

CARRIED

DE-2020-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring forward, if possible, options for regulations permitting home occupations that do not involve increased traffic, increased water use, or increased noise for the proposed new R4 and R4 site-specific zoning.

A Trustee commented that Advisory Planning Commission review of this issue might be useful.

CARRIED

Trustees discussed the continuous monitoring and annual reporting of groundwater as recommended by Islands Trust Freshwater Specialist Shulba with the following noted:

- A Trustee expressed concern regarding the extra obligation of well data monitoring that would also benefit the Islands Trust and questioned whether it might be possible for the Islands Trust to fund a portion of it;
- Freshwater Specialist Shulba noted that a model exists for this possibility.

DE-2020-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Freshwater Specialist to prepare a draft Water Sustainability Project Charter.

CARRIED

By general consent the meeting was recessed at 3:19 pm and reconvened at 3:35 pm.

8.2 DE-RZ-2018.1 (Denman Housing Association) - Staff Report for decision

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 3:36 pm.

Planner Zupanec provided a summary of the Staff Report for the LTC's consideration that introduces draft bylaws to enable the designation of a new Development Permit Area for the non-ALR portion of the subject property, and recommends that the draft bylaws be given first reading.

A Trustee commented that referral responses and public consultation will help to inform consideration of DHA's Denman Green proposal, and noted that advancing these bylaws today will move the process forward.

DE-2020-014

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 237 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2019” be read a first time.

CARRIED

DE-2020-015

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 238 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019” be read a first time.

CARRIED

DE-2020-016

It was MOVED and SECONDED,

that proposed Bylaw Nos. 237 and 238 be referred to the following First Nations, Local Governments and agencies for comment:

- a. First Nations:
K'ómoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
- b. Local Governments and Agencies:
Hornby Island Local Trust Committee, Denman Advisory Planning Commission, Comox Valley Regional District, School District 71, Islands Trust Freshwater Specialist, Denman Island Fire and Rescue.

CARRIED

DE-2020-017

It was MOVED and SECONDED,

that Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 237 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2020-018

It was MOVED and SECONDED,

that Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 238 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Chair Fast invited the proponent to speak to the application with the following noted:

- Shawn White, speaking on behalf of DHA, requested that the Public Hearing be conducted as soon as possible following the Community Information meeting;
- He asked whether it would be helpful for DHA to obtain a professional review of what is a reasonable amount of water for household use and another professional assessment of what period of time should be assumed as the drought period for the LTC's consideration;
 - A Trustee indicated that such information would be useful;

- Freshwater Specialist Shulba advised that a contemplated secondary water source from a Denman Island well would be considered a new non-domestic use and recommended that an application for a water license for that source be initiated as soon as possible if DHA moves forward with that approach.

Trustee Busheikin returned to the meeting at 4:01 pm.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Cable Beach

Trustee Busheikin reported that community members have complained of a land owner's encroachment onto the Ministry of Transportation and Infrastructure (MoTI) right-of-way at Cable Beach, advising that her calls to MoTI for remediation have not resulted in a resolution. She further commented that she has observed erosion at the Mable Beach culvert and noted that beach access has been made difficult in those locations. She solicited input from staff and LTC members as to what might be done to protect these public amenities.

Freshwater Specialist Shulba offered to conduct a site visit with Trustee Busheikin to assist in determining next steps.

DE-2020-019

It was MOVED and SECONDED,

that Denman Island Local Trust Committee write a letter to the Ministry of Transportation and Infrastructure, copying it to the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, alerting them to water concerns and erosion of the Denman Island shoreline on Cable and Mable beaches.

A Trustee suggested that the letter contain expression of concern to further consider remedial actions.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated December, 2019

Received.

12.2 Applications Report dated January 13, 2020

Received.

12.3 Trustee and Local Expense Report dated November, 2019

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

There were no changes or additions requested.

13. WORK PROGRAM**13.1 Top Priorities Report dated January 13, 2020**

Trustees discussed placing the Follow-up Action item concerning the Islands Trust signage at the Buckley Bay terminal on the Top Priorities list in order to facilitate Senior Intergovernmental Policy Advisor Wilcox's ability to move forward with this initiative.

DE-2020-020

It was MOVED and SECONDED,

that Denman Island Local Trust Committee amend the Top Priority list by moving Temporary Use Permits to the Projects list and replacing it with "Signage at Ferry Terminal".

CARRIED

13.2 Projects List Report dated January 13, 2020

Received.

14. CLOSED MEETING - none**15. INFORMATION ITEMS****15.1 Letter dated November 21, 2019 from Sheila Malcolmson, Member of Parliament regarding Marine Debris**

Received.

15.2 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Fisheries and Oceans and the Canadian Coast Guard requesting additional Resources for Enforcement of Shellfish Aquaculture Regulations

Received.

15.3 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting more Resources for Enforcement of Aquaculture Tenure Licences

Received.

15.4 Letter dated December 3, 2019 to Peter Luckham, Chair of Islands Trust from Jill Knot, Deputy Minister regarding the Connected Coast Project

Received.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Tuesday, March 17, 2020 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular meeting date, time and location.

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:20 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder



Minutes of the Denman Island Advisory Planning Commission

Date of Meeting: Tuesday, February 25, 2020

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

APC Members Present: Anne de Cosson
Tom Zawila
Edina Johnston, Secretary
Howard Stewart
George McRae
Jackie Hipwell, Deputy Chair

Staff Present: Sonia Zupanec, Island Planner (by Speakerphone)
Marnie Eggen, Island Planner (by Speakerphone)
Katherine Vogt, Recorder

Others Present: David Critchley, Local Trustee
Simon Palmer, Denman Housing Association
2 members from the local media/public

Regrets: Jack Forsyth

1. CALL TO ORDER

Planner Zupanec called the meeting to order at 1:05 pm.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Denman Island Advisory Planning Commission Draft Minutes dated April 16, 2019

By general consent, the minutes were adopted.

4. BUSINESS ITEMS

4.1 Election of Chair, Deputy Chair and Secretary

Advisory Planning Commission Members (APC) discussed the possibility that absent member Jack Forsyth might be willing to take on the Chair role. Planner Zupanec noted that the role of Chair could be rotated.

DE-APC-2020-001

It was MOVED and SECONDED

that Edina Johnston be elected Secretary, that Jackie Hipwell be elected Deputy Chair, and that the election of Chair be postponed to the next meeting.

CARRIED

5. REFERRAL FROM DENMAN ISLAND LOCAL TRUST COMMITTEE

5.1 Review of Bylaw Amendment Application DE-RZ-2018.1 (Denman Housing Association) Proposed Bylaw Nos. 235 (OCP), 236 (LUB), 237 (OCP) and 238 (LUB)

Planner Zupanec spoke to the Referral Package and noted that:

- The Denman Island Local Trust Committee (LTC) requested it receive recommendations from the APC regarding water supply and the 4 proposed bylaws needed for the Denman Green affordable housing project.
- The LTC were expecting further information about potable water from Denman Housing Association (DHA) President, Simon Palmer, at the upcoming March 17, 2020 LTC meeting.
- Although the Ministry of Transportation and Infrastructure (MoTI) do not allow subdivisions based on rainwater, the LTC can waive the usual proof of water requirements because the LTC has elected to include proof of water requirements in the Denman Island Land Use Bylaw (LUB).
- Graham Lake is not presently considered to be a back-up potable water supply for the Denman Green project.
- The Islands Trust Freshwater Specialist comments on the DHA subdivision proposal were not yet available.

APC members commented that it was difficult to fully hear Planner Zupanec due to poor cell phone reception.

DHA President Simon Palmer was invited by APC members to speak on various aspects of the Denman Green proposal:

- A new water information package was very recently sent by DHA to planners, proposing a sole rainwater harvesting system to supply Denman Green by roof and solar array catchment of rain to be stored in tanks, treated, and then pumped into 6 individual buildings.
- As requested by the LTC, climate change effects were taken into consideration by DHA to ensure sufficient daily water supply even with the possibility that a 6 month no rain period might occur.

- The water package included a report written specifically for DHA's Denman Green project by water engineers from the University of British Columbia chapter of "Engineers For A Sustainable World," overseen by Professor Madjid Mohseni, an internationally respected water expert, who concluded that rain in the Denman area would be 10% less in the summer, but increased by 3% in the winter, resulting in a net yearly rainfall gain.
- There were two back-up options for the system, the first and preferred option being a further 2 months of rainwater in storage which could mitigate a full 8 months of no rain event.
- Total water tank area for Denman Green would comprise 0.6 of an acre, partly in ground.
- The second option is to accept an offer from a present Denman Housing Association board member to drill a well on their property and haul the water to Denman Green by tanker truck.
- After drilling a dry well on the Denman Green site, DHA consulted with specialists who could not recommend any good drilling sites on the parcel.
- There are water problems along the entire ridge. Other property owners have drilled wells below the ridge and pumped water up, but Denman Green does not have access to the lower land.
- Dozens of individuals on Denman have successfully used rainwater harvesting for many years.
- A common laundry facility would use non-potable water.
- All toilets would be fed with reused and treated shower and basin water.
- Composting toilets were rejected for being too high maintenance.
- 369 litres of water would be allowed per person.
- The Denman Green rectangular lot is 20 acres in size.
- The affordable housing cluster would be in the centre of the lot; the original proposal for a cluster of 10 buildings was considered by BC Housing to be too spread out.
- A second proposal reduced the number of buildings to 6: 4 fourplexes, 1 duplex, and 1 common use building with 2 units above it, making a total of 20 affordable housing units.
- There would be 1 bed units allowing for 1.5 person notional occupancy; 2 bed units allowing 3 person occupancy, and 3 bed units allowing 4 person occupancy.
- The remainder of the subject property will continue to be owned by Daniel Terry and would be allowed 5 densities.
- BC Housing will not contemplate small scale developments because it is uneconomical.

APC members noted or discussed the following:

- Traditional and modern water usage.
- Legal and other considerations for the back-up well are on offer.
- Ground water can come from a long distance and still be a highly stable source of water.

- Denman Green would be an experiment, and the future wellbeing of many individuals and families is concerning.
- A smaller scale experiment would be preferable.
- Opinions of outside agencies regarding water issues would be helpful for the APC in determining recommendations.
- Siting proposals for buildings for Denman Green.
- Bylaws being proposed for Denman Green.
- Density transfers between properties.

Trustee Critchley stated that APC discussions with outside agencies should be conducted within the APC meeting format to observe established protocols. He expressed disappointment with the present inadequate teleconferencing capabilities of long-distance meetings.

Planner Zupanec encouraged members of the APC to ask questions about any aspects of the Denman Green proposal.

APC members asked the following:

- The housing agreement incorporate the terms of a caretaker on site and would the property be considered private property.
 - Simon Palmer responded that it would be owned by the Denman Housing Association which was a registered charitable society.
- What does the Housing Agreement do?
 - Planner Zupanec explained that the Housing Agreement is a bylaw constructed by the Local Trust Committee with input from non-profit organizations and BC Housing, which is registered on title to inform rules of tenure and ongoing affordability.
- Would operational responsibilities be outside the scope of the Housing Agreement bylaw?
 - Planner Zupanec responded that it could be made a part of the Housing Agreement and that this issue would be a next step to consider after water and the current bylaw amendments.
- Why was the APC being asked to make recommendations when new information about the backup water system had not yet been presented to the LTC?
 - Planner Zupanec replied that the APC was getting a brief synopsis of the new water proposal being presented by DHA to the LTC at their March 17th meeting, but that the APC could provide their general level of support for a project relying solely on rainwater collection and respond to the bylaws while deferring their full recommendations until further information had been received.
 - APC members noted that information from the Islands Trust Freshwater Specialist would also be needed.
- Would the bylaw proposals around density transfers for Denman Green be considered a precedent?

- Planner Zupanec responded that Denman Green would set a precedent for any future affordable housing proposals as new conditions would be added to the OCP.
- Clarification on transfers of density between land parcels.
 - Planner Zupanec explained that it involved removing permitted densities from the donor parcel being retained by Daniel Terry in order to increase densities on the receiver Denman Green parcel. The donor parcel could still be further subdivided into 5 parcels.

A member of the public noted that:

- The company 'Rainwater Collection', which advised Denman Green on rainwater collection and household needs, emphasized in one of their reports that it takes a very committed household to get by on 369 litres per day.
- The Islands Trust freshwater specialist's opinion on Denman Green may not be applicable if the project relies solely on rainwater because the specialist is a hydrogeologist.

DE-APC-2020-002

It was MOVED and SECONDED

that the Advisory Planning Commission recommends approval in principal of the bylaws pending the receipt of information regarding water concerns, to the satisfaction of the Advisory Planning Commission.

CARRIED

DE-APC-2020-003

It was MOVED and SECONDED

that the Advisory Planning Commission requests that the Denman Island Local Trust Committee re-refer all relevant information pertaining to application DE-RZ-2018.1 (Denman Housing Association) for a subsequent Advisory Planning Commission referral.

CARRIED

6. NEXT MEETING

Planner Zupanec anticipated that a March 24, 2020 Community Information Meeting would have to be postponed since the APC would have to meet again shortly after the March 17, 2020 DILTC meeting.

Planner Zupanec acknowledged that technical issues around remote planner input needed improvement and hoped better technology could be in place for future meetings or that planners could attend in person.

Planner Eggen informed APC members that a new referral package and subsequent meetings regarding the Denman Community Land Trust Association's application for seniors' affordable housing would be forthcoming.

7. ADJOURNMENT

By general consent, the meeting was adjourned at 2:59 pm.

Jackie Hipwell, Deputy Chair

Certified Correct:

Katherine Vogt, 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 Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
2 Amend Bylaw No. 229 (LUB) for LTC consideration: 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.	Becky McErlean Marnie Eggen Sonja Zupanec		In Progress

Follow Up Action Report

Denman Island

07-Feb-2019

Activity	Responsibility	Dates	Status
3 LTC endorsed revised Farm Plan Implementation Project Charter as amended (adding Cannabis Land Use Regulations as an Out of Scope activity).	Marnie Eggen Sonja Zupanec		In Progress
4 Send an introductory/welcome letter to First Nations with interests in the Local Trust Area.	Lisa Wilcox Marnie Eggen		In Progress

07-Mar-2019

Activity	Responsibility	Dates	Status
1 Request the communication specialist to prepare draft wording for Islands Trust signage at the Buckley Bay terminal, which would consist of a sign 3 feet wide and 4 feet tall and include reference to indigenous territorial acknowledgement, and design elements and graphics. Request referred to Andrew Templeton March 11, 2019. Location of sign has been confirmed. David Critchley will follow up with Andrew on wording - July 2019	Lisa Wilcox		In Progress

04-Jul-2019

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Denman Island

04-Jul-2019

Activity	Responsibility	Dates	Status
1 Staff to create a permanent Density Register setting out the current available densities resulting from Section E.1, policy 11 and Appendix D, Density Banking of the Denman Island Official Community Plan Bylaw No. 185; b) that the Density Register be added to the Denman Island Local Trust Committee Policies & Standing Resolutions; and c) that the Density Register be updated from time to time to show additions and withdrawals as they occur. January 21, 2020 update: To be completed and in place prior to public consultation for either of the affordable housing rezoning applications.	Becky McErlean Marnie Eggen Penny Hawley		In Progress
2 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 Practices Board (FIRB) staff to arrange a meeting and a tour as per their letter dated September 25, 2019 and include an invitation to the Hornby LTC. Oct 8/19 update: staff requested potential availability of FIRB to attend a 2020 LTC meeting date.	Becky McErlean Marnie Eggen Penny Hawley Wil Cottingham		In Progress

Follow Up Action Report

Denman Island

07-Nov-2019

Activity	Responsibility	Dates	Status
1 LTC delegate that Trustee Busheikin write a letter of support for the Denman Bus service.	Marnie Eggen		Completed

21-Jan-2020

Activity	Responsibility	Dates	Status
1 Trustee Critchley to contact K'Á'moks First Nation Guardian Watchmen to discuss coordinating a response to Spraying on Tree Island.			In Progress
2 Re: DE-RZ-2017.1. Staff to report back on the authority of the ALC to require their setback recommendations and might there be consequences as a result of reducing the recommended setback.	Marnie Eggen		In Progress
3 Staff to make changes to draft Bylaw No. 234 as per Resolutions DE-2020-002 and DE-2020-003.	Marnie Eggen		Completed
4 Draft Bylaw No. 233 and draft Bylaw No. 234 as amended be given 1st reading, and be referred to First Nations and agencies as per Resolution DE-2020-008.	Becky McErlean Marnie Eggen		Completed
5 Staff to develop a draft housing agreement in consultation with the applicant/agent for application DE-RZ-2017.1.	Marnie Eggen		In Progress

Follow Up Action Report

Denman Island

21-Jan-2020

Activity	Responsibility	Dates	Status
6 Staff to administrate a cost recovery agreement with the applicant/agent of application DE-RZ-2017.1 and the LTC in order to enable legal counsel to review a draft housing agreement.	Marnie Eggen		In Progress
7 Staff to report back on precedents for waiving the cost of developing a housing agreement or for Islands Trust to contribute to covering cost.	Marnie Eggen		Completed
8 Staff to bring back possible regulatory options for Bylaw No. 234 (application DE-RZ-2017.1) that allow home occupations, but do not involve increased traffic, water use, or noise for the proposed R4 zone and R4 site-specific zoning.	Marnie Eggen		In Progress
9 Staff to prepare a draft Water Sustainability Project Charter.	William Shulba		In Progress
10 Draft Bylaw Nos. 237 and 238 be given 1st reading and be referred to First Nations, Local Governments and Agencies for comment.	Becky McErlean Sonja Zupanec		Completed
11 Trustee Busheikin to draft a letter from the LTC to the Ministry of Transportation and Infrastructure and Ministry of Forests, Lands, Natural Resource Operations & Rural Development alerting them to water concerns and erosion of the Denman shoreline on Cable and Mable Beaches, and include expression of concern to further consider remedial actions.	Marnie Eggen		Completed

Follow Up Action Report

Denman Island

21-Jan-2020

Activity	Responsibility	Dates	Status
12 Staff to amend the Top Priority List by moving "Temporary Use Permits" to the Projects List and replace it with "Signage at Ferry Terminal."	Marnie Eggen		Completed
13 Staff to remove Nov. 20/18 FUAL item regarding signage at Buckley Bay Terminal, remove Mar. 7/19 FUAL item regarding DE-ALR-2018.1.	Marnie Eggen		Completed



February 25th, 2020

Sue Ellen Fast
Chair, Denman Island Local trust Committee
700 North Road, Gabriola Island, BC, VOR 1X3

Via Email: wcottingham@islandstrust.bc.ca

Re: February 7th, 2020 letter (DE-6410-03) - Drainage concerns on Denman Island; Cable Beach and Mable Road.

The two sites described in the February 7th, 2020 letter are both know to MOTI and have been field inspected as recently as February 7th, 2020.

1. The Cable Beach site:
Correct, a hydrotechnical engineer was on site and did some investigations. Remediation was not recommended. At this time, the area is being closely monitored by Mainroad North Island staff and MOTI.
In what way do you feel the situation is worsening? Which professionals are raising concern?
2. Mable Road Ditch outfall:
The culvert outlet was not blocked, and water was freely flowing through the culvert. The area described in the February 7th, 2020 letter is outside of MOTI R/W, within foreshore lands (federal). The area of erosion is not a concern to MOTI drainage infrastructure.

Should you have any questions, please feel free to contact me at the (250) 334-6959.

Sincerely,

Tallina McRae
District Operations Technician & Area Manager, Roads
Courtenay Area office

From: Baldwin, John FLNR:EX <John.Baldwin@gov.bc.ca>

Sent: February 10, 2020 3:46 PM

To: Wil Cottingham <wcottingham@islandstrust.bc.ca>

Cc: McRae, Tallina TRAN:EX <Tallina.McRae@gov.bc.ca>; Blid, Denise C FLNR:EX <Denise.C.Blid@gov.bc.ca>; Doyle, Jessica FLNR:EX <Jessica.Doyle@gov.bc.ca>; Fulcher, Nicole FLNR:EX <Nicole.Fulcher@gov.bc.ca>

Subject: RE: Letter from Chair of Denman Island Local Trust Committee regarding water runoff, erosion, and groundwater concerns at two Denman beaches

Wil – this is a follow up to your letter and my review with Tallina McRae (MOTI) of the situation at Cable and Marble Beaches on Denman Island.

This office understands that both sites involve man made ditches associated with MOTI right of ways, and do NOT involve natural streams as defined within the *BC Water Sustainability Act* (WSA). The WSA does NOT apply to ocean foreshores.

MOTI maybe responding to you on these matters in the near future.

John Baldwin
Assistant Water Manager

DATE OF MEETING: March 17, 2020

TO: Denman Island Local Trust Committee

FROM: Jaime Dubyna, Planner 2
Northern Team

COPY: Marnie Eggen, Island Planner

SUBJECT: Covenant for a proposed two lot subdivision

Applicant: Henning Nielsen (on behalf of Denman Farmhouse Inc. & Pandesign Inc.)

Location: PID 028-605-691; Lot A, Section 12, Denman Island, Nanaimo District Plan VIP88949 Except Part in Plans EPP73790 and EPP94744; 2100 Crescent Rd., Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owners of PID 028-605-691; Lot A, Section 12, Denman Island, Nanaimo District Plan VIP88949 Except Part in Plans EPP73790 and EPP94744, and designate the Chair and Trustee [insert Trustee name] of the Denman Island Local Trust Committee to sign the covenant for DE-SUB-2018.1.

REPORT SUMMARY

This staff report concerns a covenant prepared for a proposed two lot subdivision of the subject property. The covenant restricts further subdivision of the remainder lot pursuant to the Denman Island Land Use Bylaw (LUB) No. 186. Staff request the Denman Island Local Trust Committee (LTC) consider acceptance of the covenant and designate the Chair and one Trustee to sign the covenant (see Appendix 1 for covenant). The covenant is a condition of subdivision.

BACKGROUND

In accordance with Subsection 2.8.22 of the LUB, staff requested as a condition of Preliminary Layout Approval (PLA) by the Ministry of Transportation and Infrastructure (MoTI), that the applicant grant a covenant complying with Subsection 1.2.4 of the LUB in respect of proposed Remainder Lot A prohibiting further subdivision of that lot.

A template covenant was prepared by Islands Trust's legal counsel in respect of Subsection 2.8.22 in the LUB; therefore no amendments of the covenant are required.

The applicant has forwarded a copy of Plan EPP94744, which is attached to and forms a part of the covenant.

A copy of Section 2.8 – Subdivision Regulations in the LUB are attached in Appendix 2.

ANALYSIS

Policy/Regulatory

Land Use Bylaw:

The covenant is consistent with the following regulations of the Denman Island LUB:

1.2 Jurisdiction

4 *Where under this Bylaw an owner of land is required or authorised to grant any covenant or statutory right of way, the covenant or statutory right of way must be granted to the Denman Island Local Trust Committee in priority to all financial charges and delivered in registerable form satisfactory to the Denman Island Local Trust Committee prior to the granting of any approval or authorisation in respect of which the covenant or statutory right of way is required. The covenant must indemnify the Denman Island Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenantor.*

2.8 Subdivision Regulations

22 *Where:*

- *a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and*
- *one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every such lot prohibiting further subdivision of the lot.*

Issues and Opportunities

The proposed two lot subdivision includes Proposed Lot 1, measured to be 2 ha in area, and Proposed Remainder Lot A, measured to be approximately 12.62 ha in area. A previous subdivision (DE-SUB-2017.2) of the parent parcel resulted in the creation of a 2.03 ha lot (Lot 1, Section 12, Denman Island, Nanaimo District, Plan EPP73790; PID 030-277-876). Staff have determined that a covenant is required for Proposed Remainder Lot A to prohibit further subdivision of that lot, in accordance with Subsection 2.8.22.

Rationale for Recommendation

Staff recommend accepting the covenant as it is consistent with Subsection 2.8.22 of the Denman Island LUB, which restricts further subdivision of the remainder lot.

NEXT STEPS

Should the LTC accept and sign the covenant, staff will forward the signed covenant to the applicant for registration with the Land Title and Survey Authority of British Columbia (LTSA), and request a copy of the registered covenant upon its registration with LTSA.

Following completion of all conditions outlined in the referral response to MoTI, staff will then provide written confirmation that the Islands Trust’s conditions have been met and that the proposed subdivision meets Denman Island LTC Bylaws.

Submitted By:	Jaime Dubyna, MSc.Pl. Planner 2	February 25, 2020
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Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 2, 2020
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ATTACHMENTS

1. Covenant
2. Section 2.8 – Subdivision Regulations of the Denman Island Land Use Bylaw No. 186

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

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

Swift Datto Law Corporation
Barristers and Solicitors
201 - 467 Cumberland Road
Courtenay

BC V9N 2C5

Tel: 250-334-4461
File No. 47420 RJS/df

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

028-605-691

LOT A SECTION 12 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP88949
EXCEPT PART IN PLANS EPP73790 AND EPP94744

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant
Priority Agreement

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

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

(b) ☒ Express Charge Terms Annexed as Part 2

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

5. TRANSFEROR(S):

DENMAN FARMHOUSE INC., INC. NO. 1142437 (AS TO COVENANT)
PANDESIGN INC., INCORPORATION NO. 533170 (AS TO PRIORITY)

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

DENMAN ISLAND LOCAL TRUST COMMITTEE

700 NORTH ROAD RR#3

GABRIOLA ISLAND

BRITISH COLUMBIA

V0R 1X3

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

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

Officer Signature(s)

RICHARD J. SWIFT, Q.C.

Barrister & Solicitor

201 - 467 Cumberland Road
Courtenay, BC V9N 2C5

Execution Date

Y	M	D
19	11	

Transferor(s) Signature(s)

DENMAN FARMHOUSE INC. by its
authorized signatory(ies):

Name: Wolfgang Rieder

OFFICER CERTIFICATION:

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

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 9 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y M D

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

Name:

Name:

RICHARD J. SWIFT, Q.C.

Barrister & Solicitor

201 - 467 Cumberland Road
Courtenay, BC V9N 2C5

19 08 12

(AS TO PRIORITY)
PANDESIGN INC. by its authorized
signatory(ies):

Name: Henning Nielsen

OFFICER CERTIFICATION:

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

TERMS OF INSTRUMENT – PART 2

SECTION 219 COVENANT

THIS AGREEMENT dated for reference _____, is

BETWEEN:

DENMAN ISLAND LOCAL TRUST COMMITTEE,
700 North Road RR#3 Gabriola Island, B.C. V0R 1X3

(the "Local Trust Committee")

AND:

DENMAN FARMHOUSE INC., INC. NO. 1142437,
1991 Crescent Road, Denman Island, B.C. V0R 1T0

(the "Owner")

GIVEN THAT:

- A. The Owner is the registered owner of the parcels of land legally described in the General Instrument – Part 1 (*Land Title Act* Form C) attached to and forming part of this Agreement (the "Lands"); and
- B. In connection with the deposit of Subdivision Plan No. EPP94744 a copy of which is attached as Schedule A, section 2.8.22 of the Denman Island Land Use Bylaw, 186, 2008, requires that the Owner grant to the Local Trust Committee a covenant under section 219 of the *Land Title Act* British Columbia restricting further subdivision of the Lands;

THIS AGREEMENT is evidence that in consideration of the payment of \$10.00 from the Local Trust Committee to the Owner and other good and valuable consideration (the receipt and sufficiency of which the Owner acknowledges), the Owner covenants and agrees with the Local Trust Committee under section 219 of the *Land Title Act* as follows:

1. **No Further Subdivisions** – The Lands shall not be subdivided by any means including by deposit of a bare land strata plan, phased strata plan or leasehold plan under the *Strata Property Act* (British Columbia).
2. **Indemnity** – As an integral part of this Agreement, pursuant to section 219(6)(a) of the *Land Title Act*, the Owner hereby indemnifies the Local Trust Committee:
 - (a) from and against any and all liability, actions, causes of action, claims, suits, proceedings, judgements, damages, expenses, legal fees, demands and losses at any time suffered or incurred by, or brought against, the Local Trust Committee, or any of its elected or appointed officials, officers, employees or agents, arising

from or in connection with the granting or existence of this Agreement, the performance of any of the Owner's obligations under this Agreement and any breach of any provision under this Agreement; and

- (b) for all costs, fees and expenses, including legal fees, incurred by the Local Trust Committee in the enforcement of this Agreement as a result of any breach of any provision of this Agreement by the covenantor.
3. **Specific Relief** – The Owner agrees that the public interest in ensuring that all of the provisions of this Agreement are complied with strongly favours the award of a prohibitory or mandatory injunction, or an order for specific performance or other specific relief, by the Supreme Court of British Columbia at the instance of the Local Trust Committee, in the event of an actual or threatened breach of this Agreement.
4. **No Effect on Powers** – Nothing in this Agreement shall:
- (a) affect or limit the discretion, rights or powers of the Local Trust Committee or the Local Trust Committee's Approving Officer under any enactment or at common law, including in relation to the use, development or subdivision of the Land;
 - (b) affect or limit any enactment relating to the use, development or subdivision of the Land; or
 - (c) relieve the Owner from complying with any enactment, including in relation to the use, development or subdivision of the Land.

And the Owner covenants and agrees to comply with all such enactments with respect to the Land.

5. **Local Trust Committee Discretion** – Where the Local Trust Committee or a representative of the Local Trust Committee is required or permitted under this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent:
- (a) the relevant provision shall not be considered fulfilled unless the approval, opinion, determination, consent or expression of satisfaction is in writing signed by the Local Trust Committee or the representative, as the case may be;
 - (b) the approval, opinion, determination, consent or satisfaction is in the sole discretion of the Local Trust Committee or the representative, as the case may be; and
 - (c) the Local Trust Committee or the representative, as the case may be, is under no public law duty of fairness or natural justice in that regard and the Local Trust Committee or the representative may do any of those things in the same manner as if it were a private person and not a public body or employee or officer thereof.

6. **No Obligation to Enforce** – The rights given to the Local Trust Committee under this Agreement are permissive only and nothing in this Agreement shall give rise to any legal duty of any kind on the Local Trust Committee to anyone or obligate the Local Trust Committee to enforce this Agreement or to perform any act or incur any expense.
7. **Agreement Runs with Land** – This Agreement shall burden and run with, and bind the successors in title to, the Land and each and every part into which the Land may be subdivided by any means (including by deposit of a strata plan of any kind under the *Strata Property Act* (British Columbia)).
8. **Waiver** – No waiver by the Local Trust Committee of any requirement or breach of this Agreement shall be effective unless it is an express waiver in writing that specifically references the requirement or breach and no such waiver shall operate as a waiver of any other requirement or breach or any continuing breach of this Agreement.
9. **Remedies** - No reference to or exercise of any specific right or remedy by the Local Trust Committee shall prejudice or preclude the Local Trust Committee from exercising any other right or remedy, whether allowed at law or in equity or expressly provided for in this Agreement, and no such right or remedy is exclusive or dependent upon any other such remedy and the Local Trust Committee may from time to time exercise any one or more of such remedies independently or in combination.
10. **Priority** – The Owner shall cause this Agreement to be registered in the applicable land title office against title to the Land with priority over all financial liens, charges and encumbrances, and any leases and options to purchase, registered or pending registration at the time of application for registration of this Agreement, including by causing the holder of each such lien, charge, encumbrance, lease or option to purchase to execute an instrument in a form required by the Local Trust Committee under which such holder postpones all of the holder's rights to those of the Local Trust Committee under this Agreement in the same manner and to the same extent as if such lien, charge, encumbrance, lease or option to purchase had been registered immediately after the registration of this Agreement.
11. **Modification** – This Agreement may not be modified except by an agreement or instrument in writing signed by the Owner or its successor in title and the Local Trust Committee or a successor or assignee.
12. **Further Assurances** – The Owner shall do and cause to be done all things, including by executing further documents, as may be necessary to give effect to the intent of this Agreement.
13. **Owner's Expense** – The Owner shall perform its obligations under this Agreement at its own expense and without compensation from the Local Trust Committee.

14. **Severance** – If any part of this Agreement is for any reason held to be invalid by a decision of a court with the jurisdiction to do so, the invalid portion is to be considered severed from the rest of this Agreement and the decision that it is invalid shall not affect the validity or enforceability of the remainder of this Agreement.
15. **Interpretation** - In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this agreement;
 - (c) the term "enactment" has the meaning given to it under the *Interpretation Act* (British Columbia) on the reference date of this Agreement;
 - (d) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced from time to time, unless otherwise expressly provided;
 - (f) reference to a particular numbered section, or to a particular lettered schedule, is, unless otherwise expressly provided, a reference to the correspondingly numbered section or lettered schedule of this Agreement;
 - (g) all Schedules to this Agreement form an integral part of this Agreement;
 - (h) time is of the essence; and
 - (i) where the word "including" is followed by a list, the contents of the list are not intended to limit or otherwise affect the generality of the expression preceding the word "including".
16. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the Province of British Columbia, which shall be deemed to be the proper law hereof.
17. **Enurement** – This Agreement hereof shall enure to the benefit of the parties and their respective successors and assigns, as the case may be.
18. **Entire Agreement** – This Agreement is the entire agreement between the parties regarding its subject.

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

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

SUBDIVISION PLAN OF PART OF LOT A,
SECTION 12, DENMAN ISLAND,
NANAIMO DISTRICT, PLAN VIP88949
EXCEPT PART IN PLAN EPP73790.

PLAN EPP94744

BCCS 82F.057

3
PLAN

4
VIP60281

COVENANT

Rem. A
PLAN VIP88949

COVENANT PLAN EPP71513

80° 15' 40"
123.844

Rem. A
PLAN VIP88949

DATUM NAD83 (CSRS) 1997.0
UTM ZONE 10
NORTHING 5488670.75
EASTING 370805.22
POINT S.F. 0.99978666
THE ESTIMATED HORIZONTAL
NETWORK ACCURACY IS 0.03 METRES

COVENANT
PLAN EPP71513

2
PLAN VIP79163

1
Area = 2.00 ha

PART Rem. A
PLAN VIP88949



LEGEND:

BEARINGS ARE NAD83 "CSRS" GRID BEARINGS DERIVED FROM DIFFERENTIAL CARRIER PHASE GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THIS PLAN SHOWS HORIZONTAL GROUND LEVEL DISTANCES BASED ON AN AVERAGE ELLIPSOIDAL ELEVATION OF 80 METRES. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND LEVEL DISTANCES BY THE AVERAGE CORRECTION FACTOR OF 0.99978666.

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

- STANDARD IRON POST FOUND
- STANDARD IRON POST SET
- △ GNSS STATION SET

SCALE: 1:1250 (METRIC)



THIS PLAN SHOWS ONE OR MORE WITNESS POSTS WHICH ARE NOT SET ON THE TRUE CORNER.

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
FILE 2018-02116

THIS PLAN LIES WITHIN THE COMOX VALLEY REGIONAL DISTRICT.

THE INTENDED PLOT SIZE OF THIS PLAN IS 350 mm IN HEIGHT BY 432 mm IN WIDTH (C SIZE) WHEN PLOTTED AT A SCALE OF 1 : 1250.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 7th DAY OF AUGUST, 2019
STEVEN R. HOERBURGER, BOLS #709.

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100
FILE: C1017PH4/187.29 FB 82/40

DATUM NAD83 (CSRS) 1997.0
UTM ZONE 10
NORTHING 5488229.85
EASTING 371316.45
POINT S.F. 0.99978632
THE ESTIMATED HORIZONTAL
NETWORK ACCURACY IS 0.05 METRES

SECTION 12

REMAINDER
SOUTHEAST 1/4
SECTION 12

1
PLAN EPP73790

3
PLAN VIP79163

EASEMENT
PLAN VIP79164

Rem. A
PLAN
VIP88949

CRESCENT ROAD

PRIORITY AGREEMENT

This Priority Agreement is between Pandesign Inc., Incorporation No. 533170 (the "**Prior Chargeholder**"), being the registered owner and holder of Mortgage No. CA7168841 (the "**Prior Charge**"), and the Denman Island Local Trust Committee (the "**Local Trust Committee**"), being the registered owner and holder of the covenant under section 219 of the *Land Title Act* (British Columbia) to which this Priority Agreement is attached (the "**Subsequent Charge**").

In consideration of the sum of ten dollars (\$10.00) now paid to the Prior Chargeholder and other good and valuable consideration, the receipt and sufficiency of which the Prior Chargeholder acknowledges, the Prior Chargeholder hereby approves of, joins in and consents to the granting of the Subsequent Charge and hereby postpones all of the Prior Chargeholder's rights under the Prior Charges to the rights of the Local Trust Committee under the Subsequent Charge in the same manner and to the same extent as if the Prior Charges had been registered immediately after the Subsequent Charge.

As evidence of its agreement to be bound by this Priority Agreement, the Prior Chargeholder has executed the General Instrument – Part 1 (*Land Title Act* - Form C) attached to and forming part of this Priority Agreement.

END OF DOCUMENT

- 3 The minimum depth of a landscape screen is 1.5 metres.
- 4 Landscape screens along a front or exterior side lot line must be unbroken, except to provide for access to or from the lot.

Landscape Screens

- 5 All commercial, industrial and institutional uses must be screened from view from a lot in the Residential (R1) or Rural Residential (R2) zone by a landscape screen.
- 6 All outdoor storage or use related to a home occupation must be screened from view from an adjacent lot or highway by a landscape screen.
- 7 All works yards, commercial or industrial outdoor storage, or derelict vehicles must be screened from view from an adjacent lot or highway by a landscape screen.
- 8 All uses in the R3 zone must be screened from adjacent properties with a landscape screen located within the setback area, except that dead trees or trees that pose a safety risk may be extracted from the setback area.

2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

- 1 Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- 2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.
- 3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

Total area of all proposed lots including the remainder

divided by

Number of Proposed lots including the remainder.

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum lot Area.

- 4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

Parcels Divided by a Zone Boundary

- 5 Where a lot to be subdivided is split by one or more zone boundaries, a separate calculation of the number of lots permitted shall be made for each portion, and no lot may be created in respect of any fractional areas resulting from such calculation.

Lot Configuration Regulations

- 6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act.

- 7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

INFORMATION NOTE: For information on road standards see the Letter of Agreement between the Islands Trust and the Ministry of Transportation, dated October 20, 1992 and amended July 18, 1996.

