

Regular Meeting Revised Agenda

Date: May 19, 2020
 Time: 12:30 pm
 Location: Zoom Meeting

			Pages
1.	CALL TO ORDER	12:30 PM - 12:30 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	12:30 PM - 12:35 PM	
3.1	Trustee Reports		
3.2	Chair's Report		
3.3	Electoral Area Director's Report		
4.	TOWN HALL - email submission comments also attached	12:35 PM - 12:45 PM	4 - 5
5.	DELEGATIONS - none		
6.	MINUTES	12:45 PM - 12:50 PM	
6.1	Local Trust Committee Minutes - none		
6.2	Section 26 Resolutions-Without-Meeting Report dated May 11, 2020		6 - 7
6.3	Advisory Planning Commission Minutes dated February 25, 2020 - updated - for receipt		8 - 13
7.	BUSINESS ARISING FROM MINUTES	12:50 PM - 1:30 PM	
7.1	Follow-up Action List dated May 12, 2020		14 - 19
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)		20 - 20

7.2.2	Email Response dated February 10, 2020 from Ministry of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD)	21 - 21
7.3	Denman Island Density Register - Staff Report - for decision	22 - 30
8.	APPLICATIONS AND REFERRALS	1:30 PM - 3:30 PM
8.1	DE-DVP-2019.2 (McKeachie, 5841 Lacon Rd) - Staff Report - for decision	31 - 45
8.2	DE-DP-2019.2 (McKeachie, 5841 Lacon Rd) - Staff Report - for decision	46 - 71
8.3	DE-RZ-2017.1 (Denman Community Land Trust Association) - for decision	
8.3.1	Staff Report dated March 17, 2020	72 - 100
8.3.2	Staff Report dated May 19, 2020	101 - 124
8.4	DE-RZ-2018.1 (Denman Housing Association) - for decision	
8.4.1	Staff Report dated March 17, 2020	125 - 138
8.4.2	Memorandum dated May 19, 2020	139 - 140
8.5	DE-TUP-2020.1 (Williams, 8900 Owl Crescent) - Staff Report - for decision	141 - 158
9.	LOCAL TRUST COMMITTEE PROJECTS - none	
 ----- BREAK 3:30 PM TO 3:50 PM -----		
10.	CORRESPONDENCE	3:50 PM - 4:00 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	159 - 164
11.	NEW BUSINESS	4:00 PM - 4:05 PM
11.1	K'omoks First Nation	
11.1.1	Information Session held January 29, 2020 on Local Government Authorities in the Estuary - verbal update	
11.2	2019-2020 Annual Report - Memorandum for decision	165 - 166
12.	REPORTS	4:05 PM - 4:25 PM
12.1	Trust Conservancy Report dated February, 2020	167 - 168
12.2	Applications Report dated May 12, 2020	169 - 180

12.3	Trustee and Local Expense Report dated February, 2020	181 - 181
12.4	Adopted Policies and Standing Resolutions	182 - 184
12.5	Local Trust Committee Webpage	
13.	WORK PROGRAM	4:25 PM - 4:35 PM
13.1	Top Priorities Report dated May 11, 2020	185 - 185
13.2	Projects List Report dated May 11, 2020	186 - 188
14.	CLOSED MEETING - none	
15.	UPCOMING MEETINGS	4:35 PM - 4:40 PM
15.1	Next Regular Meeting Scheduled for Tuesday, July 7, 2020 at 12:30 p.m. - Location to be determined	
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>	189 - 189
16.2	Response Letter dated January 28, 2020 from Minister of Fisheries, Oceans and the Canadian Coast Guard regarding Shellfish Aquaculture in Baynes Sound	190 - 191
16.3	Ministry of Agriculture - Residential Flexibility in the Agricultural Land Reserve (ALR)	192 - 195
17.	ADJOURNMENT	4:40 PM - 4:40 PM

From: Jane Lighthall [REDACTED]
Sent: Tuesday, May 19, 2020 12:55 PM
To: Wil Cottingham [REDACTED]
Subject: Town hall Denman

Hi

I am a member of the public registered for this meeting but already cannot find how to raise my hand to speak. Sue Ellen told us at the beginning we would find a way to raise our hands.

Here is my message.

No 1 from John Kirk who is not able to attend.

See Jan 20/20 Agency referral from Island Health:

"Rain Water is not a suitable primary source of potable water for a development of this site.

John asks "why is Islands Trust allowing DE-RZ-2018 to continue?"

My comment is

Thank you to all of the Trustees and Staff for working in this Brave New World.

I wish to ask you to not consider holding important Community Information Or Public Information Meetings electronically. We need to be able to meet as a community in person.

Thanks

Jane

Sent from my iPad

From: mg [REDACTED]
Sent: Tuesday, May 19, 2020 1:51 PM
To: [REDACTED]; diltc@gmail.com
Subject: electronic meetings

Kudos to the trustees and the Trust in general for holding an electronic meeting! This makes the meeting far more accessible to me - if LTC meetings were always held this way, I would attend many more of them, and be more involved with local trust activities. I hope electronic meetings are the wave of the future, with concomitant savings in transportation and accommodation for off-island trustees.

It would be great if the Trust Council meetings were always held this way, as the costs of in-person meetings involving trustees from all the islands must be substantial. If there are Denman Islanders who don't have electronic access to meetings, and would attend them if they did, the local trustees should ensure that sites are available on-island for those people.

Congratulations on this 21st Century upgrade, and I hope the savings are visibly reflected in your 2021 budget!

Sincerely,
Margie Gang

Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2020-007	In Favour	24-Apr-2020
"That the Denman Island Local Trust Committee change the physical location of the May 19, 2020 meeting to the Islands Trust Victoria Office, 200-1627 Fort Street."		
2020-006	In Favour	22-Apr-2020
'That the Denman Island Local Trust Committee waive the restrictions in section 19 and 20 of the Denman Island Meeting Procedure Bylaw No. 163, as shown below, for the regular meeting of May 19, 2020: 22. At a regular Local Trust Committee meeting, not more than one Local Trust Committee member may participate by means of electronic communication facilities. 23. An individual member of the Local Trust Committee may not participate by means of electronic communication facilities in two consecutive regular meetings of the Local Trust Committee nor more than three regular meetings in any calendar year. 24. The Local Trust Committee may waive the restrictions in sections 19 and 20 by unanimous resolution, provided the waiver does not conflict with provincial legislation and regulation that enables electronic meetings.'		
2020-005	In Favour	15-Apr-2020
"That the Denman Island local Trust Committee adopt the Local Trust Committee minutes dated January 21, 2020."		
2020-004	In Favour	20-Mar-2020
"That the Denman Local Trust Committee authorize the expenditure of up to \$120.00 from the Local Expense Budget for the purpose of renewing the listing in the 2020 Denman Island Phone Directory."		
2020-003	In Favour	20-Mar-2020
"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 Busheikin of the Denman Island Local Trust Committee to sign the covenant for DE-SUB-2018.1."		

Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2020-001	In Favour	19-Mar-2020
'That given concerns about the COVID 19 virus, the Denman Island Local Trust Committee regular business meeting scheduled for Tuesday, March 17, 2020 , be cancelled.'		



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 Wil Cottingham		Completed

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		Completed
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		Completed
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 and to administer a cost recovery agreement if needed.	Marnie Eggen		Completed



Follow Up Action Report

Denman Island

21-Jan-2020

Activity	Responsibility	Dates	Status
6 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
7 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		Completed
8 Staff to prepare a draft Water Sustainability Project Charter.	William Shulba		In Progress
9 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
10 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
11 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
12 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: May 19, 2020
 TO: Denman Island Local Trust Committee
 FROM: Marnie Eggen, Island Planner
 COPY: Heather Kauer, Regional Planning Manager
 Northern Team
 SUBJECT: Denman Island Density Register Standing Resolution

RECOMMENDATION

1. That the Denman Island Local Trust Committee adopt the following standing resolution with respect to the available residential densities resulting from Section E.1, policy 11 and Appendix D, 'Residential Density Bank' of the Denman Island Official Community Plan:

Whereas the Local Trust Committee sets out the current available residential densities in this density register and that the register be updated from time to time to show additions and withdrawals as they occur:

- a. The Denman Official Community Plan 'Residential Density Bank' in Appendix D has last added or transferred to the bank on January 31, 2017 and has a cumulative total of residential densities of 14;
- b. The Denman Official Community Plan Housing Policy 11 in Section E.1 allows for a residential density increase of approximately 5 percent beyond that permitted by existing zoning at the time of adoption of the Official Community Plan on May 15, 2009 to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under Temporary Use Permit and site specific zoning amendment applications under Policy 29 of Section E.1.

The baseline density that was permitted by zoning at the time of adoption of the Official Community Plan P was 994 densities based on the Subdivision Potential Map 2010; 1026 total densities less 32 from Parks, Institutional and Conservation designations where residential use is not permitted. Five percent of 994 is 49 densities. Since adoption of the Official Community Plan on May 15, 2009 the following densities have been utilized:

Authorizing Bylaw/Temporary Use Permit	Date Utilized	Number of Residential Densities Utilized	Cumulative Total of Residential Densities Remaining
Baseline Density at time of adoption of the Denman OCP on May 15, 2009			49
BL 199 (Official Community Plan)	August 15, 2011	14	35
BL 200 (Land Use Bylaw)			

BL 204 (Land Use Bylaw)	September 24, 2013	1	34
DE-TUP-2016.2	March 31, 2017	1	33

REPORT SUMMARY

This report provides a draft standing resolution with respect to current available residential densities resulting from Section E.1, policy 11 and Appendix D, 'residential density bank' of the Denman Island Official Community Plan (OCP) as requested by the LTC.

BACKGROUND

Staff note that records do not appear to include a residential density baseline developed at the time that the Denman OCP Bylaw No. 185 was adopted in 2009.

The LTC passed the following resolution at their July 4, 2019 LTC meeting:

DE-2019-064

It was MOVED and SECONDED, that the Denman Island Local Trust Committee request staff to: a) 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.

CARRIED

ANALYSIS

Issues and Opportunities

Through staff analysis and in consultation with senior staff, the identified 'Cumulative Total of Residential Densities Remaining' is accurate to the best of staff's knowledge. Staff have developed the recommended standing resolution using the [Denman Subdivision Potential Map, October 2010](#) to determine the residential density baseline. The subdivision potential map is the best available data source that was developed at approximately the same time as the OCP was adopted. It identifies the number of existing lots and potential lot densities that could be created within each zone. These densities are used to determine the residential density baseline in this staff report and as such the residential density baseline of 994 is a conservative number. Although this approach is in keeping with the intent of Section E.1, policy 11 of the OCP, it is recognized that depending on the zone, the size of lot and the zone's minimum lot area per principal single family dwelling unit, that there may be additional residential dwellings permitted per lot that are not included in the 994 baseline number.

Staff have reviewed and accounted for all adopted bylaw amendments and approved TUPs since adoption of the current Denman OCP No. 185, 2009. A Chronology of Bylaw Amendments and TUPs can be found in Attachment 1. Additionally, all adopted OCP Bylaw Amendments Influencing Denman Density Policies since 2009 can be found in Attachment 2.

Rationale for Recommendation

Staff recommend the proposed standing resolution in order to satisfy the request of the LTC, resolution DE-2019-064. The staff recommendation is found on Page 1 of this report.

ALTERNATIVES

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

1. Request Changes to the Proposed Standing Resolution

The LTC may modify the proposed standing resolution should they choose.

2. Request further information

The LTC may request staff to account for principal dwellings units permitted per lot when determining the current available densities resulting from Section E.1 policy 11 of the OCP when developing the Density Register as per Resolution DE-2019-064. Suggested resolution wording:

That the Denman Local Trust Committee request staff to account for principal dwellings units permitted per lot when determining the current available densities resulting from Section E.1 policy 11 of the OCP when developing the Density Register as per Resolution DE-2019-064.

NEXT STEPS

Should the LTC concur with staff's recommendation, staff will add the resolution to the LTC's Standing Resolutions.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	April 6, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	April 6, 2020

Attachments:

1. Bylaw Amendment and TUP Chronology Since Adoption of Denman Official Community Plan Bylaw 185, May 2009.
2. OCP Bylaw Amendments Influencing Density Policies Since Adoption of Denman Official Community Plan Bylaw 185, May 2009.

ATTACHMENT # – 1: BYLAW AMENDMENT AND TUP CHRONOLOGY SINCE ADOPTION OF DENMAN OFFICIAL COMMUNITY PLAN BYLAW 185, MAY 2009

Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
Denman OCP Bylaw No. 185 (repealed Bylaw No. 60) Denman LUB Bylaw No. 186 (repealed Bylaw No. 148)	May 2009	OCP/LUB Assessment Project; new bylaws developed	n/a
187 (Fees Bylaw)	January 2009	n/a	n/a
188 (LUB)	March 2009 (prior to adoption of Bylaw No. 185)	n/a	n/a
189 (OCP) 190 (LUB)	April 2010	DE-RZ-2009.1 (The Point)	7 Densities Transferred between properties; No Density Increase
191 (OCP) 192 (LUB)	May 2010	DE-RZ-2009.2 (North Denman Lands)	31 Densities Transferred between properties; No Density Increase
193 (OCP) 194 (LUB)	August 2010	DE-RZ-2007.2 (Dharma Fellowship Society)	None (change to guest accommodation only)
195 (LUB)	June 2011	Agriculturally Flooded Fields Project	None
196 (OCP) 197 (LUB)	August 2010	Green Cemetery	None
198 (OCP)	August 2010	Climate Change Policy Project	None
Subdivision potential map	Finalized October 2010	n/a	Estimate of 994 residential densities
BL 199 (OCP) BL 200 (LUB)	August 2011	OCP/LUB Targeted Review: - recognition of 'historic co-ops' / additional legal non-conforming dwellings 13 densities added to Density Bank from rezonings	- Approved Density Increase using 5% Allotment: 14 - Density Added to the Residential Density Bank: 13
BL 201	Proceeded no further	n/a	n/a
BL 202	February 2012	Amend the DPA 4: Streams, Lakes and Wetlands boundary	n/a
BL 203	April 2012 Repealed	APC Bylaw	n/a

Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
BL 204 (LUB)	September 2013	DE-RZ-2011.1 (DCLTA - Affordable Housing)	• Approved Density Increase using 5% Allotment: 1
BL 205	September 2013	DCLTA Housing Agreement	n/a
BL 206 (OCP)	April 2014	DE-RZ-2011.1 (DCLTA – Affordable Housing)	n/a
BL 207 (LUB)	Proceeded no further	n/a	n/a
BL 208	# issued in error	n/a	n/a
BL 209	# issued in error	n/a	n/a
BL 210 (OCP)	November 2014	Secondary Suites Project	n/a
BL 211 (LUB)	November 2014	Secondary Suites Project	n/a
BL 212 (OCP)	May 2016	RAR Implementation	n/a
BL 213 (LUB)	May 2016	RAR Implementation	n/a
BL 214	# issued in error	n/a	n/a
BL 215	# issued in error	n/a	n/a
BL 216 (LUB)	January 2016	Home-based Guest Accommodation	n/a
BL 217	# issued in error	n/a	n/a
BL 218	# issued in error	n/a	n/a
BL 219 (OCP)	January 2017	DE-RZ-2015.1 (Pandesign)	• Density Added to the Residential Density Bank: 1
BL 220 (LUB)	January 2017	DE-RZ-2015.1 (Pandesign)	n/a
DE-TUP-2016.2	March 31, 2017	PID 000-876-283; Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384	• Approved Density Increase using 5% Allotment: 1
BL 221	November 2017	Fees Bylaw Amendment	n/a
BL 222 (OCP)	July 2018	RAR Map Amendment	n/a
BL 223 (LUB)	Proceeded no further	Intensive Agriculture Project	n/a
BL 224	May 2017	APC Bylaw	n/a
BL 225 (LUB)	June 2018	Driving on the Beach Project; prohibiting driving on the Beach	n/a
BL 226	September 2017	Fees Bylaw Update: Fee decrease for Affordable Housing applications	n/a
BL 227	March 2018	Electronic Meetings	n/a

Authorizing Amendment Bylaw/TUP	Adoption Date	Project or Application	Changes in Density
BL 228	On hold	Implementing Farm Plan Project	n/a
BL 229	On hold	Implementing Farm Plan Project	n/a
BL 230	October 2018	Fees Bylaw Update: Cannabis Liquor licencing	n/a
BL 231	June 2019	APC	n/a
BL 232	July 2019	BEN Bylaw	n/a

ATTACHMENT # 2: OCP BYLAW AMENDMENTS INFLUENCING DENSITY POLICIES SINCE ADOPTION OF DENMAN OFFICIAL COMMUNITY PLAN BYLAW 185, MAY 2009

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
Denman OCP Bylaw No. 185 (repealed Bylaw No. 60) Adopted May 2009	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, including secondary dwelling units pursuant to Policy 16 or site specific zoning amendment applications under Policy 29 of this Section. E.1 Housing Policy 16 Policy 16 The Local Trust Committee should consider zoning amendment applications for site-specific zoning to allow small secondary dwelling units or secondary suites on lots of two hectare or more that are in the Rural or Sustainable Resource designation provided proof of adequate water is provided. E.1 Housing Policy 29 The Local Trust Committee should consider zoning amendment applications to bring into conformity legal non-conforming dwelling units that were in existence and were deemed to be legal non-conforming on the date of adoption of this Plan provided that the applicant provides written proof, 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. 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 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 given to the conservation agency or dedicated as park. Appendix D Density Bank - In this Plan, density banking refers to a process wherein unused residential densities are held by the Local Trust Committee for an unlimited time and for a specified purpose. Donation of one or more densities takes place through a successful bylaw amendment application that records the densities in this Appendix. Utilisation of one or more densities requires a similar amending bylaw. Appendix D Density Bank - Policy 2 The Local Trust Committee may consider applications for transfer of banked densities providing the land receiving the densities will be used for affordable housing and a suitable mechanism is in place ensuring this use is maintained over time.	Densities in Bank: 0 Use of 5% Allotment: 0
Bylaw No. 199 (OCP)	E.1. Housing Policy 29 replaced with the following: The Local Trust Committee should consider zoning amendment applications:	

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
	• 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. Appendix D Density Bank – the following was added to Policy 2: For the purpose of the density bank, affordable housing means adequate, suitable housing that is available to meet a continuum of needs including housing for the homeless and/or special needs; housing for those at risk of homelessness; housing with rental assistance; and entry level ownership opportunities. Appendix D Density Bank – the following Guideline was added: Guideline 9 Applications for transfer of banked densities for affordable housing must include details of the criteria for residents of the housing as well as demonstrate a need for the type of affordable housing on Denman Island. Appendix D Density Bank – the following densities were added to the bank: 13; as a result of rezoning to Conservation zone for the Inner Island Nature Reserve, Lindsay Dickson Nature Reserve, and Winter Wren Nature Reserve.	Densities added to Bank: 13 Use of 5% Allotment: 14
BL 204	DE-RZ-2011.1 (DCLTA - Affordable Housing Project)	Densities added to Bank: 0 Use of 5% Allotment: 1
BL 210 (OCP)	E.1. Housing Policy 10 was replaced with the following: 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. E.1 Housing Policy 11 was replaced with the following: 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. 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. E.1 Housing Policy 13 was replaced with the following:	Densities added to Bank: 0 Use of 5% Allotment: 0

Authorizing Bylaw or Bylaw Amendment	Base Bylaw/Amendments Influencing Policies related to Density Transfer and 5% Density Increase since OCP Adoption May 2009	Changes to Density Bank or Use of 5% Density Increase Provision
	In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel. E.1 Housing new Policy 15 was inserted: 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.	
219 (OCP)	DE-RZ-2015.1 (Pandesign)	Densities added to Bank: 0 Use of 5% Allotment: 0 Densities were transferred to other property



DATE OF MEETING: May 19, 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.