INFORMATION NOTE: For information on park dedication requirements of a subdivision see Section 941 of the *Local Government Act*, and for information on the 10 per cent frontage requirements see Section 944 of the *Local Government Act*.

Proof of Potable Water - Amounts

- 8 Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 9 to 11 of this section.
- 9 In Residential and Resource zones, the minimum amount of potable water that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit
- 10 In the Commercial zone, the minimum amount of potable water that must be provided per day is 3600 litres for each one hectare of lot area.
- 11 In Public zones, the minimum amount of potable water that must be provided per day is:
- 50 litres for each classroom in a school; and
 - 1200 litres per lot for all other institutional uses.

Proof of Potable Water – Well and Surface Water Certification

- 12 Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a **qualified professional**:
- that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of **potable** water on a continuous basis; and
 - that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.
- 13 Where a surface water supply is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide proof of a water license that permits the withdrawal of the required amount of water.
- 14 If the applicant proposes to provide potable water from a well or surface water supply on another lot, the applicant must concurrently with the registration of the subdivision plan, register against title on the lot on which the well is located an easement in favour of each lot to which water is provided, and a statutory right-of-way complying with Regulation 4 of Section 1.2 for water supply purposes.
- 15 If the required amount of potable water cannot be supplied, as measured at the tap, or if the certification referred to in Regulation 12 of this section cannot be made, the applicant must:
- provide a community water system complying with the requirements of Regulation 18 of this section, or
 - grant a covenant complying with Regulation 4 of Section 1.2 restricting the development of the subdivision to the buildings, structures and uses in respect of which water can be supplied in accordance with regulations 9 through 11 and a certification has been made under Regulation 12 of this section.

Proof of Potable Water - Cisterns

- 16 Where a cistern is required by this Bylaw, the landowner must:
- provide one or more cisterns with a combined capacity of 8400 litres of potable water; and
 - provide a covenant complying with Regulation 4 of Section 1.2 prohibiting use of the property for which proof of potable water is required until cisterns are in place capable of holding the required amount of water.

Community Water System

- 17 Where a community water system is proposed to serve a subdivision:
- the community water system must comply in all respects with applicable provincial enactments;
 - the water supply for the community water system must be obtained on Denman Island; and
 - if the water system is to be supplied by a well, the immediate catchment area of the well, as defined by an Engineer, is to be protected from pollution by a covenant in accordance with Regulation 4 of Section 1.2 prohibiting the installation of sewage disposal fields or other sanitary facilities.

Waste Disposal

- 18 For any lot created by subdivision, the applicant must demonstrate the availability of an area of the lot for the installation of a conventional septic tank or package treatment sewage disposal system with the characteristics required by the Sewerage System Regulation under the *Health Act*.

Exceptions

- 19 Regulations 2 to 19 of this section do not apply:
- to a lot being created solely for the purpose of locating unattended equipment necessary for the operation of a community water or sewerage system, an automatic telephone exchange, an electrical substation, or a similar public service facility or utility, and where no sewage would be generated, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
 - to a lot being created for park purposes where such parcel is to be shown as park on the plan of subdivision or for an ecological reserve that does not contain buildings, provided a covenant complying with Regulation 4 of Section 1.2 restricts the uses on this lot; or
 - to a lot being created solely for the purpose of sale or dedication to a conservation agency for conservation purposes, provided a covenant complying with Regulation 4 of Section 1.2 restricts the use of the lot to conservation.
- BL 200
- to a lot being created solely for the purpose of a cemetery
- 20 Minimum lot areas permitted by subdivision in Part 3 do not apply:
- to a lot resulting from a consolidation of two or more lots; or
 - to a lot resulting from a boundary adjustment between two or more lots, provided that no additional lots are created and no lot is increased in area such that it could be subdivided into more lots than would be permitted under this Bylaw, without the boundary adjustment.

INFORMATION NOTE: A lot created by subdivision for the provision of a residence for a relative under Section 946 of the Local Government Act is exempt from the minimum lot areas in Part 3 of this Bylaw.

- 21 The minimum area of a lot eligible for subdivision under Section 946 of the Local Government Act outside the Agricultural Land Reserve is 8.0 hectares.

INFORMATION NOTE: For land outside the ALR, section 946 of the Local Government Act requires that the landowner enter into a covenant with the local trust committee limiting the use of the newly created lot to a residence for a relative and prohibiting further subdivision of the lot.

Covenant Against Further Subdivision and Development

- 22 Where:
- a subdivision is proposed that yields the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
 - one or more of the lots being created has an area equal to or greater than twice the applicable minimum average lot area
- the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every such lot prohibiting further subdivision of the lot.

23 Where:

- a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and
- one or more of the lots being created have areas equal to or greater than twice the applicable minimum average lot area

the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every proposed lot prohibiting further subdivision of the lot so that the potential number of lots is no greater than the number of lots that would have been created if the previous subdivision had created the maximum number of lots permitted by the applicable minimum or average lot area specified in Part 3.

24 Where the approval of a bare land strata plan creates common property on which this Bylaw would permit construction of a principal building, if the common property were a lot, the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of the common property prohibiting the further subdivision of the common property, the construction of any principal buildings on the common property, and the disposition of the common property separately from the strata lots.



File No.: DE-DVP-2019.2 (McKeachie)

DATE OF MEETING: March 17, 2020

TO: Denman Island Local Trust Committee

FROM: Ian Cox, Planner 1
Northern Team

COPY: Marnie Eggen, Island Planner

SUBJECT: Development Variance Permit to vary lot depth/width ratio and 10% parcel frontage exemption
Applicant: Morley McKeachie
Location: 5841 Lacon Road

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2019.2 to vary the lot depth to width ratio as required by Section 2.8.6 of the Denman Island Land Use Bylaw No. 186, 2008, from 3:1 to 4.4:1 for proposed lot A, and from 3:1 to 9.03:1 for proposed lot B, to permit the proposed 2 lot Conventional Subdivision of Lot 13, Sections 5 and 6, Denman Island, Nanaimo District, Plan 6404.
2. That the Denman Island Local Trust Committee exempt each parcel of the proposed 2 lot Conventional Subdivision of Lot 13, Sections 5 and 6, Denman Island, Nanaimo District, Plan 6404 from Section 512(1)(a) of the *Local Government Act* which requires that each parcel has a highway frontage that is greater than 10% of the perimeter of the lot.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider Development Variance Permit (DVP) application DE-DVP-219.2 that seeks to vary the Denman Island Land Use Bylaw No. 186 (LUB) Section 2.8.6 lot depth/width ratio requirement from 3 times the average depth to 4.4 times for lot A, and to 9.03 times for lot B, in order to permit the proposed 2 lot Conventional Subdivision as shown in **Attachment 1**. The LTC is requested to consider this DVP application concurrently with a companion DP application presented in a separate report, both arising from a subdivision referral received from the Ministry of Transportation and Infrastructure (MOTI), DE-SUB-2010.1.

The LTC is also asked to consider issuing an exemption from the 10% highway frontage requirement for the proposed 2 lot subdivision.

Staff is recommending issuance of the Draft DVP (see **Attachment 2**) and approval of the 10% highway frontage exemption since the proposed 2 lot subdivision complies with LUB minimum and minimum average lot areas, and density provisions.

BACKGROUND

The subject lot as shown in Figure 1 is within the R1 – Residential Zone and is a “hooked” parcel with two highway frontages on Lacon Road. See **Attachment 3** – Site Context for greater detail.



Figure 1: Location of Subject Property

Approval of the proposed subdivision plan is contingent upon the applicant obtaining both the DP and DVP, as well as an exemption from the minimum required parcel highway frontage pursuant to *Local Government Act (LGA)* Section 512, since both proposed lots A and B do not meet this requirement:

Proposed lot A: 2.0 hectares, with approximately 9.24% highway frontage.

Proposed lot B: 3.0 hectares, with approximately 5.03% highway frontage.

Per conditions recommended by Islands Trust staff in the subdivision referral review response to the MOTI dated August 27, 2018, and the subsequent response from the MOTI dated December 18, 2019, Preliminary Layout Approval (PLA) will not be approved until such time as the applicant addresses the needed LUB variance and *LGA* frontage waiver issues.

ANALYSIS

Policy/Regulatory

Official Community Plan

The applicant has applied to the LTC for a Development Permit (DP) concurrent to this DVP application to address the matter that a portion of the subject property is located within the Development Permit Area 4 – RAR Applicable Streams, Lakes and Wetlands as shown in Figure 2 below. The objectives of this development permit area are found in section 6.9.4 of the [Denman Island Official Community Plan \(OCP\)](#). Information on how the application meets the DP guidelines set out in the LUB is discussed in the staff report pertaining to DE-DP-2019.2, dated March 17, 2020.

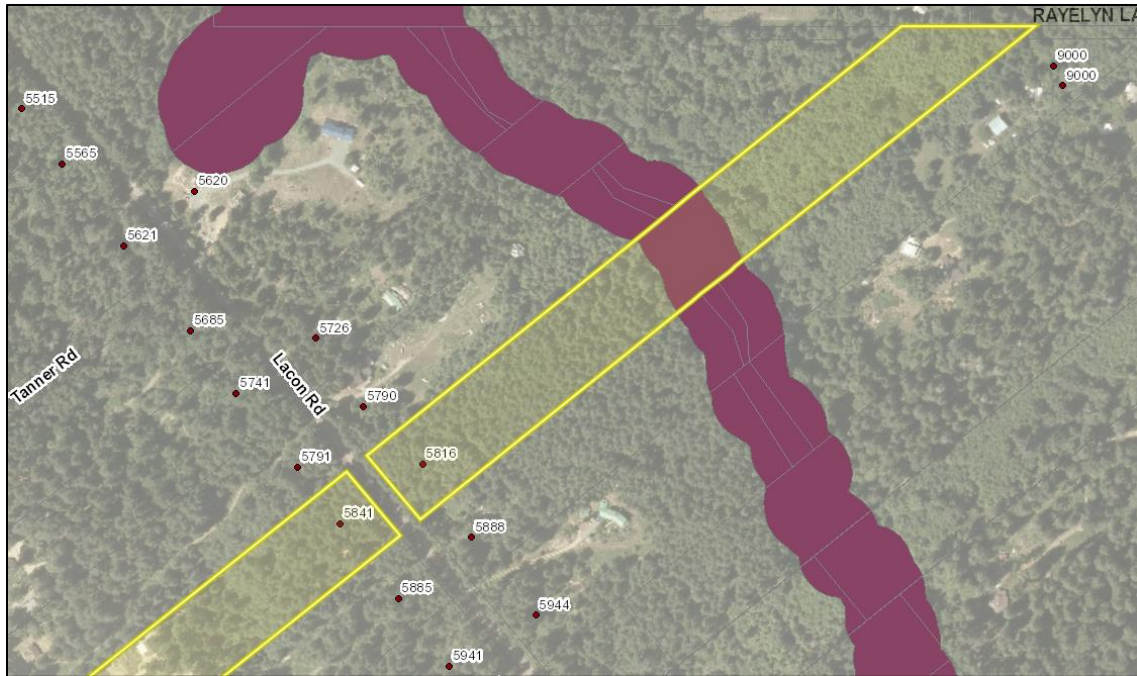


Figure 2: Location of DPA 4 covering portion of subject property

Denman Island Land Use Bylaw (LUB)

2.8 Subdivision Regulations

Lot Configuration Regulations

6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act.

The current depth/width ratio of the parent parcel and of proposed lot A and B, is greater than the LUB 3:1 maximum. The subdivision would result in proposed lot A having an average depth of 4.4 times its average width and lot B over 9 times, both requiring LTC approval of a variance prior to subdivision approval by the Provincial Approving Officer.

7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.

Local Government Act

Both proposed lots meet the above LUB 20.0 metre frontage minimum for Conventional Subdivision, but not Section 512 of the LGA which states:

Minimum parcel frontage on highway

512 (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of

(a) 10% of the perimeter of the lot that fronts on the highway, and

- (b) the minimum frontage that the local government may, by bylaw, provide.*
- (2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).*

Under the above section 512(2), a local government may exempt the statutory minimum with the understanding that the Approving Officer would make a decision taking into account the public interest and suitability of the proposed frontage.

Issues and Opportunities

Density

The minimum lot area per principal single family dwelling unit in the R1 Zone is 1.0 hectares. The smallest proposed lot, lot A, is 2.0 hectares.

LUB Section 2.8.23 states:

Where:

- a subdivision is proposed that yields fewer than the maximum number of lots permitted by the applicable minimum average lot area specified in Part 3; and*
- one or more of the lots being created have areas equal to or greater than twice the applicable minimum average lot area*

the applicant must grant a covenant complying with Regulation 4 of Section 1.2 in respect of every proposed lot prohibiting further subdivision of the lot so that the potential number of lots is no greater than the number of lots that would have been created if the previous subdivision had created the maximum number of lots permitted by the applicable minimum or average lot area specified in Part 3.

In the case of the proposed subdivision, potential exists for the creation of 3 additional lots and this is the maximum number of lots that is permitted by the applicable 1 hectare minimum average lot area in the R1 Zone. Therefore, it is the staff interpretation of this regulation that no covenant is required, since the potential that would remain following the proposed 2 lot subdivision is not greater than the maximum permitted by the bylaw.

Consultation

Statutory Requirements

Statutory Notice was distributed to neighbouring property owners on March 5, 2020 in accordance with requirements of the *Local Government Act* (**See Attachment 4**).

At the time of preparing this report, Islands Trust has received no public correspondence in relation to the application as a result of the notification. Comments may be received from the public before or at the LTC meeting on March 17th, 2020. Although staff will make every effort to include email/electronic correspondence in the meeting agenda package, submissions received after 4pm on March 16th will be delivered to the meeting in hard copy and subsequently added to the record. All correspondence received on or before the LTC meeting will form part of the public record and will be considered by the LTC. Please direct submissions to DenmanIslandLocalTrustCommittee@islandstrust.bc.ca.

First Nations

On March 14, 2019, Trust Council adopted a Reconciliation Declaration¹ intended to inform all consideration and decisions made by Islands Trust elected officials and staff in regard to reconciliation and First Nations relations.

Subdivision is considered “development” and has the potential to impact cultural heritage and archaeological sites that are protected by *The Heritage Conservation Act (HCA)*, whether on Crown Provincial or private land. They are non-renewable, very susceptible to disturbance and are finite in number. Archaeological sites are an important resource that is protected for their historical, cultural, scientific and educational value to the general public, local communities and First Nations. Impacts to archaeological sites must be avoided or managed by development proponents.² It is recommended that the property owner discuss development plans with the Heritage Branch to ascertain the need for any additional permitting under the *Heritage Conservation Act*.

Rationale for Recommendation

Both proposed lot A and lot B comply with minimum and minimum average lot areas and density provisions of the LUB.

The LUB requires a 20 metre minimum highway frontage for any lot created by conventional subdivision, which in this case is less than the 10% minimum stipulated by *LGA* Section 512. Lots A and B, therefore comply with the Denman LUB but not with the *LGA*. As stipulated by *LGA* Section 512(2), the LUB requirement prevails. It also acts as a de facto exemption from the 10% *LGA* minimum, however, staff is recommending a formal statement of exemption for clarity.

The requested variance to the LUB 3:1 lot depth/width ratio is perhaps a larger ask, since although the lot was created prior to the adoption of the current LUB requiring the ratio, the intent of the LUB appears to be to curtail the creation of long, narrow, or odd shaped lots where access and frontage can be an issue. However, it is the opinion of staff that the proposed 63.79 meter frontage is adequate in the case of both lots and that their conventional rectangular shape is not out of the ordinary or particularly problematic, especially since the existing frontage has been historically utilized for access to the parent parcel.

ALTERNATIVES

1. Request further information

The LTC may request further information be provided prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Suggested Resolution:

That the Denman Island Local Trust Committee request further information prior to making a decision on application DE-DVP-2019.2 including [specify information required].

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Suggested Resolution:

¹ <http://www.islandstrust.bc.ca/media/347494/reconciliation-declaration.pdf>

² <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

That the Denman Island Local Trust Committee deny application DE-DVP-2019.2 for the following reasons [state specific reasons].

Next Steps

If the LTC issues the DVP to vary the lot depth/width ratio and issues the exemption for the LGA Section 512 parcel frontage exemption, Preliminary Layout Approval could be issued by the MOTI and the subdivision could proceed as per the proposed plan (see **Attachment 1**).

Submitted By:	Ian Cox, Planner 1 Northern Team	February 28, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 2, 2020

ATTACHMENTS

1. Proposed Plan of Subdivision
2. Draft Development Variance Permit
3. Site Context and Policies
4. Statutory Public Notice

SKETCH PLAN OF LOT 13, SECTIONS 5 AND 6, DENMAN ISLAND,
NANAIMO DISTRICT, PLAN 6404.

SCALE: 1:2000 (METRIC)

PROPOSED SUBDIVISION
Lot 13, Sections 5 & 6,
Denman Island, Plan 6404

Request:

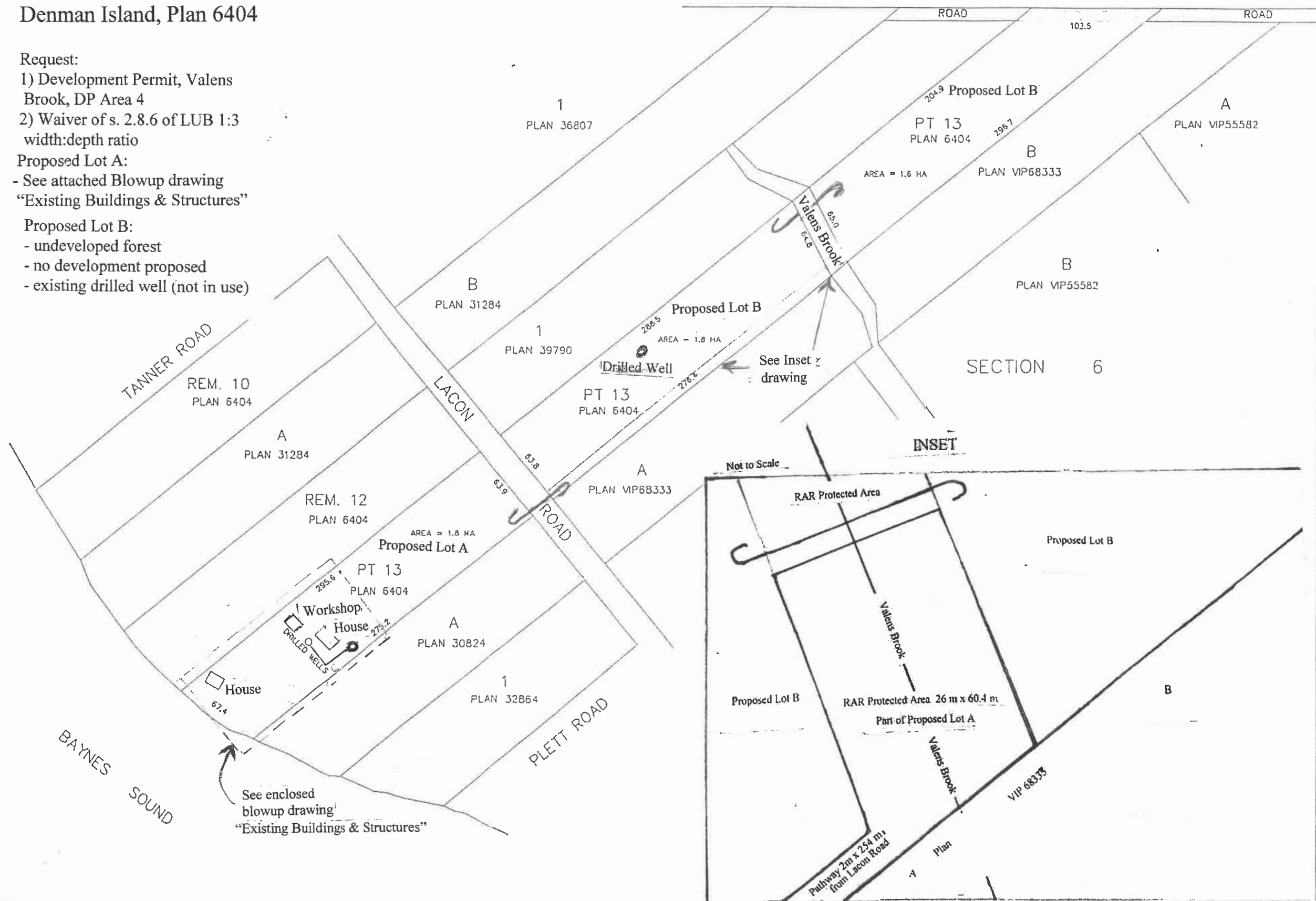
- 1) Development Permit, Valens Brook, DP Area 4
- 2) Waiver of s. 2.8.6 of LUB 1:3 width:depth ratio

Proposed Lot A:

- See attached Blowup drawing "Existing Buildings & Structures"

Proposed Lot B:

- undeveloped forest
- no development proposed
- existing drilled well (not in use)



ATTACHMENT 2 - SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 13, Sections 5 and 6, Denman Island, Nanaimo District, Plan 6404
PID	005-850-771
Civic Address	5841 Lacon Road, Denman Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential – east, south, west Conservation – north property boundary

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2007.7	Workshop and cottage
DE-SUP-2008.9	Year around residence and home office
DE-DVP-2019.2	Current request for depth/width variance and 10% frontage waiver
DE-DP-2019.2	Companion application to DVP-2019.2 for DPA 4 – RAR

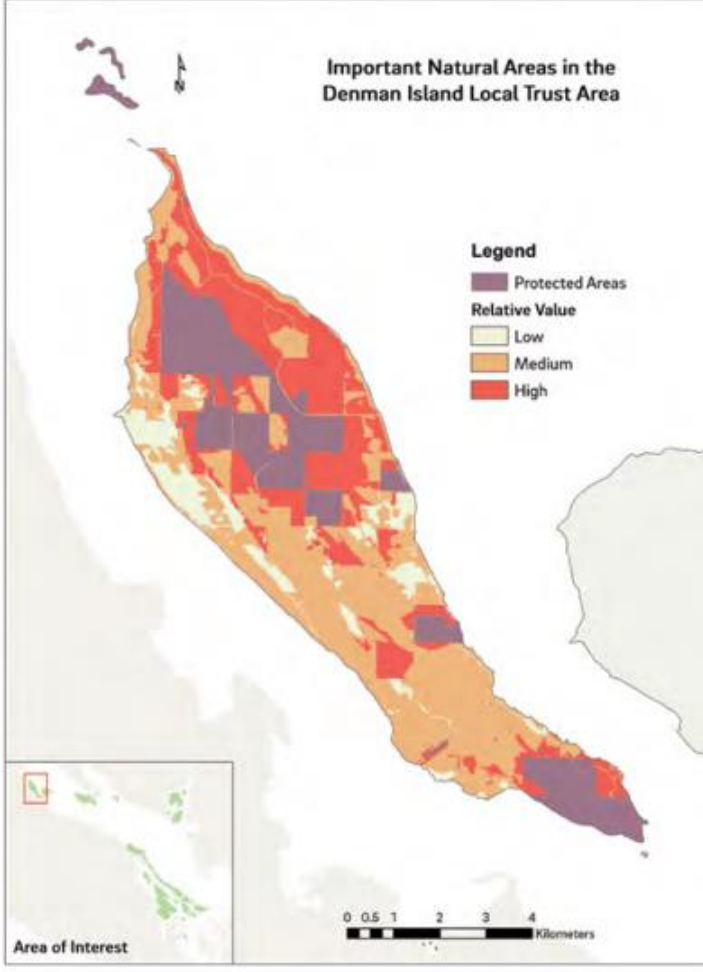
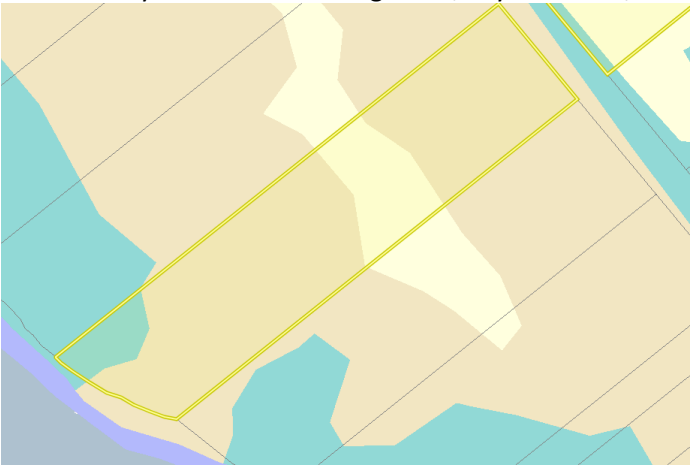
POLICY/REGULATORY

OCP Designations	Residential Land Use Designation Complies with Residential policies and objectives DPA 4 – RAR Applicable Streams, Lakes and Wetlands Objectives: <i>The objectives of this development permit area are as follows:</i> 1. To honour provincial designations of certain lands as for agricultural purposes 2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems 3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation 4. To prevent the degradation of existing and future water supplies on Denman Island 5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas 6. To prevent water pollution Conformity with the Guidelines for meeting the above Objectives are addressed in the concurrent DP application DE-DP-2019.2
Land Use Bylaw	Zoning: R1- Residential 1
Regulations	2.8 Subdivision Regulations Lot Configuration Regulations

	6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act. 7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.
Covenants	UNDERSURFACE RIGHTS COAL TSN LAND TAX DEFERMENT AGREEMENT
Bylaw Enforcement	Nothing on current TAPIS record
Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor a property adjacent to an ITC-owned property or conservation covenant area. Referral to ITC for comment not required.

SITE INFLUENCES

Regional Conservation Plan	This area of Denman Island is identified in the Regional Conservation Plan 2018-2027 as having medium priority relative conservation value in the Trust area commensurate with its classification as a Natural Area of medium importance in terms of biodiversity when compared with the rest of Denman island itself and the Trust area.
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	 Important Natural Areas in the Denman Island Local Trust Area Legend - Protected Areas - Relative Value - Low - Medium - High Area of Interest 0 0.5 1 2 3 4 Kilometers
Species at Risk	One instance of mapped Critical Habitat (Public)
Sensitive Ecosystems	ITEM: Areas of Mature and Young Forest, Rural, Littoral along foreshore Conservancy SEM: Coastal Douglas Fir, Dry Maritime/Salal 

Hazard Areas	None currently mapped
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a high probability that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. Impacts to archaeological sites must be avoided or managed by development proponents¹. It is recommended that the property owner discuss development plans with the Heritage Branch to ascertain the need for any additional permitting under the <i>Heritage Conservation Act</i>. <i>*Archaeological information must not be shared or redistributed without the permission of the Archaeology Branch.</i> Diana Cooper Archaeologist/Archaeological Site Inventory Information and Data Administrator Archaeology Branch Ministry of Forests, Lands, Natural Resource Operations and Rural Development Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3 Phone: 250-953-3343 Fax: 250-953-3340 Website: http://www.for.gov.bc.ca/archaeology/
Climate Change Adaptation and Mitigation	This DVP application relates to a proposal that seeks to create 2 lots from one existing parent parcel capable of supporting residential density. The proposal is not expected into increase the potential intensity of use on either proposed parcel since density is regulated by lot area in the LUB: <i>Density of Uses, Buildings and Structures in the R1 Zone:</i> <i>1 Minimum lot area per principal single family dwelling unit is 1.0 ha</i> <i>2 Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table is 1</i> GHG emissions could be expected to increase with the development potential for permitted number of single family residential densities on each parcel commensurate with levels associated with such development patterns and land use, including associated use of personal vehicles for transport on and off island.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble

¹ <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

File No.: DE-DP-2019.2
(McKeachie)

DATE OF MEETING: March 17, 2020
TO: Denman Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
COPY: Marnie Eggen, Island Planner
SUBJECT: Development Permit Application for DPA 6 – Riparian Areas
Applicant: Morley McKeachie
Location: 5841 Lacon Road, Denman Island; PID 005-580-771

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2019.2

REPORT SUMMARY

The applicant seeks a Development Permit (DP) in respect of Development Permit Area 4 – RAR Applicable Streams, Lakes and Wetlands (DPA 4). The LTC is asked to consider this DP application concurrently with a companion DVP application presented in a separate report, both arising from a subdivision referral received from the Ministry of Transportation and Infrastructure (the MOTI) that is now Islands Trust file, DE-SUB-2010.1 (see **Attachment 1** – Proposed Plan of Subdivision). Staff is recommending issuance of the DP as presented.

BACKGROUND

Subdivision is considered “development” in the Denman Island Land Use Bylaw No. 186 (LUB) and within Development Permit Area (DPA) No. 4 - Streams, Lakes and Wetlands. As such, an approved DP is required per Islands Trust staff-requested conditions of Preliminary Layout Approval (PLA) from the MOTI. The application meets the DPA 4 Guidelines, as demonstrated in **Attachment 3**, through the primary requirement that a Riparian Areas Protection Regulation (RAPR) Assessment Report be conducted that includes recommendations for impact mitigation measures to the Streamside Protection and Enhancement Area (SPEA) and any other recommendations which the Qualified Environmental Professional (QEP) conducting the Assessment deems necessary for the protection of the health of the stream. The applicant would be required to adhere to these recommendations and measures upon issuance of the permit since the RAPR Report is a condition of the permit. The province has reviewed the report and accepted the evaluation methods used therein (See **Attachment 5** – Draft Development Permit, Schedule “B” RAPR Assessment Report).

The subject lot as shown in Figure 1 is within the Residential Zone (R1) and is a “hooked” parcel with two highway frontages on Lacon Road. See **Attachment 2** – Site Context for greater detail.

Approval of the proposed subdivision plan is contingent upon the applicant obtaining both the DP and DVP, as well as an exemption from the minimum required parcel highway frontage pursuant to *Local Government Act*

(LGA) Section 512, since both proposed lots A and B do not meet this requirement. This matter is addressed in the report pertaining to DE-DVP-2019.2.

Per conditions recommended by Islands Trust staff in the subdivision referral review response to the MOTI dated August 27, 2018 and the subsequent response from the MOTI dated December 18, 2019, Preliminary Layout Approval (PLA) will not be approved until such time as the applicant obtains the LUB lot depth/width ratio variance, highway frontage exemption, and DP.

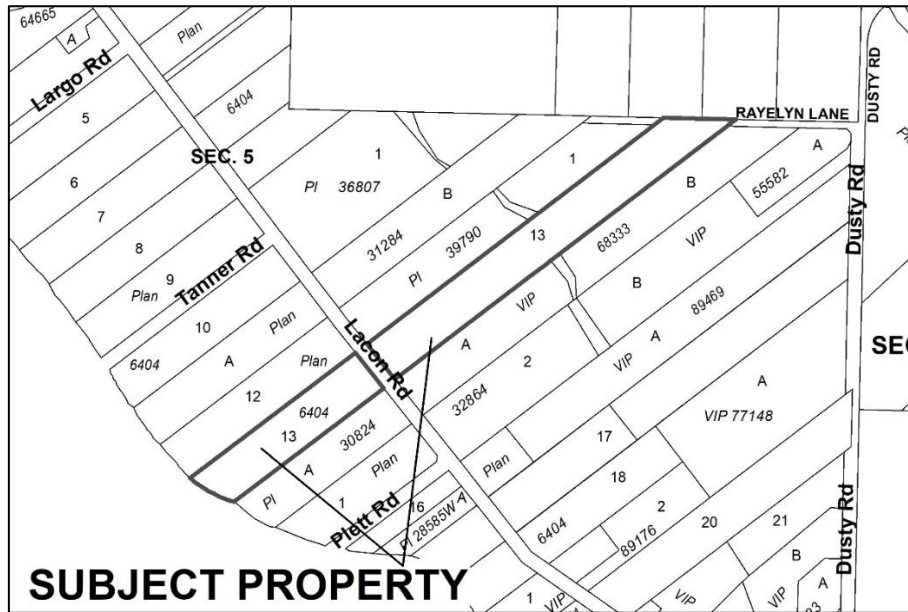


Figure 1 - Location of Subject Property

ANALYSIS

Policy/Regulatory

Official Community Plan:

A portion of the subject property is located within the Development Permit Area 4 - Riparian Areas (see **Figure 2** below). The objectives of this development permit area are found in section 6.9.4 of the [Denman Island Official Community Plan \(OCP\)](#) and are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes;
2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems;
3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation;
4. To prevent the degradation of existing and future water supplies on Denman Island;
5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian area;
6. To prevent water pollution.

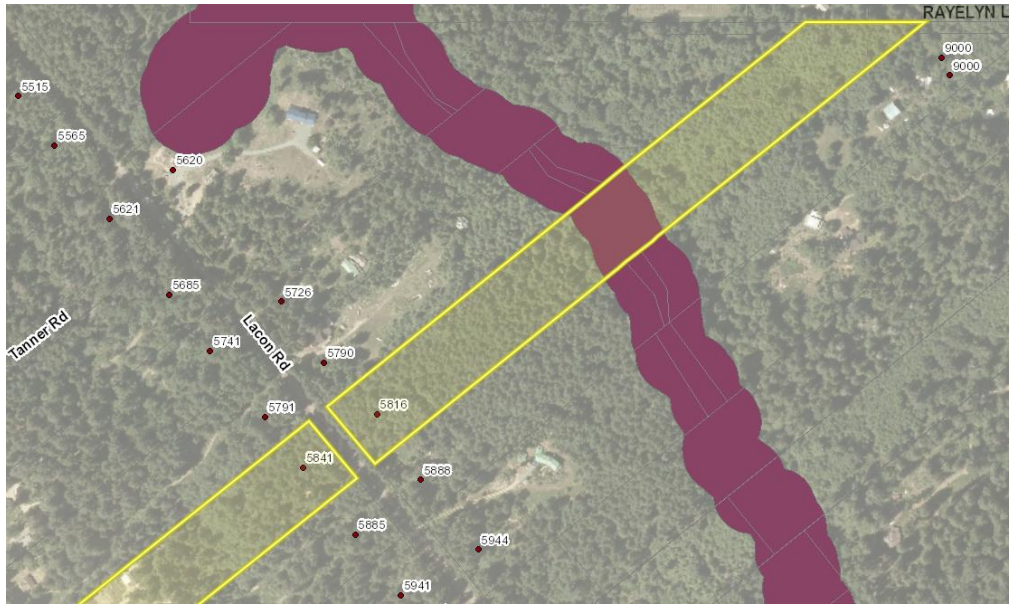


Figure 2 - Location of DPA 4 covering portion of subject property

Land Use Bylaw:

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Streams, Lakes and Wetlands development permit area must apply to the Denman Island Local Trust Committee for a development permit pursuant to LUB Section 4.4.1:

4.4.1 Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

a) Subdivision of land;

The LUB also contains the Guidelines for development for DPA 4. On staff assessment of how these Guidelines have been addressed and met by the application, refer to **Attachment 3**.

Issues and Opportunities

See March 17, 2020 staff report concerning DE-DVP-2019.2 for a discussion of density under LUB Section 2.8.23 and what kind of subdivision the issuance of the DP and DVP would effectively permit, being as they are, conditions of PLA.

Staff note that the LTC may only refuse to issue a DP if it determines that an application does not comply with the applicable Guidelines. The applicant has not proposed any land alteration or construction at this time, only the proposed 2 lot subdivision. Any future development activities would require a new DP if they were to occur within the DP Area, unless specifically exempted by LUB under Section 4.4.2, Exemptions.

The DP application appears to be consistent with the DPA guidelines as demonstrated in **Attachment 3**. A draft permit has been prepared for LTC consideration as presented in **Attachment 5**.

Rationale for Recommendation

It is the opinion of staff that the application meets the DPA guidelines and as such, the LTC must issue the permit unless it differs in opinion from staff analysis and finds that the Guidelines have not been met. Staff recommends that the LTC issue the DP as drafted.

ALTERNATIVES

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

1. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC must state the reasons for denial. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee deny application DE-DP-2019.2 for the following reasons [insert reasons...].

2. Approve Permit with condition(s)

The LTC may wish to approve issuance of the permit with further conditions to the presented Draft. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2019.2 conditional upon [insert conditions...].

NEXT STEPS

If the LTC concurs with the recommendation staff found on page one of this report, the DP will be issued contingent upon any conditions and staff will continue to work with the applicant until the other conditions of PLA as imposed by the MOTI, are met.

Submitted By:	Ian Cox, Planner 1	February 19, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	February 24, 2020

ATTACHMENTS

1. Proposed Plan of Subdivision
2. Site Context
3. DPA 4 Guidelines
4. RAPR Assessment Report
5. Draft Development Permit

Attachment 1 - Proposed Plan of Subdivision

SKETCH PLAN OF LOT 13, SECTIONS 5 AND 6, DENMAN ISLAND,
NANAIMO DISTRICT, PLAN 6404.