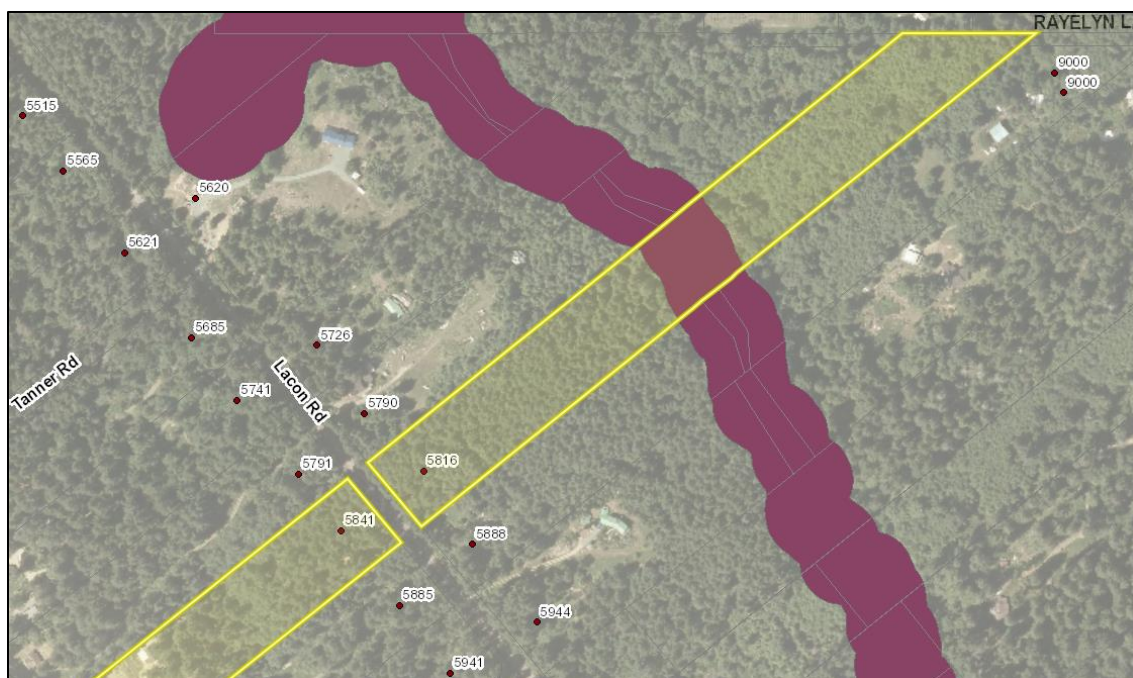


Figure 2: Location of DPA 4 covering portion of subject property

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 Notices

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:

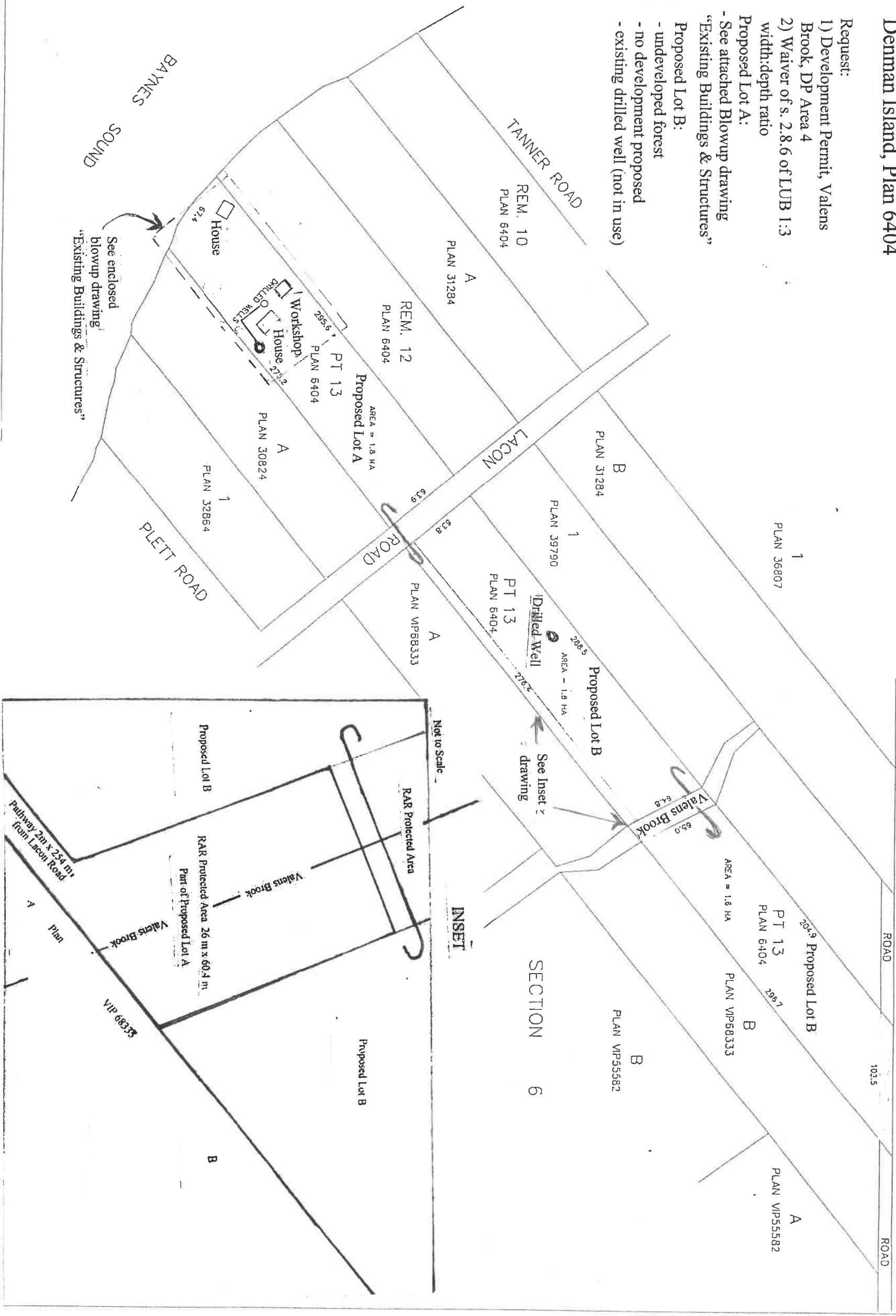
- 1) Development Permit, Valens Brook, DP Area 4
- 2) Waiver of s. 2.8.6 of LUB 1:3 width:depth ratio

Proposed Lot A:

- See attached Blowup drawing "Existing Buildings & Structures"

Proposed Lot B:

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





DENMAN ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
DE-DVP-2019.2 (MCKEACHIE)

TO: Shelley Ann McKeachie

1. This Development Variance Permit applies to the land described below:

PID: 005-850-771

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

2. Pursuant to Section 498 of the *Local Government Act*, the **Denman Land Use Bylaw No. 186, 2008, PART 2 GENERAL REGULATIONS, Section 2.8 Subdivision Regulations, Lot Configuration Regulations Subsection 6** is varied as follows:

- a) **The required lot depth to width ratio is varied from 3:1 to 4.4:1 for proposed lot A;**
and
- b) **The required lot depth to width ratio is varied from 3:1 to 9.03:1 for proposed lot B.**

These lot depth/width ratio variances apply only to the proposed subdivision (Lot A and Lot B) as shown on **Schedule "A" – Proposed Plan of Subdivision**, attached to and forming part of this Permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the Denman Island Land Use Bylaw No. 186, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS _____TH DAY OF MARCH, 2020

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE _____ DAY OF _____ 2022, THIS PERMIT AUTOMATICALLY LAPSES.

Site Plan - Schedule "A"



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

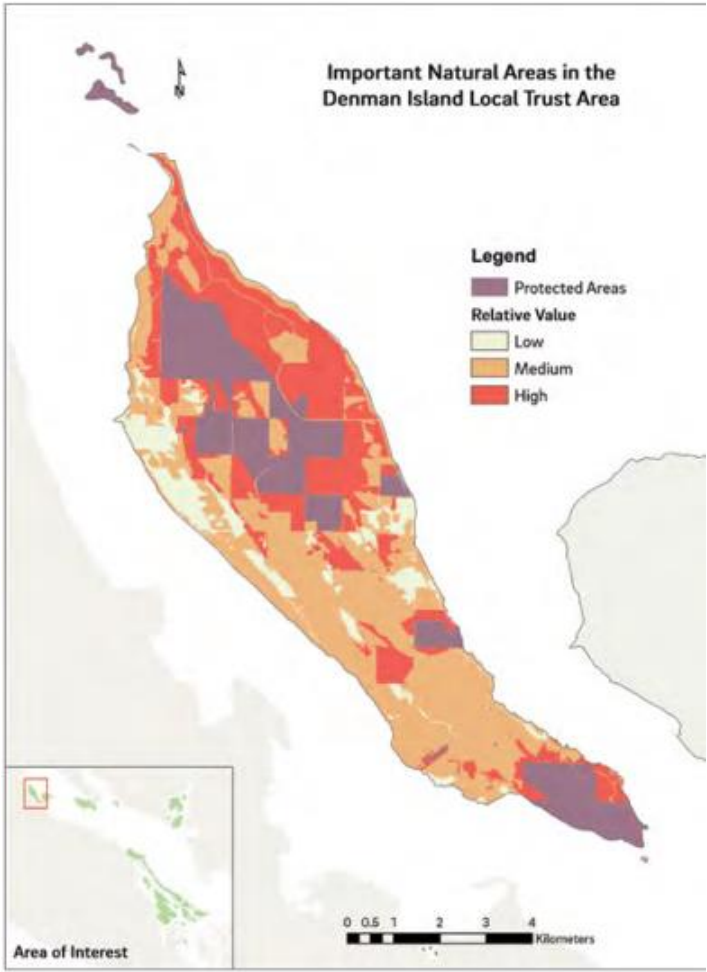
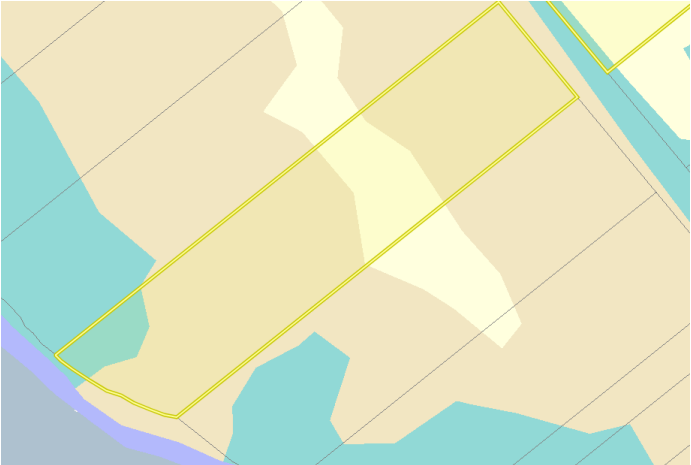
POLICY/REGULATORY

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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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>



NOTICE

DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DVP-2019.2 (McKeachie)

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying a subsection of the Denman Island Local Trust Committee Land Use Bylaw No. 186, 2008, as follows:

PART 2 GENERAL REGULATIONS, Section 2.8 Subdivision Regulations, Lot Configuration Regulations

Subsection 6 is varied as follows:

- a) **The required lot depth to width ratio is varied from 3:1 to 4.4:1 for proposed lot A; and**
- b) **The required lot depth to width ratio is varied from 3:1 to 9.03:1 for proposed lot B.**

These lot depth/width ratio variances apply only to the proposed subdivision (Lot A and Lot B) as shown on **Schedule "A" – Proposed Plan of Subdivision** of the draft Permit.

The property located at 5841 Lacon Road, Denman Island is legally described as:

PID: 005-850-771

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

The general location of the subject area is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 a.m. and 4:00 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **March 6, 2020** and continuing up to and including **March 16, 2020 at 4:00 p.m.** Also, attached for your convenience, is a copy of the proposed permit.

If you have any questions or comments regarding the proposed permit, please contact Ian Cox, Planner 1, at 250-247-2204. For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola, BC V0R 1X3 **Fax:** **250-247-7514** or **Email:** northinfo@islandstrust.bc.ca

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed permit at its Regular Business Meeting to be held at 12:30 PM, Thursday, March 17, 2020 at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will be provided to the Local Trust Committee and will form part of the public record.

Becky McElean
Deputy Secretary **44**



NOTICE

DENMAN ISLAND LOCAL TRUST COMMITTEE

DE-DVP-2019.2 (McKeachie)

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- b) The required lot depth to width ratio is varied from 3:1 to 9.03:1 for proposed lot B.

These lot depth/width ratio variances apply only to the proposed subdivision (Lot A and Lot B) as shown on **Schedule "A" – Proposed Plan of Subdivision** of the draft Permit.

The property located at 5841 Lacon Road, Denman Island is legally described as:

PID: 005-850-771

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The general location of the subject area is shown in the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Northern Office Bulletin Board, 700 North Road, Gabriola Island, BC, V0R 1X3, commencing **May 7, 2020** and continuing up to and including **May 18, 2020** at **4:00 p.m.** Also, attached for your convenience, is a copy of the proposed permit.

If you have any questions or comments regarding the proposed permit, please contact Ian Cox, Planner 1, at 250-247-2204. For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola, BC V0R 1X3 **Fax:** 250-247-7514 or **Email:** northinfo@islandstrust.bc.ca

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed permit at its **Electronic Business Meeting** to be held at **12:30 pm, Tuesday, May 19, 2020.**

To listen or listen and view the Denman Island Local Trust Committee meeting, on May 19, 2020 starting at 12:30 a.m., the public may join the meeting by:

- **Calling:** 855.703.8985 (Toll Free)
- **Logging into:** <https://islandstrust.zoom.us/j/69134876883>

The **Webinar ID number** is: **691 3487 6883**

Please refer to the posted agenda on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is placed on the agenda.

Written comments made in response to this notice will also be available for public review.

Becky McErlan
Deputy Secretary

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

DATE OF MEETING: May 19, 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.

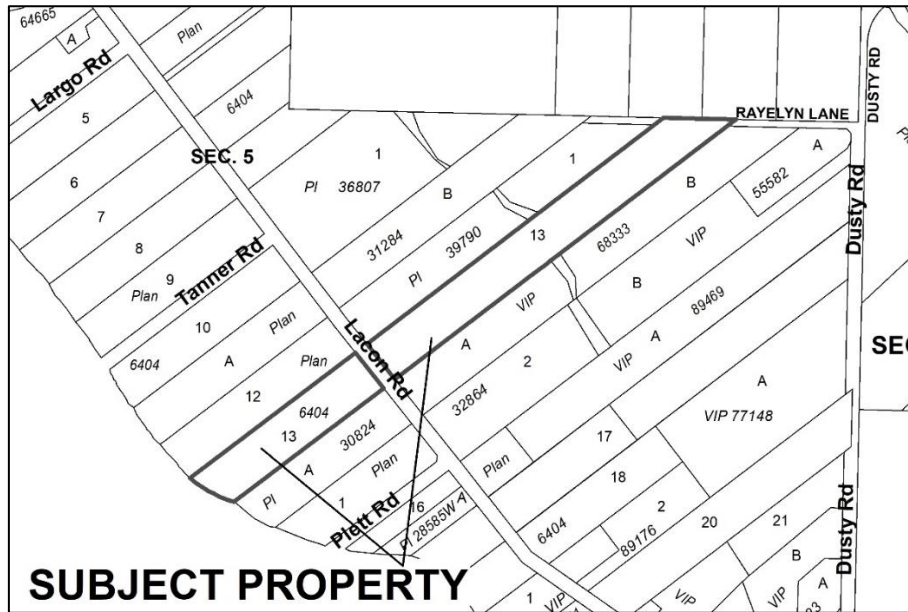


Figure 1 - Location of Subject Property

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.