SCALE: 1:2000 (METRIC)

PROPOSED SUBDIVISION Lot 13, Sections 5 & 6, Denman Island, Plan 6404

Request:

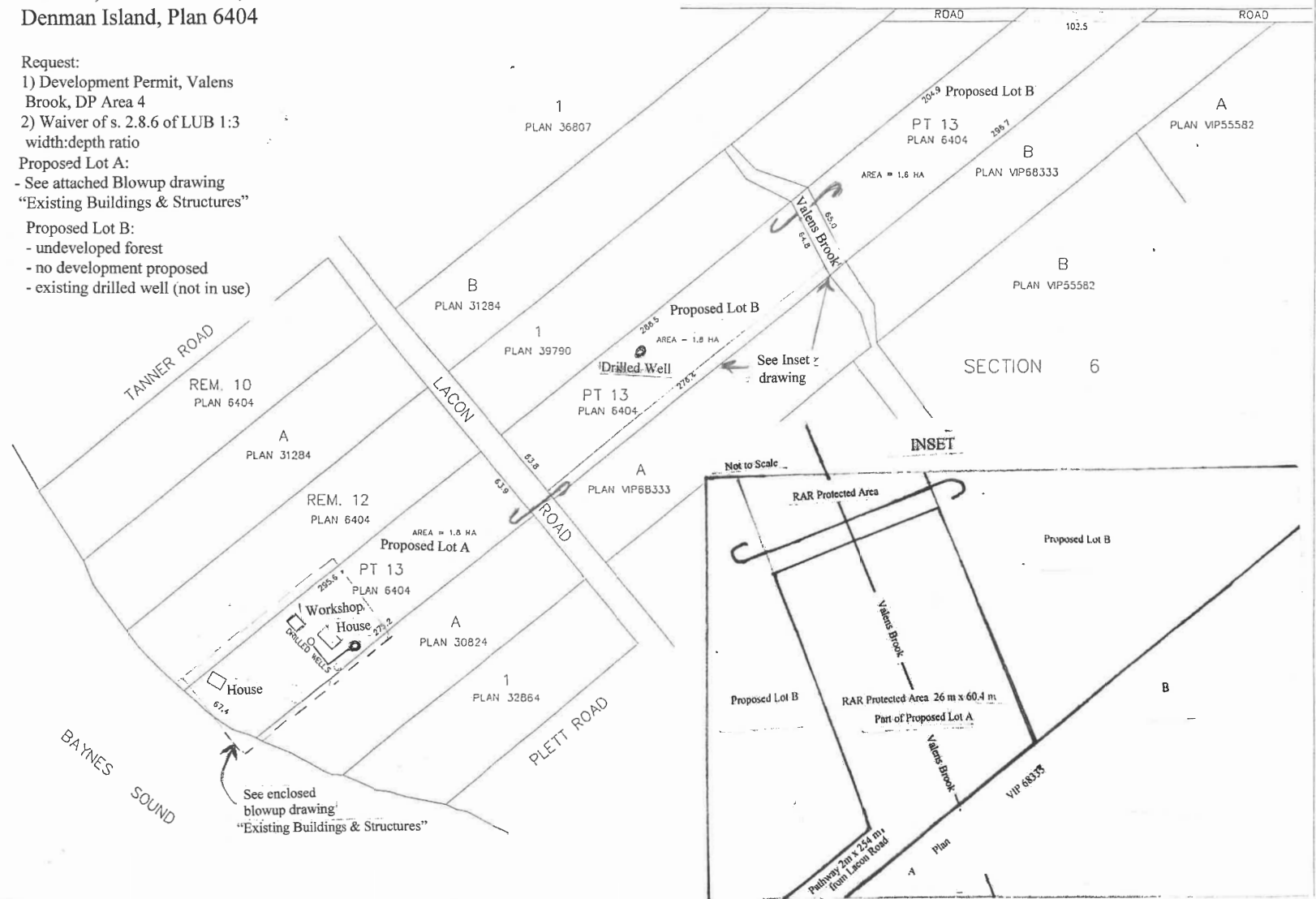
- 1) Development Permit, Valens Brook, DP Area 4
- 2) Waiver of s. 2.8.6 of LUB 1:3 width:depth ratio

Proposed Lot A:

- See attached Blowup drawing "Existing Buildings & Structures"

Proposed Lot B:

- undeveloped forest
- no development proposed
- existing drilled well (not in use)



ATTACHMENT 2 - SITE CONTEXT AND POLICIES

LOCATION

Legal Description	Lot 13, Sections 5 and 6, Denman Island, Nanaimo District, Plan 6404
PID	005-850-771
Civic Address	5841 Lacon Road, Denman Island

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential – east, south, west Conservation – north property boundary

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2007.7	Workshop and cottage
DE-SUP-2008.9	Year around residence and home office
DE-DVP-2019.2	Current request for depth/width variance and 10% frontage waiver
DE-DP-2019.2	Companion application to DVP-2019.2 for DPA 4 – RAR

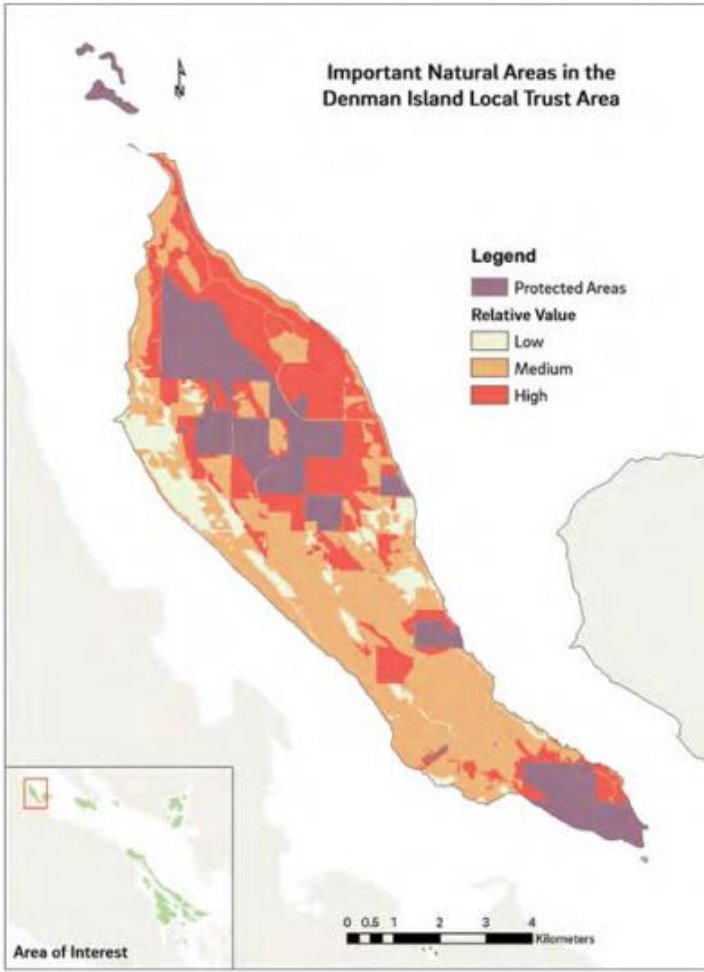
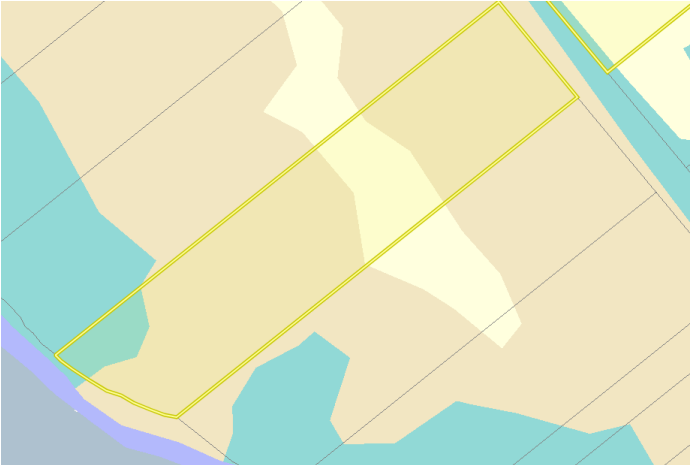
POLICY/REGULATORY

OCP Designations	Residential Land Use Designation Complies with Residential policies and objectives DPA 4 – RAR Applicable Streams, Lakes and Wetlands Objectives: <i>The objectives of this development permit area are as follows:</i> <i>1. To honour provincial designations of certain lands as for agricultural purposes</i> <i>2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems</i> <i>3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation</i> <i>4. To prevent the degradation of existing and future water supplies on Denman Island</i> <i>5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas</i> <i>6. To prevent water pollution</i> Conformity with the Guidelines for meeting the above Objectives are addressed in Attachment 3 - DPA 4 Guidelines.
Land Use Bylaw	Zoning: R1- Residential 1
Regulations	2.8 Subdivision Regulations Lot Configuration Regulations

	6 For any lot created by subdivision, the average width measured between side lot lines is at least one third the average depth measured between the front and rear lot lines, excluding the access strip of panhandle lots. Average depth is calculated by establishing the front and rear lot lines and then taking an average of the distance between the side lot lines, and for the purpose of this calculation the measurements must be taken at intervals not exceeding 20 metres along the length between the rear and front lot lines. This regulation does not apply to common property in a subdivision created under the Bare Land Strata Regulations of the Strata Property Act. 7 For any lot created by subdivision, the minimum highway frontage is 20.0 metres, and for a strata title subdivision, the minimum access road frontage is 10.0 metres.
Covenants	UNDERSURFACE RIGHTS COAL TSN LAND TAX DEFERMENT AGREEMENT
Bylaw Enforcement	Nothing on current TAPIS record
Islands Trust Conservancy	The proposal does not directly affect an Islands Trust Conservancy Board (ITC) owned property or conservation covenant, nor a property adjacent to an ITC-owned property or conservation covenant area. Referral to ITC for comment not required.

SITE INFLUENCES

Regional Conservation Plan	This area of Denman Island is identified in the Regional Conservation Plan 2018-2027 as having medium priority relative conservation value in the Trust area commensurate with its classification as a Natural Area of medium importance in terms of biodiversity when compared with the rest of Denman island itself and the Trust area.
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Species at Risk	One instance of mapped Critical Habitat (Public)
Sensitive Ecosystems	ITEM: Areas of Mature and Young Forest, Rural, Littoral along foreshore Conservancy SEM: Coastal Douglas Fir, Dry Maritime/Salal 

Hazard Areas	None currently mapped
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres on the provincial RAAD database. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is a high probability that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. Impacts to archaeological sites must be avoided or managed by development proponents¹. It is recommended that the property owner discuss development plans with the Heritage Branch to ascertain the need for any additional permitting under the <i>Heritage Conservation Act</i>. <i>*Archaeological information must not be shared or redistributed without the permission of the Archaeology Branch.</i> Diana Cooper Archaeologist/Archaeological Site Inventory Information and Data Administrator Archaeology Branch Ministry of Forests, Lands, Natural Resource Operations and Rural Development Unit 3 – 1250 Quadra Street, Victoria, BC V8W2K7 PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3 Phone: 250-953-3343 Fax: 250-953-3340 Website: http://www.for.gov.bc.ca/archaeology/
Climate Change Adaptation and Mitigation	This DVP application relates to a proposal that seeks to create 2 lots from one existing parent parcel capable of supporting residential density. The proposal is not expected into increase the potential intensity of use on either proposed parcel since density is regulated by lot area in the LUB: <i>Density of Uses, Buildings and Structures in the R1 Zone:</i> <i>1 Minimum lot area per principal single family dwelling unit is 1.0 ha</i> <i>2 Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table is 1</i> GHG emissions could be expected to increase with the development potential for permitted number of single family residential densities on each parcel commensurate with levels associated with such development patterns and land use, including associated use of personal vehicles for transport on and off island.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble

¹ <http://www.frontcounterbc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

Attachment 3 - Guidelines

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

Guidelines Prior to undertaking any development activities within the Riparian Areas DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:	Application meets Guideline?
a) In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.	☒ Yes ☐ No • Provincially accepted RAR Assessment Report completed by QEP; • Mitigating measures and recommendations are imposed through Assessment Report as condition of draft permit; • No security required as report does not require works, revegetation, or enhancement measures.
b) The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.	☒ Yes ☐ No • Although the province generally requires a post-development assessment, it is the opinion of the QEP that such a report should be conducted during any future development. The report sets out tasks for this eventuality and directions immediately following any future construction work (page 12 of RAR Report).
c) Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.	☒ Yes ☐ No • Assessment Report does not describe a specific area for development; • No monitoring required by RAPR Assessment Report for current proposal (except for future construction). • No development proposed to cause disturbance in SPEA setbacks since proposal is subdivision only/no physical development. • Section 5 of the RAPR Report sets out monitoring requirements.
e) If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require	• Should construction be proposed in the future near the 30m Riparian Assessment Area (RAA), the monitoring requirements of the RAPR

the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.	Report Section 5 would apply. • There has been no change to the proposed development at the time of writing this report.
f) The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report.	n/a • No variances are requested as part of the application that would enhance SPEA protection.

Attachment 4 - RAPR Assessment Report

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date Dec. 4, 2019

I. Primary QEP Information

First Name	Dusty	Middle Name	
Last Name	Silvester		
Designation	RPBio	Company	Current Environmental Ltd.
Registration #	3165	Email	dusty@currentenv.ca
Address	558 England Ave.		
City	Courtenay	Postal/Zip	V9N2N3
Prov/state	BC	Country	Canada
		Phone #	250-871-1944

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Shelley	Middle Name	
Last Name	McKeachie		
Company	n/a		
Phone #	250-218-0642	Email	morlevmckeachie@gmail.com
Address	5841 Lacon Road		
City	Denman Island	Postal/Zip	V0R1T0
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Subdivision		
Area of Development (ha)	5.3	Riparian Length (m)	67
Lot Area (ha)	5.3	Nature of Development	New
Proposed Start Date	Jan 1, 2020	Proposed End Date	Dec 31, 2020

V. Location of Proposed Development

Street Address (or nearest town)	5841 Lacon Road		
Local Government	Islands Trust	City	Denman Island
Stream Name	Valens Brook		
Legal Description (PID)	005-850-771	Region	Vancouver Island
Stream/River Type	Stream	DFO Area	South Coast
Watershed Code	905-363778-072835 (Valens Brook)		
Latitude	49	29	34
Longitude	124	44	59

Table of Contents for Assessment Report

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2. Results of Riparian Assessment (SPEA width)	4
3. Site Plan	6
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
1. Danger Trees.....	8
2. Windthrow.....	8
3. Slope Stability.....	8
4. Protection of Trees.....	8
5. Encroachment	9
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8. Floodplain.....	10
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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

There is no anticipated construction work on the subject property. The proponent is applying for a subdivision of the subject property into two lots by the Islands Trust (IT) that has triggered this Riparian Areas Assessment (RAA) under the ITs requirements for a Development Permit Area 10 (Riparian and Aquatic).

The subject property at 5841 Lacon Rd. on Denman Island is a 5.3 ha property that is bordered by Baynes Sound to the southwest and by private rural properties on all other sides. Access to the proposed Lot A (2.0 ha) and the southern half of Proposed Lot B (3.0 ha; south of Valens Brook) is provided off of Lacon Rd. while access to the northern half of Lot B (north of Valens Brook) will be along the partially developed access road of Rayelyn Lane located near the northeast corner of the property (Figure 1). A panhandle access from Lot A hooked across Lacon Road leads to a part of Lot A including a 26 x 60.4 m section along Valens Brook within the SPEA (Figure 2). The northern and southern portions of Lot B are also bisected by and hooked across the SPEA of Valens Brook (Photos 1-2).

The Valens Brook watershed resides immediately to the south of the Graham Lake Creek watershed and flows in a southeasterly direction to empty into Baynes Sound on the south shore of Denman Island. It has a mainstem length of approximately 6.3 km; the subject property is located approximately 1 km upstream of the marine shoreline.

Stream bed materials within the subject reach of Valens Brook were composed of bedrock covered with a veneer of gravel and shale with some accumulations of fines in lower velocity areas and little boulder cover (Photo 3). The presence of contiguous riparian canopy cover, aforementioned substrates, and in-stream cover from woody debris appear to provide suitable habitat to support salmonids. Valens Brook has no specific listed reports in BC Ministry of Environment FIDQ, Ecological Reports Catalog, or Habitat Wizard. An existing consultant's report¹ which discusses fish habitat in Valens Brook was reviewed; however, no definitive conclusions on fish presence were made therein. No fish capture sampling was conducted as part of this assessment; notwithstanding, for the purposes of this report it is assumed that Valens Brook is a fish bearing watercourse.

With the exception of existing residential development in Proposed Lot A near the Baynes Sound shoreline, the subject property is undeveloped and supports a maturing stand of mixed coniferous/ deciduous forest. The banks of Valens Brook are contained within an approximately 40 m wide forested ravine with 70-75 % slopes (Figure 1; Photos 1-4). Although the ravine width is less than 60 m across, the calculated 10.2 m SPEA has been applied from the top-of-bank of the ravine opposed to the HWM in order to further enhance riparian habitat protection, forming an enhanced SPEA Protection Boundary (Figure 1).

The riparian area encountered on the subject property is that of the Coastal Douglas fir moist maritime (CDFmm) Biogeoclimatic Ecosystem Classification. Riparian vegetation encountered on the subject property was representative of this zone where tree species were dominated by Douglas fir, grand fir, coastal western hemlock, alder, big leaf maple, and western red cedar. Riparian understory vegetation was dominated by dull Oregon grape and swordfern (Photos 1-4).

¹ Madrone Environmental Services Ltd. "Denman Island Riparian Area Regulation Stream Identification". Accessed from: <<http://www.islandstrust.bc.ca/media/264775/January-21-2014-Madrone-Environmental-Stream-Mapping-Report.pdf>>.

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

2. Results of Detailed Riparian Assessment

Date: Dec. 4, 2019

Description of Water bodies involved (number, type)	
Stream	1
Wetland	
Lake	
Ditch	
Number of reaches	1
Reach #	Valens Brook

1 Stream

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)	Gradient (%)		
starting point	3.8	5	
upstream	4.0		
	3.3		
	3.6		
	3.3		
	3.5		
	3.2		
	3.1		
	3.5		
	3.2		3
downstream	3.4		
Total: minus high /low mean	30.5		
	3.38		
	R/P	C/P	S/P
Channel Type	X		

I, Dusty Silvester (*name of qualified environmental professional*), hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Shelley McKeachie (*name of developer*);

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Site Potential Vegetation Type (SPVT)

Yes	No	
	X	SPVT Polygons
		Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
		I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:
		a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;
		b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (<i>name of developer</i>);
		c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
		d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.
Polygon No:	1	Method employed if other than TR
	LC SH TR	n/a
SPVT Type		X

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1 (left bank)	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	10.2					
Litter fall and insect drop ZOS (m)	10.2					
Shade ZOS (m) max	10.2					
SPEA maximum	10.2 m	South bank	Yes		No	X

I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that:	
a)	I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;
b)	I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (<i>name of developer</i>);
c)	I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
d)	In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Section 3. Site Plan

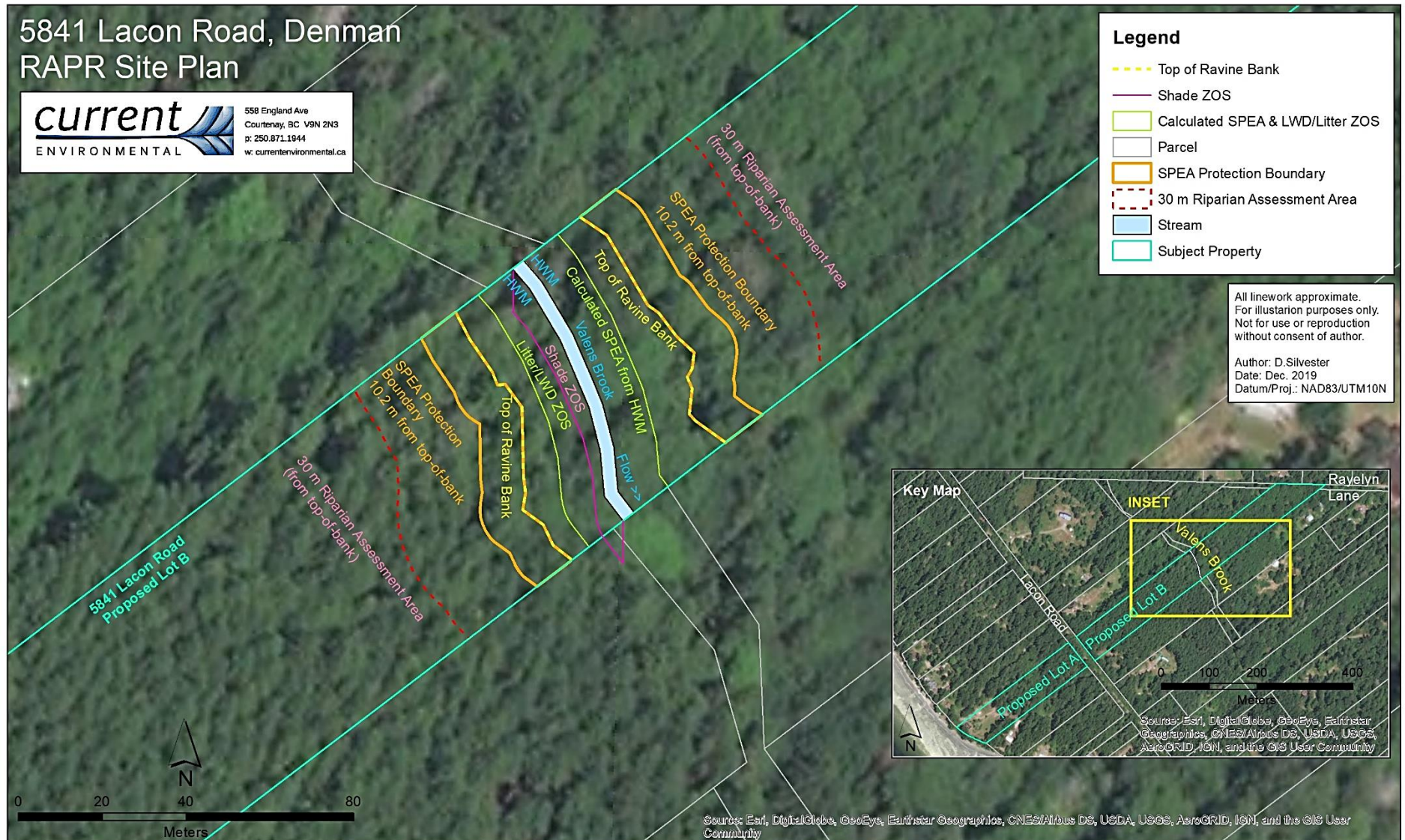


Figure 1. Site plan showing a Valens Brook crossing on the proposed 3.0 ha Lot B of the subject property at 5841 Lacon Road.

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

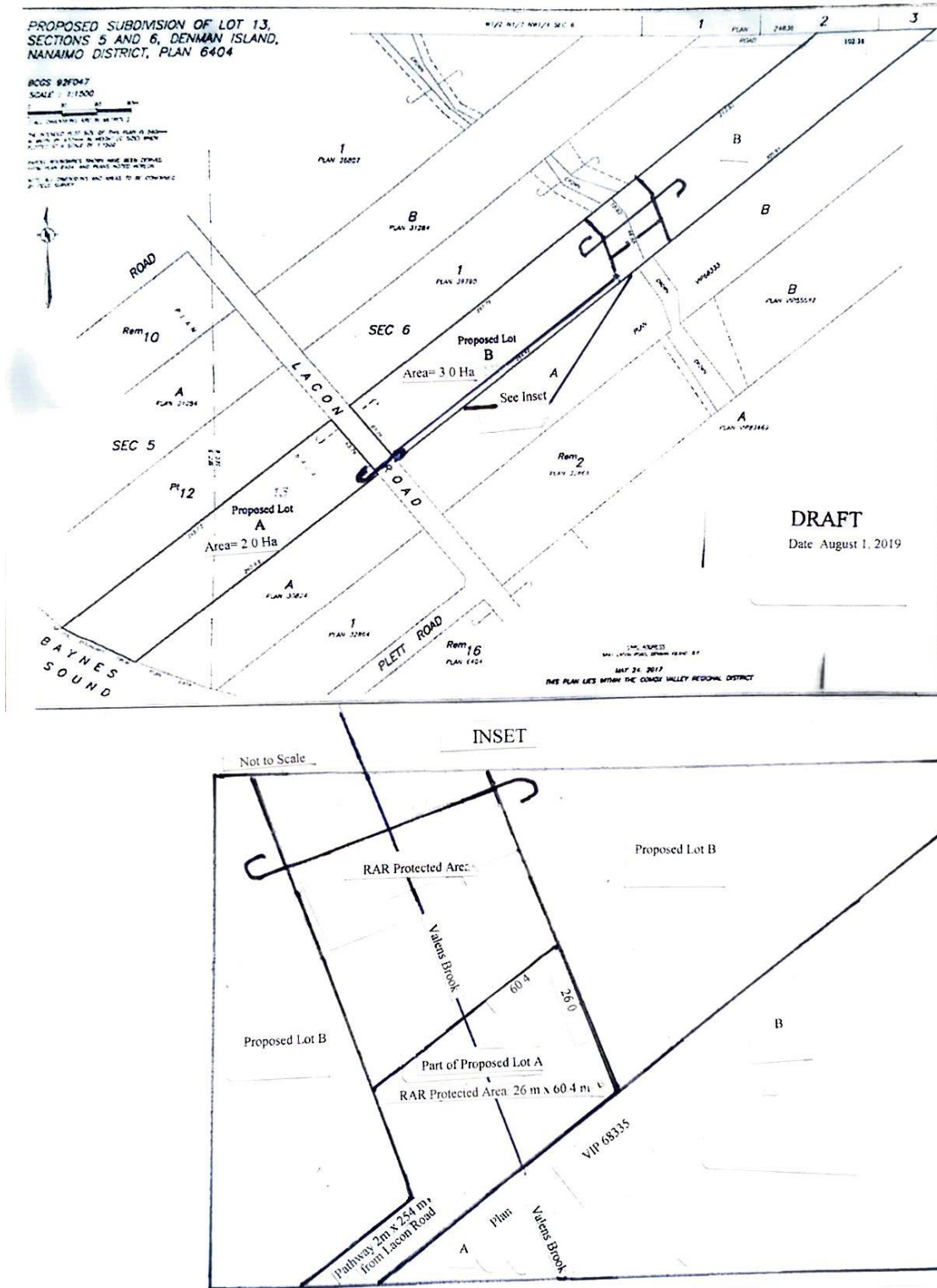


Figure 2. Surveyor's site plan showing proposed configuration of subdivided lots near Valens Brook.

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	This assessment is in support of the proponent's proposed subdivision of the subject property only. As there is no proposed construction within the 30 m Riparian Assessment Area, a danger tree survey was not completed as part of this assessment. In the future, if the occupant of either subdivided lot wishes to develop within the 30 m buffer the proponent <u>must solicit the services of a qualified arborist</u> to assess any potential danger tree issues that may affect development at that time.
I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (<i>name of developer</i>); g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation	
2. Windthrow	This assessment is in support of the proponent's proposed subdivision of the subject property only. As there is no proposed construction within the 30 m Riparian Assessment Area, a windthrow survey was not completed as part of this assessment. In the future, if the occupant of either subdivided lot wishes to develop within the 30 m buffer, the proponent <u>must solicit the services of a qualified arborist</u> to assess any windthrow issues that may affect development at that time.
I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation	
3. Slope Stability	No triggers for slope stability were found on the subject property during the field assessment as per Section 3.7.3 (Slope Stability) of the RAPR Technical manual. The subject reach of Valens Brook is well contained within a forested ravine, there are no obvious erosion issues associated with the assessed stream, and riparian areas are currently inhabited by well established vegetation.
I, <u>Dusty Silvester</u> (<i>name of qualified environmental professional</i>), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation	
4. Protection of Trees	This assessment is in support of the proponent's proposal to subdivide the subject property only. As there is no proposed construction within the 30 m Riparian Assessment Area, there is presently no threat to riparian vegetation within the SPEA or SPEA protection boundary (10.2 m from top-of-bank of the ravine).

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	If future construction is proposed, all of the vegetation, including trees and undergrowth, within the SPEAs that are not considered a “danger tree” as assessed by a qualified arborist shall not be impacted in any way by future activities of development on the subject property. This includes protection from mechanical damage, soil disturbance, or soil compaction to prevent destabilizing trees or causing tree or other vegetation mortality. <u>No larger excavations that may endanger the root systems of trees or other vegetation within the SPEAs will be permitted.</u> Other measures will include the following: 1. Create/use machine access routes that avoid tree roots, storage of excavation/building material away from trees within the SPEAs, flagging the SPEA boundaries, and covering tree roots in access areas with at least 15 cm of wood chip mulch (or similar material) to avoid root compaction. 2. Trenching through the rooting zone of mature trees will be prevented. 3. Establish root protection zones around significant larger trees in the 30 m Riparian Assessment Areas. Root protection zones should be calculated by multiplying the diameter of the tree by 18. This value is the radius of the area of land surrounding the trunk of a tree that is to be avoided. 4. Ensure that pollutants and other contaminants cannot enter soils within the tree protection zone. 5. Construction activities outside but adjacent to the SPEAs will be limited to surficial “grubbing” only.
	I, <u>Dusty Silvester</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation
5. Encroachment	There is no specific development work proposed at the time of this assessment. Future development may proceed within the 30 m Riparian Assessment Area (RAA) but outside the SPEA protection boundary (10.2 m from top-of-bank of the ravine). If future development should be proposed within the RAA the setback area will be clearly delineated using flagged stakes prior to the commencement of work and no encroachment within the SPEA protection boundary will be permitted including machinery, foot traffic, or spoilage material. A QEP must be notified 7 days prior to the commencement of construction to confirm sufficient delineation of the SPEA and SPEA protection boundary are in place and that other measures to protect the SPEAs are in place (Section 5).
	I, <u>Dusty Silvester</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation
6. Sediment and Erosion Control	There is no specific development work proposed at the time of this assessment. Future development will include specific measures to control sediment during construction that will include: a) The SPEA protection boundary is to be clearly delineated using stakes or flagging; b) Maintain/do not disturb all vegetation within the SPEA protection boundary;

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	c) No machinery is to enter the SPEA protection boundary at any time; d) Where there is a potential for silt runoff in the proximity of existing waterbodies, control devices will be installed prior to construction activities commencing; e) Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks, and elevated using stakes or straw bales. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however it is useful for containing slumping areas and for use as baffles to slow water velocities. f) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting the watercourse. g) Watercourses are not to be traversed by machinery at any time. h) Soil stockpiles will be placed a minimum of 30 m from any stream and in a location where erosion back into the watercourse cannot occur and will not impede any drainage. i) Soil stockpiles with the potential to erode into streams are to be covered with poly sheeting. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes. j) Permanent exposed soil areas and erosion-prone slopes that may potentially erode into the watercourse are to be seeded immediately, or covered with geotextile. k) Clearing will take place immediately prior to excavation and earthworks to minimize the length of time that soils are exposed. Vegetation in adjoining areas will not be disturbed. l) Site re-vegetation measures are required to stabilize soils and stream banks and reduce erosion. The measures, including hydroseeding, are to be implemented as directed by the biologist as construction is completed.
	I, <u>Dusty Silvester</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation
7. Stormwater Management	For future developments, it is strongly recommended that efforts be made to encourage roof and driveway runoff to infiltrate back into the soil and not discharged directly towards the Valens Brook stream. This is to minimize cumulative hydrological impacts of increased residential density on aquatic environments. As well, altered drainage and increased runoff from the new development may affect slope stability by increasing the moisture content in the slope's unconsolidated material.
	I, <u>Dusty Silvester</u> (name of qualified environmental professional), hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Shelley McKeachie</u> (name of developer) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation
8. Floodplain Concerns (highly mobile channel)	Floodplain concerns are not a concern due to the ravine contained, low gradient channel form, small catchment area, and relatively low mobility of Valens Brook.

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I, Dusty Silvester (*name of qualified environmental professional*), hereby certify that:

- a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Shelley McKeachie (*name of developer*);
- c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation

9. Fuels and Hazardous Materials

The accidental release of petroleum, oils, hydraulic fluids, lubricants, concrete additives, anti-freeze or other hazardous materials onto land surfaces or into waterbodies is an offence under Section 36(3) of the Federal *Fisheries Act* and may result in degradation of habitat quality and could be a threat to human health. Environmental protection procedures for handling and storage of fuels and hazardous materials shall include the following items:

- a) A spill kit of appropriate capacity will be on hand at all times during construction.
- b) All identified spills will be cleaned up immediately, and contaminated soils and vegetation will be removed for appropriate disposal.
- c) Refuelling of equipment is to occur only at designated fuelling stations and located at least 30 m from all streams.
- d) All fuel, chemicals, and hazardous materials will be clearly marked.
- e) Pumps and jerry cans are to be placed on poly sheeting and sorbent pads to contain spills.
- f) All equipment maintenance with the potential for accidental spills (e.g., oil changes, lubrications) will be done on a designated area at least 30 m from any streams. Tarps should be laid down prior commencement of work to facilitate clean up.
- g) In the event of a spill, the following guidelines should be followed:
 - Spills need to be immediately reported to the biologist. Spills to the receiving environment are to be reported to the Environmental Management BC (1-800-663-3456) if they exceed the reportable limits (e.g. 100 litres of fuel or oil).
 - Apply sorbent pads and booms as necessary.
 - Dispose of all contaminated debris, cleaning materials, and absorbent material by placing in an approved disposal site.

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

This assessment is in support of the proponent's proposal to subdivide their property into two lots, rather than proposing construction within the 30 m riparian assessment area. As a result, the following tasks will be completed during any future development:

- Ensure the 10.2 m SPEA protection area setback is clearly delineated;
- Review work plan;
- Ensure appropriate mitigation measures are/will be in place;
- Review all Measures to Protect the SPEA stated in this report and ensure appropriate equipment to satisfy the measures are on-site or available;
- Set up a contact system should a biologist or qualified environmental professional (QEP) be required on site in the event of sediment/erosion issues or some other type of risk to aquatic habitats that may arise during construction.

Immediately upon completion of any future construction work near the 30 m RAA, the proponent is to contact a QEP for a post-construction site inspection. Any deficiencies noted by the QEP are to be addressed by the proponent. A final post-construction report is to be submitted by the QEP to the BC RAPR Notification System.

Section 6. Photos



Photo 1. Typical view upstream of Valens Brook taken from near the centre of the subject property showing stream bed substrate and bank composition, riparian vegetation cover, and flows at the time of assessment on Apr. 18, 2019.



Photo 2. View downstream of Valens Brook taken from near the northern boundary of the subject property showing in-stream woody debris cover at the time of assessment on Apr. 18, 2019.

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Photo 3. View upstream of Valens Brook taken from near the centre of the subject reach showing accumulated fines and limited boulder cover in an area of low flow.



Photo 4. View downstream of showing an example of (north/left bank) Valens Brook ravine bank gradient, and riparian vegetation cover and composition taken from near the centre of the subject property.

Section 7. Professional Opinion**Qualified Environmental Professional opinion on the development proposal's riparian assessment.**Date Dec. 4, 19801. I/We Dusty SilvesterPlease list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Shelley McKeachie, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) n/a the site of the proposed development is subject to undue hardship, (if **applicable, indicate N/A otherwise**) and
- b) XXX the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]



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

DATE OF MEETING: January 21, 2020

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

SUBJECT: Draft OCP and LUB Bylaw Amendments for Seniors Affordable Housing Development
Applicant/Agent: Harlene Holm for Bev Severn (Owner) and Denman Community Land Trust Association
Location: 3730 Denman Road, Denman Island (PID 009-708-537)

RECOMMENDATION

1. That the Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No.1, 2019” be read a first time.
2. That the Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No.1, 2019” be read a first time.
3. That Proposed Bylaw Nos. 233 and 234 be referred to the following First Nations, Local Governments and agencies for comment:
 - a. First Nations:

K’omoks First Nation, Qualicum First Nation, Tla’amin Nation, Snaw’Naw’As Nation, Te’Mexw Treaty Association, We Wai Kai Nation, Stz’uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
 - b. Local Governments and Agencies:

Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture.
4. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No.1, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

5. That the Denman Island Local Trust Committee request staff to develop a draft housing agreement in consultation with the applicant/agent for application DE-RZ-2017.1 (DCLTA) for Local Trust Committee consideration.
6. That the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent allowing Islands Trust legal counsel to review a draft housing agreement for application number RZ-DE-2017.1 (DCLTA).

REPORT SUMMARY

This report delivers revised draft bylaws to amend the Denman Island Official Community Plan (OCP) and Denman Island Land Use Bylaw (LUB) to enable the proposed seniors affordable housing development for 8 units as presented in application DE-RZ-2017.1 (DCLTA). Staff is recommending first reading of the draft bylaws and referrals to First Nations, agencies and other organizations, along with drafting a housing agreement and entering into a cost recovery agreement for the legal review of the agreement.

BACKGROUND

The LTC passed the following resolution at their October 3, 2019 business meeting:

DE-2019-082

It was MOVED and SECONDED,

That the Denman Island Local Trust Committee defer first reading of DE-RZ-2017.1 - Denman Community Land Trust Association to the proposed January 21, 2020 Denman Island Local Trust Committee meeting, at the request of the applicant.

CARRIED

On November 6, 2019 a meeting was held between staff and the applicant/agent and the Denman Community Land Trust (DCLTA) members to discuss the DCLTA's concerns about the draft bylaws and ways to move forward. Staff are proposing revisions to the draft bylaws as a result of that meeting, which are discussed in the Analysis section below and the draft bylaws (No. 233 and 234) are found in Attachments 1 and 2.

The LTC passed the following resolution at their November 7, 2019 business meeting:

DE-2019-085

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request Staff to move to have an early referral to the Freshwater Specialist of the Islands Trust in regard to the Denman Community Land Trust Association application for rezoning.

CARRIED

Staff referred the draft bylaws to the Freshwater Specialist and their response (Attachment 3) is discussed in the Analysis Section below.

ANALYSIS

Staff have identified the following issues for LTC consideration:

- Proof of Adequate Potable Water and Water Assessment Draft Terms of Reference
- DCLTA's Concerns and Revisions to draft Bylaw No. 234
- Agricultural Land Commission's Conditions of Exclusion from the Agricultural Land Reserve - Laneway
- Summary of Draft Bylaw No. 233 (OCP)
- Summary of Draft Bylaw No. 234 (LUB)
- Bylaws Consistent with Islands Trust Policy Statement and OCP
- Amendments to Enable New Development Permit Areas
- Pending Housing Agreement and Restrictive Covenant

Issues and Opportunities

Proof of Adequate Potable Water and Water Assessment Draft Terms of Reference

Staff has undertaken further analysis regarding the approach to address the fact that the issued groundwater licence does not meet the LUB subdivision requirements for proof of adequate potable water of 1200 litres/day/dwelling unit. After further consideration, instead of using a covenant as described in the October 3, 2019 staff report, staff are recommending including an amendment in draft Bylaw No. 234 (LUB) to allow proof of adequate potable water as authorized by the water licence issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRD). This change is reflected in draft Bylaw No. 234 attached to this report.

Islands Trust Freshwater Specialist's response to the bylaw referral (Attachment 3) recommends that the *Water Assessment Draft Terms of Reference* (TOR) is no longer applicable. As such, staff recommend that there is no longer a need for the TOR. Further to this, the Freshwater Specialist recommends requiring mitigation measures beyond what is required by MFLNRD's Conditional Water Licence in order to address short comings in adequately addressing Islands Trust Policy Statement directive policies 4.4.2 and 4.4.3 and Denman OCP policy D.3 with respect to ensuring water quality maintenance and no detrimental impacts on in-stream users. As such, staff is recommending that mitigating measures as identified by the Freshwater Specialist are incorporated into a covenant.