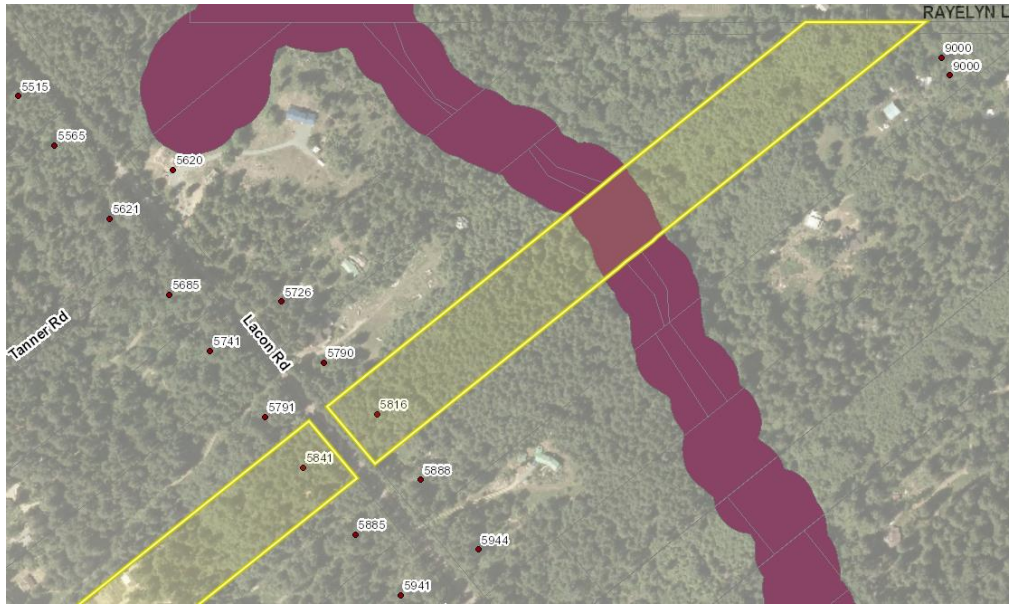


Figure 2 - Location of DPA 4 covering portion of subject property

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

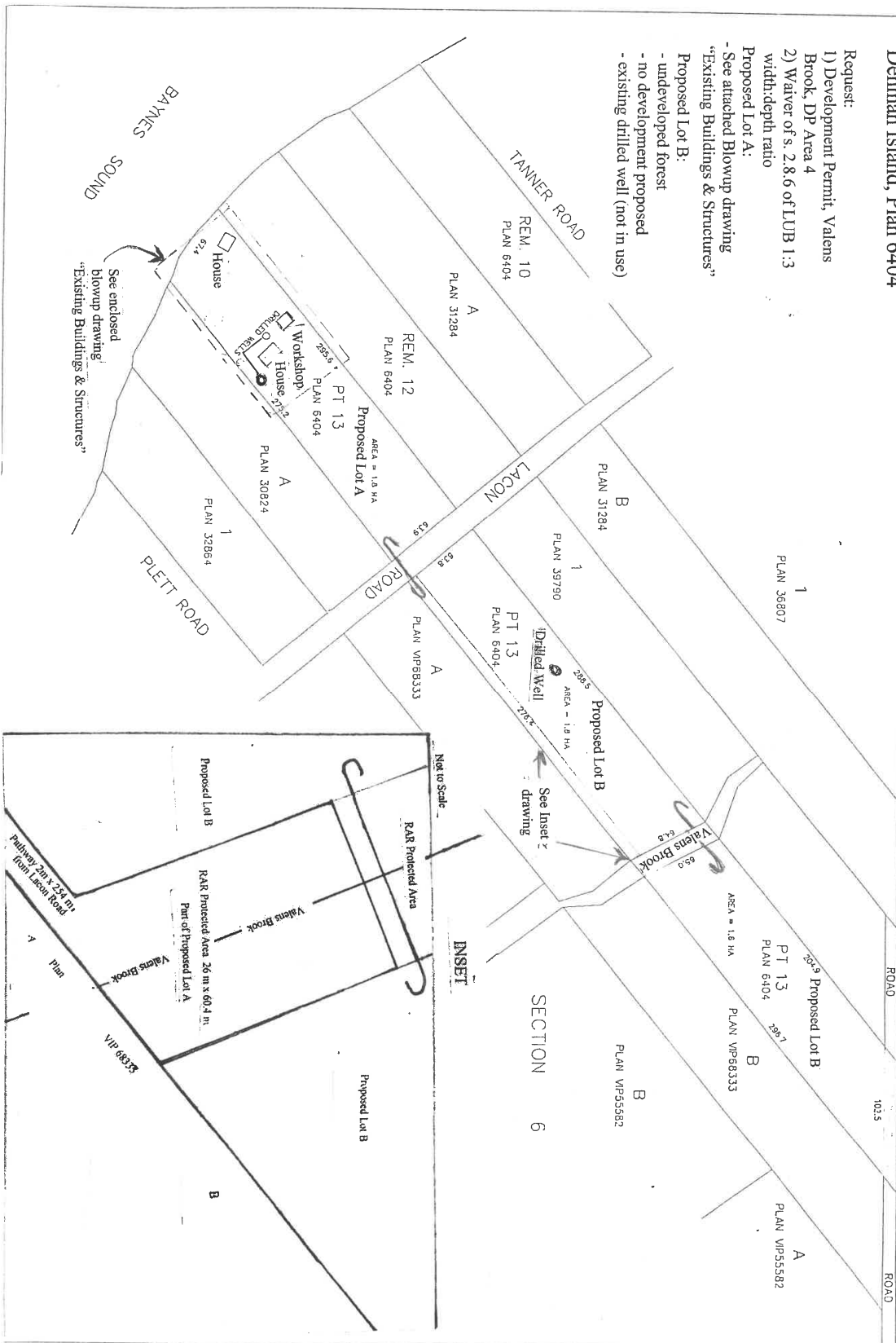
1. Proposed Plan of Subdivision
2. Site Context
3. DPA 4 Guidelines
4. RAPR Assessment Report
5. Draft Development Permit

50

SCALE: 1:2000 (METRIC)

Request:

- 1) Development Permit, Valens Brook, DP Area 4
 - 2) Valens of s. 2.8.6 of LUB 1.3 with: depth ratio
- Proposed Lot A:
See attached Blowing 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

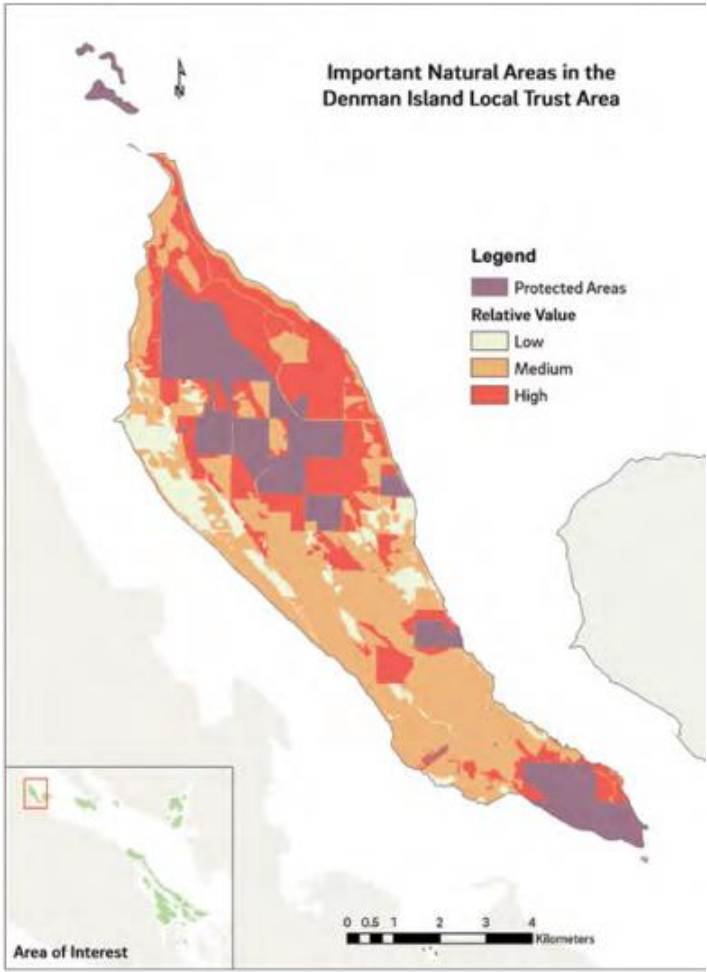
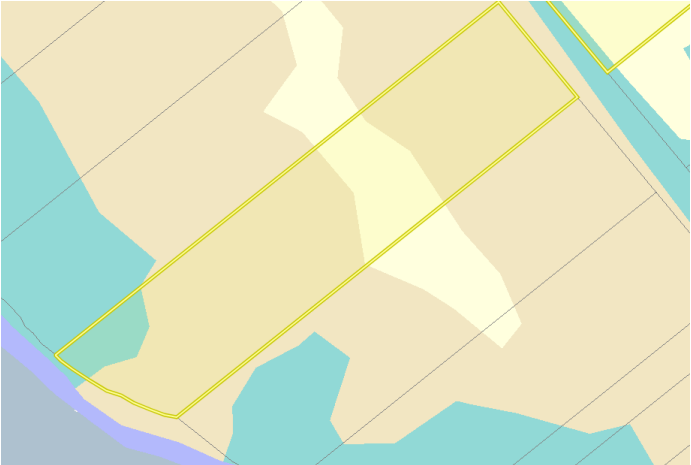
POLICY/REGULATORY

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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	 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>

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	morleymckeachie@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

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3. Slope Stability.....	8
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5. Encroachment	9
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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	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.
upstream	4.0		
	3.3		
	3.6		
	3.3		
	3.5	3	
	3.2		
	3.1		
	3.5		
	3.2		
downstream	3.4		
Total: minus high /low	30.5		
mean	3.38		
	R/P	C/P	S/P
Channel Type	X		

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	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
SPVT Type			X
			n/a

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

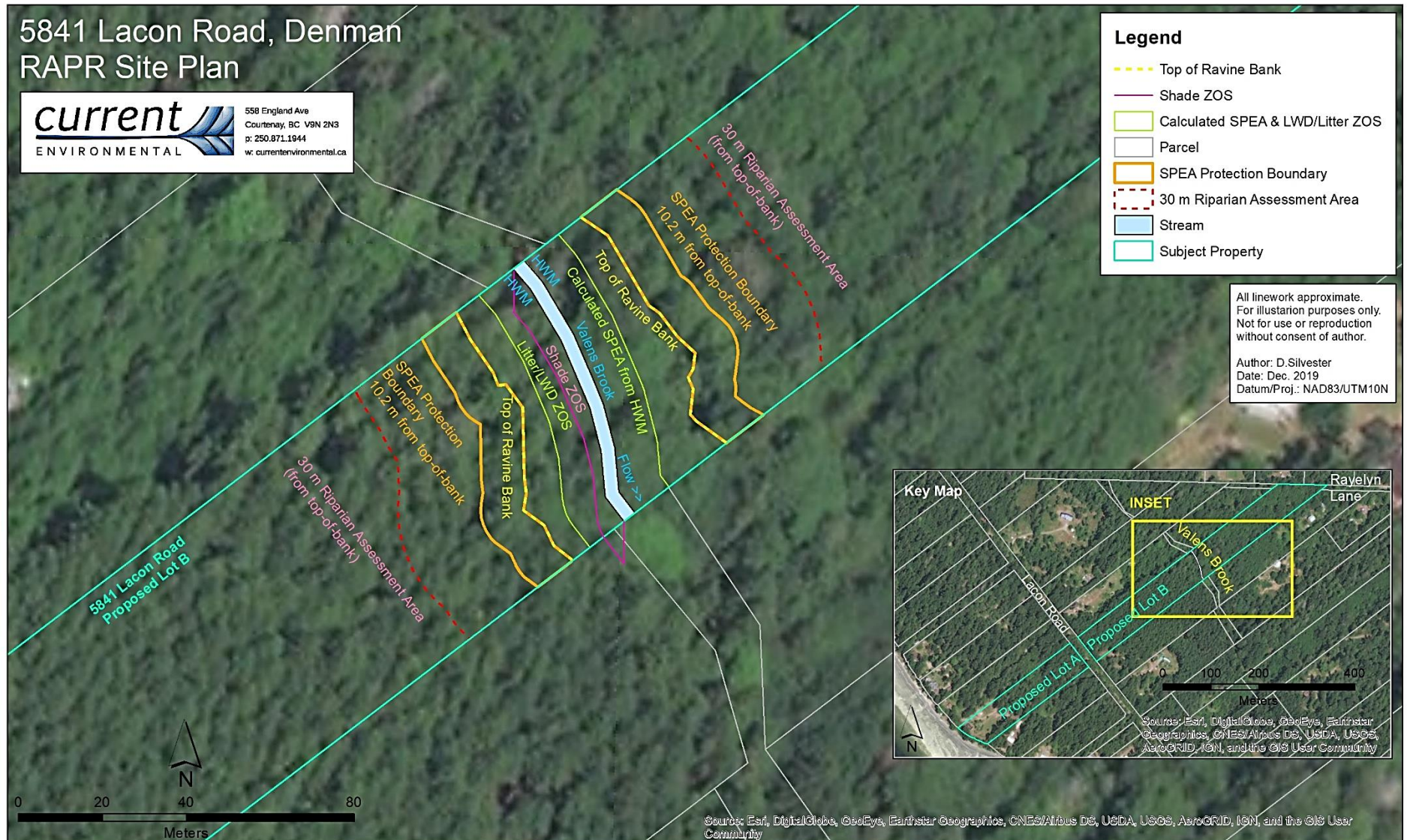


Figure 1. Site plan showing a Valens Brook crossing on the proposed 3.0 ha Lot B of the subject property at 5841 Lacon Road.

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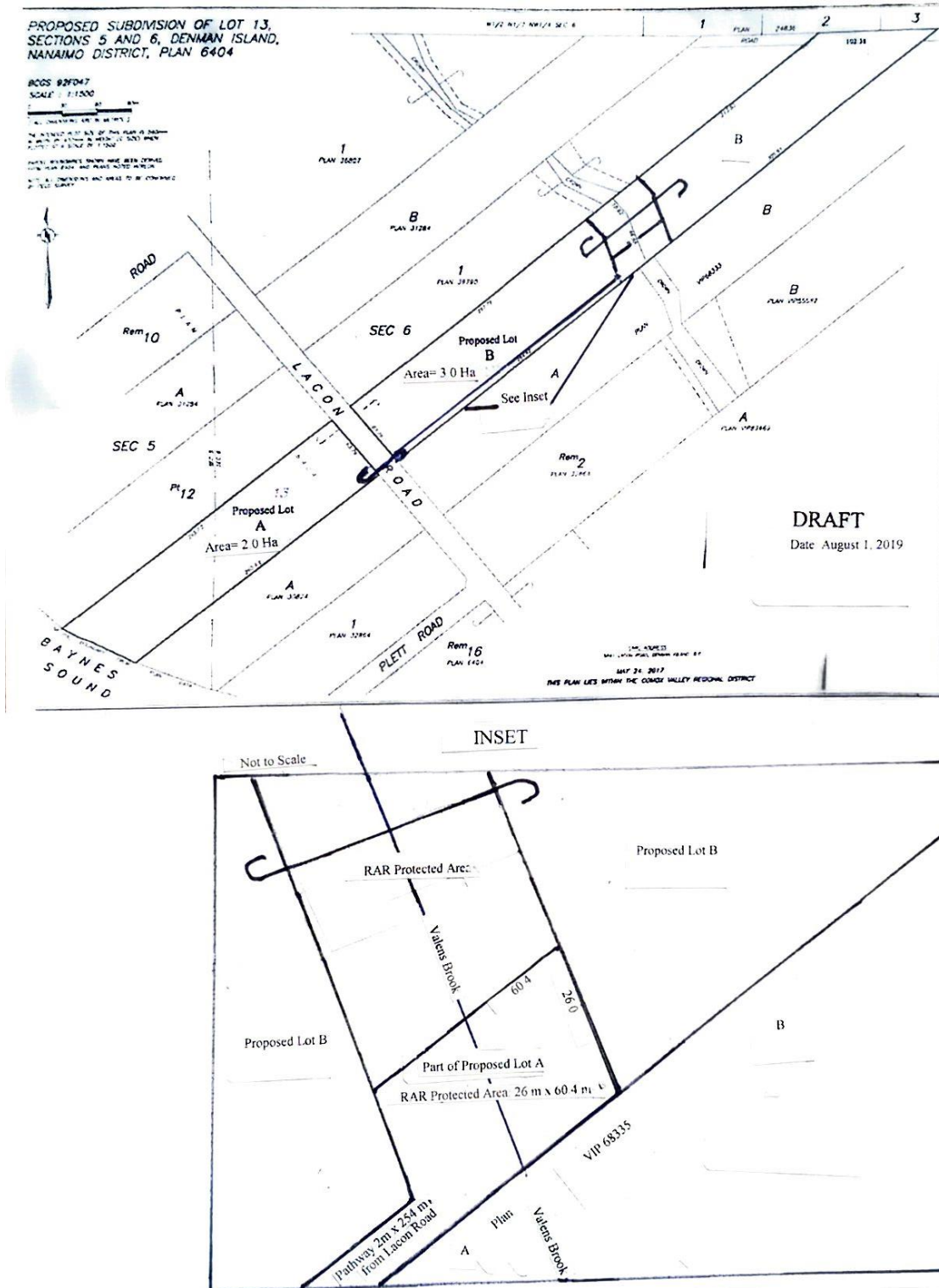


Figure 2. Surveyor's site plan showing proposed configuration of subdivided lots near Valens Brook.

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: March 17, 2020

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

SUBJECT: 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 enter into a cost recovery agreement with the applicant/agent for application RZ-DE-2017.1 (DCLTA) allowing Islands Trust legal counsel to draft and/or review a restrictive covenant which would be registered on the land title applicable to the lands intended for the Denman Seniors Affordable Housing project and impose the following:
 - a. Require BC Energy Step Code Level 2 compliance for all new dwellings;
 - b. Require conditions related to the ALC exclusion with respect to the vegetative buffer and fencing plan;
 - c. Require mitigating measures regarding groundwater use as recommended by the Freshwater Specialist;
 - d. Require an integrated storm water management plan; and
 - e. Require a sewerage system maintenance plan.
2. That the Denman Island Local Trust Committee request staff to prepare draft bylaw amendment(s) in order to enable proposed Development Permit Area No. 8: Residential Density Increase to be applied to the subject property for application DE-RZ-2017.1.

REPORT SUMMARY

This staff report provides an analysis of the application of proposed Development Permit Area No. 8: Residential Density Increase to the subject property and proposes the contents of a restrictive covenant to be registered on the same. A summary of the agency and First Nations responses received to date regarding bylaw referrals for Bylaw Nos. 233 and 234 is also included in this report. Staff recommends drafting a restrictive covenant and entering into a cost recovery agreement for the legal drafting/review of the covenant, and also recommends that draft bylaw amendment(s) be prepared to apply proposed Development Permit Area No. 8 to the subject property.

BACKGROUND

The LTC passed the following resolutions at their January 21, 2020 business meeting:

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

Staff made changes to proposed Bylaw No. 234 as per the LTC resolutions and sent out Bylaw Nos. 233 and 234 (Attachment 1 and 2) to agencies and First Nations for comment. Responses received so far are discussed in the Analysis section below.