Additionally, staff anticipate Island Health input as a part of the agency referrals to further inform the LTC of the status of the water quality and their water quality maintenance requirements under an Operating Permit.

DCLTA Concerns and Revisions to draft Bylaw No. 234

The Denman Community Land Trust Association (DCLTA) has expressed concern about the provisions in draft Bylaw No. 234 since it was first introduced in June 2019 because it deviates from their specific amendment requests made in their rezoning application. The draft bylaw did allow the main elements of the seniors affordable housing

project as proposed; however, it included flexibility in the use and other siting elements that were not desired by the DCLTA. Based on the November 6, 2019 meeting between staff and the DCLTA and email communications, staff have reviewed the draft bylaws and incorporated the main requests of the DCLTA into draft Bylaw No. 234.

As a part of those changes, staff included a 3 metre setback for buildings and structures from the lot lines abutting the Agricultural Land Reserve (ALR) as requested by the applicant. Staff does not support this change as it deviates from guidance provided by [Ministry of Agriculture's Guide to Edge Planning](#) that recommends a setback of 30 metres for residential use and 15 metres for commercial use. Staff anticipate Agricultural Land Commission (ALC) and Ministry of Agriculture (MoA) input on this to inform the LTC on whether 3 metre setback is appropriate in this case.

See Attachment 4 for a summary of the rezoning requests of the Applicant/Agent and how they are reflected in the current draft Bylaw No. 234, along with staff comments.

Agricultural Land Commission's Conditions of Exclusion from the Agricultural Land Reserve - Laneway

Staff have received a decision from the ALC that confirms that the laneway portion of the subject property is excluded from the Agricultural Land Reserve (ALR) (Attachment 5). As a result, necessary changes to the draft bylaws were made to reflect confirmation of the exclusion of the laneway from ALR lands. The changes were made to the designation mapping as per Schedule 2 of the draft Bylaw No. 233 (LUB) and to the zone map as per Schedule B of the draft Bylaw No. 234.

Summary of Draft Bylaw No. 233 (OCP):

No further changes were made to draft Bylaw No. 233 (Attachment 1) since the LTC considered the draft bylaw at their October 3, 2019 LTC meeting, with exception to a change to the designation map to reflect the most recent ALC decision regarding the exclusion of the laneway from the ALR (see above). The bylaw, if adopted would introduce new policies in the OCP to: require Energy Step Code compliance for new dwellings as a result of rezoning or density transfer; re-designate 0.8 ha portion of the parcel from 'Sustainable Resource' to 'Residential', and allow for smaller sized lots to be created by subdivision for the purposes of allowing the seniors affordable housing project in order to contemplate eventual subdivision into 2-3 parcels; and require consideration of residential rental tenure zoning for multi-family dwellings to ensure affordability is maintained in perpetuity. Extracted pages of a mock consolidated OCP with the proposed up to date changes is attached for convenience (Attachment 6).

Summary of Draft Bylaw No. 234 (LUB):

As presented at the October 3, 2019 LTC meeting, draft Bylaw No. 234, if adopted, would amend the LUB by: rezoning the parcel to two new site specific 'A(15)' and 'R4(2)' zones to allow for the eventual subdivision into 2-3 lots and allow an increase in density in R4(2) zone; permit seniors affordable housing duplexes by way of a residential rental tenure zone; and regulate siting, size, lot coverage, parking, signage and several other land use parameters for the new R4(2) zone. Further changes to draft Bylaw No. 234 were made since the October 3, 2019 LTC meeting:

- to more closely reflect the rezoning requests of the DCLTA;
- to allow proof of adequate potable water as authorized by the water licence issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRD); and
- to reflect the recent ALC decision regarding the exclusion of the laneway portion of the subject property.

Updated draft Bylaw No. 234 is in Attachment 2. Extracted pages of a mock consolidated LUB with the up to date proposed changes is attached for convenience (Attachment 7).

Bylaws Consistent with Islands Trust Policy Statement and OCP

Planning staff have included an updated table (Attachment 8) of relevant Islands Trust Policy Statement and OCP policies along with staff recommendations as represented in the draft bylaws. Staff note that changes have been made to the table that reflect the most recent changes made to the draft bylaws. As a result of those changes, staff have identified that draft Bylaw No. 234 is yet to be determined to be consistent with ITPS policies 4.4.2, 4.4.3 and 4.1.6. Planning staff have reviewed the draft bylaws against the Islands Trust Policy Statement Directives Only Checklist and concluded that Draft Bylaw No. 233 (OCP) as written is not contrary to or at variance with the ITPS (ITPS, Attachments 9). Staff suggest that until such time that input is received from ALC and MoA on the proposed setbacks from ALR lands, and that input is received from Island Health regarding the status of the water quality and outcome of consideration of including mitigation measures in a covenant that staff is unable to conclude that Draft Bylaw No. 234 (LUB) is not contrary to or at variance with the ITPS.

Draft Amendments to Enable New Development Permit Area

As requested by the LTC, staff working on application DE-RZ-2018.1 have developed a separate set of draft bylaw amendments (Bylaw Nos. 237 and 238) to enable the designation of a new Development Permit Area (DPA) to be applied to that subject property. Staff are recommending that it also be applied to the subject property of this rezoning application at the time of subdivision, land alteration or construction. The intent of the new DPA is to protect the natural environment and biodiversity, protect adjacent ALR farmland and promote energy and water conservation and greenhouse gas emission reduction. Staff recommend applying the DPA to the subject property for this rezoning application as it would address ITPS policies 4.4.2 and 4.4.3, and Denman OCP Freshwater, Climate Change, and Water Management policies. Further information about its recommended application to the subject property for this application will be provided to the LTC at a future LTC meeting.

The staff report introducing the draft bylaws for the DPA is included in the January 21, 2020 agenda package. The LTC can continue to advance consideration of draft Bylaw Nos. 233 (OCP) and 234 (LUB) irrespective of the advancement of Bylaw Nos. 237 and 238. Staff recommend that the LTC can consider application of the DPA to the subject property of this application in the future, but before public hearing.

Pending Housing Agreement and Restrictive Covenant

Staff recommend that a housing agreement could be drafted now in consultation with the applicant/agent in order to advance this important element of the rezoning application in tandem with the advancement of the draft Bylaw Nos. 233 (OCP) and 234 (LUB). A housing agreement is a condition of the approval for exclusion of +/- 0.8 ha from the ALR granted by the ALC to ensure the continued use of the land for seniors affordable housing. Additionally, the amendments in draft Bylaw no. 234 (LUB) establish a site specific zone for seniors affordable housing that requires the registration of a housing agreement. The applicant/agent has advised that it is their intention to enter into a housing agreement with the LTC, and not with any other entity, such as BC Housing.

The primary purpose of a housing agreement is to ensure affordability for the renters or owners into the future. In this case, the DCLTA is proposing only rental units. While the terms and conditions of an agreement can vary between properties, a housing agreement usually serves to limit rental rates or sale price (rental rates in this case), and may also stipulate who may reside at the property. The specific terms, such as the rental amounts and other charges, are determined individually at the time the housing agreement is drafted.

There are three parts to a housing agreement:

1. A bylaw; the LTC establishes a bylaw that authorizes the LTC to enter into a housing agreement with another party.

2. The housing agreement; this is attached to the bylaw, and is a contract between the parties to provide affordable housing.
3. Covenant; a covenant may also be placed on the title of the property, with additional items that support the housing agreement. During the drafting of the covenant, staff will confirm whether a covenant is needed.

Staff advise that a cost recovery agreement is required in order to cover the costs associated with the necessary legal review of the draft housing agreement as outlined in the Islands Trust *Guide to Housing Agreements* provided to the applicant/agent.

The DCLTA has an existing housing agreement for a different property on Denman Island applicable to one affordable dwelling unit from which some of the elements of that agreement could be transferred over. As the current proposal for multiple affordable units specific for seniors is quite different than the previous, many of the elements may not be easily transferable or assist with reducing the time needed for drafting/reviewing the agreement.

Staff will be providing the LTC with an analysis of a restrictive covenant that is recommended to include the following:

- That Energy Step Code compliance is required for all new dwellings on the parcel intended for seniors affordable housing;
- That conditions related to the ALC exclusion are required;
- That mitigation measures identified by Freshwater Specialist are required;
- Storm water management plan is required;
- Consideration of sewerage system maintenance.

Consultation

As this application proposes an amendment to the Official Community Plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed in the recommendations on page 1 of this report. Staff also recommend a community information meeting as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. Significant changes to the bylaw (either as a requirement of the LTC, or by the applicant) that necessitate further referrals or community meetings or application complexities may require more involved consultation.

Statutory Requirements

As the project would involve an OCP amendment, the LTC is required by the Local Government Act to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than that identified in the staff recommendation found on page 1 of this report and direct staff accordingly.

Community Information Meeting

Staff suggest that a community information meeting for application DE-RZ-2017.1 (DCLTA) and proposed Bylaw Nos. 233 and 234 that also includes the draft housing agreement, a draft Covenant, and proposed Development Permit Area, and that it be scheduled following the close of the bylaw referral period and following consideration of draft housing agreement and draft covenant by the Local Trust Committee.

Rationale for Recommendation

Staff is recommending that both bylaws be given first reading as presented and referred to the First Nations and agencies listed in the staff recommendations despite the deficiencies noted in the analysis section of this report. Staff anticipate input from the identified agencies with respect to these elements of draft Bylaw No. 234 and recommends the LTC consider the input from the referrals prior to making any changes to the draft bylaw as presented. Staff is also recommending that the housing agreement be drafted along with entering into a cost recovery agreement for the agreement's legal review in order to advance this important element of the rezoning application. The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

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

1. Amend the draft bylaws

The LTC may amend the draft bylaws prior to consideration of first reading. If this alternative is selected, the following resolution may be considered:

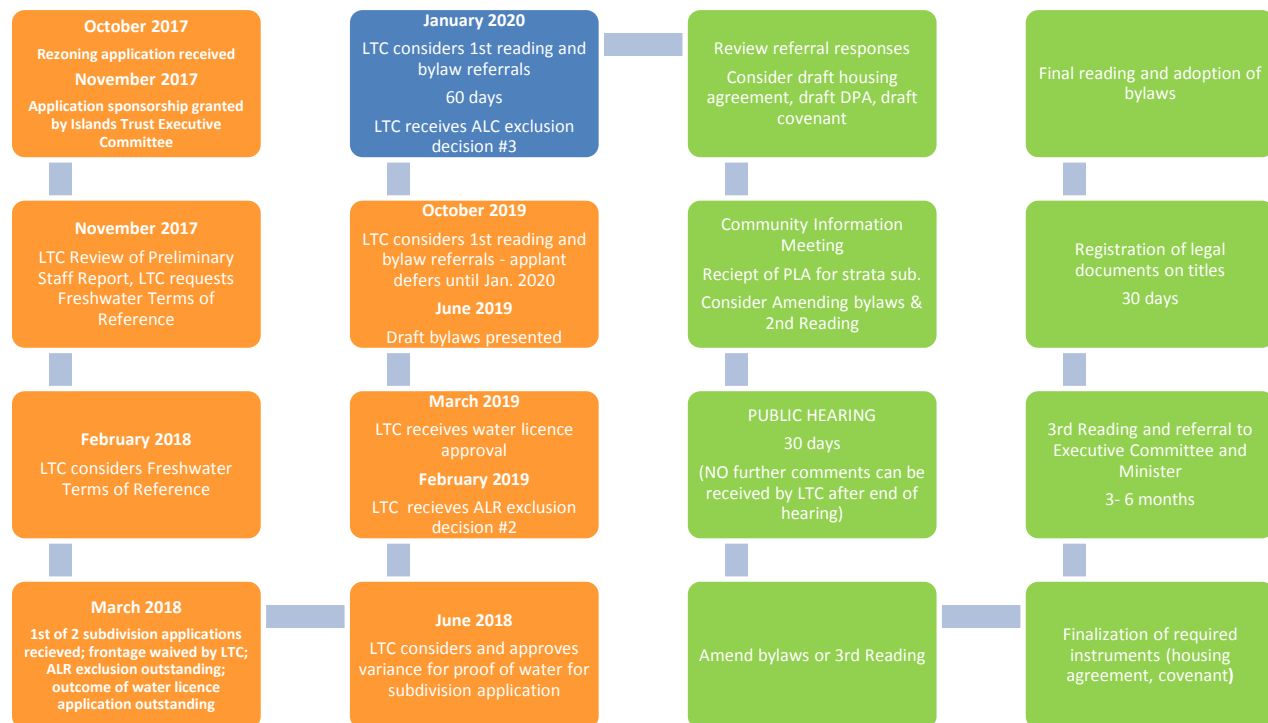
That the Denman Island Local Trust Committee amend draft Bylaw No. 23X, cited as "...” with the following: (list amendments).

NEXT STEPS

Should the LTC concur with the staff recommendations, referrals will be sent out requesting a response within 60 days of the date on the referral and staff will draft a housing agreement in consultation with the applicant.

Application Process Steps and Timing

The following timeline outlines the rezoning application process milestones to date along with next steps and approximate timing which may assist in managing applicant and community expectations in how an OCP and LUB amendment application such as this, is processed:



Submitted By:	Marnie Eggen, MCIP, RPP Island Planner	January 14, 2020
Concurrence:	Heather Kauer, MCIP, RPP Regional Planning Manager	January 15, 2020

ATTACHMENTS

1. Draft Bylaw No. 233 (OCP), revised January 2020
2. Draft Bylaw No. 234 (LUB), revised January 2020
3. Referral to Freshwater Specialist and Response, dated January 9, 2020.
4. Applicant/Agent Rezoning Requests and Current Draft Bylaw Amendments No.234 (LUB)
5. Agricultural Land Commission Approval of Reconsideration of Exclusion of laneway from ALR, dated November 28, 2019
6. Mock Consolidation (Extracted Pages Only) of Official Community Plan Bylaw No. 185 showing amendments from Draft Bylaws 233 and 235, revised January 2020
7. Mock Consolidation (Extracted Pages Only) of Land Use Bylaw No. 186 showing amendments from Draft Bylaws 234 and 236, revised January 2020
8. Policies Table, revised January 2020
9. Islands Trust Policy Statement Directives Only Checklist - Bylaw No. 233 (OCP)

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 233

Schedule “1”

1. Schedule “A” – Official Community Plan Policy Document of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:
 - 1.1. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Objectives is amended by adding the following new objective following the text of Objective 4:
“Objective 5 To protect and enhance the supply and quality of rental housing for low income households.”
 - 1.2. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 1 is amended by adding the following sentence to the end of the first sentence: “except for lots created for the purpose of allowing multi-family affordable housing.”
 - 1.3. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 3 is amended by replacing it in its entirety with the following:

“Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares.”
 - 1.4. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, is amended by adding the following new Policy 4 after Policy 3 and renumbering subsequent Policies chronologically:

“Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing.”
 - 1.5. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 9 is replaced in its entirety with the following:
“In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:
 - The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
 - Multi-family affordable housing through the completion of a successful rezoning application.”
 - 1.6. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by changing “Policy 29” to “Policy 30”.
 - 1.7. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 10 is amended by adding “28, 29, or” after the word “Policy” and before the number “30.”
 - 1.8. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 27 is replaced in its entirety with the following:
“Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new

construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.”

- 1.9. PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing Policies, Policy 28 is amended by adding an additional bullet to the end of the list that reads: “that residential rental tenure zoning is considered to ensure affordability is maintained in perpetuity.”

DENMAN ISLAND LOCAL TRUST COMMITTEE

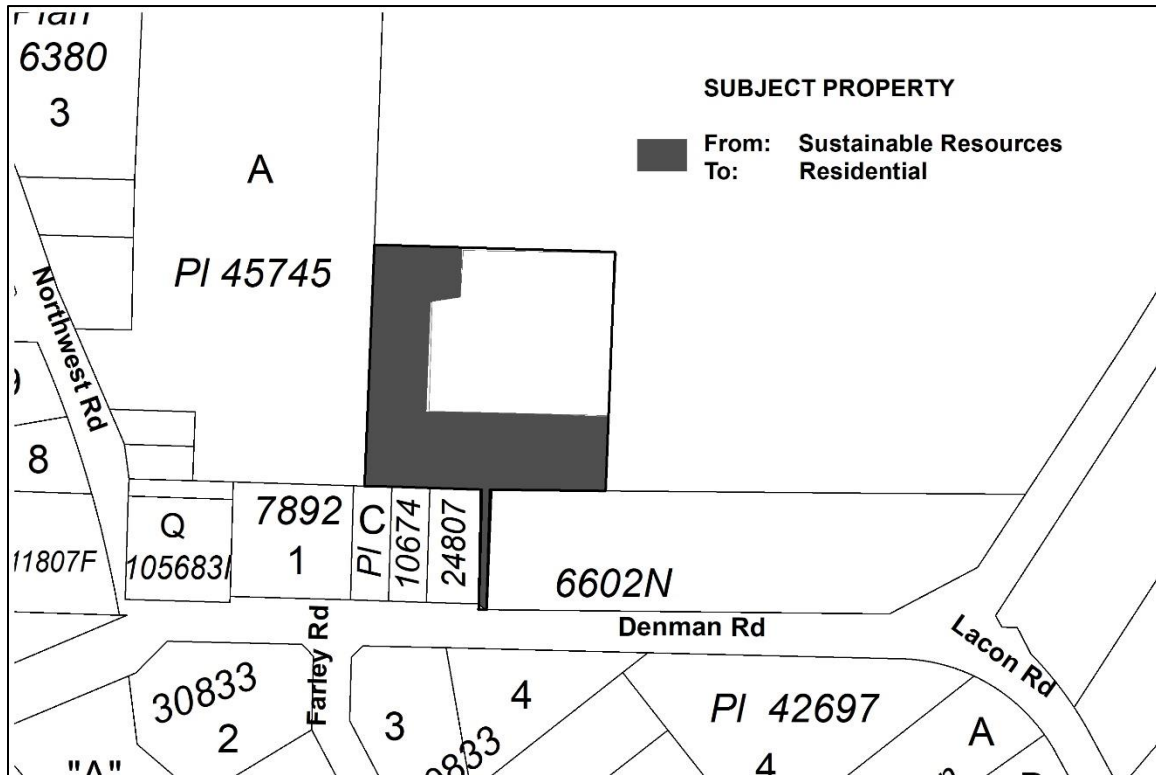
BYLAW NO. 233

Schedule "2"

1. Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended by changing the designation of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "C" of Bylaw No. 185 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 68031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision



DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 234

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”.

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

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 234**

1. Schedule "A" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 1.1 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by replacing the definition of "lot coverage" with the following:

"lot coverage means the percentage of the total area of the lot covered by buildings and structures including roof overhangs but excluding cisterns connected to a building for the purposes of rainwater harvesting and collection."
 - 1.2 PART 1 ADMINISTRATION, Section 1.1 Definitions is amended by adding the following definitions in alphabetical order:

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

dwelling unit, seniors affordable housing means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement.

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

residential rental tenure means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit;"
 - 1.3 PART 2 ADMINISTRATION, Section 2.1 **Accessory Buildings and Structures**, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Housing (R4) Zone'." after the word "Bylaw".
 - 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 **Travel Trailers**, 11 is amended by adding the words "except on a parcel zoned 'Affordable Housing (R4).'" after the word "accommodation".
 - 1.5 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by removing:
 - "one per one single family residential use"
 And replacing it with:
 - "one per one single family residential dwelling unit"
 - 1.6 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, **residential** is amended by adding another bullet:
 - "two per dwelling unit in a multi-family dwelling"

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

Table 1 - Permitted Uses		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓		
		*Secondary dwelling units must be approved through a Temporary Use Permit			

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

Table 2 - Permitted Buildings and Structures		R1	R2	R3	R4
1	Single family dwelling units	✓	✓	✓	

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

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

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

1.14 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 4 – Height is deleted in its entirety and replaced with:

Table 4 – Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m

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	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

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

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

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

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²	10.0 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m ²	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²	100 m ²

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

Table 7 - Subdivision		R1	R2	R3	R4
1	Maximum density permitted by subdivision is an average of one lot per	1.0 ha	4.0 ha	35.0 ha	

2	Minimum lot area permitted by subdivision, subject to the regulations in 2.8	1.0 ha	2.0 ha	35.0 ha
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1.18 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new R4(2) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

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

Site Specific Zoning Code	Site Specific Regulations
R4(2)	- Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance. - Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. - Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%. - Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 9.0 metres. - Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house - from the front lot line is 7.5 m - from the rear or side lot line is 3 m - from the exterior side lot line is 3 m - Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m. - Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m. - Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 60 m². - Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares. - Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit. - Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

1.19 PART 3 – ZONE REGULATIONS, Section 3.4 – “Resource Zoning Tables”, Table 8 – Site Specific Regulations is amended by adding a new A(15) Site Specific Zoning Code:

Table 8 - Site Specific Regulations

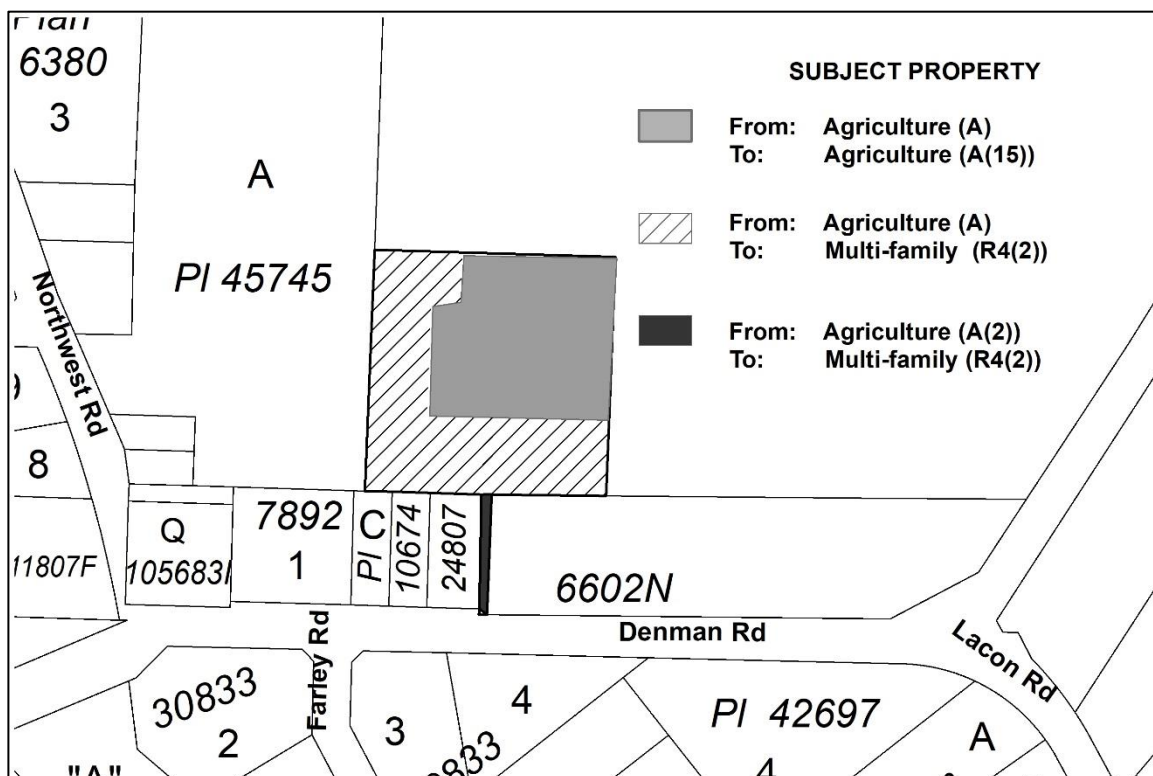
The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

Site Specific Zoning Code	Site Specific Regulations
A(15)	12 Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

2. Schedule "B" of Denman Island Land Use Bylaw, 2008 is amended as follows:
 - 2.1. Schedule "B" – North Sheet is amended by changing the name "North Sheet" to "North Map".
 - 2.2. Schedule "B" – South Sheet is amended by changing the name "South Sheet" to "South Map".
 - 2.3. Schedule "B" – North Map, is amended by changing the zoning classification of Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" of Bylaw No. 186 as are required to effect this change.

Plan No. 1 – CONCEPTUAL PLAN ONLY

Final plan to be inserted prior to bylaw adoption, subject to registration of Plan EPP 68031 and receipt of Preliminary Layout Approval of future 2 - 3 lot subdivision





Islands Trust

BYLAW REFERRAL FORM

Island: Denman Island Local Trust Area Bylaw Nos.: 233 & 234 Date: December 13, 2019

You are requested to comment on the attached Bylaws for potential effect on your agency's/organization's interests. Specifically, your comments are requested on the following:

- the applicability and/or need to finalize and require the applicant to respond to the draft Water Assessment Terms of Reference (presented in [Staff Report](#) dated February 6, 2018) given the following:
 - that a provincial Conditional Groundwater Licence is issued (February 20, 2019) based on the information below (see Other Information section below);
 - that planning staff are considering the following:
 - amending the draft bylaws to allow the amount of water for this specific property and proposed use as per the Groundwater Licence (3.68 cubic metres),
 - implementing a Development Permit Area (DPA) to require the capture and re-use of rainwater for domestic use and irrigation (draft DPA guidelines are attached) and to be applied to the subject property, and
 - require the registration of a covenant to require any mitigating measures;
 - that water potability will be addressed through the Island Health Operating Permitting process;
- given the foregoing, any potential mitigating measures that could be requested of the applicant to address any perceived shortcomings with respect to consistency with ITPS policies 4.4.2 and 4.4.3 and Denman OCP policies (Freshwater Policy 9; Water Management Policies 3, 6; Housing Policies-Zoning Amendment Policies 27, 28).

We would appreciate your response by December 27, 2019.

APPLICANTS NAME / ADDRESS:

Harlene Holm on behalf of Bev Severn and the Denman Island Community Land Trust Association
PID 009-708-537

PURPOSE OF BYLAWS:

The intent of **Bylaw No. 233**, if adopted, would amend the Denman Island Official Community Plan Bylaw No. 185, 2008 (OCP) by including new policies to: re-designate 0.8 ha portion of parcel from 'Sustainable Resource' to 'Residential,' allow smaller sized lots to be created by subdivision to allow future 2-3 lot subdivision on parcel, require consideration of residential rental tenure zoning for multi-family dwellings to ensure that affordability is maintained in perpetuity; require Energy Step Code compliance for new dwellings as a result of rezoning/density transfer.

The intent of **Bylaw No. 234** if adopted, would amend the Denman Island Land Use Bylaw No. 186, 2008(LUB) by rezoning the parcel to two new site specific zones 'A(15)' and 'R4(2)' zones to allow for the future 2-3 lot subdivision on parcel, allowing multi-family affordable housing by way of a residential rental tenure zone, regulating siting, size, lot coverage, parking, signage and several other land use parameters for the new R4(2) zone.

GENERAL LOCATION:

3730 Denman Road, Denman Island

OTHER INFORMATION:

The applicant is proposing an 8 unit seniors affordable housing development (4 duplexes) on a 0.8 hectare portion of PID 009-708-537. The applicant has obtained a Conditional Groundwater Licence (issued February 20, 2019) from the MFNRORD for a maximum quantity of water of 3.68 cubic metres per day diverted for industrial (commercial enterprise) purpose. The licence and cover letter include conditions of the licence. Planning staff and Ministry staff met in April 2019 to discuss the criteria relied upon by the Ministry to issue the water licence and how it may provide the confidence to support the development of bylaws that would be consistent with the [ITPS](#) policies 4.4.2 and 4.4.3 and [Denman Official Community Plan](#) policies (Freshwater Policy 9; Water Management Policies 3, 6; Housing Policies-Zoning Amendment Policies 27, 28). Please see page 3-4 of the [October 3, 2019 Staff Report](#) for a summary of the staff discussion with the Ministry. Planning staff concluded that the criteria used by the Ministry addresses the ITPS policies with respect to quantity.

PLEASE TURN OVER 

Additionally, it is anticipated that the applicant will be required to obtain an Operating Permit from Island Health and through that permitting process, treatment will be determined to ensure water is potable. Should the application proceed, planning staff will be recommending that the applicant be subject to a Development Permit Area and/or Covenant requiring the capture and re-use of rainwater to reduce groundwater consumption and any mitigating measures.

Please direct any communications regarding this referral to Marnie Eggen, Island Planner, at (250) 247-2210 or by email to meggen@islandstrust.bc.ca.

Please fill out the *Response Summary* attached to 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.

Marnie Eggen

(Signature)

Name: Marnie Eggen
Title: Island Planner

Response:

William Shulba, P.Geo
Senior Freshwater Specialist, Islands Trust
Licensed Science Officer, BC Public Service
January 09, 2020

1. The proposed development at 3730 Denman Road Plan EPP 68031 (Application DE-RZ-2017.1) is considered an industrial groundwater use classified as a *Commercial Enterprise* as defined in the *Water Sustainability Act*.

The applicant submitted a groundwater licence application (106290) with an associated technical assessment and requested an amount of a maximum of 3.68 cubic meters (3680 litres) of groundwater per day. Conditional Water Licence 500469 was issued for the requested maximum daily demand for any day of the year with a date of water right precedence of March 5, 2018. Several conditions are specified in licence including but not limited to installation of a flow metering device.

Prior to the applicant submission of groundwater licence application (106290), the document *Islands Trust Area Water Assessment Toolkit DRAFT Terms of Reference* was considered by the Denman LTC at their February 6, 2018 business meeting with respect to the proposed development at 3730 Denman Road Plan EPP 68031 (Application DE-RZ-2017.1). The intention of this document was to (a) request further information from the applicant in order to address the Islands Trust mandate, policy statement, and land-use bylaws; (b) provide guidance through technical assessment requirements typically used in support of application for non-domestic groundwater use in British Columbia as per the *Water Protection and Sustainability Branch of Ministry of Environment* and; (c) contribute to a better understanding of groundwater resources on Denman Island.

Groundwater licence application (106290) deviated from proof of water requirements in the Denman Island Land Use Bylaw (1200 litres per day per dwelling unit equaling 9600 litres per day for the proposed development) and deviated from typical technical assessment requirements that support application for non-domestic groundwater use in British Columbia.

Due to the issuance of Conditional Water License 500469 with associated investigation of Groundwater Licence Application 106290 by the Ministry of Forests, Lands, Natural Resources, and Rural Development; the *Islands Trust Area Water Assessment Toolkit DRAFT Terms of Reference* is no longer applicable to Application DE-RZ-2017.1 and should be repudiated.

2. As identified in Ministry of Forests, Lands, Natural Resources, and Rural Development investigation documentation relating to Conditional Water License 500469, the general location of 3730 Denman Road is determined to be at moderate to high risk of salt water intrusion to groundwater wells.

To mitigate this risk, requirements included in the Conditional Water License 500469 include:

- A. The licensee must collect water quality samples for saltwater intrusion indicator parameters including chloride, specific electrical conductivity and total dissolved solids from WTN 113477 at a minimum of once annually for the first three years of regular operation of the well. Sampling must take place during the driest time of the year, follow standard procedures for purging and sampling, and be submitted to an accredited laboratory for analysis,*
- B. Following the first three years of sampling, the licensee must collect water quality samples for saltwater intrusion indicator parameters as specified above at a minimum of once every five years,*
- C. Water quality sample results must be compared to the following operational objectives:*
 - i. Chloride: ≤ 150 mg/l;*
 - ii. Specific electrical conductivity: ≤ 1000 μ S/cm; and*
 - iii. Total dissolved solids: ≤ 700 mg/L;*
- D. If any of the above operational objectives are exceeded, the licensee must notify the West Coast Regional Water Manager within 30 days of receiving the water quality sample analysis results;*
- E. The licensee must also install a flow measuring device to measure groundwater volumes diverted from the well prior to treatment of the water. Records of groundwater diversion volumes must be retained for inspection by the Water Manager upon request.*

In addition to the requirements of Conditional Water License 500469, an evidence-based approach using continuous monitoring and annual reporting is recommended to (a) ensure sufficient environmental protection from water quantity issues relating to proposed development, (b) ensure water sustainability in a changing climate; (c) ensure sufficient water conservation strategies to satisfy deviation from water requirements in the Denman Island Land Use Bylaw; and (d) mitigate risk potential of salt water intrusion on the source well and/or receiving environment.

More specifically, continuous monitoring and annual reporting are recommended as mitigating measures for the following reasons:

- Continuous long-term monitoring of groundwater levels identifies periods of groundwater drought to determine conservation strategies if drought-action is needed.
- Continuous monitoring of electrical-conductivity can provide an early warning to saltwater intrusion and help the applicant comply with conditions of the water license (Section 58 of the *Water Sustainability Act* requires that the well must not be operated in a manner that causes saltwater intrusion and has significant adverse impacts on a well, aquifer or hydraulically connected stream).
- Continuous monitoring of groundwater well parameters in concert with flow metering (required as a part of the water licence) can assist the best management practices required for a sustainable groundwater supply and protect the receiving environment from water quality and quantity issues.
- Continuous monitoring implemented prior to development can provide baseline data that would further inform the performance of the water service, ensure that the

- development is operating with a sustainable groundwater supply, and offer a community amenity by observing in general the health and function of the aquifer.
- Annual monitoring reporting to the Islands Trust beyond the sampling required by the water licence would provide a community amenity by providing a level of assurance that the proposed development operates in a sustainable manner into the future. Further to preventing saltwater intrusion, continuous monitoring will provide valuable information that could contribute to water sustainability strategies for affordable housing for Denman Island and the Islands Trust Area. Annual reporting should continue for the lifetime of the development.

Continuous monitoring has been implemented through the Provincial Groundwater Observation Wells Network since 1961 in desired aquifer monitoring locations including one location on Denman Island and for water service systems throughout the Province. Continuous monitoring requires a datalogger device to record stable, predictable, and repeatable observations every second, minute, or hour, depending on the desired outcome. Typically for long-term groundwater observations every 15 minutes is desired with data collection occurring every day, week, month, or even yearly downloads depending on desired outcomes and applicability. This datalogger should be installed on a direct read smart cable to allow for downloading at the well head or to be installed with telemetry to upload to a desktop application remotely.

Continuous monitoring and annual reporting of groundwater levels, groundwater temperature, and groundwater electrical-conductivity are recommended to be undertaken with an industry-standard pressure transducer datalogger such as Solinst Levellogger, the same device used in the Provincial Groundwater Wells Observation Network and the Salt Spring Island Groundwater Wells Monitoring Pilot project.

ATTACHMENT # 4 – APPLICANT/AGENT REZONING REQUESTS AND CURRENT DRAFT BYLAW AMENDMENTS No.234 (LUB)

DE-RZ-2017.1(DCLTA)

Rezoning Requests of Applicant/Agent (DE-RZ-2017.1) to date	Reflected in Draft Bylaw Amendments No. 234 (LUB)	Staff Comments
- Rezoning the lot to a site specific zone for a max. of 8 seniors affordable housing units and include: - wording for “seniors affordable housing dwelling unit”, - limit dwelling units to duplexes.	Yes (1.2, 1.10, 1.18)	- Added new Residential zone named “Affordable Housing R4”. - Added new site specific zone R4(2) that specifically allows 8 “seniors affordable housing dwelling units.” - Added new definition “seniors affordable housing dwelling unit” is as proposed by applicant. - Limited senior affordable housing dwelling units to buildings with only two dwelling units (i.e. duplex).
Do not include “Parks” and “Utilities” in permitted principal uses and associated buildings and structures to accommodate use.	No	Not supported by staff. Parks and utilities are a permitted use in all land based zones and apply to all lots regardless of size/permitted use. Parks “means land designated as park on a plan of subdivision filed in the Land Title Office or land designated under the Park Act or the Park (Regional) Act, and includes playgrounds and playing fields”; utilities “means water, sewer, electrical, telephone and similar services where established by a government body or by a company operating under the Utilities Commission Act, and where such use is intended for the local community.” If removed, this lot would be the only lot on Denman Island that didn’t permit Parks and Utilities, and would require a rezoning in the future if land owners wished to add a park or require a utilities building/structure to provide services to the development.
Do not include Home Occupations as an accessory use or limit Home Occupations to only the following only if amendment can regulate additional traffic and water use: general business offices, professional offices, including health services, personal services, food processing.	Yes (1.11)	- Home Occupations is removed as an accessory use. - Daily water use in this case is regulated by MFLNRORD as per the issued Conditional Water Licence. Staff advised the applicant that the scale of home occupation uses as suggested by the applicant can be further limited by the general home occupation regulations in the current LUB (i.e. can only be operated within a dwelling unit and not in an accessory building/outside), given the proposed size of the lot (< 1.0 ha); can only take up 60% of the dwelling unit, which would equal 387 sq. ft., given the proposed size of dwelling unit (60 sq. m.).
Include horticulture and agriculture as an accessory use and allow buildings and structures to accommodate use.	Yes (1.11, 1.12)	Permitted in all Residential zones.
Do not include occasional wood working and wood processing as an accessory use and portable sawmill to accommodate use.	Yes (1.11, 1.12)	Staff supported.