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

Staff are working with the applicant/agent to prepare a draft Housing Agreement. Staff advise that the LTC is not able to waive the cost of the legal review of a housing agreement nor is there a mechanism for the Islands Trust to incur the cost. However, a housing agreement template was developed in consultation with Islands Trust legal team with the intent to eliminate or minimize the cost to applicants. Details of a project can simply be inserted into the agreement template, however, if the template needs to be modified in any way, legal review might be necessary for which a cost recovery agreement is required. See the Analysis section below for further discussion about the draft Housing Agreement.

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

This item is anticipated to be reported back to the LTC at their next business meeting.

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

This item is anticipated to be reported back to the LTC at a future meeting.

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

ANALYSIS

Staff have identified the following issues and opportunities for LTC consideration:

- DCLTA's Comments regarding draft Bylaw No. 234 and Proposed Development Permit Area No. 8
- Application of Proposed *Development Permit Area No. 8: Residential Density Increase* to Subject Property
- Housing Agreement
- Restrictive Covenant

Issues and Opportunities***DCLTA's Comments regarding R4(2) zoning and Proposed Development Permit Area No. 8: Residential Density Increase***

Since the last LTC meeting held January 21, 2020, the Denman Community Land Trust Association (DCLTA) have provided comments to staff about the proposed R4(2) zoning (site specific zone for the DCLTA's Seniors Affordable

Housing project) and the proposed Development Permit Area No. 8 that is recommended by staff to be applied to the subject property. Their comments are summarized below along with staff's recommendations.

Table 1: DCLTA's Comments on Proposed R4(2) zoning

DCLTA's Comments on proposed R4(2) zoning	Reflected in Proposed Bylaw Amendment No. 234 (LUB)	Staff's Recommendations
Inclusion of definition in LUB using existing "Dwelling Unit, affordable housing" and a new definition of "seniors"	Yes, a new definition "seniors affordable housing dwelling unit" as proposed by applicant is already included in proposed Bylaw No. 234.	No change.
Remove Home Occupations as a permitted use from the R4(2) zone	Yes. Home Occupations are not permitted in the R4(2) zone.	Continue to prohibit Home Occupations in the R4(2) zone.
Create a new and separate zone for the seniors affordable housing project instead of the proposed R4(2) zone.	No.	Staff recommend no change because the R4(2) zone allows for the seniors affordable housing project as presented.
A common house is not envisioned as a part of the project.	Yes. A common house is not a permitted building in the R4(2) zone. It is a building permitted in the R4 zone as requested by the LTC.	No change.

Table 2: DCLTA's Comments on Proposed Development Permit Area No. 8 Residential Density Increase

DCLTA's Comments on proposed Development Permit Area No. 8: Residential Density Increase	Staff's Comments
Concern about cost of meeting Guideline 1 (Biological inventory) and Guideline 2 (subdivision layout to incorporate lot clustering, vegetative buffers, no-build areas).	Guideline would be applicable unless the LTC determines that there are bona fide reasons why the guideline should not be applied to its fullest extent.
Concern that Guideline 8 (15 m wide vegetative buffer) would have a negative impact on project.	Guideline would be applicable unless the LTC determines that there are bona fide reasons why the guideline should not be applied to its fullest extent (i.e. proposed 3 metre buffer is already confirmed to be acceptable to ALC)

Application of Proposed Development Permit Area No. 8: Residential Density Increase to the Subject Property

A set of bylaw amendments (proposed Bylaw Nos. 237 and 238, Attachment 3) have been developed to enable DPA No. 8, which are currently proposed to be applied to application DE-RZ-2018.1. The proposed bylaws were given 1st reading at the last LTC meeting and were referred to agencies and First Nations. A summary of those responses are included in the associated staff report included in this agenda package.

Staff recommend applying DPA No. 8 to the subject property for this rezoning application because it would address ITPS policies 4.4.2 and 4.4.3, and Denman OCP Freshwater, Climate Change, and Water Management policies (see *Attachment #8 - Policies* of staff report, dated January 21, 2020 for references to each applicable policy and staff's recommendations). If applied to the subject property, a Development Permit application would be required at the time of subdivision, land alteration or construction.

Staff recommend that the LTC request staff to prepare bylaw amendments in order to enable DPA No. 8 to be applied to application DE-RZ-2017.1. Staff recommend a text and map amendment to proposed Bylaw No. 237 (DPA designation, OCP) that will serve to include the subject property within the designated DPA. No changes are recommended to proposed Bylaw No. 238 (Guidelines, LUB). Staff recommend that the LTC consider application of the DPA to the subject property at this time so that these bylaw amendments may advance in time to be considered by the LTC prior to an upcoming Community Information Meeting for this application.

Housing Agreement

Staff are awaiting information from the applicant/agent with respect to the specific terms for the seniors affordable housing project, such as the rental rates and qualified occupants, in order to prepare a draft housing agreement. Once the information is provided, staff will review, discuss with applicant/agent and move forward with a cost recovery agreement should one be required.

Restrictive Covenant

Staff are recommending that the LTC enter into a restrictive covenant with the owners of the lands intended for seniors affordable housing for the purposes of addressing policies in the Islands Trust Policy Statement (ITPS) and the Denman Island Official Community Plan as identified in *Attachment #8 – Policies* in staff report dated January 21, 2020. Below is a summary of the recommended imposed restrictions to include in the covenant, the relevant policies, and potential covenant language (Table 3). Staff are recommending that the LTC enter into a cost recovery agreement with the applicant/agent which will allow Islands Trust legal counsel to draft and/or review the covenant which would be registered on the land title applicable to the parcel intended for the seniors affordable housing project.

Pending advancement of a Denman Water Sustainability Project, staff recommend moving forward with requiring in a covenant, mitigating measures regarding groundwater use as recommended by the Freshwater Specialist in their referral response. Should the project advance and address these identified mitigating measures, this item can be removed from the draft covenant.

Table 3: Recommended Restrictions to Include in Covenant

Recommended Restrictions to be imposed in the Covenant applicable to the parcel intended for the Seniors Affordable Housing Project	ITPS and Denman OCP policies addressed with Covenant	Recommended Language to be Included in the Covenant
Require Energy Step Code Level 2 compliance for all new dwellings. 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 by way of amenity zoning or restrictive covenant.	ITPS: 3.1.5 DE OCP: C.4 Climate Change Policies: 2, 4; E.1 Housing Policy 26	- To obtain Energy Step Code Level 2 compliance for all new multi-family dwellings; - To provide proof of Step Code compliance provided to the LTC or designate at the expense of the land owner prior to occupancy.

Require conditions related to the ALC exclusion in order to ensure conditions are satisfied.	ITPS: 3.3.2, 4.1.6 DE OCP: C.2 Freshwater Policy 2; E.1 Housing Policies 21, 24	To prepare and attach the ALC approved vegetative buffer and fencing plan between the area of the parcel approved for exclusion and adjacent agricultural lands as per ALC approval for exclusion.
Require mitigating measures regarding groundwater use as recommended by the Freshwater Specialist.	ITPS: 4.4.2, 4.4.3 DE OCP: D.3 Water Management Policy 6	Require the installation of a datalogger device to record stable, predictable, and repeatable groundwater observations on a consistent basis that will assist with preventing saltwater intrusion and provide reporting on groundwater levels, groundwater temperature, groundwater electrical-conductivity.
Require a storm water management plan to be prepared, executed and maintained in order to ensure proper management of storm water during the life of the housing facility.	DE OCP: C.2 Freshwater Policy 7; D4. Waste Management Policy 1	- To have a professional engineer prepare an Integrated Storm Water Management Plan to be attached; the purpose of the plan is to slow and reduce the rate of discharge of water and sediment entering any watercourse or ditch. - To have the professional engineer prepare a maintenance manual to be attached, containing measures and steps to be taken by the owner to maintain the storm water works.
Require sewerage system maintenance plan in order to ensure proper maintenance and monitoring in respect of the size of system required to service 8 dwellings and the proposed 3 m set back to lot lines. Adjacent uses being agriculture, residential, and school.	DE OCP: E.1 Housing Policy 23	To have a professional engineer prepare a Maintenance Plan and that the proposed sewerage system is designed, installed and appropriately maintained and monitored according to a Maintenance Plan prepared in accordance BC Sewerage System Regulation and the Sewerage System Standard Practice Manual.

Consultation

Agency and First Nation Referral Responses to Date

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](#):

Agency/First Nation	Response to Bylaw Referral	Recommended Action
We Wai Kai Nation	No comment at this time.	None.
Cowichan Tribes	Interests unaffected.	None.
Halalt First Nation	No Comments.	None.

Island Health	Approval recommended subject to Islands Trust providing the applicant with information regarding Island Health Subdivision Standards at the time of subdivision with respect to min. lot size and suitable conditions for a sewage disposal system, along with advising them that they will need to be compliant with Sewerage System Regulation and the Drinking Water Protection Act/Regulation.	None. Response forwarded to applicant.
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Community Information Meeting

Staff continue to recommend that a community information meeting for application DE-RZ-2017.1 (DCLTA) and proposed Bylaw Nos. 233 and 234 be scheduled following the close of the bylaw referral period (April 15th) and following consideration by the Local Trust Committee of drafts of the housing agreement, covenant, and bylaw amendments for the DPA.

Rationale for Recommendation

Staff is recommending that a restrictive covenant be drafted along with entering into a cost recovery agreement for the covenant's legal drafting/review and recommending that bylaw amendments be drafted to apply proposed DPA No. 8 to the subject property in order to advance these important elements of the rezoning application in tandem with proposed Bylaw Nos. 233 and 234. The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

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

1. Request Further Information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Staff advise that depending on the request for more information, it may have an impact on the advancement of the rezoning application. Recommended wording for the resolution is as follows:

That the Denman Local Trust Committee request [insert information requested and rationale].

2. Defer Consideration

The LTC may defer consideration regarding the preparations of draft bylaw amendment(s) in order to enable proposed Development Permit Area No. 8 and/or regarding entering into a cost recovery agreement with the applicant to begin drafting a restrictive covenant. Staff advise that deferment may have an impact on the advancement of the rezoning application. Recommended wording for the resolution is as follows:

That the Denman Local Trust Committee defer consideration of [insert item, rationale for deferment, potential timing on future consideration].

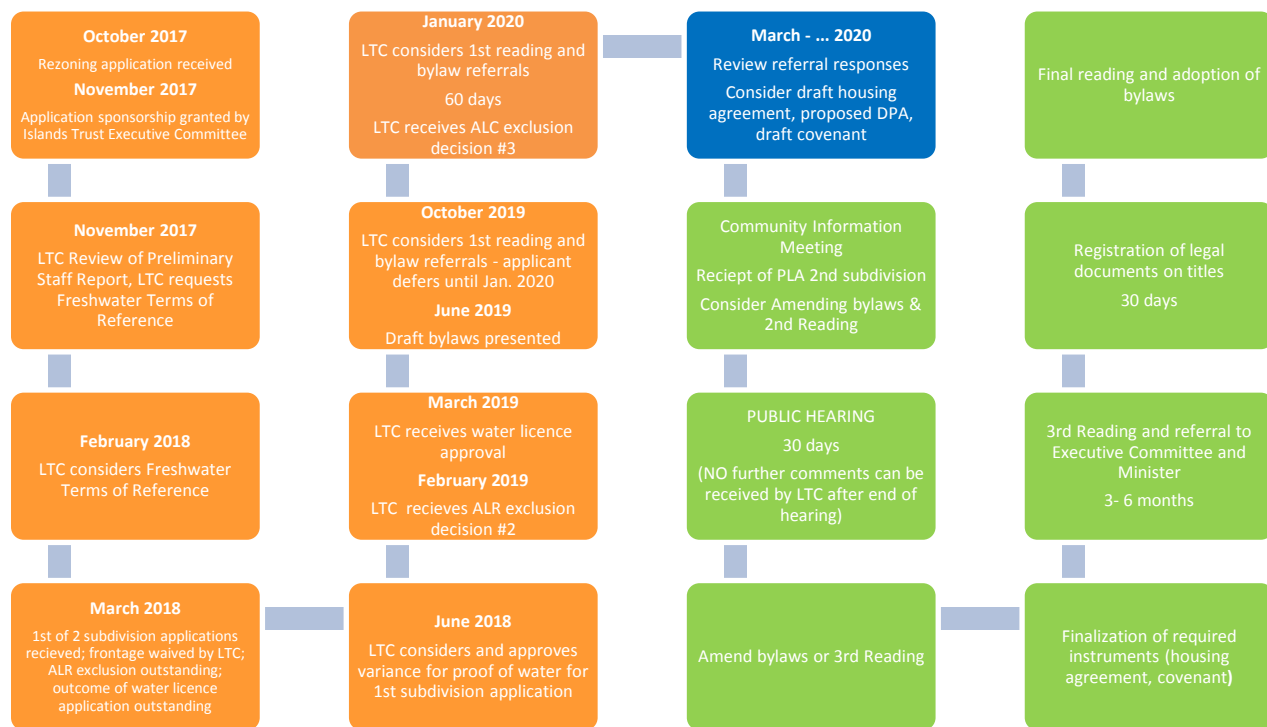
NEXT STEPS

Should the LTC concur with the staff recommendations, staff will move forward with drafting bylaw amendments that would apply proposed DPA No: 8 to the subject property and will begin the process to enter into a cost

recovery agreement with the applicant/agent and begin drafting the restrictive covenant. Staff will continue to work with the applicant/agent to prepare a draft housing agreement.

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. Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing.



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

ATTACHMENTS

1. Proposed Bylaw No. 233 (OCP), 1st Reading, January 21, 2020
2. Proposed Bylaw No. 234 (LUB), 1st Reading, January 21, 2020
3. Proposed Bylaw Nos. 237 and 238, 1st Reading, January 21, 2020

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 233

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That the Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is amended as shown on Schedules “1,” “2,” and “3” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Official Community Plan, 2008", Amendment No. 1, 2019”.

READ A FIRST TIME THIS	21 ST	DAY OF	JANUARY	, 2020
READ A SECOND TIME THIS	xx	DAY OF		, 20xx
READ A THIRD TIME THIS	xx	DAY OF		, 20xx
PUBLIC HEARING HELD THIS	xx	DAY OF		, 20xx
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF		, 20xx
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF		, 20XX
ADOPTED THIS		DAY OF		, 20XX

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 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

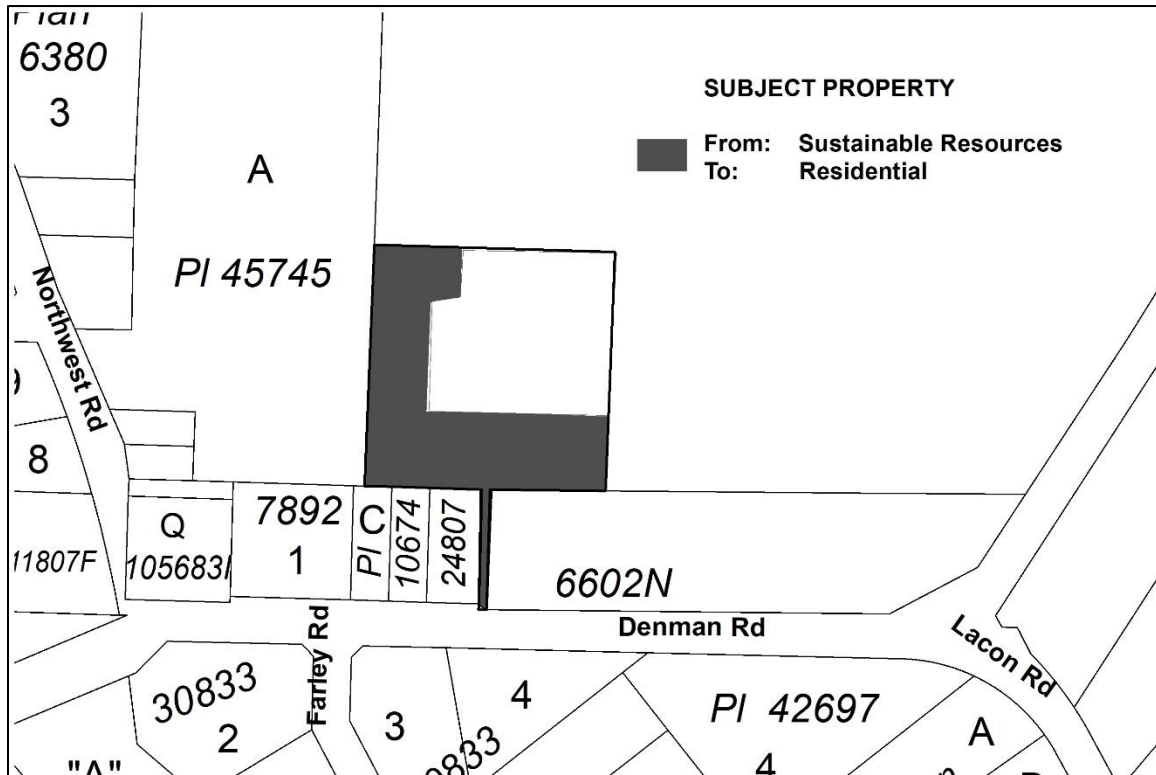
BYLAW NO. 233

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



PROPOSED

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 21ST DAY OF JANUARY , 2020

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	9.0 m
2	Maximum height of buildings and structures				
	• accessory to a residential use	6.0 m	6.0 m	6.0 m	6.0 m

DE-BL-234

	• 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)	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 12 of Table 2 of this Section, a Common House is not permitted. 3 Despite line 3 in Table 3 of this Section, the maximum number of seniors affordable dwelling units per lot is 8. 4 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%. 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.

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**

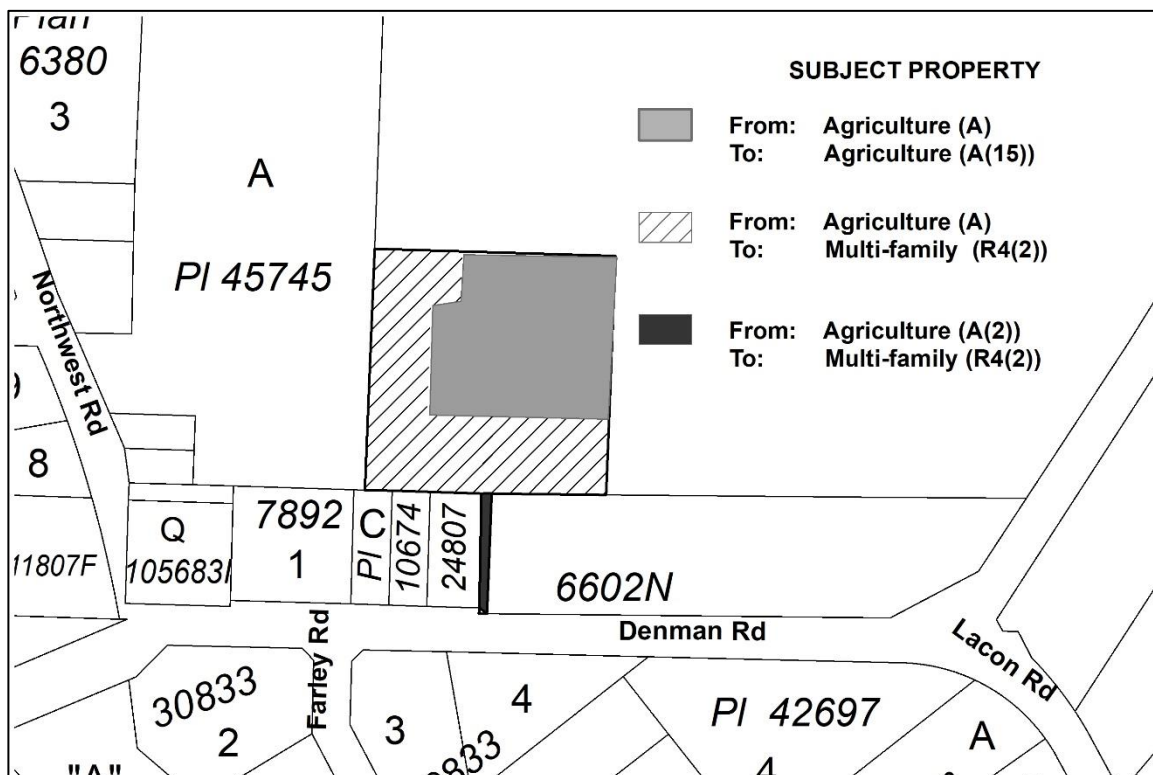
A(15)

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



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

Schedule “1”

1. Schedule “B” – **PERMITS AND PLAN ADMINISTRATION** 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 F – DEVELOPMENT PERMIT AREAS**, is amended by replacing all references to specific sections of the *Local Government Act* with the correct section citations.

- 1.2 **PART F – DEVELOPMENT PERMIT AREAS**, is amended by adding the following new section after “Development Permit Area No. 7: Light Industrial”:

“DEVELOPMENT PERMIT AREA NO. 8: RESIDENTIAL DENSITY INCREASE

Category

The area indicated on Schedule E as Development Permit Area No. 8: Residential Density Increase, is designated according to Sections 488(1)(a)(c)(h)(i) and (j) of the *Local Government Act* for the protection of the natural environment, protection of farmland and promotion of energy, water conservation and greenhouse gas emission reduction. Development approval information in the form of reports from a registered professional biologist and/or another qualified professional may be required due to the special conditions and objectives described below.

Area

Development Permit Area No. 8: Residential Density Increase currently applies to only one site in the planning area as shown on Schedule E (PID 006-657-290).

Justification

The Local Trust Committee can approve a density transfer application or density bank withdrawal subject to conditions in the Official Community Plan. Either option can result in the intensification of rural residential uses on a specific parcel and increase the number of dwellings and people on that parcel. Such parcels are to be designated as part of this DPA so that all subsequent development is informed by guidelines that improve and protect local biodiversity and enhance subdivision design, site layout and landscaping to mitigate impacts on the natural environment, air shed and watershed. The BC Agricultural Land Commission has acknowledged that the development of lands adjoining the Agricultural Land Reserve (ALR) may compromise the agricultural use of the ALR and increase the potential for land use conflicts. The incorporation of vegetated buffers between parcels benefiting from a density transfer or density bank withdrawal and the Agricultural Land Reserve boundaries, is expected to promote greater compatibility between uses while protecting agricultural potential from rural development.

Objectives:

The objectives of Development Permit Area No. 8 are:

1. To ensure that protection of the natural environment and habitats are prioritized.
2. To ensure a high level of design and quality of construction of all future development.
3. To support innovation in energy and water conservation and reduction of greenhouse gas emissions.
4. To provide adequate buffering along the Agricultural Land Reserve boundaries.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 8 – Residential Density Increase are in the Denman Island Land Use Bylaw.

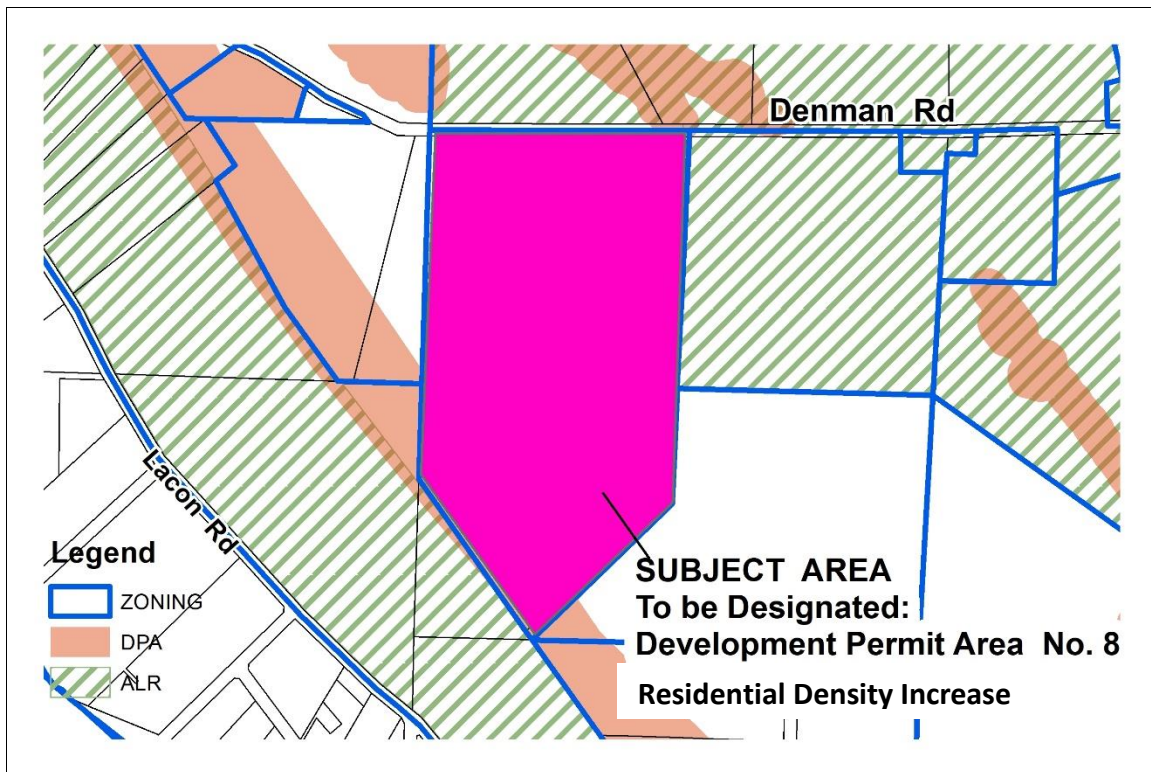
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 237

Schedule “2”

1. **Schedule “E” – Map 2 North and Map 2 South – Development Permit Areas** of the Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” are amended by designating a new Development Permit Area “Development Permit Area No. 8 – Density Transfer – Residential” on those lands described as THE SOUTH WEST 1/4 OF SECTION 17, DENMAN ISLAND, NANAIMO DISTRICT EXCEPT THAT PART IN PLAN 14174, VIP77481 AND VIP87456 (PID 006-657-290) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “E” of Bylaw No. 185 as are required to effect this change.

Plan No. 1



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 238

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. That the Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is amended as shown on Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019".

READ A FIRST TIME THIS	21 ST	DAY OF	JANUARY	, 2020
READ A SECOND TIME THIS	xx	DAY OF		, 202x
PUBLIC HEARING HELD THIS	xx	DAY OF		, 202x
READ A THIRD TIME THIS	xx	DAY OF		, 202x
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	xx	DAY OF		, 202x
ADOPTED THIS	xx	DAY OF		, 202x

Chair

Secretary

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 238

Schedule "1"

1. Schedule "A" – Land Use Bylaw of the Denman Island Local Trust Committee Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008" is amended as follows:

- 1.1 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following text before Section 4.1:

"Use of the word "should" in a guideline does not indicate that compliance is at the option of the applicant. Rather, that compliance to the guideline will be required as a condition of issuance of a development permit, unless the Local Trust Committee determines there are bona fide reasons why the guideline should not be applied to its fullest extent. Use of the term "encourage" indicates that compliance with a guideline may, at the discretion of the Local Trust Committee, be required as a condition of the issuance of the development permit."

- 1.2 **PART 4 DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding the following new Development Permit Area after section 4.7 "Development Permit Area No.7: Light Industrial - Guidelines":

"4.8 Development Permit Area No. 8: Residential Density Increase - Guidelines

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must meet any other applicable local, provincial or federal requirements:

- a) Subdivision application that results in the consolidation of one or more lots;
 - b) The placement of impermanent structures such as benches, tables and garden ornaments;
 - c) The proposed alteration of an existing building or structure for purposes of maintenance and repair, any alteration of the interior of a building or structure, any addition of exterior features to a building or structure that does not require an additional alteration of the land or any construction that is not subject to a requirement for a siting and use permit;
 - d) The construction of a small accessory building or structure that is less than 10 m² in size.
 - e) Restoration or enhancement of a vegetated buffer zone as directed by a qualified environmental professional;
 - f) Emergencies: Procedures to prevent, control or reduce flooding, erosion or other immediate threats to life or property;
 - g) Cutting down of hazardous trees that present an immediate danger to the safety of persons or are likely to damage public or private property, as indicated in a report by an arborist certified in B.C.;
 - h) Yard and garden maintenance within an existing landscaped area.

Protection of the Natural Environment and Biodiversity

- Guideline 1 Before any land clearing takes place, and before development design begins, an application for a development permit requires a biological site inventory prepared by a qualified professional biologist together with other professionals of different and relevant expertise, as the project warrants. The biological site inventory should be in

accordance with the most current edition of the terms of reference in the “*Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia*” or equivalent terms of reference approved by the Local Trust Committee. Additional conditions should be included in a development permit to incorporate recommendations within the biophysical inventory.

- Guideline 2 Subdivision layout should protect sensitive ecosystems and contiguous tracts of habitat through the use of lot clustering; vegetated buffers adjacent to sensitive ecosystems and habitats; pre-designation of no-build areas in areas with high ecological value or potential for regeneration; and pre-designation of building sites in areas with reduced ecological value. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of natural vegetation in identified areas.
- Guideline 3 The provision of shared driveways should be considered as a condition of a permit.
- Guideline 4 Areas of slope 30% or greater should remain free of development including land clearing, except in accordance with any conditions contained in the Permit.
- Guideline 5 Following ‘dark sky principles’, all exterior lighting should be directed and/or shielded to illuminate the ground only, to prevent light pollution.
- Guideline 6 Previously disturbed or degraded sites should be re-vegetated using plant materials indigenous to the coastal Douglas-fir biogeoclimatic zone.

Protection of Farmland

- Guideline 7 Subdivision design should minimize the impacts that may occur between farm and non-farm uses on adjacent lands in the Agricultural Land Reserve.
- Guideline 8 A 15 metre wide vegetated buffer should be retained or established and maintained on land adjacent to an Agricultural Land Reserve Boundary. Mature trees and existing vegetation should be preserved and where possible integrated with any new landscaping. The buffer should generally be designed and landscaped in accordance with the British Columbia ‘*Guide to Edge Planning*’ or any subsequent editions. The buffer should be installed prior to commencing construction or land alteration, or prior to final subdivision approval. A Section 219 covenant as per the *Land Title Act* may be required to restrict development and removal of vegetation in identified areas.
- Guideline 9 New buildings and structures, except for fencing should not be situated within the 15 metre vegetated buffer area.

Promotion of Energy, Water Conservation and Greenhouse Gas Emission Reduction

- Guideline 10 A qualified professional retained by the applicant is required to provide a written report summarizing the proposed building design measures to be incorporated in the proposed development of new buildings to address the following approaches:
- a) Passive design strategies;
 - b) Reduction in a building’s energy and water consumption;
 - c) Improved occupant thermal comfort;
 - d) Improved indoor air quality;

- e) Utilization of locally or regionally sourced building materials;
- f) Opportunities for the distribution of natural daylight into a building's interior spaces to reduce the energy consumption of electric lighting;
- g) Capture and re-use of rainwater for domestic use and irrigation;
- h) Incorporation of universal access design principles.

Upon completion of construction the applicant is required to provide the Local Trust Committee with a written report prepared by a qualified professional confirming compliance with the stated requirements of this guideline.



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

DATE OF MEETING: May 19, 2020

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Regional Planning Manager

SUBJECT: OCP and LUB Bylaw Amendments for Seniors Affordable Housing Development
Owner/Applicant: 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 request staff to amend Bylaw No. 233, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” by adding the following to the end of item 1.4 Policy 4:**
 - a. **“subject to Agricultural Land Commission approval.”**

REPORT SUMMARY

This staff report provides an analysis on follow up items requested by the Local Trust Committee (LTC) at the January 21, 2020 LTC meeting, an update on the advancement of the housing agreement and summarizes referral responses received since March. Staff is recommending an amendment to proposed Bylaw No. 233 in response to bylaw referrals.

BACKGROUND

Due to recommended health practices to address the spread of coronavirus (Covid-19), the March 17th Denman Local Trust Committee (LTC) business meeting was cancelled. As a result, the staff report dated March 17th was not considered, but is included in the May 19, 2020 LTC electronic meeting agenda package awaiting LTC consideration.

The LTC passed the following resolutions at their January 21, 2020 business meeting and are addressed in this staff report in the Analysis section:

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

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

ANALYSIS

Staff have identified the following issues and opportunities for LTC consideration:

- Options for Regulating Home Occupations in the R4 and R4(2) Zoning
- ALC Authority and Reducing Setbacks to the ALR Boundary
- Housing Agreement
- Freshwater Sustainability Project
- Summary of Referral Responses

Issues and Opportunities

Options for Regulating Home Occupations in R4 and R4(2) Zoning

At the request of the LTC, in consultation with bylaw enforcement, staff have considered potential options for regulating home occupations that do not allow for increased traffic, water use, or noise for the proposed R4 and R4(2) site-specific zoning. Staff note that the applicant/agent has requested that home occupations are not permitted in the proposed R4(2) zone. Table 1 provide options for regulating home occupations and staff comments and recommendations.

Staff do not recommend prohibiting or restricting water use because bylaw enforcement advises that it is likely beyond the LTC's authority. Further investigation into authority would require legal review. The best avenue to prevent increased water use from a home occupation would be to prohibit home occupation uses out rightly. Alternatively, some home occupations that are less likely to use a significant amount of water could be considered, but as recommended by staff, restricting water use is problematic. Staff note that water usage would be restricted where there is a provincial water licence which restricts water usage to a certain amount, such as with the seniors' affordable housing project. In these cases, the water operator would be bound by the licence and amount of water allowed to be withdrawn and could control the water usage on the lot. The applicant has indicated that they intend to use water control devices.

Table 1: Options for Regulating Home Occupations Resulting in No Increase in Traffic or Noise

LTC Options for the R4 Zone	Staff Comments and Recommendations
• Most restrictive: Proceed with proposed prohibition of Home Occupation as an Accessory Use in the R4 zone. • Less restrictive: Amend proposed Bylaw No. 234 to allow only general business and professional offices (excluding health services) as home occupations in the R4 zone and that the amendment include prohibiting: • the purchase of any products on site; • employees/clientele/customers attending the property; and • the creation of noise which disturbs persons. • Less restrictive: Amend proposed Bylaw No. 234 to allow a limited number of home occupations such as: • General business offices; • professional offices, excluding health services; • artist or artisan studios; and that the amendment include prohibiting: • the purchase of any products on site; • employees/clientele/customers attending the property; and • the creation of noise which disturbs persons. • Alternatively: Amend proposed Bylaw No. 234 to allow all home occupations in R4 zone except home-based guest accommodation. Remaining home occupations would be regulated by the LUB home occupation regulations according to lot size. Site specific R4 zones could be further regulated (e.g. types of home occupations, floor area, location of uses, number of employees) at the time of rezoning if deemed necessary.	• Staff recommend no change to proposed Bylaw No. 234. Most restrictive and enforceable way of ensuring no increase in traffic, noise, and water use.
LTC Options for the R4(2) Zone	Staff Comments and Recommendations
• Most restrictive: Proceed with proposed prohibition of Home Occupation as an Accessory Use in the R4(2) zone. • Less restrictive: Amend proposed Bylaw No. 234 to allow only general business and professional offices (excluding health services) as home occupations and that the amendment include prohibiting: • the purchase of any products on site; • employees/clientele/customers attending the property; and • the creation of noise which disturbs persons.	• Staff recommend no change to proposed Bylaw No. 234. Most restrictive and enforceable way of ensuring no increase in traffic, noise, and water use. • Should the LTC choose a less restrictive option, staff note that groundwater use on the subject property is restricted by the provincial groundwater licence to 3680 litres/day. The volume of water allowed can only be exceeded by applying for additional volume and obtaining approval from the province.

• Less restrictive: Amend proposed Bylaw No. 234 to allow a limited number of home occupations such as: • General business offices; • professional offices, excluding health services; • artist or artisan studios; and that the amendment include prohibiting: • the purchase of any products on site; • employees/clientele/customers attending the property; and • the creation of noise which disturbs persons.	
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ALC Authority and Reducing Setbacks to the ALR Boundary

As a follow up action item from the January 21, 2020 LTC meeting, the LTC requested that staff report back on the authority of the Agricultural Land Commission (ALC) to require their setback recommendations and whether there may be consequences as a result of reducing the recommended setback. The ALC does not regulate setbacks or buffers unless it is a condition of an ALC decision. In this case, the applicant is required to meet the conditions of the ALC's approval for exclusion from the Agricultural Land Reserve (ALR), which include requirements for a vegetative buffer of 3 metres from ALR lands. Setbacks of buildings and structures to lot lines do not appear to be contemplated in the conditions. Beyond that, the ALC was referred proposed Bylaw Nos. 233 and 234, and staff were hoping for some comments in respect of the approved vegetative buffer and proposed 3 metre setback. A referral response from the ALC was not received by the time of preparing this report.