Rezoning Requests of Applicant/Agent (DE-RZ-2017.1) to date	Reflected in Draft Bylaw Amendments No. 234 (LUB)	Staff Comments
Include generation of electricity from non-polluting renewable sources as an accessory use and allow max. 3 buildings and structures to accommodate use.	Yes (1.11, 1.12, 1.13)	Staff supported. Staff note that a recent site plan received Oct. 3, 2019 indicates a plan for more than 3 solar array structures. Applicant to confirm proposed number of structures.
Include a definition of "senior as a person aged 65 years or older."	No	Not supported by staff. Recommend including such a definition in Housing Agreement instead so as to avoid the need for a rezoning should the land owner wish to change the parameters of who should reside in the units. Staff anticipate legal review to inform the LTC on whether such a definition is appropriate in the LUB.
- Include site specific zoning for seniors affordable housing to include the following specific provisions: - Min. 3 m setback for buildings and structures from rear, side, and exterior lot lines, including ALR boundary	Yes (1.18)	3 m setback to ALR boundary not supported by staff; this deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning. Staff anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate.
Min. 7.5 m setback for buildings and structures from front lot line	Yes (1.18)	Staff supported.
Min. 8 m setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, and 3 m setback for domestic chicken coops	Yes (1.18)	Setbacks in keeping with proposed lot size of 0.8 ha.
Max. height of 9 m for principal buildings and structures	Yes (1.18)	Reduced from 12m. 9 m is the standard max. height for principal single residential dwelling units. A variance application would be required should building plans change to accommodate a need for taller buildings.
Max. height of 6 m for accessory buildings and structures	Yes (1.14)	6 m is the standard max. height for accessory buildings and structures.
Max. height of 15 m for buildings and structures for Agriculture	Yes (1.14)	15 m is standard max. height for accessory buildings and structures for agriculture.
Max. height of 2 m for fence	Yes (1.14)	2 m is standard max. height for fence.
Max. height of 2.5 m for pump/utility house located within setback area	Yes (1.14)	2.5 m is standard max. height for structure.
Lot coverage maximum of 25%	Yes (1.18)	- Increased from 20%. - Relatively appropriate for proposed use; although the greater the lot coverage, the more it can impact rural character. Staff note the lot coverage is 40% for adjacent lots zoned Commercial and Institutional.
Max. gross floor area of 10 m² of a pump/utility house located within a setback area	Yes (1.16)	Staff supported. An increase from 6.0 m² in other residential zones.
Max. gross floor area of a seniors affordable dwelling unit is 60 m².	Yes (1.18)	Staff supported.
Max. combined gross floor area of 100 m² of all accessory buildings and structures.	Yes (1.16)	Staff supported.
Min. 1.5 Vehicle parking spaces/dwelling	Yes (1.18)	Decreased from min. 2 vehicle parking spaces/dwelling (=total min. of 12 parking spaces for 8 dwellings)

Rezoning Requests of Applicant/Agent (DE-RZ-2017.1) to date	Reflected in Draft Bylaw Amendments No. 234 (LUB)	Staff Comments
no bicycle parking spaces	No	Instead, a min. of 0.5 bicycle parking spaces per dwelling unit are included in the draft amendment. Staff recommend that this is reasonable because of the vehicle parking space reduction, and is consistent with ITPS directive policy 5.3.7 helping to reduce dependency on private automobile use and speaks to Islands Trust's efforts to match their Climate Change Emergency declaration.
Include a min. lot area of 0.8 ha permitted by subdivision for seniors affordable housing portion.	Yes (1.18)	Future MOTI PLA for anticipated strata subdivision required to determine if further amendments are necessary.
Include reference to "Use of Common Property" and "strata lot" as in the Salt Spring Land Use Bylaw.	N/A	Future MOTI PLA for anticipated strata subdivision required to determine if further amendments are necessary.
Rezone ALR portion to R1(5) and set minimum lot area for a principal single family dwelling unit to 0.8 ha.	N/A	ALR portion is rezoned to A(15) to accommodate anticipated 0.8 ha lot size & provision to set min. lot area for existing dwelling unit unnecessary, current LUB already accommodates.



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

November 28, 2019

ALC File: 54694

Harlene Holm
Denman Community Land Trust Association
DELIVERED ELECTRONICALLY

Dear Harlene Holm:

Re: Application 54694 to Exclude Land from the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Chief Executive Officer for the above noted application (Resolution #448/2019). As agent, it is your responsibility to notify the applicant accordingly.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence with respect to this application to Aimee McGowan at ALC.Island@gov.bc.ca.

Yours truly,

Aimee McGowan, Land Use Planner

Enclosures: Reasons for Decision (Resolution #448/2019)
Schedule A: ALC Decision Map

cc: Islands Trust – Northern Office (File: DE-ALR-2015.1)

54694d3



AGRICULTURAL LAND COMMISSION FILE 54694

REASONS FOR DECISION OF THE CHIEF EXECUTIVE OFFICER

Exclusion Application Submitted Under s. 30(1) of the *Agricultural Land Commission Act*

Applicant: Beverly Severn

Agent: Harlene Holm

Property: Parcel Identifier: 009-708-537
Legal Description: Parcel M (DD 6601N) of Section
18, Denman Island, Nanaimo District, except that
part in Plan 24807
Area: 1.6 ha

Chief Executive Officer: Kim Grout
(the "CEO")

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA).
- [2] In 2016, the Applicant, in conjunction with the Denman Community Land Trust Association (the "DCLTA"), applied to the Agricultural Land Commission (the "Commission") to exclude the 1.6 ha Property from the ALR for the establishment of eight units of affordable seniors' housing for Denman Island residents (the "Proposal").
- [3] By Agricultural Land Commission (ALC) Resolution #389/2016, dated November 15, 2016, the Island Panel (the "Panel") conditionally approved the Proposal; however, the Panel approved the decision based on the understanding that the entire Property was going to be developed as seniors' affordable housing (the "Original Decision"). The Agent subsequently clarified that only half of the Property was intended for that use, and the Applicant (i.e. Beverly Severn) was to remain living on the other half of the excluded portion.
- [4] In 2018, the Agent submitted a Request for Reconsideration to the Commission to rectify the discrepancy in the decision. Upon consideration of the Request for Reconsideration of ALC Resolution #389/2016, the ALC Executive Committee determined that the Original Decision was based on information that may be in error or false and that the information would have been germane to the review of the Application by the Panel.
- [5] In accordance with s. 11.1(3) of the *ALCA*, the Chair of the Commission referred the Request for Reconsideration of the Original Decision to the Panel.
- [6] By ALC Resolution #359/2018, dated November 14, 2018, the Panel refused the revised proposal to exclude the 1.6 ha Property for both affordable housing and to create a homesite for the landowner. The Panel upheld the Original Decision (ALC Resolution #389/2016), to exclude the 1.6 ha Property for the establishment of affordable seniors' housing. Alternatively, the Panel approved the exclusion of a ± 0.8 ha portion of the Property for the establishment of affordable seniors' housing, subject to conditions, including:
- a. the submission of a survey plan delineating the area to be excluded.

- [7] On November 13, 2019, the Agent submitted a letter requesting an amendment to condition 'a' of ALC Resolution #359/2018 as it relates to delineating the area to be excluded from the ALR.
- [8] In the request, the Agent explained that the access lane to the Applicant's ALR portion of the Property, outlined in green in the decision map of ALC Resolution #359/2018, creates an ALR access that bisects the non-ALR area approved for development as affordable seniors housing. The access lane was intended to be common property held by the strata subdivision partners, DCLTA, and the Applicant (and any future owner of her strata parcel), and not to be used solely to access the Applicant's ALR portion of the Property.
- [9] The Agent explained that the Property has access to Denman Road via an easement granted through an adjacent property in 1978. DCLTA, as part of its Land Purchase Agreement with the Applicant, purchased the easement from the adjacent property and is concluding work with the BC Land Title & Survey Authority to make the lane part of the Property. The proposed strata subdivision plan for the Property would designate the entire access lane as "common area – road access." As a "common area," the lane would be common property held by both strata partners and maintained by DCLTA. Further, it would provide unimpeded access to Denman Road for both the portion of the Property to remain in the ALR and the ± 0.8 ha portion approved for exclusion.
- [10] For the above reasons, the Agent is requesting that the Commission grant an amendment to condition 'a' of ALC Resolution #359/2018 to add the access lane to the ± 0.8 ha approved for exclusion, as access to the portion of the Property that is to remain in the ALR will be granted by way of a common property access road (the "Revised Proposal").
- [11] Under Section 27 of the ALCA the ALC, by resolution, may establish criteria under which the CEO may approve applications for exclusion, subdivision, non-farm use, non-adhering residential use, and soil or fill use applications. By resolution, the Commission has specified that the following applications may be decided by the CEO:

8. Requests for variations or removal of conditions of approval imposed by the Commission by resolution in exclusion, subdivision, and non-farm use applications that are consistent with the intent of the Commission's original decision.

DECISION

[12] After reviewing the Application, I am satisfied that the Revised Proposal is consistent with Criterion #8 and approve an amended survey plan delineating the area to be excluded to incorporate the lane outlined in green in the decision map of ALC Resolution #359/2018 to the ± 0.8 ha portion approved for exclusion.

[13] The Proposal is approved subject to the following conditions:

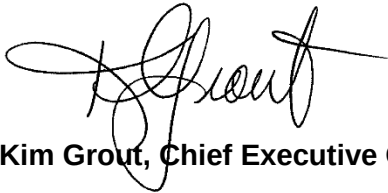
- a. the submission of a survey plan delineating the area to be excluded, in substantial compliance with the amended design (Schedule A);
- b. the Commission receive and approve confirmation that unimpeded access, by way of a common area road, has been provided to the portion of the Property that is to remain in the ALR in perpetuity;
- c. the Commission receive and approve a vegetative buffer and fencing plan between the area of the Property approved for exclusion and adjacent agricultural lands, and that the buffer be on the non-ALR side;
- d. photographic evidence of the fencing and vegetative buffer;
- e. re-zoning of the non-ALR portion of the Property to allow for affordable seniors' housing;
- f. the Commission receive and approve a housing agreement to be registered on Title ensuring that the land use, tenancy selection and occupancy support the continuing use of the land for affordable seniors housing; and
- g. the conditions be completed within three (3) years of the date of release of this decision.

[14] When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the exclusion.

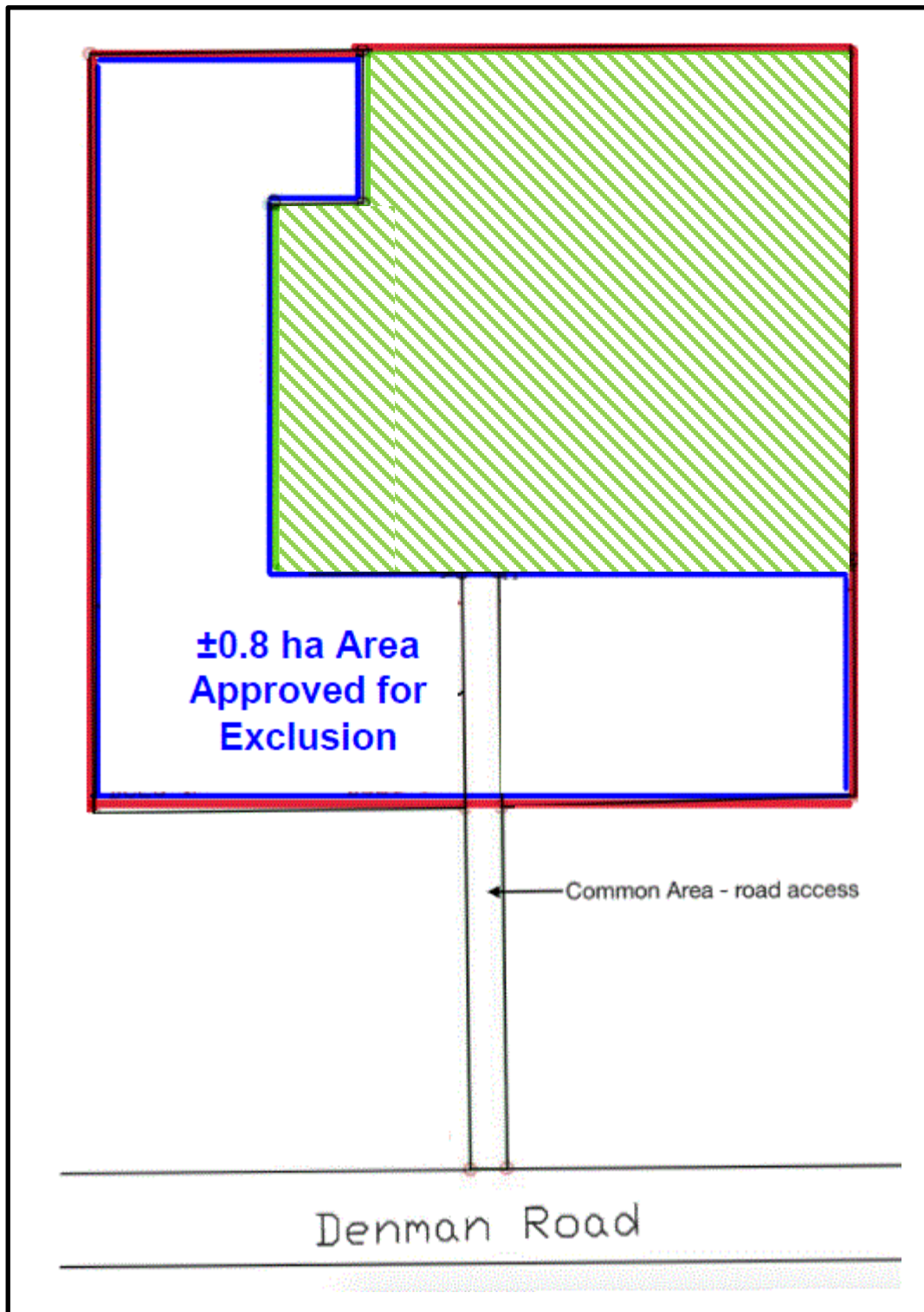
[15] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[16] A decision of the CEO is a decision of the Commission pursuant to s. 27(5) of the ALCA.

[17] Resolution #448/2019
Released on November 28, 2019

A handwritten signature in black ink, appearing to read "Kim Grout", is positioned above the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kim Grout, Chief Executive Officer



Conditionally Approved Exclusion (±0.8 ha)



The Property



Portion of the Property to Remain in the ALR



Denman Island Official Community Plan Bylaw No. 185, 2008

As amended by the
Denman Island Local Trust Committee

Consolidated Version: February, 2017

MOCK CONSOLIDATED VERSION – JAN 14 2020
BYLAW 233 AND 235

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

For reference to original bylaw and amendments,
please contact:
Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 198	Amendment No. 2, 2010	August 3, 2010
Bylaw No. 199	Amendment No.1, 2011	August 15, 2011
Bylaw No. 210	Amendment No. 1, 2014	November 30, 2014
Bylaw No. 212	Amendment No. 2, 2014	May 17, 2016
Bylaw No. 219	Amendment No. 2, 2015	January 31, 2017
Bylaw No 233	Amendment No. 1, 2019	
Bylaw No 235	Amendment No 2, 2019	

E.1 - HOUSING

Some islanders are concerned that growth and development of Denman Island could produce an accompanying sharp rise in land prices and could lead to a decrease in the diversity of the population in coming years. Comments submitted during the development of this Plan expressed a desire for a wide range of housing options to limit this possibility. As a result, this Plan introduces alternatives to the current land use pattern. Nonetheless, single family lots will continue to make up the majority of the land base on Denman Island.

This community acknowledges the need for affordable and special needs housing to maintain a diverse population in the face of rising land prices and to encourage seniors to remain on the Island. Limits on these forms of housing are designed to address the possible negative impact of locally increased density. Initiatives to provide opportunities for affordable housing of various kinds are ongoing.

The Residential designation, which is shown on Schedule C, includes the smaller lot subdivisions on the Island in which the existing principal use is single family residential.

The Rural designation, which is shown on Schedule C, includes the predominantly larger lots on the Island in which the existing principal use is single family residential.

The Sustainable Resource designation, which is shown on Schedule C, includes all of the large forested and agriculture lots on the Island, in which the existing principal use is locally operated sustainable resource harvesting.

Guiding Objective

To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community

Housing - Objectives

Objective 1	To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island
Objective 2	To ensure housing options preserve human diversity in the community
Objective 3	To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing flexibility for a range of dwelling types
Objective 4	To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their families' homes
Objective 5	To protect and enhance the supply and quality of rental housing for low income households

Housing - Policies

Subdivision

Policy 1	In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare except for lots created for the purpose of allowing multi-family affordable housing. In areas where the subdivision potential of the existing parcel may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size in the zoning regulations.
Policy 2	In the Rural designation, the size of new lots created by subdivision may not be less than 2.0 hectares and the average lot size created by subdivision may

Commented [BM1]: Bylaw 233 Amendment 1.1 (Added Jan 2020)
Bylaw 235 Amendment 1.1

Commented [BM2]: Bylaw 233 Amendment 1.2 (Renumbered Jan 2020)

Denman Island Official Community Plan, 2008

not be less than 4.0 hectares. In areas where the existing parcel size may have negative impacts on the natural environment, the Local Trust Committee should consider increasing the minimum parcel size and the minimum for the average parcel size in the zoning regulations.

Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares.

INFORMATION NOTE: Subdivision of land in the Agricultural Land Reserve requires the prior approval of the Agricultural Land Commission.

Policy 4 In the Sustainable Resource designation, the size of new lots for agriculture and other uses that are created by subdivision may not be less than 15 hectares, except for lots created for the purpose of allowing multi-family affordable housing.

Policy 5 In the Sustainable Resource designation, the lot size averaging provision should not be used.

Policy 6 In the Sustainable Resource designation, parcel sizes should be regulated in such a way as to encourage and enhance the sustainable resource capability of the land.

Policy 7 When developing subdivision regulations for lots adjacent to or encompassing a watercourse, the Local Trust Committee should consider potential negative impact on the watercourse.

Policy 8 In the Residential designation, parcel consolidations are encouraged wherever possible.

Use and Density

Policy 9 In the Residential and the Rural designation, the principal use should be single family residential with the exception of the following:

- The existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw; and
- Multi-family affordable housing through the completion of a successful rezoning application.

Policy 10 In the Residential designation, unless otherwise permitted by Policy 28, 29, or 30, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area. Multi-family affordable housing may be considered by an application for rezoning in the Rural designation.

Policy 11 In the Rural designation zoning regulations should generally permit one dwelling unit per lot, including a secondary suite, provided that the land owner provides the Local Trust Committee with proof of adequate water supply for each dwelling unit without endangering the water supply of adjacent land owners. A secondary dwelling unit may be permitted on a lot if approved by a Temporary Use Permit.

Policy 12 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

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Commented [BM9]: Bylaw 233 Amendment 1.4 and Amendment 1.5 (Renumbered Jan 2020) Bylaw 235 Amendment 1.2

Commented [BM10]: Bylaw 233 Amendment 1.6 and Amendment 1.7 (Renumbered Jan 2020)

Commented [BM11]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)

Commented [BM12]: Bylaw 235 Amendment 1.3

Commented [BM13]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)

Commented [BM14]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)

Denman Island Official Community Plan, 2008

		Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy .	Commented [BM15]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 13	Landowners are encouraged to ensure that all dwelling units comply with the building safety and waste disposal regulations found in the B.C. Building Code and the applicable health standards .	Commented [BM16]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
BL 210	Policy 14	In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel .	Commented [BM17]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 15	In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve: - one dwelling could be permitted per the minimum lot area permitted by Subdivision; and - additional dwellings could be permitted if they are required for full-time farm help.	Commented [BM18]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
BL 210	Policy 16	The Local Trust Committee may approve secondary dwelling units on lands within the "Rural" and "Sustainable Resources" designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan .	Commented [BM19]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
BL 210	Policy 17	Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space .	Commented [BM20]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
INFORMATION NOTE: A secondary dwelling unit on land in the Agricultural Land Reserve requires the approval of the Agricultural Land Commission.			
	Policy 18	The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing .	Commented [BM21]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 19	The Local Trust Committee should consider amendments to this Plan allowing the Committee to accept and hold for affordable housing purposes, in accordance with the guidelines in Appendix D, any unused residential densities that are relinquished by owners of lots with subdivision potential or available through land sold or given for conservation or park .	Commented [BM22]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 20	The Local Trust Committee should review the policies in this section once the final report is available for the Hornby and Denman Island Housing Needs Assessment, with a view to determining whether further opportunities for affordable housing are needed and what form any such opportunities should take .	Commented [BM23]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
Siting			
	Policy 21	Land owners and residents are encouraged to maintain low-level directed lighting that is in keeping with the rural character of Denman Island and does not unduly illuminate an adjacent lot .	Commented [BM24]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 22	Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the <i>Riparian Area Regulation</i> under the <i>Fish Protection Act</i> .	Commented [BM25]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 23	Zoning regulations should establish sufficient setbacks to protect the foreshore and coastal marine environment and to protect development from foreshore erosion .	Commented [BM26]: Bylaw 233 Amendment 1.4 (Renumbered Jan 2020)
	Policy 24	Zoning regulations should establish sufficient setbacks for septic disposal systems:	

Denman Island Official Community Plan, 2008

- Policy 25
- to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and
 - to protect adjacent properties from effluent or **odours**.
- Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring **properties**.

Commented [BM27]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Commented [BM28]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Zoning Amendments

- Policy 26
- The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.

- Policy 27
- Applicants applying for a zoning amendment prior to 2032 for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on **title**.

Commented [BM29]: Bylaw 233 Amendment 1.4 and 1.8
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.4

- Policy 28
- The Local Trust Committee should consider zoning amendment applications for seniors housing provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal is small-scale;
- that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that the applicants enter into a housing agreement with the Local Trust Committee;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposal is designated a development permit area to guide form and character; and
- that the proposed development will not place a strain on existing public services and **infrastructure**.

Commented [BM30]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

- Policy 29
- The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- that the proposal is not located in a connectivity area identified on Schedule D;
- that the proposal does not impact negatively on adjacent properties;
- that the proposal is small-scale;
- that the proposal is clustered and the siting and height are sensitive to surrounding land uses;
- that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;
- that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;
- that the proposed development will not place a strain on existing public services and **infrastructure**.
- that residential rental tenure zoning is considered to ensure affordability is maintained in **perpetuity**.

Commented [BM31]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Commented [BM32]: Bylaw 233 Amendment 1.9
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.5

- Policy 30 The Local Trust Committee should consider zoning amendment applications:
- to bring into conformity dwelling units that were in existence but did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction;
 - to bring into conformity dwelling units that were constructed to replace existing dwelling units that did not comply with the policies in this Plan at the time of its adoption on May 15, 2009, provided that the applicant provides written evidence, to the satisfaction of the Denman Island Local Trust Committee, that the replaced dwelling units were constructed prior to the date of adoption of this Plan in accordance with the land use bylaw in effect at the time of construction; and
 - to authorize up to 9 dwelling units on land legally described as The south east ¼ of section 26, Denman Island, Nanaimo District.
- Policy 31 The provision for density transfer in Appendix C of this Plan may apply to the donation or sale of land for the development of multi-family affordable housing projects that include protection of the natural environment.

Commented [BM33]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)

Commented [BM34]: Bylaw 235 Amendment 1.6

DEVELOPMENT APPROVAL INFORMATION - CIRCUMSTANCES AND SPECIAL CONDITIONS

- Policy 32 Applicants for a zoning amendment in the Residential or Rural designation in this Plan, may be required to provide development approval information.
- Policy 33 The areas designated Residential and Rural in this Plan are designated to encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community. The objectives of the designation of this area as an area within which development approval information may be required, include ensuring that housing options are sensitive to ground water availability and sewage disposal capability; guarding against contamination of ground water; preserving the rural nature of the Island; ensuring that housing options preserve human diversity in our community; supporting the establishment of affordable housing, rental opportunities and special needs housing; and providing the opportunity for Island seniors to remain in the community, especially in their own or their families' homes. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Residential and Rural designations.

Commented [BM35]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.6

Commented [BM36]: Bylaw 233 Amendment 1.4
(Renumbered Jan 2020)
Bylaw 235 Amendment 1.6

Housing - Advocacy Policies

- Advocacy Policy 1 The Vancouver Island Health Authority and landowners are encouraged:
- to consider, as an alternative, innovative methods of waste water treatment that minimize water use; and
 - to consider rain water collection as a source of water.
- Advocacy Policy 2 The Ministry of Community Development is encouraged to assist individuals or groups planning affordable or special needs housing projects.
- Advocacy Policy 3 The Comox Valley Regional District is encouraged to work with the Denman Island community to review its regulations with regard to noise pollution and animal control.

APPENDIX C

DENSITY TRANSFER

Density transfer refers to two consecutive zoning amendments undertaken to protect a specified property by removing some or all of the development potential from one property and transferring that density to another property or to another portion of the same property. On Denman Island, the Local Trust Committee is willing to consider using density transfer to permit multi-family affordable housing with formal protection of the natural environment; permit a land owner to give or sell land to a conservation organization, or dedicate land for park, without losing the subdivision potential of the property. There is no net increase in residential density because the residential density that is transferred simply replaces that of the lot protected by covenant or Development Permit Area, given to the conservation agency or dedicated as park.

Commented [BM37]: Bylaw 235 Amendment 1.7

Commented [BM38]: Bylaw 235 Amendment 1.7

Policies

- Policy 1 The Local Trust Committee may consider applications for density transfer for multi-family affordable housing, conservation and park purposes only. Eligible situations are limited to the following:
- donation or sale of land for a multi-family affordable housing development that results in protection of the natural environment on the same parcel through a restrictive covenant or Development Area; or
 - dedication of land for a park; or
 - donation or sale of land for conservation purposes

Commented [BM39]: Bylaw 235 Amendment 1.8

Guidelines for Density Transfer

- Guideline 1 Transfer of residential density should only be considered for the eligible situations listed under Policy 1 of this Appendix.
- Guideline 2 The original parcel on which the land is being protected under Policy 1 of this Appendix is referred to as the parent parcel.
- Guideline 3 The parcel of land to be given or sold to a conservation organization or dedicated as park is referred to as the protected parcel.
- Guideline 4 The original parcel of land which is subject to a reduction in development potential in order to transfer the density to another parcel(s) for the purposes of multi-family affordable housing is referred to as the donor parcel.
- Guideline 5 The parcel of land to which the density is being transferred is referred to as the receiving parcel.
- Guideline 6 Where the receiver parcel is intended for multi-family affordable housing, the following are required:
- a housing agreement to the satisfaction of the Local Trust Committee to protect the receiver parcel in perpetuity for the purposes of providing multi-family affordable housing; and
 - protection of the natural environment on the receiver parcel by way of a restrictive or conservation covenant or Development Permit Area.

Commented [BM40]: Bylaw 235 Amendment 1.9

Commented [BM41]: Bylaw 234 Amendment 1.9

Commented [BM42]: Bylaw 235 Amendment 1.10

Denman Island Official Community Plan, 2008

Density transfer to permit the provision of land under Policy 1 of this appendix should result in no net overall increase in residential density.

Guideline 7 Density transfer to permit the provision of land under Policy 1 of this appendix should result in no net overall increase in residential density.

Commented [BM43]: Bylaw 235 Amendment 1.10

Guideline 8 Calculation of the number of residential densities will be based on the area of the protected parcel divided by the minimum average lot size for the zone in which the protected parcel is located (in the absence of a minimum average lot size, the minimum lot size shall be used).

Commented [BM44]: Bylaw 235 Amendment 1.10

Guideline 9 In the event the above calculation results in a fraction, the number may be rounded up to the nearest whole number provided that by rounding the number up there is no net increase in residential density on the parent parcel.

Commented [BM45]: Bylaw 235 Amendment 1.10

INFORMATION NOTE: Under the Land Use Bylaw, residential density is rounded down in the event of a fraction. For example, if the minimum average lot size is 2.0 hectares, a parcel of 8.5 hectares would be permitted 4 residential densities (8.5 divided by 2 equals 4.25, which rounds down to 4). Rounding up in the guideline above will result in no loss or gain of residential densities. For example, on the 8.5 hectare lot above, if 0.5 hectares is donated or sold, no additional density shall be given as the remaining 8.0 hectares still has a potential of 4 residential dwellings. On the other hand, if 0.6 hectares is donated or sold, one additional density will be given as the remaining 7.9 hectares would only have potential for 3 residential dwellings.

Guideline 10 Applications that affect land in the Agricultural Land Reserve will be subject to the approval of the Agricultural Land Commission.

Commented [BM46]: Bylaw 235 Amendment 1.10

Guideline 11 Where the protected parcel is intended for conservation, the density transfer is conditional on the conservation organization agreeing to accept the protected parcel and the Local Trust Committee considering the protected parcel suitable for conservation purposes.

Commented [BM47]: Bylaw 235 Amendment 1.10

Guideline 12 Where the protected parcel is intended as park, the density transfer is conditional on the relevant government agency agreeing to accept the protected parcel for a park and the Local Trust Committee considering the protected parcel suitable for park purposes.

Commented [BM48]: Bylaw 235 Amendment 1.10

Guideline 13 The minimum lot size for the receiving parcel resulting from density transfer zoning amendments in any designation is 1.0 hectare, provided adequate potable water and sewage disposal capacity is demonstrated.

Commented [BM49]: Bylaw 235 Amendment 1.10

Guideline 14 Applicants for a density transfer zoning amendment that includes sensitive areas shown on Schedule D or in a development permit area shown on Schedule E may be required to provide Development Approval Information for the special conditions outlined in Guideline 13 of this Appendix.

Commented [BM50]: Bylaw 235 Amendment 1.10

Guideline 15 The areas shown on Schedule D and the development permit area for the protection of the natural environment shown on Schedule E are environmentally sensitive areas in which development is not encouraged. Development Approval Information may be required to help the Local Trust Committee determine appropriate uses, density and siting of development resulting from a density transfer zoning application.

Commented [BM51]: Bylaw 235 Amendment 1.10

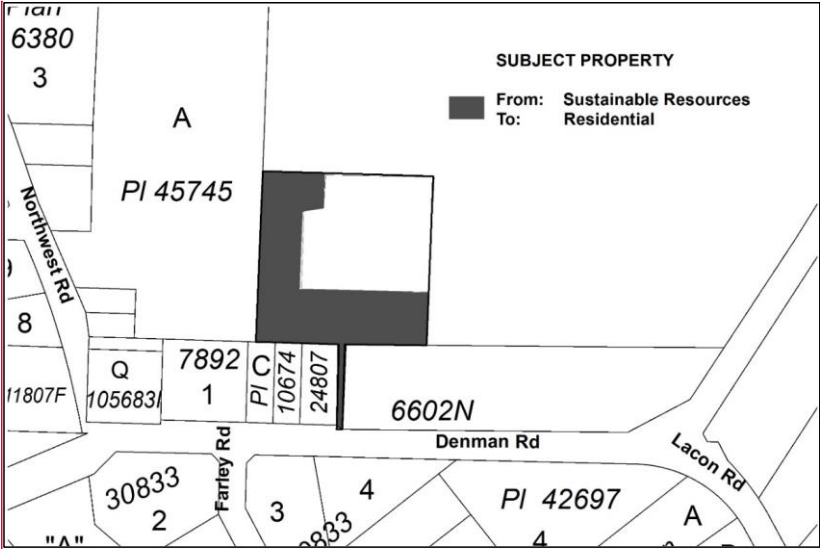
Guideline 16 The protected parcel must be secured in perpetuity for conservation or park either by dedication or the registration of a covenant that restricts the use of the protected parcel to conservation or park.

Commented [BM52]: Bylaw 235 Amendment 1.10

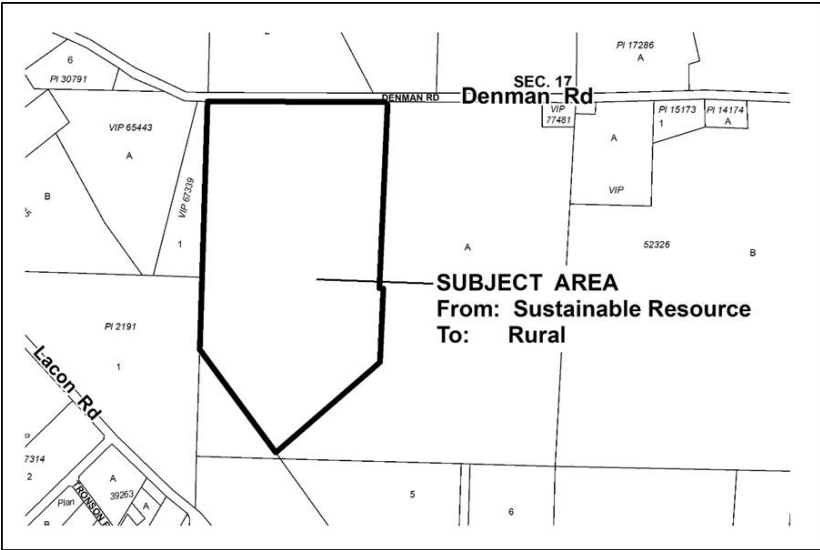
Guideline 17 Density transfer zoning applications should be consistent with all other policies of this Plan.

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Schedule "C" – Land Use Designations of the Denman Island Local Trust Committee Bylaw No. 185, cited as "Denman Island Official Community Plan, 2008" is amended as follows:



Commented [ME1]: Bylaw 233 Schedule 2 Amendment 1
Changes Jan 2020



Commented [ME2]: Bylaw 235 Schedule 2 Amendment 1



Denman Island Land Use Bylaw

Bylaw No. 186, 2008

As amended by the
Denman Island Local Trust Committee

MOCK CONSOLIDATED VERSION – JANUARY 14, 2020

Consolidated Version: July, 2018

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

For reference to original bylaw and amendments,
please contact:

Islands Trust - Northern Office, 700 North Road
Gabriola Island, BC V0R 1X3
(250) 247-2063

Preserving Island communities, culture and environment

CONSOLIDATED BYLAW TEXT AMENDMENTS

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

<u>Bylaw Number</u>	<u>Amendment Number</u>	<u>Adoption Date</u>
Bylaw No. 190	Amendment No. 1, 2009	April 13, 2010
Bylaw No. 194	Amendment No. 3, 2009	August 3, 2010
Bylaw No. 195	Amendment No. 1, 2010	June 21, 2011
Bylaw No. 200	Amendment No. 1, 2011	August 15, 2011
Bylaw No. 204	Amendment No. 1, 2012	September 24, 2013
Bylaw No. 211	Amendment No. 1, 2014	November 28, 2014
Bylaw No. 213	Amendment No. 2, 2014	May 17, 2016
Bylaw No. 216	Amendment No. 1, 2015	January 28, 2016
Bylaw No. 220	Amendment No. 3, 2015	February 1, 2017
Bylaw No. 225	Amendment No. 1, 2017	June 26, 2018
Bylaw No. 234	Amendment No. 1, 2019	
Bylaw No. 236	Amendment No. 2, 2019	

Denman Island Land Use Bylaw, 2008

community kitchen means a shared-use commercial processing area that is agency approved for preparing foods that may be sold elsewhere or for such things as catered functions;

community water system means a system for the supply of water serving two or more customers as approved by a public authority;

constructed top width means the width of the relatively level portion of a road, measured between the insides of the ditches, shoulders, cutbanks, or fills;

constructed total width means the width of a road, including the constructed ditches, shoulders, cutbanks, or fills;

covered walkway means a structure that shelters a walking area by a roof or awning and that is connected to a building;

dangerous tree means a tree that is hazardous to human safety because of location or lean, physical damage, overhead hazards, deterioration of the limbs, stem or root system, or a combination of these;

dbh means the diameter at breast height measured outside the bark around the trunk of the tree at 1.3 m above the point of germination;

derelict vehicle means any vehicle that has been unlicensed for 12 months or more;

domestic chicken coop means a building or structure used for accommodating chickens that are used for non-commercial purposes;

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

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;

dwelling unit, affordable housing means a deed restricted and/or rent controlled *dwelling unit* that is secured by a housing agreement, and is available to persons with a low income as defined by housing agreement for the dwelling unit;

dwelling unit, seniors affordable housing means a deed restricted and/or rent controlled dwelling unit that is secured by a housing agreement, and is available to seniors on an affordable basis as defined by a housing agreement;

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

Engineer means a member of the Association of Professional Engineers and Geoscientists of British Columbia;

Feedlot means commercial operation containing a fenced area where livestock, poultry or farmed game is confined solely for the purpose of growing or finishing and is sustained by means other than grazing, but excludes confinement of animals for domestic purposes;

fill means uncontaminated earth, sand, gravel or any other similar material used, or capable of being used, to raise the contour of the ground surface;

food processing in regards to a home occupation means the creation of packaged food products intended for consumption off-site and excludes take-out restaurants, cafes or similar food service facilities;

front yard means the area of a lot located between the front lot line and the front wall of the building closest to that lot line, and extending the full width of the lot;

forest fungi means naturally growing mushrooms or similar products that may be cultivated using wood products from local trees and excludes mushrooms grown on manure;

forestry sales mean the sale of lumber, timber, posts, and other similar wood products, but excludes the sale of goods manufactured from these materials;

gouge means an injury to the stem of a tree that penetrates into the sapwood or deeper;

grade means the average elevation of the ground at a distance of 1.0 metre from a building or structure determined by averaging the finished elevations at the midpoint of all of the exterior walls;

gross floor area means the sum of the area of all storeys in a building or structure, measured to the outermost wall surface, including the areas of roofed porches, roofed terraces and roofed decks;

Some words and phrases are defined in Section 1.1

2

Commented [BM1]: Bylaw 236 Amendment 1.2
Bylaw 234 Amendment 1.2

Commented [ME2]: Bylaw 234 Amendment 1.2 (Added Jan 2020)

Commented [BM3]: Bylaw 234 Amendment 1.2
Bylaw 236 Amendment 1.2

BL 204

Denman Island Land Use Bylaw, 2008

ground-based machinery means powered vehicles that move by means of wheels or tracks in contact with the ground, including trucks, skidders, loaders, excavators, backhoes, and tractors;

guest accommodation means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year;

height means the vertical distance to the highest point of the upper roof of a building or structure measured from the grade;

BL 194 *hermitage* means a spiritual retreat centre that may also offer educational programs and provides overnight accommodation and meals to guests participating in its programs and activities;

high high water mark means the high water mark identified on the plan most recently registered in the Land Title Office, and where there is no such plan, means the natural boundary;

horticulture means the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot;

intensive agriculture means the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;

lot means any parcel, block or other area in which land is held or into which it is subdivided, whether under the Land Title Act or the Bare Land Strata Regulations under the *Strata Property Act*;

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

lot line means a legally defined boundary of any lot, and in the case of tenure under the Land Act, a boundary of the lease area;

BL 200 *lot line – edge* means any lot line on a lot in the Agriculture zone that abuts a lot in another zone;

lot line – front means the lot line common to the lot and the abutting highway, or access route under the Strata Property Act, and where there is more than one lot line common to a highway or access route, the following rules apply:

- the shortest lot line abutting a highway or access route that is greater than 20.0 metres is the front lot line, except where there are no lot lines greater than 20.0 metres abutting a highway or access route, in which case the longest line abutting a highway or access route is the front lot line;
- where there are three or more lot lines and one or more of the lot lines is a corner-cut, one of the other lot lines is the front lot line based on the preceding rule;
- where there are more than two lot lines defining a curve, including any tangents making up the curve in a highway or access route, all such lot lines defining the curve must be considered to be one lot line for the purpose of determining the front lot line; and
- where a lot is split by a highway or access road, a front lot line will be determined for each portion of the lot;

lot line - rear means the property line opposite to and most distant from the front lot line, or where the rear portion of the parcel is bounded by intersecting lines, it shall be the point of such intersection;

lot line – exterior side means a lot line not being the front lot line but common to a lot and an abutting highway or access route;

lot line - side means any lot line not being a front lot line, rear lot line or exterior side lot line;

BL 194 *mobile* means, in relation to a building, not permanently affixed to the land with the ability to be moved to another location by towing or similar means;

BL 211 *Moveable housing unit* means a dwelling unit capable of being moved from location to location which does not require a permanent foundation;

natural boundary means:

- with reference to the sea or a lake, the visible high water mark of the lake, where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark on the soil or rock of the bed of the sea or a lake a character distinct from that of the adjoining upland, in vegetation as well as in the soil or rock;
- with reference to a stream, the normal high water mark of the stream, which is often indicated by the edges of rooted terrestrial vegetation, and a definite change in vegetation and sediment texture, above

Commented [BM4]: Bylaw 234 Amendment 1.1
Bylaw 236 Amendment 1.1

Some words and phrases are defined in Section 1.1

Denman Island Land Use Bylaw, 2008

removal of vegetation means felling of trees, uprooting of plants, removal of logs, or other large-scale alteration of the plant cover but specifically excludes the pruning of trees for the purpose of: admitting sunlight to an established garden; maintaining a view; mowing or cutting of lawns; and cultivating existing gardens and orchards;
residence means:

- the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
- the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;

and residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

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

retail sales and rentals means the selling of goods or merchandise directly to the consumer and includes bicycles, scooters, tools, equipment and home entertainment products, but excludes automobiles, recreational vehicles and heavy equipment;

riparian describes the land adjacent to the normal high water level in a stream, lake, or wetland and extending to the portion of land that is directly influenced by the presence of adjacent ponded or channelled water;

school means a school as defined by the *Schools Act* or the *Independent Schools Act* and does not include overnight accommodation or a dormitory;

BL 195 *seasonally flooded agricultural field* means land that has been previously modified for agriculture and experiences flooding during part of the year due to its location in a low lying area with poor drainage or with a high water table;

BL 211 *secondary dwelling unit* means a dwelling unit, which may be a moveable housing unit, that is accessory to a permitted principal dwelling unit and which is limited in floor area;

BL 211 *secondary suite* means an accessory, self-contained dwelling unit, located within a building that is a single real estate entity which otherwise contains a single family dwelling, and having a lesser floor area than the principal dwelling unit;

setback means the horizontal distance that a building, structure or use must be sited from a specific lot line, building, structure or other specified point;

shellfish aquaculture means the raising of any aquatic invertebrate animal having a shell (for example, oysters, clams, and crabs) for commercial purposes;

storey means all areas of a building or structure in which the ceiling is at least one metre above the floor at its lowest point, but excludes crawl spaces;

stream means any natural depression:

- in which water exists at least seven months of the year flowing on a perennial or seasonal basis; and
- in which the continuous channel bed is 0.6 metre or more below the average elevation of the surrounding land; or if the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, in which the channel bed is scoured by water or contains observable deposits of mineral alluvium;

but excludes road side drainage ditches on a highway right-of-way;

structure means anything constructed or erected that is fixed to, supported by or sunk into land or water, whether underwater or otherwise, but excludes vehicles, floating vessels, ground-level paving for driveways and vehicle parking, ground-level sidewalks, detached ground-level patios and decks, detached access stairways and boardwalks, power-poles and telecommunication poles;

third party signs means signs advertising business, products, goods or services not provided on the lot on which the sign is located

top of the inner gorge means the boundary between a side-wall slope adjacent to a stream, that has a slope greater than or equal to 60% slope, and an adjacent upland area that has a slope of less than 60%;

Commented [BM5]: Bylaw 234 Amendment 1.2
Bylaw 236 Amendment 1.2

Denman Island Land Use Bylaw, 2008

- 8 Where water is supplied to a secondary suite or a secondary dwelling unit by a community water system, the operator of the community water system must provide written confirmation that it has sufficient capacity prior to the issuance of any permits to allow the use.
- 9 Where water is to be supplied from a surface water body, a water license, issued by the Province, must permit the withdrawal of the required amount of water prior to the issuance of any permits to allow a secondary suite or secondary dwelling unit.

INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.

INFORMATION NOTE: Secondary suites and secondary dwelling units are not permitted to be used for short term vacation rental or for the accommodation of paying guests in accordance with Regulation 2.1.2 of the Denman Island Land Use Bylaw.

Accessory Buildings and Structures

- 10 Accessory buildings and structures are not to be used for overnight accommodation **other than on an occasional basis**, except as permitted elsewhere in this Bylaw **and the use is not permitted on a parcel in the 'Affordable Housing (R4) Zone'.**

Travel Trailers

- 11 Travel trailers may be stored on the lot and used for occasional non-commercial accommodation **except on a parcel zoned 'Affordable Housing (R4)'.**
- 12 A travel trailer, bus or similar vehicle may be used as a principal dwelling unit or as a secondary dwelling unit approved by a Temporary Use Permit on any lot where a single family dwelling is a permitted building provided that it:
 - is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7;
 - is connected to an approved sewage disposal system; and
 - is considered a dwelling unit for the purpose of residential density calculations.

Water Zones

- 13 In the water zones, no building or structure may be used for overnight accommodation.
- 14 In the water zones, a vessel may be used for occasional non-commercial accommodation but shall not be used as a permanent residence.

Covered Walkways

- 15 Buildings located within 4.0 metres of each other and attached by a covered walkway are deemed to be one building.

Undersized Lots

- 16 Where a lot exists prior to the effective date of this Bylaw and the area of such a lot does not conform to the minimum lot area established in Part 3 relating to subdivision control, such a lot may be used for any of the uses permitted in the zone in which the lot is situated, subject to all of the other regulations for that zone and provided the provisions of the Health Act and attendant regulations have been met.

2.2 General Height Regulations

- 1 Despite any regulations in the zoning tables in Part 3, height restrictions do not apply to radio or television antennas or any accessory radio or television antennas, including satellite dishes, flag poles, lighting poles, utility poles, stairways, chimneys, or water storage tanks that are attached to and accessory to a principal use.

2.3 General Setback Regulations

Setbacks from Cliffs

Some words and phrases are defined in Section 1.1

Commented [BM6]: Bylaw 234 Amendment 1.3 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.3

Commented [BM7]: Bylaw 234 Amendment 1.4 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.4

BL 211

- 13 The slope of any automobile parking space shall not exceed 10 per cent.
- 14 Lighting fixtures for the parking area must be less than 1.0 metre in height and must be directed exclusively at the parking area at illumination levels of 11 lux or less¹.

Number of Parking Spaces Required

- 15 The minimum number of parking spaces required is as specified in accordance with regulations 16 to 18 of this section

- 16 Minimum number of automobile parking spaces is

residential

- one per one single family residential dwelling unit
- one per one cabin or accessory residential use
- two per dwelling unit in a multi-family dwelling

home occupations

- one per two non-resident employees in a home occupation
- one per rental room in a home occupation providing home-based guest accommodation

commercial

- one per 20.0 square metres of gross floor area of a building or structure for a commercial use other than a restaurant, cafe, public docking facility, or vehicle fuel sales
- one per three seats in a restaurant or café
- one per four berths in a public docking facility, plus four per launch ramp or hoist
- four per vehicle fuel service

institutional

- one per 25.0 square metres of gross floor area of a building or structure for a school, community hall, church, social hall, museum use, health care service use, recycling centre or similar use
- one per each employee or volunteer for a fire hall, police station or ambulance station

resource

- one per 30.0 square metres of gross floor area for a building or structure for an industrial, equipment storage, material supply or warehouse use
- one per 15 square metres of gross floor area for a greenhouse, a nursery, farm sales or forestry sales.

- 17 Minimum number of bicycle parking spaces is

- four, or one per 150 square metres of gross floor area for a commercial use, whichever is greatest
- four, or one per 10 students in a school, whichever is greatest
- four, or one per 150 square metres of gross floor area for a community hall, church, social hall, museum or other institutional use, whichever is greatest.
- one per dwelling unit in a multi-family dwelling

- 18 Of the number of automobile parking spaces required in Regulation 16 of this section for commercial or institutional uses, a minimum of one, or one per 50 required parking spaces, whichever is greatest, must be provided for disabled persons.

Commented [BM8]: Bylaw 234 Amendment 1.5
Bylaw 236 Amendment 1.5

Commented [BM9]: Bylaw 234 Amendment 1.6
Bylaw 236 Amendment 1.6

Commented [BM10]: Bylaw 234 Amendment 1.7
Bylaw 236 Amendment 1.7

¹ A lux is a measure of candlepower per square metre. Ten lux is considered adequate to do most tasks.

Some words and phrases are defined in Section 1.1

2.6 Signs Regulations

Permitted Signs	Maximum Area of a Sign	Maximum Combined Sign Area	Maximum Number of Signs
1 Residential (R1), Rural Residential (R2), Co-housing (R3) and Affordable Housing (R4) zones	0.5 m ²	1.0 m ² per lot	no limit
2 Agriculture (A), Forestry (F) and Resource (RE) zones	0.75 m ²	2.0 m ² per lot	no limit
3 Commercial (C) and Light Industrial (L) zones	2.0 m ²	2.0 m ² per business	2 per business
4 Institutional (IN) zone	2.0 m ²	2.0 m ² per lot	2 per lot
5 Conservation (CN) and Parks (PK) zones	1.0 m ²	1.0 m ² per lot	no limit
6 Marine Aquaculture (W3) zone	0.5 m ²	1.0 m ² per tenure	2 per tenure
7 In addition to the signs permitted in regulations 1 to 6 of this section, temporary real estate signs in all zones, which must be removed within 2 weeks of sale	1.0 m ²	2.0 m ² per lot	2 per lot
8 In addition to Regulation 3 of this section, each business in the Commercial (C) zone and Light industrial (L) zone is permitted a maximum of one additional non-flashing neon sign that advertises the business as open, and such a sign must be no larger than 0.3 square metres.			
9 In all zones, free standing signs shall not be deemed "structures" for the purposes of requiring compliance with horizontal setback regulations from lot lines or natural features.			
10 The maximum areas set out in Section 2.6, Regulations 1 to 7 refers to the area of one face of a sign.			

Commented [BM11]: Bylaw 234 Amendment 1.8 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.8

Height of Signs

- 11 In all zones, the maximum height of free standing signs is 3.0 metres.
- 12 In all zones, the maximum height of a sign attached to a building or structure is the same as the maximum height for the building or structure as set out in the zoning tables in Part 3.

Exempted Signs

- 13 Signs exempted from the provision of this section are:
 - those approved by a public authority such as directional signs, traffic signs, electoral signs and marine navigational signs
 - warning signs, such as private property, no trespassing, no vehicles, and no hunting signs provided that such signs are no larger than 0.2 square metres.
 - interpretative signs
 - murals, providing the mural is not advertising a product or service.

Prohibited Signs

- 14 Except as permitted in regulations 3 to 12 of this section, the following signs are expressly prohibited
 - animated signs
 - illuminated signs
 - obsolete signs
 - third party signs larger than 0.5 square metre regardless of location

2.7 Screening Regulations

General Regulations

- 1 Where a landscape screen is required by this Bylaw, it must be provided in the form of:
 - existing vegetation of the required height or
 - a row of drought-tolerant evergreen plants that after three years of growth will attain the required heightand provide a continuous, permanent visual screen between the uses being separated.
- 2 The minimum height of a landscape screen is 2.0 metres.
- 3 The minimum depth of a landscape screen is 1.5 metres.
- 4 Landscape screens along a front or exterior side lot line must be unbroken, except to provide for access to or from the lot.

Landscape Screens

- 5 All commercial, industrial and institutional uses must be screened from view from a lot in the Residential (R1) or Rural Residential (R2) zone by a landscape screen.
- 6 All outdoor storage or use related to a home occupation must be screened from view from an adjacent lot or highway by a landscape screen.
- 7 All works yards, commercial or industrial outdoor storage, or derelict vehicles must be screened from view from an adjacent lot or highway by a landscape screen.
- 8 All uses in the R3 and R4 zones must be screened from adjacent properties with a landscape screen located within the setback area, except that dead trees or trees that pose a safety risk may be extracted from the setback area.

Commented [BM12]: Bylaw 234 Amendment 1.9
Bylaw 236 Amendment 1.9

2.8 Subdivision Regulations

Compliance with Minimum Lot Area and Minimum Average Lot Area

- 1 Except as provided for in Regulation 21 of this section, no lot may be created by subdivision that renders an existing use, building or structure non-conforming with respect to a siting or density provision of this Bylaw.
- 2 Except as provided for in regulations 20 and 21 of this section, no lot may be created by subdivision that does not comply with the regulations contained in Part 3.
- 3 Every subdivision must comply with the applicable minimum lot area and minimum average lot area specified by this Bylaw and for that purpose, the average lot area is determined by

Total area of all proposed lots including the remainder
divided by

Number of Proposed lots including the remainder.

The resulting number must equal or exceed the applicable minimum average lot area or, if there is no minimum average lot area specified, the applicable Minimum Lot Area.

- 4 No more than 50 per cent of the total number of lots in the subdivision shall be less than the applicable minimum average lot area.

INFORMATION NOTE: The minimum average lot area is used for calculating the maximum number of lots that may be created by subdivision. The minimum lot area is used for determining the smallest size lot that can be created by subdivision. If there is no minimum average lot area specified, then the minimum lot area is used to determine the maximum number of lots that may be created by subdivision. In this Bylaw, the minimum average lot area is only used in the Rural Residential (R2) Zone.

INFORMATION NOTE: The 50 per cent requirement in Regulation 4 will have no effect on a bare land strata subdivision due to the lot averaging provisions in the Bare Land Strata Regulations under the *Strata Property Act*.

Some words and phrases are defined in Section 1.1

3 ZONE REGULATIONS

3.1 Creation of Zones

- 1 The area included in Schedule B of this Bylaw is divided and designated into the following zones:

Zone Classification	Zoning Code
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Residential Zones

Residential	R1
Rural Residential	R2
Co-housing	R3
Affordable Housing	R4

Resource Zones

Agriculture	A
Forestry	F
Resource	RE

Commercial and Light Industrial Zones

Commercial	C
Light Industrial	L

Community Zones

Institutional	IN
Conservation	CN
Park	PK

Water Zones

Marine Conservation	W1
Marine Service	W2
Aquaculture	W3
Marine Protection	W4
Lakes	W5

Commented [BM13]: Bylaw 234 Amendment 1.10 (R4 zone name changed Jan 2020)
To be changed in Bylaw 236 Amendment 1.10

3.2 Definition of Zones

Interpretation of Zone Boundaries

- 1 Except where otherwise specified the zone boundaries, together with any explanatory legends, notations and references in respect thereof, are delineated and described on a computer record compiled by means of geographic information software and a global positioning system (the "Zoning Map").
- 2 The Zoning Map is kept at the Islands Trust Victoria Office and forms part of this Bylaw.
- 3 A generalised diagrammatic representation of the Zoning Map is annexed to this Bylaw as Schedule B. In the event of any conflict or inconsistency between the Zoning Map and Schedule B, the Zoning Map shall govern.

Some words and phrases are defined in Section 1.1

3.3 Residential Zoning Tables

Table 1 - Permitted Uses

		R1	R2	R3	R4
Principal Uses					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
Accessory Uses					
5	Home occupation uses listed in Section 2.4 accessory to a principal residential use	✓	✓	✓	
6	Forest fungi production accessory to a residential use, on lots 2.0 ha or larger	✓	✓	✓	✓
7	Horticulture and agriculture, other than intensive agriculture, accessory to a principal residential use	✓	✓	✓	✓
8	Occasional wood working and wood processing using wood obtained from the lot and accessory to a principal residential use	✓	✓	✓	
9	Generation of electricity from non-polluting renewable sources and accessory to a principal residential use	✓	✓	✓	✓
10	Secondary suites and secondary dwelling units		✓ *Secondary dwelling units must be approved through a Temporary Use Permit		

Commented [BM14]: Bylaw 234 Amendment 1.11
Bylaw 236 Amendment 1.11

Table 2 - Permitted Buildings and Structures

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

Commented [BM15]: Bylaw 234 Amendment 1.12
Bylaw 236 Amendment 1.12

Some words and phrases are defined in Section 1.1

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

Commented [BM16]: Bylaw 234 Amendment 1.13
Bylaw 236 Amendment 1.13

Table 4 - Height		R1	R2	R3	R4
1	Maximum height of principal buildings and structures				
	• located less than 100.0 metres from the natural boundary of the sea	7.0 m	7.0 m	7.0 m	7.0 m
	• located 100.0 metres or more from the natural boundary of the sea	9.0 m	9.0 m	9.0 m	12.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m
	• used exclusively for agriculture	15.0 m	15.0 m	15.0 m	15.0 m
3	Maximum height of a fence, excluding deer netting	2.0 m	2.0 m	2.0 m	2.0 m
4	Maximum height of a pump/utility house located within a setback area	2.5 m	2.5 m	2.5 m	2.5 m
5	Maximum height of a boathouse	4.5 m	4.5 m	4.5 m	4.5 m

Commented [BM17]: Bylaw 234 Amendment 1.14
Bylaw 236 Amendment 1.14

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

Commented [BM18]: Bylaw 234 Amendment 1.15
Bylaw 236 Amendment 1.15

Table 6 - Floor Area		R1	R2	R3	R4
1	Maximum gross floor area of a pump/utility house located within a setback area	6.0 m ²	6.0 m ²	6.0 m ²	10.0 m ²
2	Maximum gross floor area of a boathouse located within 15.0 metres of the natural boundary of the sea	30.0 m ²	30.0 m ²	n/a	n/a
3	Maximum gross floor area of a single family dwelling unit	n/a	n/a	139.4 m ²	n/a
4	Maximum gross floor area of a dwelling unit in a multi-family dwelling	n/a	n/a	n/a	
5	Maximum gross floor area of a common house	n/a	n/a	279 m ²	n/a
6	Maximum combined gross floor area of all accessory buildings and structures	n/a	n/a	1275 m ²	100 m ²

Commented [BM19]: [Bylaw 234 Amendment 1.16](#)
[Bylaw 236 Amendment 1.16](#)

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

Commented [BM20]: Bylaw 234 Amendment 1.17
Bylaw 236 Amendment 1.17

Table 8 - Site Specific Regulations

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

Site Specific Zoning Code	Site Specific Regulations
R1(1)	1 In addition to Table 1 of this Section, accessory residential is a permitted use. 2 Despite lines 2 and 3 in Table 3 of this Section, the maximum number of accessory residential dwelling units permitted is one per lot, provided it is contained in or attached to the principal dwelling unit. 3 The maximum permitted gross floor area of an accessory residential dwelling unit is 56.0 square metres.

INFORMATION NOTE: The site specific regulations for R1(1) are to permit a use previously permitted on two specific lots.

R1(2)	1 Despite lines 4 to 7 in Table 1 of this Section, the only accessory use permitted is accessory residential. 2 Despite line 2 in Table 2 of this Section, the only accessory buildings and structures permitted are cabins. 3 Despite lines 2 and 3 in Table 3 of this Section, the maximum number of cabins permitted is six per lot. 4 Despite Table 7 of this Section, the minimum lot area permitted is 3.75 hectares. 5 The maximum gross floor area of a permitted cabin is 56.0 square metres.
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INFORMATION NOTE: The site specific regulations for R1(2) are to permit the historical use on one specific lot .

R1(3)	1 Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted providing one is limited to a footprint of 18.6 m² (200 square feet) and one storey.
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INFORMATION NOTE: The site specific regulations for R1(3) are to permit the historical density on one specific lot.

- R1(4)
- 1 Despite Tables 2 and 3 of this section, single family dwelling units and buildings and structures accessory to single family dwelling units are not permitted and instead, one *affordable housing dwelling unit* is permitted, and buildings and structures accessory to the *affordable housing dwelling unit* are permitted.
 - 2 In addition to Table 6 of this section, the maximum gross floor area for an *affordable housing dwelling unit* is 93 square metres.
 - 3 Despite Section 2.1, travel trailers are not permitted to be stored on the lot or to be used as a principal dwelling unit. However, a travel trailer may be used on the lot for up to six months during construction of the *affordable housing dwelling unit*.
 - 4 Home occupation uses are permitted as an *accessory* use. Despite Section 2.4, home-based *guest accommodation*, welding shops, including sale of products produced on site, daycare, and automobile repair and maintenance, are not permitted.
- R2(1)
- 1 In addition to the uses listed in Table 1 of this Section, a kennel accessory to a residential use is permitted.
 - 2 In addition to the buildings and structures listed in Table 2 of this Section, buildings or structures for a kennel use are permitted.
 - 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a kennel is 30.0 metres.
- R2(2)
- 1 In addition to the uses listed in Table 1 of this Section, a riding stable accessory to a residential use is permitted.
 - 2 In addition to the building and structures listed in Table 2 of this Section, buildings or structures for a riding stable use are permitted.
 - 3 In addition to the setbacks listed in Table 5 of this Section, the minimum setback from all lot lines for a riding stable is 30.0 metres.
- R2(3)
- 1 Despite lines 1 and 2 in Table 3 of this Section, two dwelling units are permitted.
- R2(4)
- 1 Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.4 hectares.
- R2(5)
- 1 Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 3.33 hectares.
- R2(6)
- 1 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is an average of one lot per 5.56ha.
- R2(7)
- 1 Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(7) zone.
 - 2 Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(7) zone is three.
 - 3 Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(7) zone is three.
- R2(8)
- 1 Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(8) zone.
 - 2 Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(8) zone is five.
 - 3 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.

Commented [BM21]: Bylaw 236 Amendment 1.18

Commented [BM22]: Bylaw 236 Amendment 1.18

Denman Island Land Use Bylaw, 2008

- R4(1) 1 Despite line 3 in Table 3 of this Section, the maximum number of dwelling units permitted in the R4(1) zone is 20.
- 2 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a dwelling unit in a multiple family dwelling is 140 m².
- 3 Despite line 1 in Table 7 of this Section, the maximum density permitted by subdivision is one lot per 8.0 hectares.
- 4 Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to regulations in Section 2.8 is 8.0 hectares.
- R4(2) 1 Despite line 2 of Table 2 of this Section, multi-family dwelling units are limited to each building containing a maximum of two seniors affordable housing dwelling units, each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance.
- 2 Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8.
- 3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.
- 4 Despite line 1 in Table 4 of this Section, the maximum height of principal buildings and structures located 100.0 metres or more from the natural boundary of the sea is 9.0 metres.
- 5 Despite line 1 in Table 5 of this Section, the minimum setback of buildings or structures, except for a fence or pump/utility house
- from the front lot line is 7.5 m
 - from the rear or side lot line is 3 m
 - from the exterior side lot line is 3 m
- 6 Despite line 2 in Table 5 of this Section, the minimum setback from all lot lines for feeding troughs, manure piles and buildings and structures for housing animals for agriculture, except for domestic chicken coops is 8.0 m.
- 7 Despite line 3 in Table 5 of this Section, the minimum setback from all lot lines for domestic chicken coops is 3 m.
- 8 Despite line 4 in Table 6 of this Section, the maximum gross floor area of a seniors affordable dwelling unit is 60 m².
- 9 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 0.8 hectares.
- 10 Despite regulations 16 and 17 of Section 2.5, the minimum number of automobile parking spaces required is 1.5 per seniors affordable housing unit, and the minimum number of bicycle parking spaces required is 0.5 per seniors affordable housing unit.
- 11 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.

Commented [BM23]:
Bylaw 236 Amendment 1.18

Commented [BM24]:
Bylaw 234 Amendment 1.18
Changes Jan 2020:
1. Specific permitted Home Occupations removed; New line 1 added limiting dwelling units to duplexes for seniors affordable housing.
2. "seniors affordable" inserted.
3. Lot coverage increased from 20% to 25%.
4. Height decreased from 12 m to 9 m.
5. Rear and side lot line reduced to 3 m (lot line abutting ALR).
6. Setback reduced from 30 m to 8 m.
7. Setback reduced from 10 m to 3 m.
8. "seniors affordable" inserted.
9. No change.
10. Vehicle parking spaces reduced from 2 to 1.5 per dwelling unit and bicycle parking spaces reduced from 1 to 0.5 per dwelling unit.
11. Proof of water requirement of 1200 litres/day/dwelling removed, and instead proof of water licence for groundwater as indicated in the licence.

INFORMATION NOTE: The site specific regulations for R2(3), R2(4) and R2(5) are to permit the historical density on

Denman Island Land Use Bylaw, 2008

	A(5)	1	Despite Table 1 of this section, no residential use is permitted.
		2	Despite Table 2 of this section, single family dwelling units and buildings and structures accessory to a constructed single family dwelling unit are not permitted.
		3	Despite Table 5 of this section, the minimum setback of principal and accessory residential buildings or structures, except a fence, pump/utility house or pit privy from the front, rear, side and exterior side lot lines is 30 m.
		4	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 13.0 ha.
BL 190	A(6)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 45.0 hectares.
		2	Despite Table 3 of this section, the minimum lot area per principal single family dwelling unit is 45.0 hectares.
BL 194	A(7)	1	In addition to the uses listed in Table 1 of this section, hermitage is a permitted accessory use.
		2	In addition to the buildings and structures listed in Table 2 of this section, mobile accessory buildings for overnight accommodation of people participating in the activities or programs of a hermitage on the same lot are permitted.
		3	Despite section 2.1(4) up to eight mobile accessory buildings with a floor area not greater than 10m ² each may be used for overnight accommodation of hermitage participants.
BL 200	A(8)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 8.4 hectares.
	A(9)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 7.5 hectares.
		2	If a lot in this zone is subdivided, a total of 4 dwelling units are permitted on the resulting lots.
	A(10)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 14.91 hectares.
	A(11)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 5.25 hectares.
	A(12)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 10.45 hectares.
	A(13)	1	Despite lines 1 and 2 in Table 3 of this Section, the minimum lot area per principal single family dwelling unit is 1.55 hectares.
	A(14)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 9.0 ha.
	A(15)	7	Despite Table 7 of this Section, the minimum lot area is 0.8 hectares.

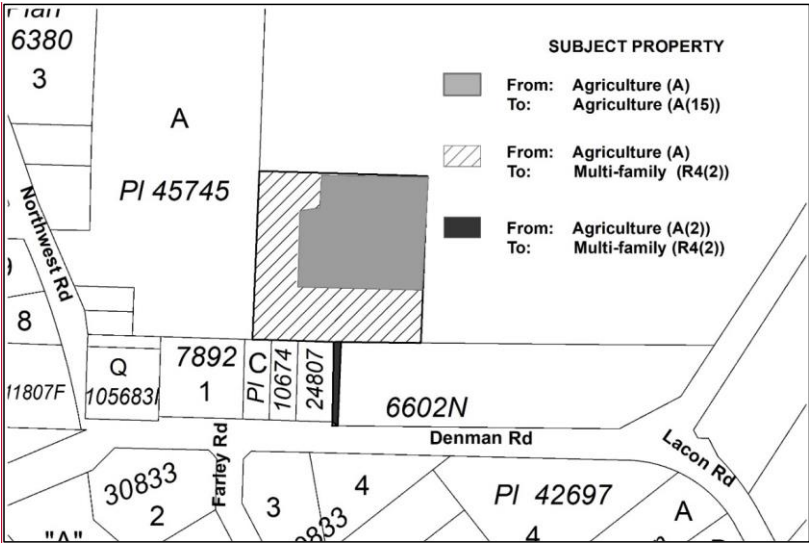
Commented [BM25]: Bylaw 234 Amendment 1.19

INFORMATION NOTE: The site specific regulations for A(8), A(9), A(10), A(11), A(12) and A(13) are to permit the historical density on seven specific lots. Approval from the Agricultural Land Commission may be required for more than one dwelling per lot.

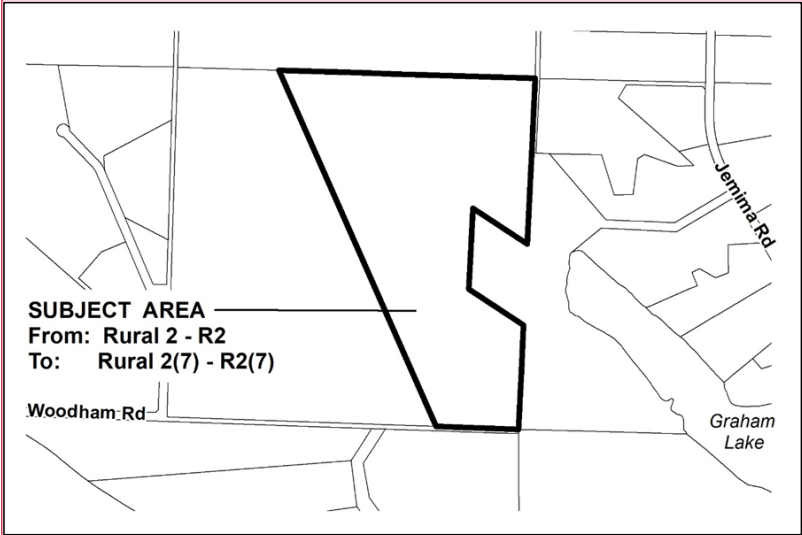
F(1)	1	Despite Table 7 of this section, the minimum lot area permitted by subdivision, subject to the regulations in Section 2.8 is 20 ha.
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Some words and phrases are defined in Section 1.1

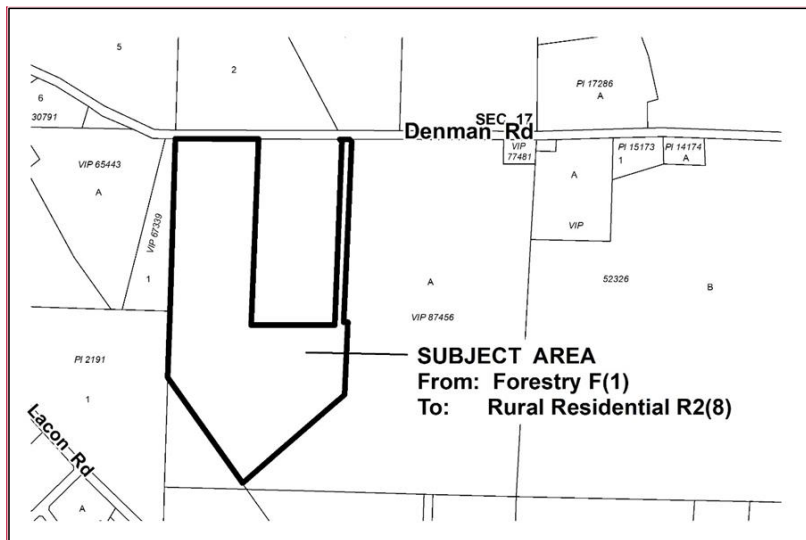
Schedule “B” of Denman Island Land Use Bylaw, 2008 is amended as follows:



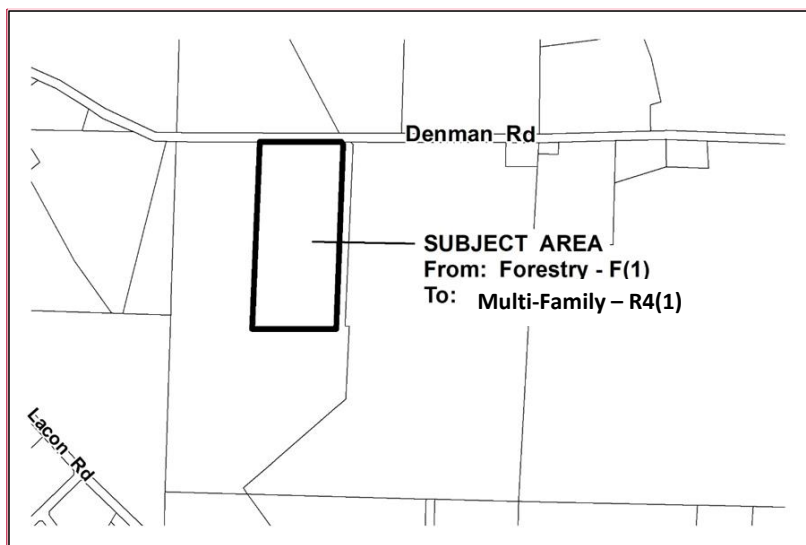
Commented [ME1]: Bylaw 234 Schedule B Amendment 1
Changes Jan 2020



Commented [ME2]: Bylaw 236 Schedule B Amendment 1



Commented [ME3]: Bylaw 236 Schedule B Amendment 2



Commented [ME4]: Bylaw 236 Schedule B Amendment 2

ATTACHMENT # 1 – POLICIES

DE-RZ-2017.1(DCLTA) – REVISED JANUARY 2020 (SIGNIFICANT UPDATES ARE HIGHLIGHTED)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Consistent	Staff Recommendations as Represented in Draft Bylaws 233 (OCP) & 234 (LUB)
3.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.	Yes	Draft amendments (OCP) add policy that multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 standards for new construction, either by way of a site specific amenity zone or by way of a restrictive covenant registered on title.
3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.	N/A	- No changes proposed. Non DPA creek on subject property to be subject to current LUB setbacks to streams for buildings and structures. - Future covenant to reflect ALC requirement for vegetative buffer of 3 metres from ALR lands as proposed by the DCLTA which parallels the creek.
4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.	Yes	LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; draft amendments (OCP & LUB) allow for proposed use.
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	Unknown	- Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. - Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.

ITPS Policy	Consistent	Staff Recommendations as Represented in Draft Bylaws 233 (OCP) & 234 (LUB)
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: • neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, • water quality is maintained, and • existing, anticipated and seasonal demands for water are considered and allowed for.	Unknown	• Draft amendments (OCP and LUB) add new site specific zone (R4(2)) to allow for increased density: further subdivision and 8 densities. • No changes proposed to OCP regarding water. • MFLNRORD approved water licence for lesser quantity of supplied water than required by LUB and identified risk of salt water intrusion; review guided by Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in BC, which includes consideration of aquifer status and anticipated project demands for water. • Draft amendment (LUB) allows a lesser quantity of supplied water in the site specific zone (R4(2)) than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD. • Freshwater specialist referral response recommends requiring mitigation measures in order to address shortcomings in adequately addressing policies 4.4.2 and 4.4.3 - commitment to water quality maintenance (i.e. salt water intrusion) and ensuring no detrimental impacts on in-stream users. Staff recommend requiring a covenant incorporating recommended mitigating measures. • Staff anticipate Island Health input to further inform the LTC of the status of the water quality and their water quality maintenance requirements as a part of their requirements under an Operating Permit.
4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses.	Unknown	• No changes proposed to OCP regarding water. • MFLNRORD approved water licence included review of water quantity impacts on in-stream uses (registered wells). • Freshwater specialist referral response recommends requiring mitigation measures in order to address shortcomings in adequately addressing policies 4.4.2 and 4.4.3 - commitment to water quality maintenance (i.e. salt water intrusion) and ensuring no detrimental impacts on in-stream users. Staff recommend requiring a covenant incorporating recommended mitigating measures. • Staff anticipate Island Health input to further inform the LTC of the status of the water quality and their water quality maintenance requirements.
4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.	Yes	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; draft amendments (OCP & LUB) allow for proposed use.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	Yes	• Proposal is subject to current OCP policies and LUB regulations addressing these areas. • Draft amendments (OCP and LUB) further address these areas (e.g. density and siting provisions, step code consideration, creation of residential rental tenure zoning to ensure affordability).

ITPS Policy	Consistent	Staff Recommendations as Represented in Draft Bylaws 233 (OCP) & 234 (LUB)
5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.	Yes	• No changes proposed. • LTC directed the use of OCP Policy 11 to allow an increase residential density of 8 dwelling units on the subject property. • Staff to provide a standing resolution clearly identifying density reserves available and remaining.
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	Yes	• Draft amendment (LUB) adds the requirement of a minimum of 0.5 bicycle parking spaces per dwelling unit.
5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	Yes	• Proposal intended to address community's housing needs for seniors affordable housing. Draft amendments (OCP & LUB) facilitate seniors affordable housing.

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 185

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
C.2 Freshwater Policy 2 Adequate setbacks should be maintained to discourage development encroachment on riparian habitat and reduce pollution of this habitat.	• No changes proposed. • Non DPA creek on subject property will be subject to current LUB setbacks to streams for buildings and structures. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
C.2 Freshwater Policy 7 Landowners are encouraged to landscape their property in a way that promotes ponding of excess water, thus reducing run-off and curtailing the amount of water and sediment entering any watercourse.	• No changes proposed. • Staff recommend that storm water management provisions be included in a covenant.
C.2 Freshwater Policy 9 Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	• Draft amendment (LUB) adds exclusion of cisterns for the collection of rainwater from definition of lot coverage & provides adequate height max. • Current LUB allows tanks for the storage of rainwater to be located within the setback to lot lines, but may not project more than 1.0 m into setback area. • Draft amendment (LUB) adds requirement that all uses in the new Affordable Housing zone (R4) must be screened from adjacent properties. • Proposal includes rain water harvesting supplemental to groundwater supply; staff recommend applying a DPA to guarantee water conservation, rain water harvesting and collection systems.
C.4 Climate Change Policy 2 The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	• Draft amendment (OCP) adds that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend applying a DPA for the promotion of energy and water conservation and greenhouse gas emission reduction, and including step code requirement in a covenant.
C.4 Climate Change Policy 4 The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	• Draft amendment (OCP) adds that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend applying a DPA for the promotion of energy and water conservation and greenhouse gas emission reduction, and including step code requirement in a covenant.
D.2 Transportation and Utilities Policy 8 When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	• Draft amendment (LUB) adds a minimum of 0.5 bicycle parking spaces per dwelling unit.
D.3 Water Management Policy 6 When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.	• MFLNRORD indicates some level of scarce ground water supply in the issued Conditional Water Licence. MFLNRORD approved water licence included review of water quantity impacts on in-stream uses (registered wells). • No changes proposed to OCP regarding water. • Freshwater specialist referral response recommends requiring mitigation measures in order to address short comings in adequately addressing policies 4.4.2 and 4.4.3 - commitment to water quality maintenance (i.e. salt water intrusion) and ensuring no detrimental

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
	impacts on in-stream users. Staff recommend requiring a covenant incorporating recommended mitigating measures. • Staff anticipate Island Health input to further inform the LTC of the status of the water quality and their water quality maintenance requirements as a part of their requirements under an Operating Permit. • Proposal includes rain water harvesting supplemental to groundwater supply; staff recommend applying a DPA to guarantee water conservation, rain water harvesting and collection systems.
D.4 Waste Management Policy 1 The Local Trust Committee should address the potential negative impacts of surface water runoff and septic systems on lakes, streams, wetlands and the sea when considering all zoning amendment applications.	• No changes proposed. • Staff recommend that storm water management provisions be included in a covenant.
E.1 Housing Policy 1 In the Residential designation, the size of new lots created by subdivision may not be less than 1.0 hectare.	• Draft amendment (OCP) adds exception to lot size for lots created by subdivision in the Residential designation for the purpose of allowing multi-family affordable housing to allow for future subdivision (+/- 0.8 ha lot size) of subject property. • Draft amendment (LUB) adds exception to site specific zone to allow for future subdivision (+/- 0.8 ha lot size) of subject property.
E.1 Housing Policy 3 In the Sustainable Resource designation, the size of new lots for forestry uses that are created by subdivision may not be less than 64 hectares, and the size of new lots for agricultural and other uses that are created by subdivision may not be less than 15 hectares.	• Draft amendment (OCP) adds exception for new lots created by subdivision in the Sustainable Resource designation for agriculture for the purpose of allowing multi-family affordable housing which will allow for future subdivision (+/- 0.8 ha lot size) of subject property as proposed. • Draft amendment (LUB) adds exception through site specific zone to allow for future subdivision (+/- 0.8 ha lot size) of subject property.
E.1 Housing Policy 8 In the Residential designation and the Rural designation, the principal use should be single family residential with the exception of the existing cabins on the R1(2) zoned parcel and the rental accommodation on the two R1(1) zoned parcels as permitted by the Denman Island Land Use Bylaw.	• Draft amendment (OCP) adds an exception for multi-family affordable housing through completion of a successful rezoning application in order to allow proposed seniors affordable housing development.
E.1 Housing Policy 9 In the Residential designation, unless otherwise permitted by Policy 29, zoning regulations should permit one dwelling unit per 1.0 hectare of lot area to a maximum of five dwelling units, provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners. One dwelling unit should be permitted on lots that are less than 1.0 hectare in area.	• Draft amendment (OCP) adds an exception to allow more than one dwelling unit per 1.0 ha in order to allow proposed seniors affordable housing development of 8 units. • Draft amendment (LUB) adds exception through site specific zone (R4(2)) to allow proposed seniors affordable housing development of 8 units. • Draft amendment (LUB) allows a lesser quantity of supplied water in the site specific zone (R4(2)) than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD. • See ITPS policies 4.4.2 and 4.4.3 above with respect to proof of adequate water supply.
E.1 Housing Policy 11 The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee	• No changes proposed. • LTC directed the use of OCP Policy 11 to allow an increase residential density of 8 dwelling units on the subject property. • Staff to provide a standing resolution clearly identifying density reserves available and remaining.

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section....	
E.1 Housing Policy 21 Zoning regulations should establish setbacks for buildings and other structures from lot lines, and should establish sufficient setbacks to protect watercourses on Denman Island and to protect development from flooding or other such hazards. In the case of fish-bearing or potential fish-bearing streams setbacks should be adequate to protect the riparian habitat consistent with the Riparian Area Regulation under the Fish Protection Act.	• Draft amendment (LUB) includes lot line setbacks for buildings and structures for new site specific zone. • Non DPA creek on subject property will be subject to current LUB setbacks to streams for buildings and structures. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA which parallels the stream.
E.1 Housing Policy 23 Zoning regulations should establish sufficient setbacks for septic disposal systems: • to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and • to protect adjacent properties from effluent or odours.	• Draft amendment (LUB) includes lot line setbacks for buildings and structures for new site specific zone, including 3 metre setback for the proposed septic field to the ALR boundary as requested by applicant; staff anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. • Staff recommend consideration of sewerage system maintenance provisions to be included in covenant to ensure proper functioning of system into future.
E.1 Housing Policy 24 Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.	• Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. • Future covenant to reflect ALC requirement for vegetative buffer of 3 metres as proposed by the DCLTA.
E.1 Housing Policy 26 The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.	• Draft amendment (OCP) revises this policy to say that rezoning applicants for new single family or multi-family dwellings should be required to meet or exceed BC Energy Step Code Level 2 by way of amenity zone or restrictive covenant. • Staff recommend including step code requirement in a covenant.
E.1 Housing Policy 27 The Local Trust Committee should consider zoning amendment applications for seniors housing provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal is small-scale; • that the siting and height of the proposal is sensitive to the surrounding land uses and does not impact negatively on adjacent properties; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that the applicants enter into a housing agreement with the Local Trust Committee; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposal is designated a development permit area to guide form and character; and • that the proposed development will not place a strain on existing public services and infrastructure.	• Draft amendment (OCP) adds to the end of this policy that residential rental tenure zoning be considered to ensure affordability is maintained in perpetuity. • The proposal is not located in a connectivity area. • The proposal is relatively small scale given the increase in density of 8 units. • Draft amendment (LUB) includes no deviation from the standard 9 m height maximum for the principal dwellings units. • Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. • Draft amendment (LUB) adds requirement that all uses in the new Affordable Housing zone (R4) must be screened from adjacent properties. • Draft amendment (LUB) allows a lesser quantity of supplied water than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD.

OCP Objective/Policy	Staff Recommendations as per Draft Bylaws 233 & 234
	• Staff anticipate Island Health input on the draft amendments (OCP and LUB) regarding the minimum lot size reduction to +/- 0.8 ha for the proposed development and septic system. • Draft amendments (LUB) add new Affordable Housing zone (R4) for residential rental tenure subject to a registered housing agreement.
E.1 Housing Policy 28 The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: • that the proposal is not located in a connectivity area identified on Schedule D; • that the proposal does not impact negatively on adjacent properties; • that the proposal is small-scale; • that the proposal is clustered and the siting and height are sensitive to surrounding land uses; • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposed development will not place a strain on existing public services and infrastructure.	• Draft amendment (OCP) adds to the end of this policy that residential rental tenure zoning be considered to ensure affordability is maintained in perpetuity. • The proposal is not located in a connectivity area. • The proposal is relatively small scale given the increase in density of 8 units. • Draft amendment (LUB) includes no deviation from the standard 9 m height maximum for the principal dwellings units. • Draft amendments (LUB) add lot line setbacks for buildings and structures of 3 m to ALR boundary as requested by applicant but significantly deviates from guidance provided by Ministry of Agriculture's Guide to Edge Planning; staff do not support 3m setback to ALR boundary, and anticipate ALC and MoA input on this to inform the LTC on whether this setback is appropriate. • Draft amendment (LUB) adds requirement that all uses in the new Affordable Housing zone (R4) must be screened from adjacent properties. • Draft amendment (LUB) allows a lesser quantity of supplied water than currently allowed in the LUB, as authorized in the Conditional Water Licence approved by MFLNRORD. • Staff anticipate Island Health input on the draft amendments (OCP and LUB) regarding minimum lot size reduction to +/- 0.8 ha for the proposed development and septic system. • Draft amendments (LUB) add new Affordable Housing zone (R4) for residential rental tenure subject to housing agreement.
E.4 Resources Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.	• LTC & ALC supported +/- 0.8 ha exclusion from ALR conditional that land is zoned to allow for seniors affordable housing; proposed bylaw amendments (OCP & LUB) allow for proposed use.



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2017.1 (DCLTA)

File Name: Bylaw No. 233 (OCP)

PURPOSE

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

POLICY STATEMENT

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

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

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

DIRECTIVES ONLY CHECKLIST

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

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

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

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

File No.: DE-RZ-2018.1
(Denman Housing
Association)

DATE OF MEETING: March 17, 2020

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner and Marnie Eggen, Island Planner
Local Planning Services

SUBJECT: Denman Green - OCP and LUB amendments to permit a transfer of density and affordable housing development
Applicant: Simon Palmer on behalf of the Denman Housing Association
Location: PID 006-657-290 and 009-704-523 Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee defer holding a Community Information Meeting for Proposed Bylaw Nos. 235 and 237(OCP) and 236 and 238 (LUB) until the applicant has secured a water license for an adequate quantity of water as a primary or back up surface or groundwater supply, to support the application for subdivision and development of 20 units of proposed housing.

REPORT SUMMARY

The purpose of the report is to summarize details of the applicant's proposed back up water supply system and determine whether or not it is consistent with the early referral response from the Islands Trust Executive Committee and Island Health. Staff maintain that Proposed Bylaw Nos. 235 and 237(OCP) and 236 and 238 (LUB) for the subdivision, density transfer and development of land for affordable housing under application DE-RZ-2018.1 (DHA) are unable to advance to a community information meeting or further readings. The provision of potable water to support a subdivision and development of housing remains inconsistent with the Local Trust Committee's (LTC) request and the Islands Trust Policy Statement 4.4.2. Staff recommend the LTC defer consultation with the Denman Island community or consideration of second reading or further amendments to the proposed bylaws until the applicant has secured a water license for a surface or groundwater supply from a source on Denman Island, to satisfy requirements for subdivision and supplement the proposed rainwater collection system for 20 units of affordable housing.

BACKGROUND

The LTC has given first reading to the four amending bylaws to enable the Denman Green proposal to proceed. Agency and First Nation referral responses are posted to the [application webpage](#) and are summarized in this report.

ANALYSIS

Staff have identified the following issues for LTC consideration:

- Summary of proposed back up water supply system

- Summary of bylaw referral responses

Proposed Water Servicing

The LTC passed the following resolution in April 2019:

DE-2019-042

It was MOVED and SECONDED

That the Denman Island Local Trust Committee request the applicant for DE-RZ-2018.1 (DHA) provide the local trust committee with options being considered by the Denman Housing Association for a backup potable water supply for 20 units of rental housing, that is not dependant on rainwater harvesting and storage.

CARRIED

The applicant reported to the LTC in November 2019 that bulk water from on or off island licenced source would serve as the back-up supply system to the 20 units of housing. The applicant has now submitted a proposal prepared by engineering students at the University of British Columbia (Attachment 1) describing an expanded rainwater harvesting system as the 'back-up'. Although this proposed water system is inconsistent with the LTC's direction in the above stated resolution, the applicant suggests that this proposal is more progressive, practical and sustainable than any groundwater alternative.

The UBC student water report suggests that:

- 69 litres of potable water per person/day is adequate;
- This volume can be collected and stored for year round use;
- A reserve covering a 6 month no-rain period can be collected/stored;
- A further back up volume equal to 2 months consumption can be collected/stored;
- Laundry demand can be satisfied by non-potable water;
- Re-used treated greywater will meet all toilet flushing requirements (previous proposal was for composting toilets which has now been abandoned);
- Treated water volumes could be increased by adding storage capacity;
- If predicted climate changes occur, annual rainfall volumes will increase;
- The potability of the water will be monitored by Island Health through an Operating Permit;
- Water for landscaping will be sourced from a shallow dug pond; and
- 2 x 6,000 gallon cisterns will be reserved for the Denman Fire Department use.

Bylaw Referral Responses

At the time of report writing, the following referral responses were received from agencies and First Nations and have been posted to the [applications webpage](#):

First Nations

K'omoks Nation, Cowichan Tribes and WaiWeKai have all indicated that they have no comments on the proposed bylaws.

Advisory Planning Commission (APC)

The APC minutes pertaining to their deliberations of this application are included in the March 17, 2020 LTC agenda package for reference. The APC indicated support for approval in principal of the proposed bylaws subject to review of up to date information regarding water. Additionally, they request that the LTC re-refer to the APC all relevant information pertaining to this rezoning application. Staff do not recommend re-referring to the APC until such time that the applicant has secured a water license for an adequate quantity of water as a primary or back up surface or groundwater supply.

Executive Committee of the Islands Trust

The Islands Trust Executive Committee (EC) considered the early referral in December 2019 and passed the following resolution:

“In answer to the referral from Denman LTC, that Executive Committee advise the Denman Local Trust Committee in response to Bylaws Nos. 235 and 236 that it could consider rainwater catchment system with a backup supply on Denman Island as satisfying Trust Policy 4.4.2 so long as the system meets the requirements of “potable water” as defined by provincial regulatory authorities and the bylaws do not reduce the requirement for proof of water for a subdivision to zero but rather to some lower reasonable amount.”

Staff interpretation of this resolution from EC is that the applicant must secure a non-rainwater supply as the back-up, in order to ensure the proof of water requirements for a subdivision application are addressed (and not waived entirely by the LTC). The applicant is not proposing to secure a water licence for a surface (i.e. stream, lake, river, creek, spring as defined in the *Drinking Water Protection Regulation*) or groundwater source to support the application. Staff maintain the interpretation that Islands Trust Policy Statement 4.4.2 has not been adequately addressed by the proposal's reliance on rainwater harvesting.

The draft July 2019 provincial drinking water officer's guide [“Guidance for Treatment of Rainwater Harvested for Potable Use in BC”](#) characterizes rainwater as “surface water” for the purposes of **treatment only** and stresses that the report does not address **“the reliability or sustainability of rainwater as a source of domestic water...(nor)... the appropriateness of rainwater sources as basis for subdivision approval”**. The report notes that in many situations, harvested rainwater may be best suited as a supplementary source to existing water supplies for the purposes of reducing stresses related to water quality and/or quantity.

Island Health

Responded that **“rainwater collection is not a suitable primary source of potable water for a development of this size due to the unpredictable supply of water and the large water storage capacity needed...rainwater collection would be an excellent means to supplement the non-potable household water demands for toilet flushing, and laundry...”**

Ministry of Transportation and Infrastructure

Responded that it recommended approval of the subject bylaws. MOTI did not provide any comment on the proposed water supply system or subdivision approval authority where a rainwater harvesting system is proposed. Planning staff have made numerous attempts to speak with the Provincial Approving Officer to discuss this matter. From the MOTI website “Rural Subdivision Approvals Guide” it states that MOTI *“staff draw on the expertise of the regional Health Authorities when evaluating the property's capacity for providing safe drinking water and adequate*

sewerage. The Health Authority has approving authority for water systems and for sewer systems...it may make recommendations, but the Approving Officer makes the decision to accept or reject the proposal.”

Comox Valley Regional District

Responded that its interests were unaffected.

Islands Trust Freshwater Specialist

The Freshwater Specialist provided comments and concluded that “If a primary water source is not available on a desired parcel for development; a licensed on-island Water Utility, from a surface water or groundwater supply with a legally-binding agreement to provide a new development with on-demand water, may be an alternative solution for primary water supply that can be supported by rainwater harvesting.”

Rationale for Recommendation

The applicant has submitted a plan for a unique rainwater supply system to support their bylaw amendment application and subsequent application for subdivision to develop 20 units of affordable housing. Unfortunately, despite the strength of many aspects of this proposal, staff cannot recommend the LTC support the proposal for sole reliance on a rainwater harvesting system as it does not comply with the LTC’s direction, Islands Trust Policy Statement, provincial subdivision regulations for proof of water requirements or Island Health recommendations. It would be preferred that the rainwater harvesting system supplements a licensed surface or groundwater supply.

Alternatives

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

1. Proceed with a Community Information Meeting

The LTC can direct staff to proceed with a CIM on March 24, 2020 to present to the community all relevant information about the four proposed amending bylaws being considered by the LTC and the state of the proposed water supply system and non-compliance with Trust Policy, Island Health recommendations and proof of water requirements to support a subdivision application.

NEXT STEPS

Should the LTC concur with the staff recommendation, staff will advise the applicant to secure a license for a surface or groundwater supply to supplement the proposed rainwater collection system and support the advancement of the four bylaws under consideration.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner and Marnie Eggen, RPP, MCIP Island Planner	March 9, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	March 9, 2020

ATTACHMENTS

1. Denman Green Water Report, February 16, 2020 ESW, UBC.

Denman Green Water Report

Natalie Harris
Brianna Maloney
Engineers for a Sustainable World
The University of British Columbia



February 16, 2020

Simon Palmer, Denman Housing Association
Denman Island Local Trust

Summary:

The purpose of this report is to provide data supporting rainwater harvesting as the sole water source for Denman Green. Members of Engineers for a Sustainable World: UBC working with the Denman Housing Association on the Denman Green Project have prepared calculations detailing volumes of water collection and consumption. These calculations consider the various uses for water inside the home as well as climate change predictions. Rainfall data used was taken from a previous Denman Green feasibility study and calculations are based on a community of 49 people. Rainwater is to be collected off of two separate surfaces: the solar array and the roofing materials. Water collected off of the solar array will be used for laundry and water collected off of the roofing materials will be for all other in-home uses excluding toilet flushing. We have concluded that a consumption of 69 litres per person per day is adequate for all indoor potable purposes.

Potable Water:

We have defined potable water as water to be used for drinking, cooking, cleaning, and personal care. In our water consumption calculations, we have assumed that residents of Denman Green will be having showers 5 minutes in length. According to studies, on average people take showers that are approximately 8 minutes in length [1]. However, with water conservation in mind a 5-minute shower is reasonable. With a low flow shower using 6.75 litres per minute [5], and a 5-minute shower every other day consumption is 16.9 litres per person per day.

Considering both washing dishes with a dishwasher or by hand, we assumed that a quarter of a full load of dishes would be washed a day. With the use of a dishwasher at 11 litres per load [5], the water consumption would be 2.75 litres per person per day. Handwashing dishes would consume approximately 50 litres per load [2], or 12.5 litres per person per day. Most homes that have a dishwasher will use it unless there are specific dishes that must be washed by hand, thus, to determine a total consumption value we take the average of consumption calculated with and without washing dishes by hand.

On average people wash their hands 12 times a day using approximately 2.1 litres per wash [3]. People also brush their teeth generally twice a day which consumes 5.6 litres a day [3]. For handwashing, the tenants at Denman Green will consume 25.2 litres per person per day. Teeth brushing twice a day will consume 5.6 litres per person per day. Cooking is estimated to consume 2 litres per person per day. It is recommended that people drink 8 8oz glasses of water daily which equals 2 litres. An extra litre of water can be used to make tea or coffee [4]. Consumption for drinking will be 3 litres per person per day.

To calculate the amount of water used for house cleaning we have looked at the number of homes as opposed to the number of people. Denman Green plans to have 20 homes and 49 people. On average, 4 litres of water per day is used for house cleaning, we multiply this by 20 homes and divide by 49 people, concluding that 1.63 litres per person per day will be consumed. We have also added an additional 5 litres per person per day for miscellaneous activities such as gardening. The following table will show the calculations done to arrive at each conclusion.

Potable Water	Calculation	Consumption (Litres/Person/Day)
Showering	6.75 litres per minute x 5 minutes x 0.5 (every other day)	16.9
Dish Washing	11 litres per load dishwasher x 0.25 loads per week 50 litres per load handwash x 0.25 loads per week	2.8 25.2
Washing Hands	2.1 litres per wash x 12 washes per day	25.3
Teeth Brushing	5.6 litres per 2 brushes	5.6
House Cleaning	4 litres per house per day x 20 houses = 80 litres per day/ 49 people	1.63
Cooking		2
Drinking		3
Other		5

Laundry:

Laundry will consume 31.5 litres per load, and on average each person does 1.5 loads per week [5]. Laundry will consume 330.75 litres per day. Denman Green will have two collection areas, a solar array, and roofing area collection. The rainwater collected from the solar array will be used for laundry. The solar array produces more than enough water for laundry purposes and results in an excess which can be stored as reserve water.

Toilet Flushing:

The rainwater collected from the roofing area will provide water for all household uses except toilet flushing and laundry. Toilet flushing will be done through greywater reuse. Greywater reuse involves treating water that has been used for bathing and hand washing. Toilet flushing consumes approximately 3 litres per flush, and we are assuming each person will flush the toilet 12 times a day [5]. Resulting in a consumption of 36 litres per person per day. By retreating the 1234.8 litres per day from handwashing and the 826.88 litres per day from showers, there will be sufficient water for toilet flushing.

Calculations:

To determine a final value for potable water consumption that does not include toilet flushing and laundry we computed the average between consumption with and without handwashing dishes. When handwashing dishes is counted the overall potable water consumption is 74.6 litres per person per day. When it is excluded the overall potable water consumption drops to 62.06 litres per person per day. We decided that it is less likely people will wash dishes by hand but did not want to completely remove the value from our calculations. Taking the average between both overall potable water consumption values to arrive at a values of 68.31 litres per person per day and rounded up to 69 litres per person per day to produce the most robust consumption value.

Climate Change Predictions:

The plan2adapt tool created by The University of Victoria projects a 10% decrease in precipitation over the summer months (June, July, and August) and a 3% increase in precipitation over the winter months (December, January, and February) from 2010 to 2039 in the Comox Valley regional district, in which Denman Island is included. The plan2adapt tool projects a 17% decrease in precipitation over the summer months and a 5% increase in precipitation over the winter months from 2040 to 2069, again in the Comox Valley regional district. From 2070 to 2099 plan2adapt predicts a 17% decrease in precipitation over the summer months and an 11% increase over the winter months. When calculating the amount of water that will be collected by through rainwater harvesting it was assumed that zero water would be collected over the summer months. This means that less precipitation throughout the summer months will be of no harm as sufficient water will be collected to last throughout. After January the storage tank will contain enough water to last until the first of September, or 8 months without rain.

With climate change, we can expect that the temperature will dip below freezing less frequently which will be beneficial to Denman Green's rainwater harvesting system. Though summers will become much warmer and drier, the winters will see an increase in precipitation which ultimately is a benefit to rainwater harvesting. The annual increases in global temperatures may impact the efficiency of rainwater collection, however, as there is an overall increase in precipitation this efficiency loss should not be of concern, and it is not certain to occur.[8]

Conclusion:

After performing our own consumption calculations, we feel confident that Denman Green will be provided with a sufficient amount of water. Considering climate change projections, rainwater harvesting is a sustainable route to providing potable water to the community and as annual precipitation is projected to increase in the area, it is extremely well suited. In the case of unforeseen circumstances Denman Green's rainwater harvesting system can be easily expanded to store an increased amount of water. Engineers for a Sustainable World: UBC recommends a consumption amount of 69 litres per person per day.

Appendix

Figure 1: Predicted volume of water collected from roof area over a 12-month period, with first month representing October and 12 month representing September

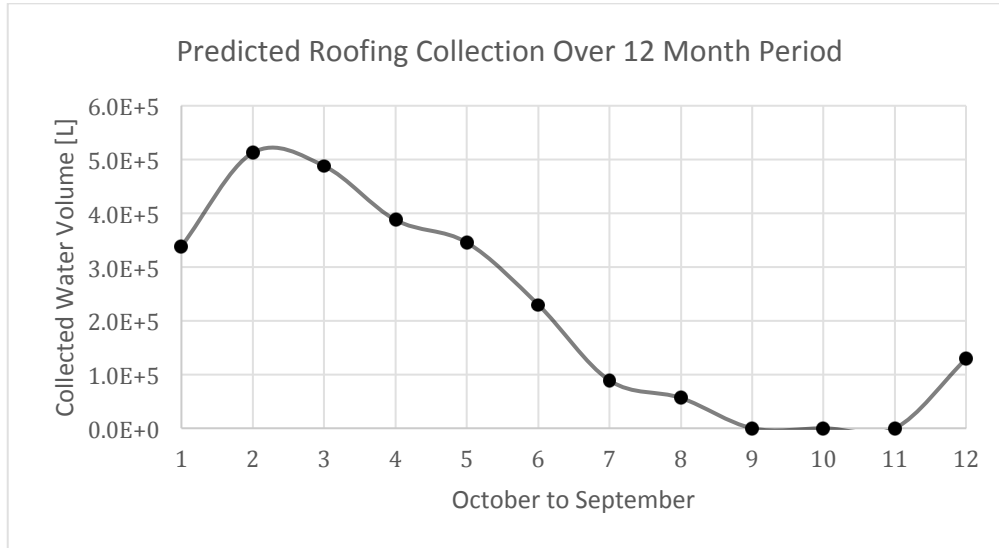


Figure 2: Predicted volume of water collected from the solar array over a 12-month period, with the first month representing October and the twelfth month representing September

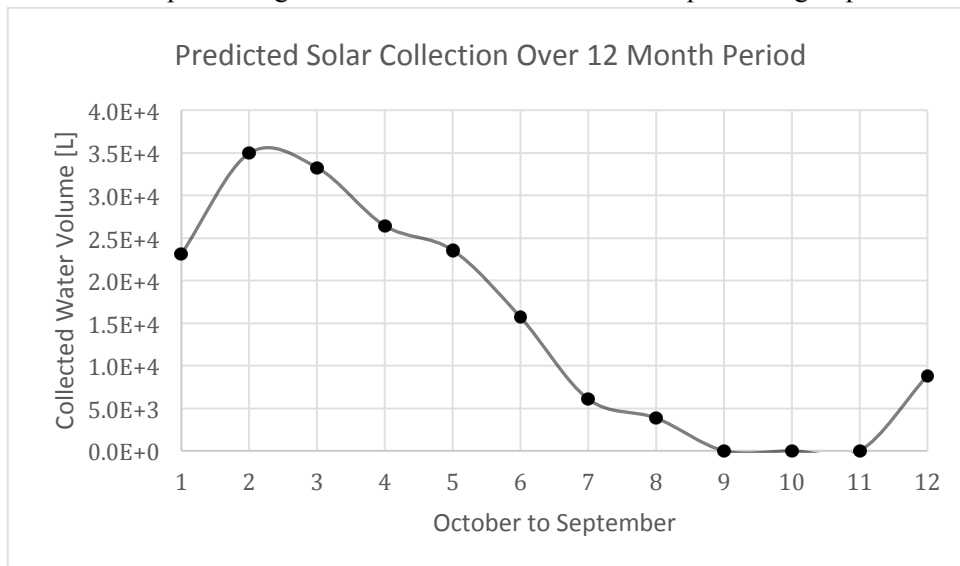


Figure 3: Water consumption per person per day including toilet flushing, laundry, and handwashing dishes

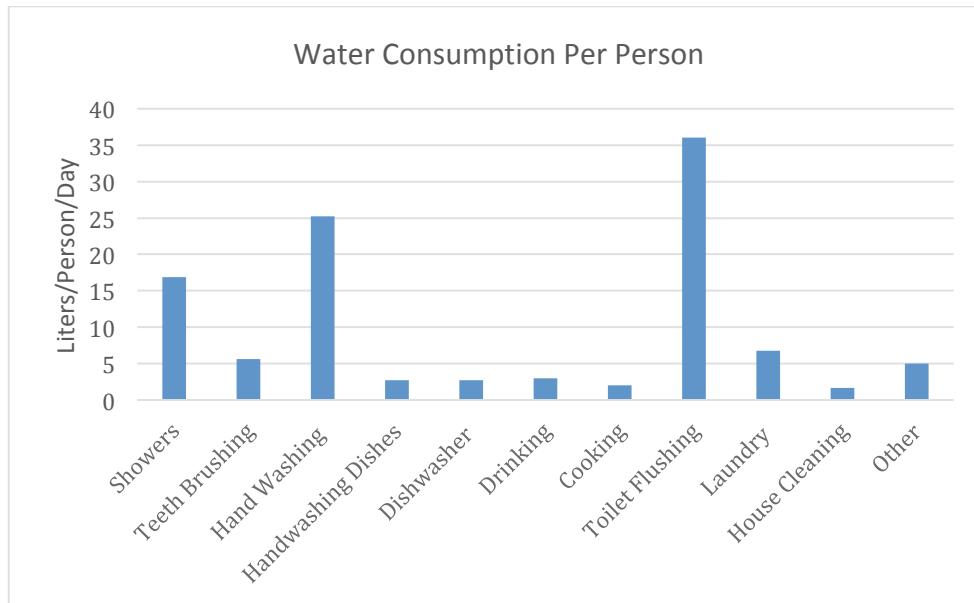


Figure 4: Water consumption per day including toilet flushing, laundry, and handwashing dishes

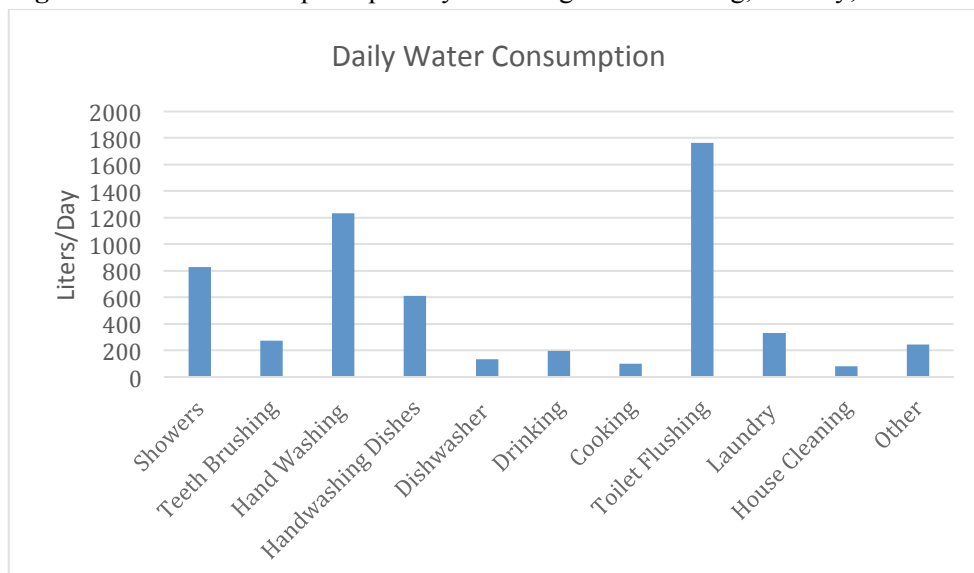


Figure 5: Amount of water collected over 12 months from the solar array compared with laundry consumption

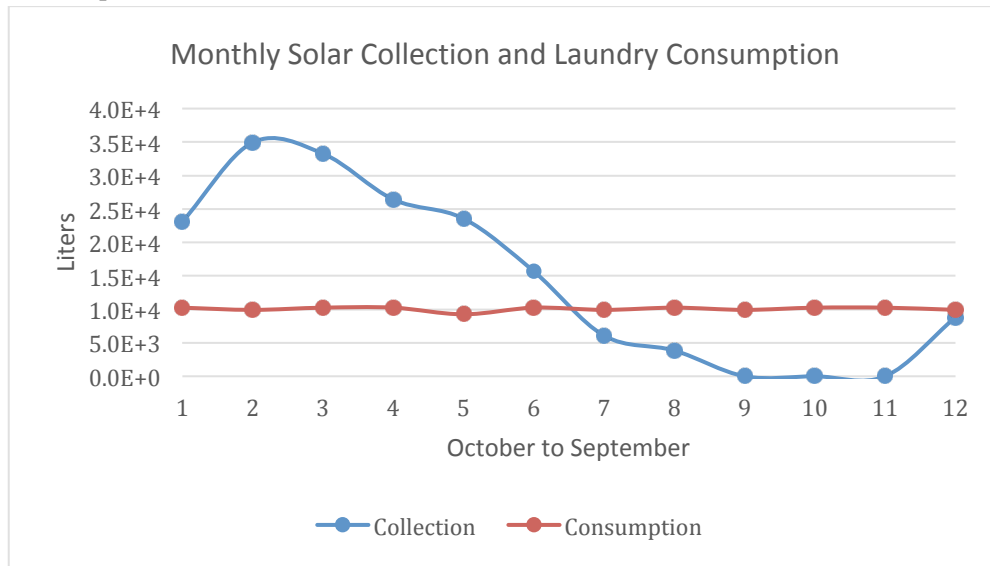


Figure 6: Amount of water collected over 12 months from the roofing area compared with household consumption

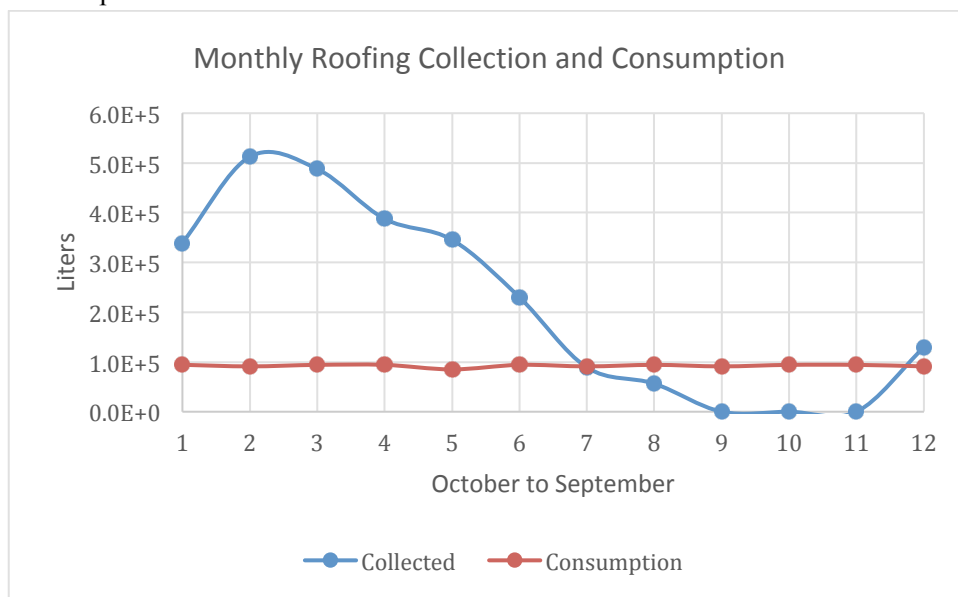


Figure 7: Monthly laundry consumption compared with the volume of water in the storage tank over 12 months

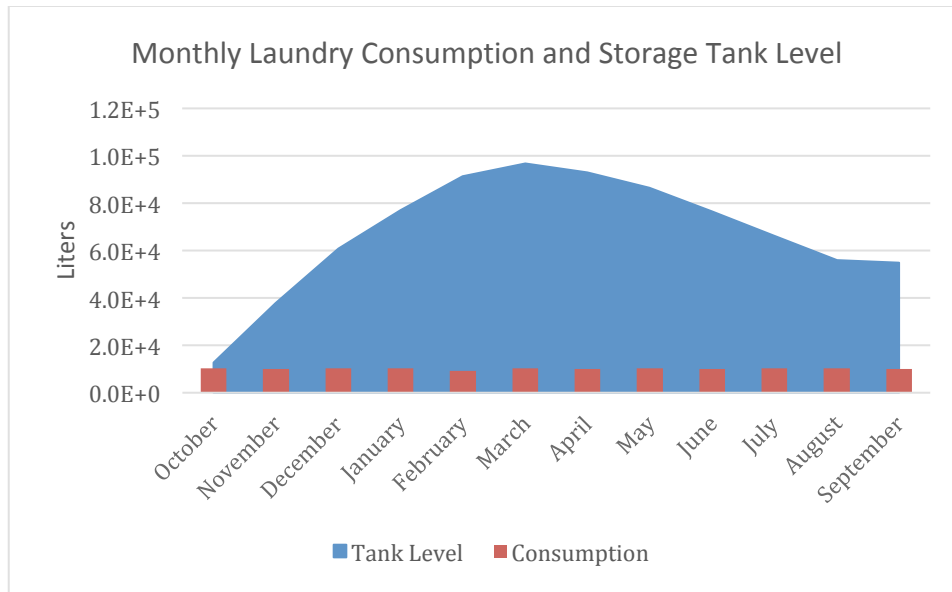


Figure 8: Monthly household consumption compared with the volume of water in the storage tank over 12 months

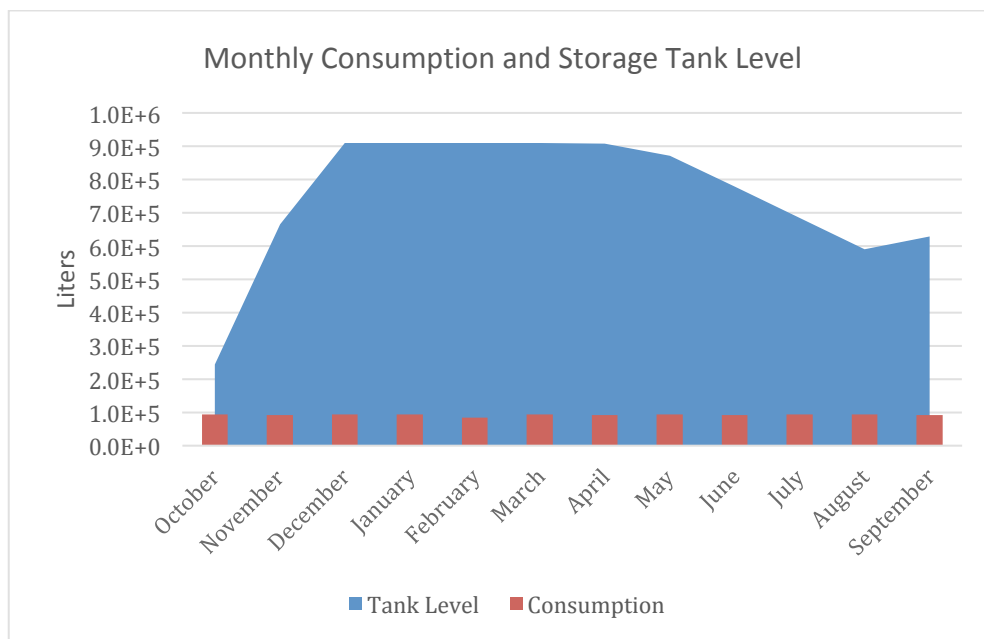


Figure 9: Water balance table

Water Usage	Litres/Day	Litres/Person/Day
Low flow showers		
6.75 L/min	826.88	16.9
Dishwasher		
11L/ Load	134.75	2.8
Handwashing Dishes		
50 L/Load	612.5	12.5
Hand Washing		
2.1 L/Wash	1234.8	25.2
Teeth Brushing		
5.6L/ 2 Brushes	274.4	5.6
Cooking		
2L /person	98	2
Drinking		
water/coffee/tea	196	3
House Cleaning		
4L/day	80	1.63
Toilet Flushing		
3L/flush	1764	36
Other		
Gardening, etc	245	5
Laundry		
31.5 L/load	330.75	7
1.5 loads/person/week		
Total	5797.08	117.56
Total		
no laundry/no toilet	3653.33	74.56
no laundry/no toilet/no washing dishes by hand	3040.83	62.06

Bibliography

- [1] “Showers,” *Showers | Home Water Works*, 2019. [Online]. Available: <https://www.home-water-works.org/indoor-use/showers>. [Accessed: 06-Feb-2020].
- [2] L. Stephens, “How Much Water Is Cleaning Your Dishes Really Using?,” *Food52*, 22-Mar-2017. [Online]. Available: <https://food52.com/blog/16730-how-much-water-does-cleaning-your-dishes-really-take>. [Accessed: 06-Feb-2020].
- [3] “SEE: How much water do you use per day?,” *Health24*, 07-Feb-2018. [Online]. Available: <https://www.health24.com/Lifestyle/Environmental-health/see-how-much-water-do-you-use-per-day-20170613>. [Accessed: 06-Feb-2020].
- [4] K. Gunnars, “How Much Water Should You Drink Per Day?,” *healthline*, 20-June-2018. [Online]. Available: <https://www.healthline.com/nutrition/how-much-water-should-you-drink-per-day>. [Accessed: 06-Feb-2020].
- [5] “Denman Green Water Plan,” *Denman Housing Association*, Jan-2020. [Online]. Available: [Denman Green Water Plan 010120.pdf](#)
- [6] “Plan2Adapt,” *Plan2Adapt | Pacific Climate Impacts Consortium*. [Online]. Available: <https://pacificclimate.org/analysis-tools/plan2adapt>. [Accessed: 09-Feb-2020].
- [7] “Greywater Reuse,” *Greywater Action*. [Online]. Available: <https://greywateraction.org/greywater-reuse/>. [Accessed: 09-Feb-2020].
- [8] “Climate Projections for the Capital Region.” [Online]. Available: https://www.crd.bc.ca/docs/default-source/climate-action-pdf/reports/2017-07-17_climateprojectionsforthecapitalregion_final.pdf. [Accessed: 09-Feb-2020].
- [9] “Rainwater Harvesting & Efficient Water Usage in the City of Guelph, Ontario,” *Rainwater Harvesting & Efficient Water Usage in the City of Guelph, Ontario*, 03-Jan-2020.