The Ministry of Agriculture (MOA) assists with planning for agriculture by developing the Minister's Bylaw Standards, which include [Guide to Edge Planning](#). This guide helps promote compatibility between farmers and their neighbours and are provided to support local governments when addressing residential/agricultural compatibility issues. These are guidelines and local governments are expected to comply; however, these are not regulations and are not enforceable. The consequences of reducing the recommended setback is the increased risk of residential/farm conflicts. The Guide emphasizes that impacts from farming such as noise, dust, odour and spray drift etc. can be experienced up to 300 m on the non-agriculture side. The smaller the setback and buffer the less likely they will be at effectively at mitigating the impacts. The Ministry of Agriculture's referral response is included in the Consultation section below.

Housing Agreement

Using the Islands Trust housing agreement template, the agent/applicant provided a draft housing agreement with the specific terms for the seniors' affordable housing project. Staff assessed the draft and concluded that it is considerably different than the template and requires legal review. A cost recovery agreement was sent to the agent/applicant for review and is pending signature. Once received by staff, legal counsel will review. Afterwards, any suggested changes will be discussed with the agent/applicant so as to provide a housing agreement that is acceptable to both parties.

Freshwater Sustainability Project

In consultation with the Freshwater Specialist and the Director of Planning Services, staff recommend that the anticipated Denman Freshwater Sustainability Project is not the appropriate avenue to accommodate the mitigating measures as described in the Freshwater Specialist's referral response. The project may take some time to develop, may be tied in with the anticipated Trust wide Freshwater Sustainability Project and those outcomes

are yet to be determined. While planning staff see much value in developing a Freshwater Sustainability Project for Denman and Trust wide, the outcomes of those projects are yet to be seen and are not currently available. Staff suggest that tying this application to a program/project that is not yet established and underway may add undue complication and delay to the processing of the application. More information on the Denman Freshwater Sustainability Project will be provided at a future date by the Freshwater Specialist as per the January 21, 2020 request of the LTC.

Consultation

Summary of Referral Responses

At the time of report writing, the several referral responses were received since March and have been posted to the [applications webpage](#). These are listed in the Table 2 below along with staff comments and recommendations.

Staff were recently informed that the Agricultural Land Commission (ALC) staff will be providing comments in the near future. The Denman Advisory Planning Commission (APC) was scheduled to discuss the bylaw referral on March 30, 2020; however, due to the health recommendations to prevent the spread of COVID 19 (Coronavirus) the meeting was cancelled. Unlike LTC meetings, APC meetings cannot be held electronically as they cannot be technologically accommodated at this time. This may change in the future and is pending direction from management.

Table 2: Summary of Referral Responses and Staff Comments/Recommendations

Agency/First Nation	Summary Response to Bylaw Referral	Staff Comments and Recommended Action
Comox Valley Regional District	- Identify that there should be consideration for FireSmart practices and for addressing restricted access for first responders and/or egress for evacuation purposes. - Request applicant be aware that the Denman Cross Island trail crosses the property driveway and that signage and sightline accommodation should be made to alert drivers exiting the property of pedestrian and cycling trail crossing ahead.	Staff are following up with the CVRD on the details of their request for consideration of FireSmart practices, access and signage and will provide options to address their requests for LTC consideration at a future LTC meeting.
Ministry of Transportation and Infrastructure	Has no objections to the bylaw amendments.	No action necessary.
Denman Island Fire Rescue (DIFR)	- Approval recommended subject to the Denman Community Land Trust Association (DCLTA) undertaking the following, in consultation with DIFR and at their cost: - Ensure adequate dedicated road access to allow DIFR vehicles to safely turn around to egress the property. - Develop a Fire Safety Plan to address Fire Prevention, Occupant Safety, and Fire Control and Extinguishment.	- The DIFR confirmed that they would like to reaffirm with the applicant the requested items ahead of land alteration or construction, not necessarily make it a condition of rezoning approval; - Staff will provide options to address their requests for LTC consideration at a future LTC meeting.

Ministry of Agriculture (MoA)	• Bylaw No. 233 (OCP): Not supportive of proposed policy: PART E FAMILIES AND INDIVIDUALS, E1 – HOUSING, Housing “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.” • Bylaw No. 234: Recognising the ALC decision and physical limitations of the property, recommends a 15 metre setback between buildings and the ALR lands and a 3-8 metre vegetative buffer on the non-ALR lands. Verbally confirmed that they have no issue with 3 metre setback for sewerage system. • Recommend the new DPA 8 (Bylaw Nos. 237 and 238) be applied to the subject property and that the following be considered to be added to the guidelines (from referral response for DE-RZ-2018.1 – Draft Bylaw Nos. 237 & 238): • Require a Buffer Design Plan; • Encourage retaining existing native flora for buffers; • Implement a setback requirement for residential buildings from the ALR boundary of min. 30 m along with 15 m vegetated buffer immediately adjacent to the ALR boundary.	• Amend Bylaw No. 233 by adding the following wording to the end of the policy: “subject to Agricultural Land Commission approval”. MoA confirmed that the additional wording will address their concern. • Staff will provide options to address the remaining recommendations for LTC consideration at a future LTC meeting.
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Rationale for Recommendation

Staff is recommending an amendment to proposed Bylaw No. 233 in response to bylaw referrals. The staff recommendation is found on Page 1 of this report.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request (specify details) for Local Trust Committee consideration.

2. Request Staff to Prepare Additional/Alternative Amendments to Proposed Bylaws No. 233 and 234

The LTC may request changes to proposed Bylaws other than those recommended by staff. If this alternative is selected, the LTC should state the reasons for the requested changes. Recommended wording for the resolution is as follows:

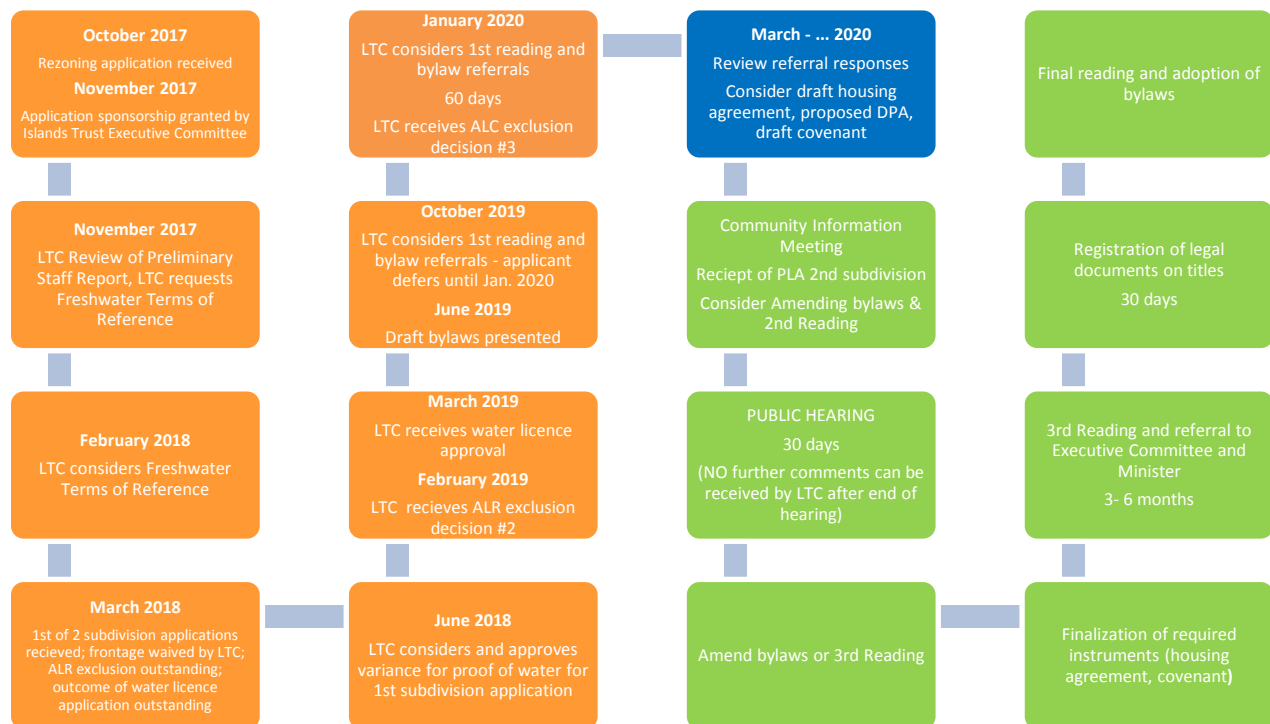
That the Denman Island Local Trust Committee request staff to prepare the following changes to Bylaw [insert Bylaw No. 233 (OCP) or 234 (LUB): [insert requested changes].

NEXT STEPS

Should the LTC concur with the staff recommendation, staff will amend proposed Bylaw No. 233 with the recommended changes for future LTC consideration. Staff will provide options and recommendations for addressing the remaining referral responses received for consideration at the next LTC meeting. Staff maintain that the LTC should consider scheduling community information meeting after consideration of drafts of the housing agreement (post legal review), covenant, and bylaw amendments for DPA 8.

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. Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing.



Submitted By:	Marnie Eggen, RPP, MCIP Islands Planner	May 11, 2020
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Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	May 11, 2020
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ATTACHMENTS

1. Applicant/agent Correspondence
2. Draft Housing Agreement

From: HHolm [REDACTED]
Sent: Monday, April 6, 2020 12:06 PM
To: Heather Kauer
Cc: Bev Severn; Denman Island Local Trust Committee; David Marlor
Subject: Apr 6-20 email to RPM Kauer re DCLTA concerns
Attachments: --Mar 28-20 DCLTA's Proposed Pepper Lane Housing Agreement Merged.pdf; ATT00001.htm; ~~Apr 1-20 DCLTA approved to RPM Kauer re Covenant.pages.pdf; ATT00002.htm

Hello Heather,

On behalf of the Denman Community Land Trust Association, I am conveying three motions passed unanimously on or before our April 3/20 monthly meeting. We used email exchanges to draft the motions and to subsequently adopt each motion as Resolution Without Meeting.

The motion addressing the Housing Agreement is accompanied by an attachment (below) that includes the Housing Agreement and Tenancy Selection Procedure as drafted by a retired corporate lawyer, working as a DCLTA volunteer.

DCLTA's rationale for the motion regarding the covenant can be found in the second attachment. DCLTA reached consensus on the wording of this document.

We look forward to a response regarding issues raised in the motions and the attachments. We continue to look forward to a response regarding our February 23/20 email which included DCLTA concerns regarding the DPA.

The DCLTA motions are as follows:

(i) I support the following *Resolution Without Meeting* as moved by Nancy Hoyano and seconded by Harlene Holm:

"In the matter of the Society's Pepper Lane project on Denman Road, Denman Island, we the directors approve:

- a) the form proposed below as a
 - 1) Housing Agreement and Section 219 Covenant and
 - 2) Tenant Selection Procedure, and
- b) the forwarding of those documents to Islands Trust staff for their review and approval as to form."

(ii) I support the following *Resolution Without Meeting* as moved by Nancy Hoyano and seconded by Harlene Holm:

"Regarding the covenant proposed in the March 17, 2020 staff report Addendum to the Denman Island Local Trust Committee for file # DE-RZ-2017.1:

- 1) DCLTA supports:
 - a) the proposed requirement for BC Energy Step Code Level 2 compliance for all new dwellings, and
 - b) proposed covenant wording containing an Agricultural Land Commission approved vegetation buffer and fencing plan.

2) Given that jurisdiction, oversight, and enforcement in this matter reside with FLNRORD, MOTI and VIHA, DCLTA does not support instituting:

- a) mitigation measures regarding groundwater use as recommended by the Islands Trust's Freshwater Specialist,
- b) an integrated storm water management plan, and
- c) a sewerage system maintenance plan.”

(iii) I support the following *Resolution Without Meeting* as moved by Bonnie Adams and seconded by Guy Marion:

“Denman Community Land Trust Association (DCLTA) does not support embedding the Seniors' Affordable Housing/Pepper Lane amending bylaws within the proposed R4 zone and accompanying Development Permit Agreement:

- a) the September 2017 application (DE-RZ-2017.1) sought zoning specific to the Pepper Lane project, and
- b) if R4 is not supported by the community, it will cause further delay to the Seniors' Affordable Housing project. Bundling Pepper Lane into a new zone classification amid various forms of multi-family rental housing may obscure and jeopardize the relatively small-scale Pepper Lane proposal.”

Harlene

Hello Heather,

As per my Mar. 26/20 email, I am emailing a response/concerns regarding the staffs' recommended requirements for the DE-RZ-2017.1 covenant points. Points a and b are not problematic.

Points c, d, and e appear to represent a duplication of effort/requirements by FLNRORD, MOTI and VIHA/Island Health: agencies with jurisdiction that offer expertise, monitoring and, if necessary, enforcement. Alternatively, do points c, d and e represent the potential for additional requirements which the Trust staff may chose to impose?

Are points d and e based on Trust staff's judgement that the agencies responsible for storm water attenuation and wastewater systems will fall short of Trust standards? If these requirements are proposed for the covenant, could Trust staff provide a clear statement of what these augmented requirements would entail. (Please keep in mind that these requirements will add a considerable delay to an amendment process nearing its third year from the application date.)

The Mar. 17/20 Staff Report to the LTC includes the 5 covenant requirements (below in italics) for LTC approval. I have interspersed comments with each of the 5 requirements.

That the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent for application RZ-DE-2017.1 (DCLTA) allowing Islands Trust legal counsel to draft and/or review a restrictive covenant which would be registered on the land title applicable to the lands intended for the Denman Seniors Affordable Housing project and impose the following:

a. Require BC Energy Step Code Level 2 compliance for all new dwellings;

Feb. 23/20 email to RPM Kauer:

"Compliance with the Step Code: Our goal is to achieve as close to net zero as possible while meeting accessibility standards and provisions for aging in place. A further consideration will be designing to address power outages. Energy efficiency not only reduces carbon emissions; it contributes to affordability. At this point, we have a template duplex design donated by the Hornby Island Elder Society; however, a final design will depend on rezoning and purchase of the land given that technology has changed rapidly since the Sept 2017 rezoning application and will continue to change.

What level of detail is necessary at this point?" (response pending)

Mar. 10/20 email to RPM Kauer:

"Compliance with Step Code: Step Code 2 is acceptable. It provides design flexibility to address accessibility standards and provisions for aging in place."

Both the applicant and DCLTA see no difficulty with Trust staff imposing point a.

b. Require conditions related to the ALC exclusion with respect to the vegetative buffer and fencing plan;

Covenant wording containing the ALC exclusion conditions and the terms of the ALC approved vegetative buffer and fencing plan is supported by the applicant and DCLTA as it reflects our

commitment to the ALC.

c. Require mitigating measures regarding groundwater use as recommended by the Freshwater Specialist;

The applicant and the DCLTA prefer covenanting the conditions FLNRORD set out in our water licence as the project's well was drilled solely to provide domestic water for the Pepper Lane tenants. VIHA will add significant requirements and oversight during the proposal's construction phase.

According to a Mar. 26/20 email from FLNRORD: "FLNRORD has a comprehensive review process for water licence applications that considers all key factors (impacts to the environment, other users, long term water availability and sustainability, etc). The licence issued to allow the DCLTA to supply water to the senior's housing development included monitoring and reporting conditions that FLNRORD's qualified professionals believe are adequate for ensuring compliance and long term water sustainability in the area of the development."

It should be noted that the Trust's Freshwater Specialist made a series of recommendations in his Jan. 9/20 Bylaw referral. The Mar. 17/20 Staff Report point c would make these recommendations into requirements.

The minutes of the Jan. 21/20 LTC meeting indicate the LTC suggested that the Trust Senior Freshwater Specialist (who was in attendance) look into funding for a project to garner data from the proposal's well.

The applicant and DCLTA assert that any use of the proposal's well should be a matter of mutual agreement between the Trust and DCLTA based on full knowledge of the reasons, objectives, constraints and benefits of such a project backed by the Islands Trust assumption of full liability.

d. Require an integrated storm water management plan;

Feb. 23/20 email to RPM Kauer:

"Storm Water Management: MOTI requires and oversees engineer designed stormwater attenuation. DCLTA met with Brendan Kelly, Development Technician, Vancouver Island District on Sept.26/19 to review MOTI requirements for the strata subdivision process to divide Lot M into two 0.8 hectare parcels: one for the landowner and one for the project.

Will the Trust consider this process as addressing storm water management or does the Trust have additional requirements?" (response pending)

e. Require a sewerage system maintenance plan.

It is our understanding that wastewater approval rests with the Ministry of Transportation and Infrastructure with oversight by MOTI and VIHA.

According to our notes from a Sept. 26/19 meeting with Brendan Kelly, Development Technician, Vancouver Island District (Courtenay MOTI office): "...the Wastewater system does not need to be in the ground prior to final approval. Instead, MOTI will require a covenant registered against the title with H2O Environmental Ltd.'s report attached."

As a follow-up to our April 16/19 meeting with Pam Kumar, Environmental Health Officer, Health Protection and Environmental Services and Lynne Magee, Regional Drinking Water Coordination, Health Protection and Environmental Services, I resent copies of the proposal's Wastewater Assessment for Development and Wastewater Treatment Systems Specifications. The documents were originally emailed to VIHA Dec. 29/17 to provide VIHA with the opportunity of review. The assessment and specifications were prepared for DCLTA by a Qualified Professional.

Thank you for the opportunity to respond to the proposed covenant. I look forward to Trust staffs; response.

Stay well.

Harlene



LAND TITLE ACT

TERMS OF INSTRUMENT - PART 2

Housing Agreement and Section 219 Covenant

THIS AGREEMENT DATED FOR REFERENCE THE [day] OF [month], [year] is BETWEEN:

Denman Community Land Trust Association a society incorporated under the laws of the province of British Columbia and having its office at 3900 Lacon Road, Denman Island, B.C. V0R 1T0

(the "Owner");

AND:

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

(the "Trust Committee")

WHEREAS:

- A. The Owner is the registered owner of the Lands situated at _____ Denman Road on Denman Island British Columbia and legally described as: Strata Lot 2, Section 18, Denman Island, Plan VIS _____, PID _____ commonly known as Pepper Lane, (the "Lands");
- B. The Lands have been rezoned by the Denman Island Local Trust Committee by means of Denman Island Land Use Bylaw 2008 Amendment No. 1, 2019 and Denman Island Official Community Plan, 2008, Amendment No. 1, 2019 has been put in place to permit the development of a seniors' affordable housing project;
- C. The Owner intends to rent the units, by way of a rental agreement, at an affordable rate to Qualified Occupants;
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to provide affordable housing on the Lands on the terms and conditions of this Agreement; and

G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

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

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

“Annual Household Income” means the combined gross income of all Qualified Occupants of a Unit, as shown on line 150 of their preceding year’s T1 General Income Tax and Benefit returns;

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

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

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

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

“Tenant” means a Senior who has entered into a tenancy agreement entitling him or her to occupy a Unit;

“Unit” means a deed restricted and/or rent controlled dwelling unit that is controlled by this housing agreement and is available to Seniors on an affordable basis as set out in this agreement.

b. **Agreement over the Lands** – Pursuant to section 219 of the Land Title Act and section 483 of the Local Government Act, the Owner covenants and agrees that the land may be used only in accordance with the following conditions:

i. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any development permit issued by the Local Trust Committee and this Agreement;

ii. the Lands must at all times be used and occupied in compliance with all statutes, laws,

regulations, orders of any authority having jurisdiction, and this Agreement;

iii. it will design, construct and maintain in a reasonable state of repair Units on the Lands in accordance with the terms of this Agreement.