From: ADIMS info <diconcerns@gmail.com>

Sent: Wednesday, January 29, 2020 4:36 PM

To: Denman Island Local Trust Committee <DenmanIslandLocalTrustCommittee@islandstrust.bc.ca>

Cc: Lisa Pierce [REDACTED]; Mills Barbara [REDACTED]; dorrie woodward [REDACTED]; Johnston Liz [REDACTED]

Subject: Denman Island Shellfish Aquaculture Complaint

Dear Sue Ellen, Laura and David

ADIMS would be most grateful for your assistance in addressing issues with a shellfish aquaculture raft tenure at Denman Point. On the 21st of January I emailed Islands Trust Bylaw Enforcement, wishing to register a complaint against the tenure. I was subsequently forwarded to David who recommended I bring the matter to the attention of the LTC.

The current concerns presented by this tenure are as follows:

- The tenure rafts now extend beyond the tenure site into busy marine traffic lanes, encroaching into Public Crown Land Waters as well as into W1 (Conservation) Waters within Islands Trust jurisdiction. The tenure operates without required flashing light markers in narrow shipping lanes.
- Equipment stored on the rafts is poorly secured with aquaculture debris regularly washing up on beaches.
- In storms in early January, rafts were torn free and drifted within a kilometer of the Baynes Sound connector ferry. These were recovered and loosely retied, with raft structures and ropes expanding even further outside of their tenure and into Public Crown Land Waters than pre-storm. The rafts and are reportedly drifting again.

The Shellfish Management Plan for the tenure is attached for your information.

We have contacted the DFO, FLNRO and Transport Canada to formally lodge a complaint on behalf of the community. The DFO referred us to the FLNRO. Jordan Wagner, Land Officer for FLNRO forwarded marine safety concerns to Transport Canada (from whom we have not heard to date). On the matter of making the tenure holder accountable, her response was *"In terms of the potential trespass and debris concerns, once the tenure holder has had an opportunity to remedy the issue, I will determine appropriate next steps."* In other words, the remedy for this unsafe tenure is put back to the tenure holder who has historically ignored any regulations.

As you can see from the summary of our communications below, the finger pointing is making the rounds with little in the way of action. The issues of environmental protection and marine safety are not being addressed. We are most grateful for any

FLNRO Complaint & Response	Complaint made 21st January: • The tenure rafts now extend beyond the tenure site into busy marine traffic lanes, encroaching into Public Crown Land Waters. • Equipment stored on the rafts is poorly secured. • In storms earlier this month, rafts were torn free and drifted within a kilometer of the Baynes Sound connector ferry. These were recovered and loosely retied, with raft structures and ropes expanding even further outside of their tenure and into Public Crown Land Waters than pre-storm. The rafts and are reportedly drifting again. Report of Natural Resource Violation # 144649 25th Jan response from Jordan Wagner – <i><u>“As the concerns mentioned below largely relate to navigation, the e-mail has been forwarded to Transport Canada (TC). TC is one of the three key agencies involved in the review of aquaculture applications, specifies any lighting or boundary marking, and are in a better position to review impacts to marine traffic and navigational safety. In terms of the potential trespass and debris concerns, once the tenure holder has had an opportunity to remedy the issue, I will determine appropriate next steps.”</u></i>
Transport Canada	• The tenure rafts now extend beyond the registered tenure site into busy marine traffic lanes and pose a safety risk for marine traffic. • In addition to extending beyond their permit area, the tenure is also operating without required flashing light markers in narrow shipping lanes. • In storms earlier this month, a number of rafts were torn free and drifted within a kilometer of the Baynes Sound connector ferry. These were recovered and loosely retied, with raft structures and ropes expanding even further outside of their tenure and into traffic lanes. The rafts remain loosely and dangerously secured and are reportedly drifting again. (Sent 22nd Jan - as of 29th Jan no response)

From: ADIMS <diconcerns@gmail.com>

Sent: Tuesday, January 21, 2020 3:07 PM

To: Bylaw Enforcement <bylawenforcement@islandstrust.bc.ca>

Cc: Lisa Pierce <downtoearth27@gmail.com>

Subject: Aquaculture complaint - tenure raft encroachment into W1 (Conservation) waters

Re: Aquaculture Tenure Facility Number: 1004, BC Landfile Number: 1400036 - PFMA: 14-15

On behalf of the community we would like to officially register a complaint concerning the above mentioned tenure. The Shellfish Management Plan is attached for your reference.

- The tenure rafts now extend beyond the tenure site into busy marine traffic lanes, and into W1 (Conservation) Waters within Islands Trust jurisdiction.
- In storms earlier this month, a number of rafts were torn free and drifted within a kilometer of the Baynes Sound connector ferry. These were recovered and loosely retied, with raft structures and ropes expanding even further outside of their tenure and into W1 Conservation waters than pre-storm. The rafts and are reportedly drifting again.

We are most appreciative of your efforts in resolving the issues currently associated with this tenure.

Sincerely
Beth Janz and Lisa Pierce
on behalf of the
Association for Denman Island Marine Stewards (ADIMS)

**Aquaculture Site Management Plan (Shellfish Facilities)**

Facility Information	
Facility Number: 1004	BC Landfile Number: 1400036
PFMA: 14-15	Total Tenure Size: 4.05
Legal Description: Unsurveyed Crown foreshore or land covered by water being part of the bed of Baynes Sound, Nanaimo District.	
General Location / Common Site Name: Denman Point, Denman Island, Baynes Sound	
Facility Type: Growout Operations	

Culture Methods, Area (hectares), Maximum Production		
Culture Method:	Area: (ha)	Maximum Production (for Culture Method):
Deepwater Suspended Culture	3.60	720 t
Subtidal Culture	2.80	140 t
Total Culture Area	6.40	
Maximum Site Production		860 t

Licensed Species
Eastern Blue Mussel (<i>Mytilus edulis</i>), Gallo Mussel (<i>Mytilus galloprovincialis</i>), Geoduck Clam (<i>Panopea generosa</i>), Giant Rock Scallop (<i>Crassadoma gigantea</i>), Horse Clam (<i>Tresus</i>), Japanese Scallop (<i>Mizuhopecten yessoensis</i>), Kumamoto Oyster (<i>Crassostrea sikamea</i>), Manila Clam (<i>Venerupis philippinarum</i>), Nuttall Cockle (<i>Clinocardium nuttallii</i>), Pacific Oyster (<i>Crassostrea gigas</i>), Pacific Scallop (<i>Patinopecten caurinus x yessoensis</i>), Pink Scallop (<i>Chlamys rubida</i>), Spiny Scallop (<i>Chlamys hastata</i>), Weathervane Scallop (<i>Patinopecten caurinus</i>), Western Blue Mussel (<i>Mytilus trossulus</i>)

Equipment and Structures	
Description:	Culture Method:
Long Lines	Deepwater Suspended Culture
Predator Netting	Subtidal Culture
Rafts	Deepwater Suspended Culture

Site Specific Conditions
1. Geoduck Clam harvest shall be conducted as outlined in the approved harvest plan, entitled 1004_Harvest_Plan_8June2016.pdf submitted to the Department on June 8, 2016, attached to this licence.

Licences	
Licence Holder(s): Baynes Sound Oyster Co. Ltd.	
Licence Number: 119203	Licence Status: Valid
Effective Date: May 01, 2019	Expiry Date: Apr 30, 2025





Report created date: 2019-11-20





Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality February 2020

Islands Trust Conservancy Board News

Please join us in welcoming Trustee Donald Clarke who has been appointed to the Conservancy Board for a two-year term. Trustee Clarke brings a wealth of professional knowledge and experience from his 25 years working in over 50 First Nations communities in political advising, negotiations administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, social, economic and cultural development.

Islands Trust Conservancy Elections

Islands Trust Conservancy Board elected by acclamation the following:

Board Chair: Kate-Louise Stamford

Vice Chair: Sue Ellen Fast

ITC Representative to the Financial Planning Committee: Kate-Louise Stamford

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work the Islands Trust Conservancy (ITC). The ITC continues to work towards four long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Salish Sea Ecosystem Conference: Chair Stamford, Trustee Fenton and Trustee Hannon, as well as some staff, will be attending the Salish Sea Ecosystem Conference in Vancouver.

Mapping and Studies: The ITC is assisting Local Planning Services with mapping contiguous forests in the Islands Trust Area. The mapping will cover the whole of the region. The ITC has also contracted research to assist with property management issues arising from climate change.

Goal 2 – Strong relationships with First Nations

Islands Trust Conservancy Board directed staff to bring the Board recommendations regarding revision of the Vision Statement to be inclusive of Indigenous Peoples.

Goal 3 – Protection of core conservation areas

Property Management

Salish View Nature Reserve Management Plan: Islands Trust Conservancy Board approved the first Salish View Nature Reserve Management Plan dated January 17, 2020.

Land Acquisition and Covenants

The ITC continues to work on seven conservation covenants and two land acquisitions. Notable updates are found below in “activities by local trust area /island municipality.”

Goal 4 – A strong voice for nature conservation

Outreach: The ITC has reached out to landowners who have contacted us in the past about land conservation via twenty-eight letters, sent to nine local trust areas. The ITC is working with Trust Area Services and Local Planning Services to conduct outreach regarding mature and old forests and their importance and expects to send outreach letters to focus landowners in March 2020.

Fund Development Plan: The ITC Board approved a fund development plan for work that is not routinely funded by Trust Council.

Activities by Local Trust Area/Island Municipality

Denman – The ITC completed three community engagement processes for nature reserves on Denman. The ITC Board consented to change the location of the proposed wildlife viewing platform at the Settlement Lands Covenant, Denman Island, from the area proposed in the Covenant Agreement to the pollinator demonstration garden.

Gambier – The ITC is reviewing a transfer agreement with the Convention of Baptist Churches for the transfer of Sandy Beach on Gambier. There are several charges on the land title that need to be resolved before the transfer.

Lasqueti – The ITC approved the first Salish View Nature Reserve Management Plan dated January 17, 2020. The Management Plan will be posted on the website at <http://www.islandstrustconservancy.ca/protected-places/places-protected-in-the-islands/all/lasqueti-island/salish-view-nature-reserve/>

Thetis – The ITC, in collaboration with the Thetis Island Nature Conservancy, completed trail building on Fairyslipper Forest Nature Reserve. The ITC is now working to provide a safe public access to the nature reserve.

Salt Spring – The ITC approved an Opportunity Fund Grant of \$3,500 to be awarded to the Salt Spring Island Conservancy. The ITC is continuing to negotiate a covenant for 200 Collins Road.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2018.1	Kirk, JARRAH	05-Nov-2018	PID: 027-381-447 Cider production from other sources. Civic address: 1100 Lacon Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 28-Jan-2020

No change in status. Planner awaiting submission of requested information, pursuant to LTC resolution 2019-025.

Status Date: 30-Aug-2019

No change in status.

Status Date: 16-Apr-2019

No change. Planner awaiting submission of requested information.

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella	21-Mar-2011	For barn sited within DP #1: Komas Bluff

Planner: Marnie Eggen

Planning Status

Status Date: 10-Oct-2019

No change in status.

Status Date: 25-Sep-2018

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2019.1	Helliwell + Smith + Blue Sky Architecture Inc. Planner: Bronwyn Sawyer	10-Oct-2019	PID: 017-541-131 Building SFD. Civic address: 2650 Swan Road, Denman Island, BC.
Planning Status			
<u>Status Date:</u> 19-Nov-2019 On hold			
<u>Status Date:</u> 14-Nov-2019 Information requested from applicant			
<u>Status Date:</u> 15-Oct-2019 Planner review			
File Number	Applicant Name	Date Received	Purpose
DE-DP-2019.2	McKeachie, Shelley & Morley Planner: Ian Cox	13-Dec-2019	PID: 005-850-771 Development Permit required for Subdivision application. Civic address: 5841 Lacon Road, Denman Island, BC.
Planning Status			
<u>Status Date:</u> 18-Feb-2020 Agenda item - March 17th LTC meeting.			
<u>Status Date:</u> 13-Jan-2020 Under review - awaiting RAR report. Possible agenda item for March 17,2020 regular business meeting in conjunction with companion DVP application and 10% frontage waiver request for subdivision.			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella	13-May-2011	Barn on property line

Planner: Marnie Eggen

Planning Status

Status Date: 10-Oct-2019

No change in status.

Status Date: 25-Sep-2018

No change in status.

Status Date: 18-Apr-2017

Waiting for applicant to take next steps working with Bylaw Enforcement team.

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2019.2	McKeachie, Morley & Shelley	13-Dec-2019	PID: 005-850-771 Variance for Subdivision required. Civic address: 5841 Lacon Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 18-Feb-2020

Agenda item - March 17th LTC meeting.

Status Date: 13-Jan-2020

Under review - awaiting RAR report for companion DP application. Possible agenda item for March 17,2020 regular business meeting in conjunction with DP and 10% frontage waiver request for subdivision.

**Applications****Rezoning**

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planner: Marnie Eggen**Planning Status****Status Date:** 21-Jan-2020

Draft amendment bylaws revised. Bylaws given 1st reading, referrals sent out.

Status Date: 03-Oct-2019

LTC considers 1st reading and bylaw referrals. At request of applicant, LTC defers consideration.

Status Date: 06-Jun-2019

Draft bylaws presented.

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2018.1	Denman Housing Association (Snyder & Terry)	01-Oct-2018	PIDs: 009-704-523 (Snyder) and 006-657-290 (Terry) Rezoning to change number of allowed dwellings

Planner: Sonja Zupanec**Planning Status****Status Date:** 03-Oct-2019

Draft bylaws to amend OCP and LUB to be presented to LTC October 3, 2019

Status Date: 04-Jul-2019

LTC directed staff to prepare draft bylaws consistent with staff recommendations as set out in July 4, 2019 report.

Status Date: 24-Oct-2018

Executive Committee approved sponsorship application



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: 25-Sep-2018

No change in status.

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.11	Helliwell + Smith + Blue Sky Architecture Inc.	22-Aug-2019	PID: 017-541-131 Single family dwelling, carport and existing accessory building. Civic address: 2650 Swan Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 09-Oct-2019

Awaiting DPA information

Status Date: 08-Oct-2019

Under review



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.16	Ball, Gary	03-Dec-2019	PID: 003-064-514 Servicing lot and building trailer addition and studio. Civic address: 3871 East Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 04-Mar-2020

Still awaiting detailed screening plan.

Status Date: 03-Feb-2020

Island Health sewerage system filing confirmation.

Status Date: 13-Jan-2020

Awaiting detailed landscape/screening plan.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.1	School District No. 71 (Comox Valley)	13-Jan-2020	PID: 008-706-191 One new single story building for preschool. Civic address: 1100 NW Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.2	Friesen Family Construction Ltd.	25-Feb-2020	PID: 028-639-995 CIVIC ADDRESS: 4050 Park Road, Denman Island New SFD with attached garage, pump house and barn.

Planner: Bronwyn Sawyer

Planning Status

Status Date:



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)

Planner: Jaime Dubyna

Planning Status

Status Date: 25-Sep-2018

Returned original copy of covenant and proof of registration on title received. Planner working with Finance to close Cost Recovery file and SUB file.

Status Date: 05-Jun-2018

LTC accepted the covenant and signed. Planner returned covenant to applicant's lawyer for final signatures and registration. Awaiting confirmation of registration on title and returned original copy of signed covenant for IT records.

Status Date: 16-Apr-2018

Planner recommending LTC to accept and sign the Covenant at the May 1 LTC meeting.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application

Planner: Ian Cox

Planning Status

Status Date: 18-Feb-2020

10% Frontage waiver, agenda item with concurrent DP/DVP combo - March 17th LTC meeting.

Status Date: 13-Jan-2020

PLA on hold until DP, DVP and 10% frontage waiver for subdivision approved (possible March 17, 2020 agenda item).

Status Date: 05-Sep-2019

Waiting on MOTI re-referral for revised proposed plan of subdivision.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.

Planner: Marnie Eggen

Planning Status

Status Date: 20-Feb-2019

Final confirmation letter sent via email to MOTI and copied to Denman LTC , owners and the applicant.

Status Date: 10-Oct-2018

No change.

Status Date: 17-Aug-2017

Revised Preliminary Layout Approval received from MOTI

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2018.1	PANDESIGN INC	18-Sep-2018	PID: 028-605-691 Civic address: 2100 Crescent Road, Denman Island Divide property into 2 residential lots.

Planner: Jaime Dubyna

Planning Status

Status Date: 21-Nov-2019

Copy of covenant and priority agreement submitted to planner.

Status Date: 13-Jun-2019

Staff forwarded copy of covenant template to applicant for review.

Status Date: 25-Apr-2019

MOTI PLA received.



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: 30-Jan-2020

Waiting on applicant to complete appraisal for CVRD/LTC consideration.

Status Date: 13-Jan-2020

Application triggers parkland dedication or cash in lieu - CVRD to review and make decision pursuant to the Letter of Understanding with DE and HO LTCs. Staff to coordinate possible March 17, 2020 agenda item for LTC acceptance of 5% cash in lieu subject to market appraisal of parent parcel.

Status Date: 04-Feb-2019

Referral response sent to MOTI. Awaiting PLA and fulfillment of conditions.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.1	Grant Land Surveying Inc.	25-Feb-2019	PID: 006-657-290 2 lot subdivision. Civic address: 2.2km east of Denman West ferry terminal; Denman Road between top of the hill and firehall.

Planner: Jaime Dubyna

Planning Status

Status Date: 20-Feb-2020

Copy of Preliminary Layout Review Status (PRLS) letter received from MoTI.

Status Date: 28-Mar-2019

Planner completed review and sent referral report to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.

Status Date: 20-Mar-2019

Planner reviewing application.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.2	Formstate Design Inc. (Pandesign) Planner: Jaime Dubyna	27-Aug-2019	PID: 006-660-495 Six lot subdivision. Civic address: Danes Road, Denman Island, BC
Planning Status			
Status Date: 03-Mar-2020 Copy of PLA received from MoTI.			
Status Date: 05-Dec-2019 Planner completed review and sent referral report to MOTI and applicant. Several conditions listed for PLA which must be met prior to final subdivision approval.			
Status Date: 10-Sep-2019 Planner reviewing application.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
DE-TUP-2020.1	Craig Williams & Christine Pearce	10-Feb-2020	PID: 000-876-283 Purpose: Renewal of TUP DE-TUP-2016.2 Civic Address: 8900 Owl Crescent, Denman Island X:ref DE-SUP-2017.2
Planner: Ian Cox			
Planning Status			
Status Date: 04-Mar-2020 Under staff review. May be April agenda item.			

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending January 2020

615 Denman	Invoices posted to Month ending January 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	378.00	467.51	-89.51
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,337.00	2,781.98	1,555.02
65210-615	LTC - Local Exp - APC Meeting Expenses	493.00	739.77	-246.77
65220-615	LTC - Local Exp - Communications	250.00	414.98	-164.98
65230-615	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>5,374.00</u>	<u>3,936.73</u>	<u>1,437.27</u>
Projects				
73001-615-4011	Denman Farm Plan	2,250.00	182.02	2,067.98
TOTAL Project Expenses		<u>2,250.00</u>	<u>182.02</u>	<u>2,067.98</u>

Denman Island Local Trust Committee Policies & Standing Resolutions

No	Meeting Date	Resolution No.	Issue	Policy/Standing Resolution
1.	June 26, 2018	DE-2018-056	Proactive enforcement of Short-term Vacation Rentals	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".
2.	June 26, 2018	DE-2018-066	Processing of non-medical cannabis retail license applications	It was MOVED and SECONDED, that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms; - o The location of the proposed establishment and the subject site; - o The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and - o How public comments may be submitted to the Local Trust Committee.
3.	October 9, 2018	DE-2018-096	Application processing	It was MOVED and SECONDED, that the Denman Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.
4.	November 20, 2018	DE-2018-100	Bylaw enforcement on	That the Denman Island Local Trust Committee adopt the following standing

			unlawful STVRs	resolution: that the Denman Island Local Trust Committee direct Bylaw Enforcement to use the following priority in dealing with unlawful short-term vacation rentals (STVRs): 1. Unlawful STVRs that have been the subject of substantiated complaints; 2. Unlawful STVRs that are operated by persons who normally do not reside on Denman Island; 3. Unlawful STVRs operated by persons who do not reside on the same property as the STVR; 4. Unlawful STVRs operated by persons who reside on the same property as the STVR.
5.	November 20, 2018	DE-2018-104	Cannabis License applications	That the Denman Island Local Trust Committee adopt the following standing resolution: that the Denman Island Local Trust Committee requests that Notices of Intention to Apply for a Cannabis License be forwarded to the Local Trust Committee upon receipt by the Islands Trust, and included in the next Local Trust Committee regular meeting agenda package.
6.	February 7, 2019	DE-2019-012	First Nations Reconciliation	that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural

				heritage and history; d) Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.
7.	June 6, 2019	DE-2019-056	Bylaw enforcement against unlawful dwellings	that the Denman Island Local Trust Committee adopt the following standing resolution: "The Denman Island Local Trust Committee directs Bylaw Compliance and Enforcement staff to pursue enforcement against unlawful dwellings upon receipt of a written complaint, if any of the following conditions apply: a) The complaint is received from at least two sources, one being the owner, occupant or title holder of a neighbouring property; b) It appears that there is more than one unlawful dwelling on a lot; c) An unlawful dwelling appears to be larger than 90 square meters; or d) An unlawful dwelling appears to be located within a Development Permit Area. and nothing in this enforcement policy should be interpreted as giving permission to violate the Denman Island Land Use Bylaw and the Local Trust Committee may change this policy or give direction to expand enforcement activities at any time."

Top Priorities Report

Denman Island

1. *Denman Island Farm Plan Implementation*

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

Responsible

Marnie Eggen
Sonja Zupanec

Dates

2. *Signage at Ferry Terminal*

Responsible

Lisa Wilcox
Marnie Eggen

Dates

Rec'd: 21-Jan-2020

3. *Cannabis Land Use Regulation*

Review of land use regulations with respect to cannabis production and retail sales.

Responsible

Heather Kauer

Dates

Rec'd: 20-Nov-2018



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. Greenshores Workshop

Responsible

Date Received

01-May-2018

11. 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

Projects Report

Denman Island

12. *Facilitating affordable, attainable and seniors housing.*

Responsible

Date Received

Secondary suites review and consideration of further opportunities to support housing options. Consideration of DCLTA and Northern Housing Needs Assessment report recommendations.

20-Nov-2018

13. *Coastal Douglas-fir protection*

Responsible

Date Received

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

07-Feb-2019

14. *naming and recognition/traditional place name for Denman Island on Local Trust Committee meeting agendas*

Responsible

Date Received

Reference Staff Report dated November 7, 2019

07-Nov-2019

15. *Temporary Use Permits*

Responsible

Date Received

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

09-Oct-2018

From: Langman, Bradley <Bradley.Langman@dfo-mpo.gc.ca>

Sent: Wednesday, January 29, 2020 10:12 AM

To: Conservancy Hornby Island <chihornby@gmail.com>; dorrancewoodward@gmail.com; cgray@telus.net; lizij@telus.net; gscott@telus.net; locky@seashepherd.org; ian@pacificwild.org; Clare Frater <cfrater@islandstrust.bc.ca>; Dilani Hippola <dhippola@islandstrust.bc.ca>; Peter Luckham <pluckham@islandstrust.bc.ca>; Hall, Peter <Peter.Hall@dfo-mpo.gc.ca>; Meldrum, James <James.Meldrum@dfo-mpo.gc.ca>; Spence, Brenda <Brenda.Spence@dfo-mpo.gc.ca>; Postlethwaite, Victoria <Victoria.Postlethwaite@dfo-mpo.gc.ca>

Subject: 2019/2020 Pacific Herring IFMP Approval

Dear Islands Trust, Conservancy Hornby Island, Sea Shepherd, and Pacific Wild,

Attached is the approved Pacific Herring Integrated Fisheries Management Plan (IFMP) for 2019/20, which was circulated for review from December 18, 2019 to January 17, 2020. Thank you for submitting your comments and recommendations for the plan during that period; we received a large number of comments, including from First Nations and First Nations organizations, commercial and recreational harvesters and industry organizations, and members of the public.

As outlined in the IFMP, the Strait of Georgia area will be open to Roe, Food & Bait, and Special Use commercial fisheries at a harvest rate of 20%. The Central Coast area will be open to Spawn-on-Kelp commercial fisheries only, at a 5.2% harvest rate. The Prince Rupert District, Haida Gwaii, and West Coast Vancouver Island will be closed this season to commercial fisheries.

Commercial harvesters participating in the roe herring fishery will also have the option of participating in a Gear Selection Trial. The Gear Selection Trial program allows licence holders to select their licence to be fished by either a seine gear or gillnet gear pool, regardless of the original gear type. This means that seine and gillnet licences could have a combination of quotas that come from seine or gillnet licences, but are fished by just one of the gear types. The selection into a gear would be one way only (not revisable prior to or in season) but would be for the 2020 season only and not carry over to subsequent seasons. More detail on this can be found in a fishery notice here: https://notices.dfo-mpo.gc.ca/fns-sap/index-eng.cfm?pg=view_notice&DOC_ID=229131&ID=all

If you have any questions or concerns, please do not hesitate to contact me anytime.

Yours sincerely,

Brad Langman
for
Victoria

Victoria Postlethwaite, MRM

Regional Herring Officer / Agent Régional du Hareng
Fisheries and Aquaculture Management / Gestion des pêches et de l'aquaculture
Fisheries and Oceans Canada / Pêches et Océans Canada
Victoria.Postlethwaite@dfo-mpo.gc.ca
Tel. / Tél.: 604-666-7851; Cell. / Tél cell.: 604-345-6850





JAN 28 2020

Mr. Peter Luckham
Chair
Islands Trust Council
200-1627 Fort Street
Victoria BC V8R 1H8

Dear Mr. Luckham:

Thank you for your correspondence of December 9, 2019, regarding shellfish aquaculture in Baynes Sound.

Fisheries and Oceans Canada (DFO) shares your concerns about debris in the marine environment and about the issue of plastic gear being lost by the shellfish industry and washing up on beaches.

For the past two years, DFO has conducted compliance monitoring and follow-up with several licence holders in Baynes Sound who have been found to have violations of conditions of licence. As a result of inspections carried out this summer by the Province of British Columbia Lands Tenure Branch, DFO's shellfish aquaculture biologist is currently working with provincial compliance partners to compel cleanup of the majority of beach tenures on the west side of Denman Island.

To address non-compliance, DFO's biologist contacts violators by letter, informing them of the requirement that they remove debris and take action to prevent further marine debris. The approach is collaborative in nature, with the biologist working with the licence holder to compel cleanup, rather than through prosecution.

In addition, DFO Conservation and Protection staff have been engaged with stakeholders, industry, First Nations, and NGOs as part of working groups, shared forums and annual beach cleanup events.

Earlier this year, the Government of Canada announced the development of a Sustainable Fisheries Solutions and Retrieval Support Contribution Program. This program will provide up to \$8.3 million to assist fish harvesters, environmental groups, Indigenous communities, the aquaculture industry, and coastal communities to find and retrieve harmful marine litter or ghost gear from the ocean, and dispose of it responsibly. The program will also support industry in acquiring new clean technologies to reduce gear loss.

A website for this funding program is anticipated to launch in early January 2020. It will include information on the program and how to apply. I have asked DFO staff in the Pacific Region to share the link with you once the website has launched.

.../2

Canada

Please be aware that the requirement to clearly mark tenure boundaries falls under provincial jurisdiction, via the land tenure contract rules established by the Province of British Columbia and the shellfish grower. I have forwarded a copy of your letter to the Honourable Doug Donaldson, British Columbia's Minister of Forests, Lands and Natural Resource Operations and Rural Development, for his consideration.

DFO appreciates your concern for the marine environment and your dedicated work towards cleanup efforts. I assure you that the Department will continue to work with First Nations, industry, the Province of British Columbia, and stakeholders to address the issue of lost, abandoned, and discarded aquaculture gear.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Bernadette Jordan', with a long horizontal line extending to the right.

The Honourable Bernadette Jordan, P.C., M.P.
Minister of Fisheries, Oceans and the Canadian Coast Guard

c.c.: The Honourable Doug Donaldson, M.L.A.
British Columbia's Minister of Forests, Lands, Natural Resource Operations
and Rural Development

January 27, 2020

Introduction

This paper outlines the Ministry of Agriculture's (the Ministry) proposed policy direction to increase residential flexibility in the Agricultural Land Reserve (ALR).

The intentions summarized here have been developed through collaborative work with the Union of BC Municipalities, the Agricultural Land Commission (ALC) and the BC Agriculture Council and are responsive to what the Ministry heard during recent public consultations.¹

The Ministry is publicly sharing this proposed policy direction now in order to ensure those interested have an opportunity to review. As always, input from the public and from stakeholders is appreciated.

Context

In February 2019, the province brought into force amendments to the *Agricultural Land Commission Act* (Act) to better protect ALR land for farming. There were three key changes that:

- Directly address mega-mansions and speculation in the ALR by limiting the size of primary residences and empowering the ALC to approve additional residences for farm use;
- Restrict the removal of soil and increased penalties for dumping of construction debris and other harmful fill in the ALR; and,
- Reunify the ALR as a single zone, ensuring consistent rules with strong protections for all provincial ALR land.

The first change noted above included a phase-out of a long-standing previous rule that had allowed ALR landowners to place a small secondary residence in the ALR without ALC approval, so long as it was a manufactured home for immediate family members.

In response to some public concerns about this phase-out change, in July 2019, the Ministry delayed its implementation to February 22, 2020. This grandfathering period has now been extended a second time to December 31, 2020, in order to allow time for the possible implementation of the policy direction outlined in the paper.

During the September to November 2019 engagement, the Ministry heard a key theme: more flexibility is needed for residences in the ALR. Therefore, this work has been given priority.

The rationale for more residential flexibility is argued in a number of ways. For example, it may be necessary to keep a loved one, especially an aging parent, on the property. It creates options for jointly owning a property (for farming or not). It can provide a residence for a farmer transitioning out of farming, or for a young or new person transitioning into farming. It can create efficiency for small-scale farmers as it could allow for farmer or farm-worker accommodation, without the need to apply to the ALC. Or it could be simply needed as a source of rental revenue (that may or may not be invested back into a farm).

Current and previous legal framework relating to secondary residences

Recent changes to the Act and regulations modified approval processes for residential uses. Under the previous law, local governments (LG) had the authority to approve all principal residences (up to any size

¹ See <https://engage.gov.bc.ca/supportingfarmers/> for more information on the Supporting BC Farmers public engagement.

as stipulated in bylaws) in the ALR, and LG had the authority to approve additional residences if they were necessary for farm use. In practice, if a LG did not want to approve, or was not sure if the additional residence was necessary for farm use, or it wasn't for farm use, the owner then applied to the ALC through a non-farm use application.

The Act and regulations additionally permitted the following dwelling types without a decision from the ALC if local bylaws allowed them to be constructed:

- Zone 1: one secondary suite in the single family dwelling, and either one manufactured home 9 meters wide for immediate family; OR, an accommodation constructed above an existing building on the farm and that has only a single level.
- Zone 2: one secondary suite in the single family dwelling, and either one manufactured home (as above); OR, an accommodation constructed above an existing building on the farm and that has only a single level; and, if parcel is greater than 50 hectares a residence that fits all residential needs into an area of 4,000m².

After the recent amendments, a LG can only approve a principal residence if the total floor area is less than 500m² (5,400ft²) but may also restrict the principal residence to a smaller size by bylaw. A suite within a principal residence's total floor area is still permitted if a LG permits it by bylaw. A principal residence larger than 500m² (5,400ft²) or an additional residence now requires application to the ALC. The ALC may not approve an additional residence unless it is necessary for farm use.

Considerations

The policy work outlined below will maintain the purpose of the Act and its regulations, is also guided by the results of the Minister of Agriculture's Advisory Committee on ALR Revitalization² (the Committee), including the core ALR policy objectives that came out of the Committee's work to:

- Preserve the productive capacity of ALR land.
- Encourage agriculture as the priority use of ALR land.
- Strengthen ALR and ALC administration and governance to increase public confidence and ensure land use regulation and land use decisions preserve agricultural land and encourage farming and ranching in the ALR.

The Ministry will also consider how to incorporate views on residential flexibility that were raised through recent engagement, such as:

- Many participants expressed a desire to allow for a small second residence for all ALR land owners without requiring ALC approval;
- Some ALR landowners felt uncertain over their ability to replace a structure if it is destroyed (75% or more), or needs to be replaced because it is in disrepair;
- Some retiring and new farmers felt disadvantaged because they can't provide a secondary residence for family/workers without approval from the ALC;
- Participants generally wanted to ensure that the needs of LG, First Nation governments and regional districts are considered in the development of any future policy changes;
- It was recognized that some regional districts do not have zoning bylaws and there is a need to consider what this might mean against any policy options; and,

² See <https://engage.gov.bc.ca/agriculturalallandreserve/> for more information on the independent committee's work.

- BC ALR regions have different residential land uses, including the size of properties, population densities, and pressures to use ALR for non-farm uses.

These and potentially other considerations that were brought forward from the Committee's work and the Supporting BC Farmers engagement will help guide the Ministry in its work to increase residential flexibility in the ALR.

Proposed policy direction

In order to support farmers and non-farmers living in the ALR, the Ministry is considering a change to regulations that will enable landowners in the ALR to have both a principal residence and a small secondary residence on their property, provided they have approval from their LG. In other words, there would be no required application to the ALC. Further, the province would not impose restrictions to require this secondary residence be a manufactured home, or be for an immediate family member, or be part of a farming plan.

Farmers have always had the option to build additional residences in the ALR (two, three or more), provided they are needed for farming and have approval from LG and the ALC. The ALC routinely provides this approval for farming purposes.

The primary use of ALR land is, and will continue to be, for agriculture. Residential uses should be developed in a way that minimizes disturbance to agriculture. New secondary residences should be registered with the ALC for long-term land-use planning purposes.

This direction does not include reconsideration of the maximum size of a principal residence; nor changing the ALC as the decision maker for additional residences for farm use.

In terms of defining a "small secondary residence", consideration will be given to:

- a manufactured secondary home with conditions such as whether:
 - the foundation type should be limited to a concrete slab and no basement;
 - it can be restricted to a maximum of 9 meters in width and 22.86 meters in length; and
 - it can be restricted to the Canadian Standards Association (CSA) Z240 Manufactured Home (MH) series.
- a garden suite, guest house or carriage suite (e.g. usually meaning a detached dwelling, often no larger than 90m²).
- accommodation above an existing building on a farm with conditions on what type of existing structure it could be built on and whether it can be located on a parcel that already has a suite in the principal residence.
- permitting a principal residence to be constructed in addition to a manufactured home that was placed as the first principal residence.

Any of these concepts may also consider:

- per parcel, the maximum number of residences, maximum size, siting, and total floor area.
- how to preserve a total cumulative floor area of residential uses on a single parcel (e.g. additional dwellings that may be reintroduced so as not to exceed 500m² when added to principal dwelling).
- options to minimize impact on agriculture.

Next steps

Nothing in this paper should be considered as a final decision; it should be viewed as a policy direction and development guidance document. Its purpose is to inform interested parties and to assist Ministry discussions in further developing and finalizing the policy ideas presented in this document.

This Intentions Paper and links to current legislation are posted on the BC Government website and can be accessed via the following link: <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/agricultural-land-reserve/the-agricultural-land-reserve>

The Ministry has created a technical review committee that includes the Ministry of Agriculture, ALC, Ministry of Municipal Affairs and Housing, Union of BC Municipalities, and the BC Agriculture Council. As part of the technical review committee process, the Ministry also works directly with local governments from across British Columbia. The Ministry will work through this technical review committee process on the further refinement of these options until April 17th, 2020, in preparation for potential recommendations to government.

Individuals or associations who would like more information on this process, or who want to provide feedback for policy consideration, should contact ALR_ALCRevitalization@gov.bc.ca, write the Minister of Agriculture at PO Box 9043 Victoria BC V8W 9E2, or call the AgriServiceBC line at 1 888 221-7141.