- c. **Affordable rental housing eligibility** - The Owner covenants and agrees that Units will only be occupied under all of the following criteria:
- i. the combined income of the Qualified Occupants for any Unit for the previous 3 years must not exceed 120% of the Before Tax Low Income Cutoff for Rural Areas for 1 or 2 persons, as applicable, as determined from time to time by Statistics Canada or its successor;
 - ii. the Qualified Occupants must occupy the Unit as their permanent, principal, and sole residence;
 - iii. the Qualified Occupants shall be related Seniors, to a maximum of 2 such persons, however if there is only 1 Senior, there may be 1 additional person who is a Family Member;
 - iv. only Seniors shall be parties to the Unit's tenancy agreement, that is, a Family Member shall not be a Tenant;
 - v. all requirements of the Tenant Selection Procedure as set out in schedule A must have been met.

and

The Owner covenants and agrees to:

- i. include in every rental agreement a prohibition on subletting, including short-term vacation rentals, and a provision entitling the owner to terminate the rental agreement in accordance with the Residential Tenancy Act in the event of any breach of that prohibition;
 - ii. deliver to the Trust Committee a true copy of every rental agreement entered into in respect of any Unit within 10 days of any request to do so;
 - iii. specify in every rental agreement the existence of this Agreement and the occupancy restrictions applicable to the Unit, and provide to each Tenant, upon their request, a copy of this agreement;
 - iv. if a Tenant dies, any Family Member may continue to occupy the Unit for the longer of: the balance of the fixed term under the tenancy agreement; or twelve (12) months on the same terms, including monthly rent, set out in the tenancy agreement.
- d. **Rental rates** - The Owner covenants and agrees that it will:

- i. not charge any Tenant a rent, exclusive of utilities, that on an annual basis is greater than 30% of the Annual Household Income of all Qualified Occupants of the Unit;
 - ii. not require any Tenant under a rental agreement to pay any extra charges or fees for use of septic or property taxes. For clarity, this limitation does not apply to cablevision, telecommunications, laundry, or gas or electricity utility fees or charges. For metered water, each Unit will be allocated a share of the usage permitted under a water licence issued by the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development. A Tenant will be required to pay a penalty if their consumption is in breach of their allocation.
- e. **Order to Comply** - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated on the notice of default provided to the owner by the Trust Committee.
 - f. **Statutory Declaration from Owner** – The Owner shall deliver to the Trust Committee by the end of June of each year, a completed statutory declaration, substantially in the form attached as Schedule __ sworn by the Owner, in relation to the Units. The Owner irrevocably authorizes the Trust Committee to make inquiries it considers necessary and reasonable in order to confirm compliance with this Agreement.
 - g. **Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands. If and when the Trust Committee has reasonable grounds to believe that a continuing breach of this Agreement exists, the Trust Committee may authorize its representatives to inspect the Lands at any reasonable time, subject to the notice provisions of the Residential Tenancy Act and subject to the concurrent delivery of such a notice to the Society.
 - h. **No Transfer** – The Owner must not transfer the Lands, other than to another non-profit organization or society incorporated under the Society Act, having as its objective the management of affordable housing. The Local Trust Committee must approve any transfer prior to its finalization.
 - i. **Society Standing** – The Owner must maintain its standing as a society under the Society Act, and must not amend its Constitution in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.
 - j. **Specific Performance of Agreement** – The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the owner of this Agreement, in view of the public interest in restricting the occupancy of the Unit. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee’s Land Use Bylaw, as

amended from time to time.

- k. **Assignment** – The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.
- l. **Indemnity** – The Owner shall indemnify and save harmless the Trust Committee and each of its elected officials, officers, directors, employees, and agents from and against all claims, demands, actions, loss, damage, costs, and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible, including breaches of this Agreement.
- m. **Release** – The Owner releases and forever discharges the Trust Committee and each of its elected officials, officers, directors, employees, and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions, or causes of action arising out of the performance by the Owner of its obligations under this Agreement, or the enforcement of this Agreement.
- n. **Trust Committee Powers Unaffected** – This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Lands, or relieve the Owner from complying with any enactment.
- o. **No Public Law Duty** – Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice shall have any application.
- p. **No Waiver** – No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.
- q. **Arbitration** – Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the Commercial Arbitration Act of British Columbia.

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

and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

- z. **Joint and Several** – In the case of more than one owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
- aa. **Included Words** – Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
- bb. **Governing Law** – This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
- cc. **Joint Venture** – Nothing in this Agreement shall constitute the Owner as an agent, joint venture or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.
- dd. **Time of Essence** – Time is of the essence in this Agreement.
- ee. **Further Assurances** – The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.
- ff. **Priority** – The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this Agreement.
- gg. **Deed and Contract** – By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

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

SCHEDULE "A"

OWNER'S STATUTORY DECLARATION

CANADA, PROVINCE OF BRITISH COLUMBIA

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

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

1. I am the _____ [director, officer, employee] of the Denman Community Land Trust Association, the Owner of the land known as Pepper Lane, Denman Road, Denman Island, legally described as: Strata Lot 2, Section 18, Denman Island, VIS _____ PID _____ (the "Lands").
2. I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement registered against the Lands.
4. For the period from _____ to _____, the Units were used only by Qualified Occupants (as defined in the Housing Agreement).
5. At no time during the last year were any of the Units used as a short term vacation rental.
6. The lease payments charged for the Units were in compliance with the Housing Agreement.
7. No subletting of the Lands has been permitted.
8. I acknowledge and agree to comply with all of the Owner's obligations under the Housing Agreement, and other charges registered against the Lands and confirm that the Owner has complied with all of its obligations under these Agreements.
9. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

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

A Commissioner for taking Affidavits
in British Columbia

Signature of person making declaration

Denman Community Land Trust Association
Tenant Selection Procedure
For Pepper Lane
_____ Denman Road, Denman Island, B.C.

1. A vacancy for a Unit at Pepper Lane shall be advertised by Denman Community Land Trust Association (“the Owner”) in at least two editions of one or more publications circulated on Denman Island.
2. Only Seniors, that is, persons 65 years of age and over (to a maximum of 2 such persons) may apply for a Unit and become Tenants.
3. Where the applicant consists of only 1 Senior, 1 additional person who is under 65 years of age and related to the Senior (a “Family Member”) may occupy a Unit, but a Family Member may not be a Tenant.
4. Quiet, friendly pets weighing less than 30 pounds may be allowed at Pepper Lane if specifically approved in writing by a tenant selection committee which in exercising its discretion shall take into account, among other things, the number and kind of pets already in residence.
5. Smoking is prohibited inside all Units. Tenants may smoke outside at Pepper Lane provided the smell cannot be detected in or nearby any of the other Units.
6. Applicants must meet the following financial requirements:
 - i) the combined Income of the applicant(s) and any Family Member for the previous three years must not exceed 120% of the Before Tax Low Income Cutoff for Rural Areas for 1 or 2 persons, as applicable, as determined by Statistics Canada* or its successor agency;
 - ii) the aggregate household assets of the applicant(s) and any Family Member together must not exceed \$50,000 (plus an adjustment after 2020 based on the Consumer Price Index rate of inflation for Victoria as calculated by Statistics Canada). Assets included for valuation are: cash, funds on deposit, stocks, bonds, term deposits, annuities, mutual funds, equity in a business or real estate, RRSPs and RRIFs. Assets excluded for valuation are: personal jewelry, furniture, a vehicle for personal use, bursaries and scholarships, and trade tools for employment.
7. Applicants shall obtain from the Owner such application form as it may prescribe from time to time and in returning the completed form to the Owner shall include verification of the financial information above required, including:
 - i) copies of the 3 most recent years’ Notice of Assessment from Canada Revenue Agency;

ii) a statement of assets included for valuation as detailed in section 6 (b) above.

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

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

i) the applicant(s) and any Family Member must be capable of independent living with little or no assistance with the activities of daily living and must not require provision of on-site medical or nursing care;

ii) the applicant(s) must have been primarily resident on Denman Island for at least the two years preceding the consideration of the application;

iii) the applicant(s) must have provided satisfactory references to establish that they would be responsible Tenant(s), i.e. would pay rent promptly, cause no damage, and create no nuisance;

iv) any Family Member must have provided satisfactory references to establish that they would be a responsible occupant i.e. would cause no damage and create no nuisance.

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

i) the length of the applicant's and any Family Member's connection to Denman Island;

ii) the contribution of the applicant and any Family Member to Denman Island through paid or volunteer work;

iii) the degree of unsuitability of the applicant's present housing;

iv) the degree of suitability of the personal characteristics of the applicant and any Family Member to the type of accommodation and living arrangement offered at Pepper Lane;

v) all things being equal between competing applicants, to meet the needs of as many as possible, preference shall be given to a couple over a single applicant.

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

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

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



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

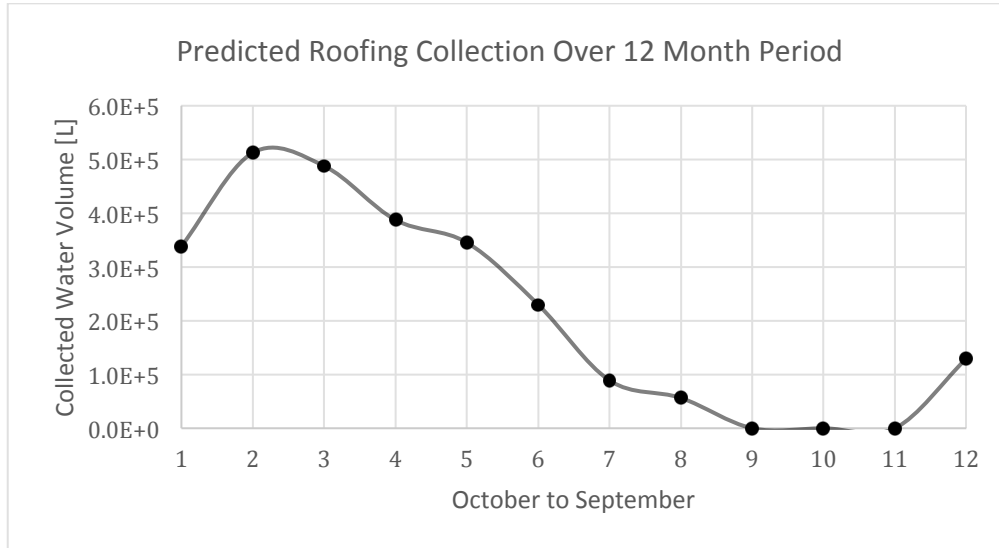


Figure 2: Predicted volume of water collected from the solar array over a 12-month period, with the first month representing October and the twelfth month representing September

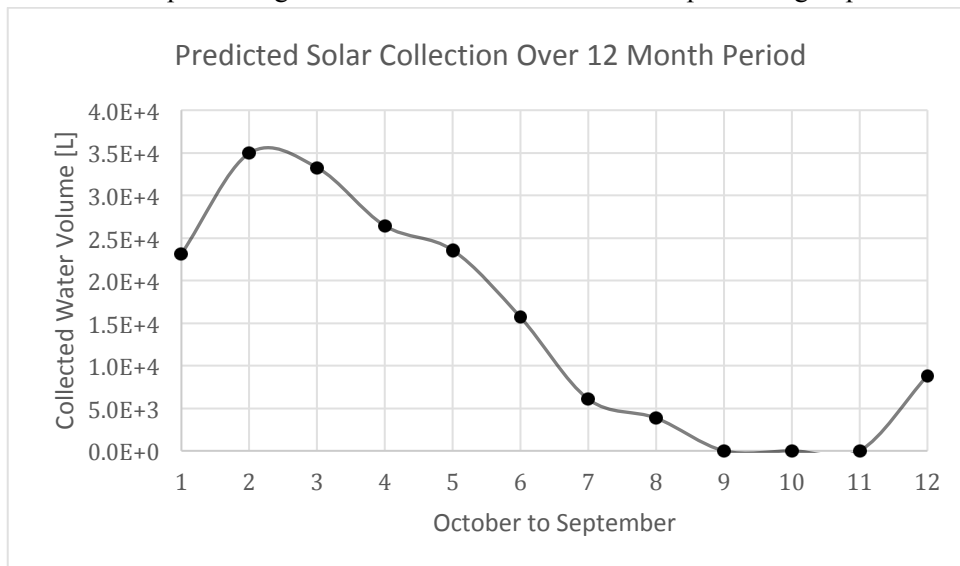


Figure 3: Water consumption per person per day including toilet flushing, laundry, and handwashing dishes

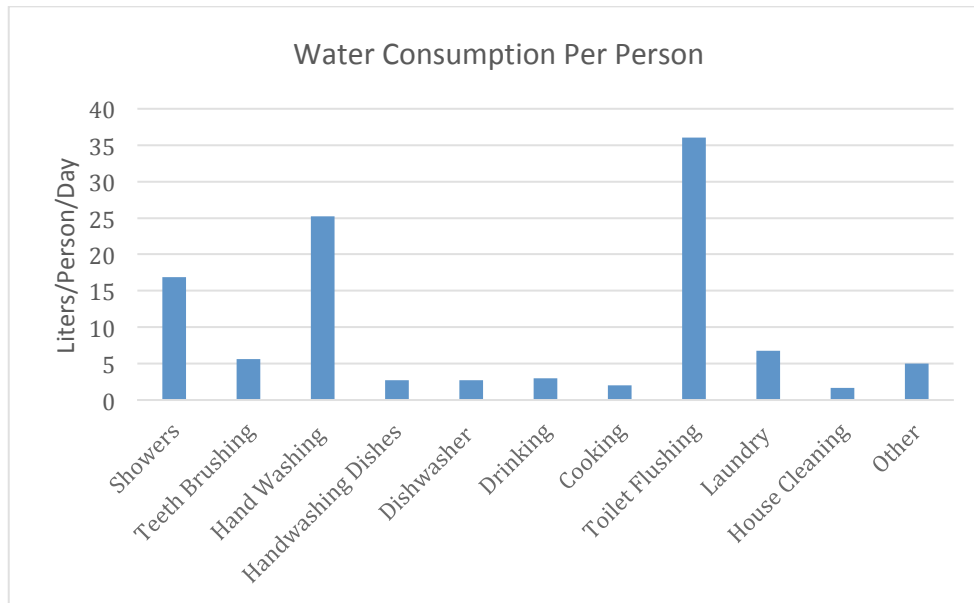


Figure 4: Water consumption per day including toilet flushing, laundry, and handwashing dishes

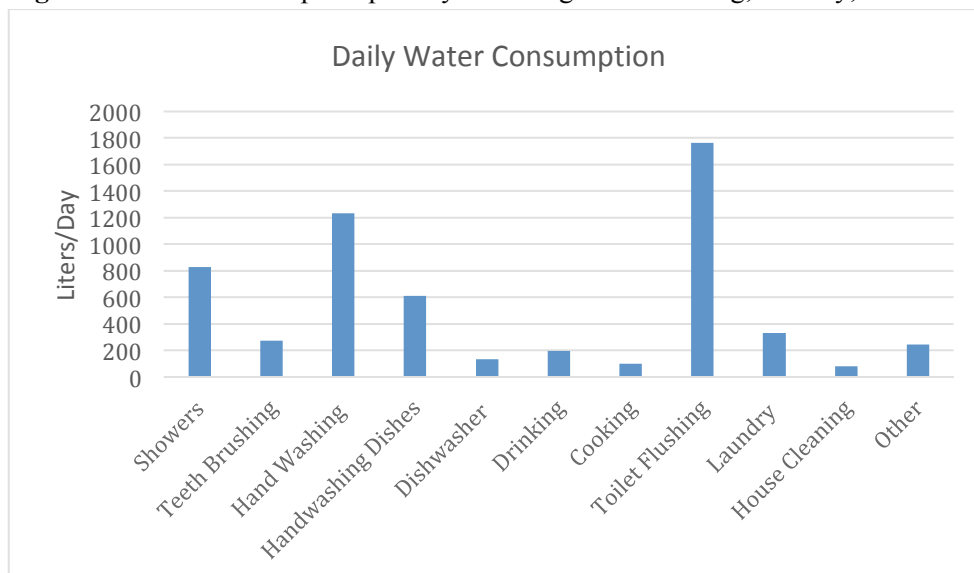


Figure 5: Amount of water collected over 12 months from the solar array compared with laundry consumption

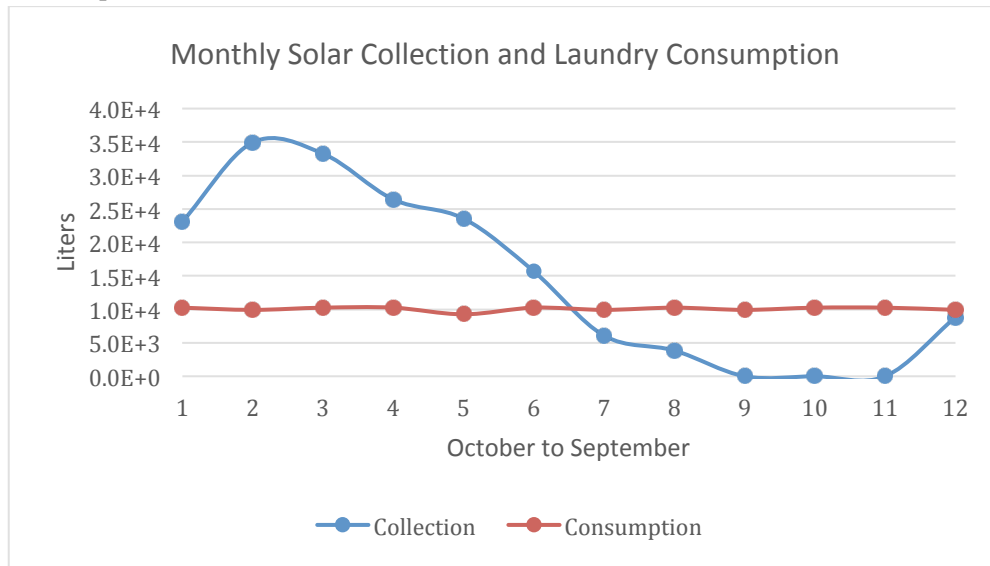


Figure 6: Amount of water collected over 12 months from the roofing area compared with household consumption

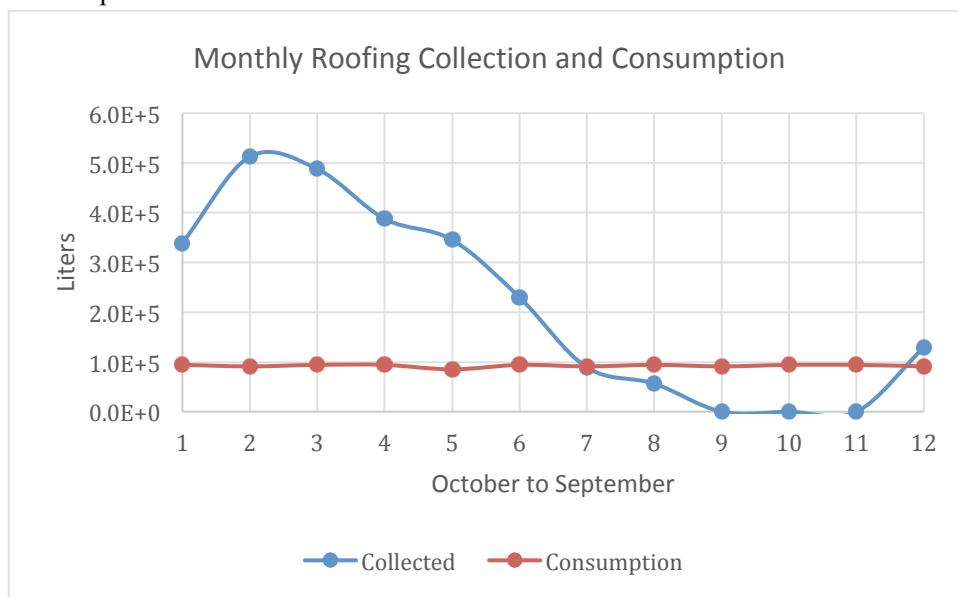


Figure 7: Monthly laundry consumption compared with the volume of water in the storage tank over 12 months

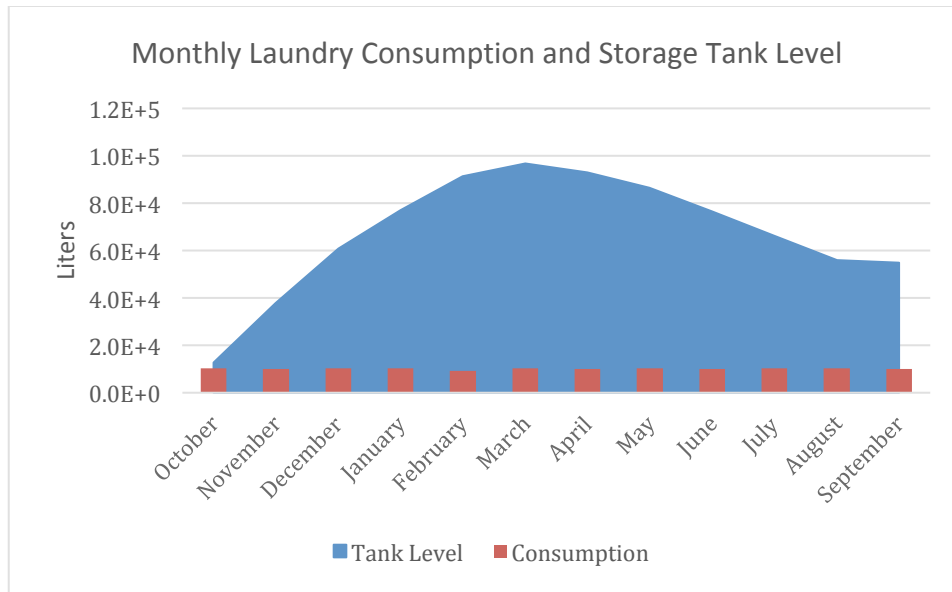


Figure 8: Monthly household consumption compared with the volume of water in the storage tank over 12 months

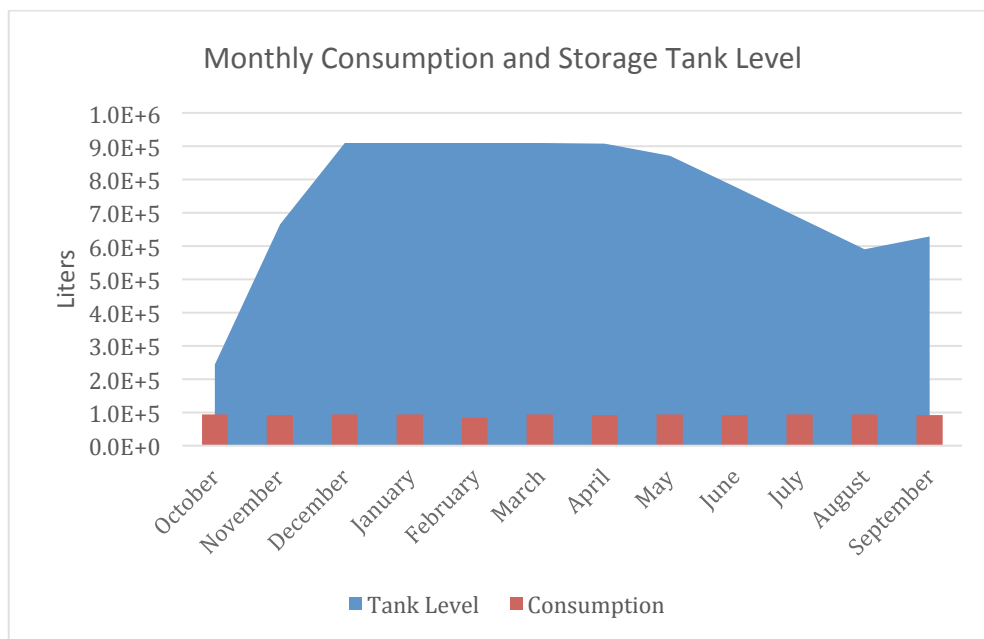


Figure 9: Water balance table

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

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- [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].
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- [6] “Plan2Adapt,” *Plan2Adapt | Pacific Climate Impacts Consortium*. [Online]. Available: <https://pacificclimate.org/analysis-tools/plan2adapt>. [Accessed: 09-Feb-2020].
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- [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.

MEMORANDUM

File No.: DE-RZ-2018.1 (Denman Housing Association/Snyder & Terry)

DATE OF MEETING: May 19, 2020

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

COPY: Heather Kauer, Northern Regional Planning Manager

SUBJECT: OCP and LUB Amendments for 20 units of Rental Housing – “Denman Green”
Applicant: Simon Palmer on behalf of the Denman Housing Association
Location: PID 009-704-523 and PID 006-657-290

PURPOSE

The purpose of this memorandum is to provide a summary of the referral responses received since last reporting on March 17, 2020 and address an error made in a previous staff report.

Due to recommended health practices to address the spread of coronavirus (Covid-19), the March 17th Denman Local Trust Committee (LTC) business meeting was cancelled. As a result, the staff report dated March 17th was not considered, but is included in the May 19, 2020 LTC electronic meeting agenda package awaiting LTC consideration.

Summary of Referral Responses

Between March and the time of writing this report, the following referral responses were received and have been posted to the [applications webpage](#). Staff recommendations in response to the agency comments below will be provided in a future staff report, pending the advancement of the application with respect to addressing adequate quantity of water as outlined in the March 17, 2020 staff report.

Agency/First Nation	Summary Response to Bylaw Referral
Comox Valley Regional District	- Identify that there should be consideration for FireSmart practices and for addressing restricted access for first responders and/or egress for evacuation purposes. - Request applicant be aware that the Denman Cross Island trail crosses the property driveway and that signage and sightline accommodation should be made to alert drivers exiting the property of pedestrian and cycling trail crossing to reduce conflict. And that a separate pedestrian trail be considered to access Denman Cross Island Trail from The Green. - Request the LTC consider asking for dedication of a trail along the western border of the property which could reroute the Denman Cross Island Trail along the property to either Catherine Road or Westcliffe Road dedications. They suggest that this could potentially alleviate concerns regarding Denman Road hill with an alternative route for pedestrians and cyclists.

Ministry of Transportation and Infrastructure	Has no objections to the bylaw amendment Nos. 237 (OCP) and 238 (LUB).
Denman Island Fire Rescue (DIFR)	- Approval recommended subject to the Denman Housing Association (DHA) undertaking the following, in consultation with DIFR and at their cost: - Install water storage tanks with sufficient volume for firefighting purposes. - Develop a Fire Safety Plan to address Fire Prevention, Occupant Safety, and Fire Control and Extinguishment.
Ministry of Agriculture (MoA)	- Bylaw No. 237 (OCP): Support bylaw wording. - Bylaw No. 238: Support bylaw wording and suggest the following be added: - Require the submission of a Buffer Design Plan as per the Guide to Edge Planning. - Implement a setback requirement for residential buildings from the ALR boundary, specifically a 30 metre setback of residential buildings on the residential side of the ALR boundary. - And encourage a larger separation between residential development and the ALR boundary of 50 metres.

Donor Parcel Reference Error

It has come to the attention of staff that the November 20, 2018 staff report included incorrect information about the donor parcel (e.g. civic address, parcel identifier number, mapping). Staff can confirm that subsequent staff reports, proposed bylaw amendments, and LTC resolutions include the correct donor parcel reference and related information. The November 20, 2018 staff report was removed from the website and the civic address that was noted for the donor parcel on the [applications webpage](#) was corrected.

NEXT STEPS

Pending the advancement of the application with respect to addressing adequate quantity of water as outlined in the March 17, 2020 staff report, staff will provide recommendations on the bylaw referral responses in a future staff report.

Submitted By:	Marnie Eggen, RPP, MCIP Island Planner	May 5, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	May 5, 2020



File No.: DE-TUP-2020.1
(Williams)

DATE OF MEETING: May 19, 2020
TO: Denman Island Local Trust Committee
FROM: Ian Cox, Planner 1
Northern Team
SUBJECT: Renewal of DE-TUP-2016.2
Applicant: Craig Williams
Location: 8900 Owl Crescent
Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384
PID 000-876-283

RECOMMENDATION

1. That the Denman Island Local Trust Committee approve issuance of Temporary Use Permit DE-TUP-2020.1 for a period of three (3) years from date of issuance subject to the conditions of the proposed permit.

REPORT SUMMARY

The renewal of Temporary Use Permit (TUP) DE-TUP-2016.2 via the issuance of DE-TUP-2020.1 would continue to accommodate the residential use of the a 68 sq. m. (732 sq. ft.) secondary dwelling on the subject property for use by the owners' elderly family member. Without the TUP, a secondary dwelling unit would not otherwise be permitted under Denman Island Land Use Bylaw No.186, 2008. Staff are recommending issuance of the permit, as the use has been carried out on the property for the last three years without any reported issues.

BACKGROUND

Under a TUP, the specified uses may be carried out for a period of up to three years and the permit may be renewed only once for up to three more years. Issuance of a TUP should not necessarily be interpreted as support for a future rezoning application, though the permit may be a good test of the suitability of a use at a given location.

In this case, the applicant indicated in the original TUP application that after an anticipated temporary use period of six years, the building would not be removed, but instead its use would be altered for use as an accessory building or as rental accommodation under a new TUP.

The applicant applied for the original TUP for the following reasons: *"In 2015 my Father passed away, and since then my Mother has found the Lower Mainland increasingly busy and would like to move closer to myself and Christine and enjoy a less stressful life. The intention is for her to remain living here for the remainder of her life."*

The location of the subject property is shown in Figure 1 below.

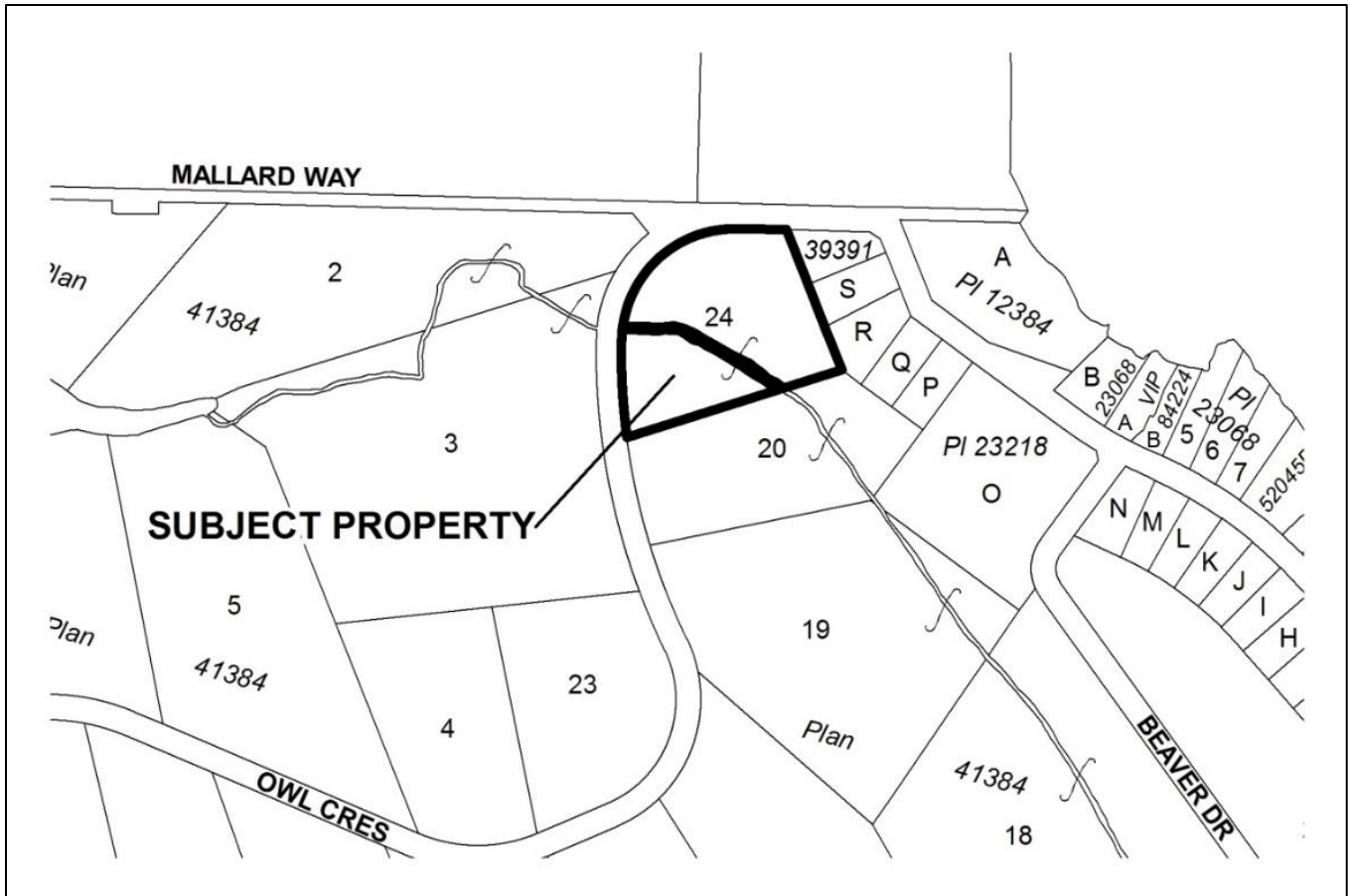


Figure 1 - Subject Property

ANALYSIS

Policy/Regulatory

Official Community Plan:

The Denman Island Official Community Plan (OCP) contains a 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” and additional housing objectives intended to ensure a range of housing types and options to support community diversity and island seniors, in particular, while being sensitive to overall density and the natural environment.

The OCP also includes three key policies guiding TUP applications for secondary dwellings, including:

- Housing Policy 10: *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;*
- Housing Policy 11: *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; and*

- Housing Policy 15: *The Local Trust Committee may approve secondary dwelling units on lands within the “Rural” and “Sustainable Resources” designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.*

For the applicant to obtain a TUP, the property must comply with the Land Use Bylaw (LUB) requirements for the R2 – Rural Residential Zone, in addition to the TUP Guidelines set out in the OCP. The proposed temporary use is compliant with the TUP guidelines. See **Attachments 1 and 2** to this report (from the [original staff report for DE-TUP-2016.2](#)) for site context details and a review of the TUP guidelines.

A permit has been drafted with conditions that match the originally issued DE-TUP-2016.2 - See **Attachment 3**.

Land Use Bylaw

Issues and Opportunities

Changes to the OCP and LUB relating to certain zones that took place just prior to the issuance of the original TUP in 2016, allow secondary suites outright and secondary dwelling units with a TUP. These changes were the result of the Denman community’s interest in addressing housing needs and flexibility in dwelling typologies. The proposed secondary dwelling unit was the second TUP application of its kind to be considered by the LTC at the time. It remains within the allowable five percent increase stipulated for this purpose per OCP Use and Density Housing Policy 11 (see **Attachment 1**). The purpose of the proposed secondary dwelling unit is to provide housing for an elderly mother to live with her family (residents of Denman Island), which is consistent with the intent of the housing objectives and policies with respect to TUPs for secondary dwelling units.

Consultation

No community consultation beyond the required statutory public notice has been undertaken. A Community Information Meeting is not required for this application type.

Statutory Requirements

In accordance with Section 494 of the Local Government Act, neighbouring properties must be notified of a TUP application. Notice of the draft TUP was mailed on April 4, 2020 to all property owners and residents within 100 metres of the subject property (**see Attachment 4**). A notice of the draft TUP was published in the Grapevine newspaper edition May-07, 2020. No correspondence has been received at the time of preparing this staff report, but may be received before or during the LTC meeting on May 19, 2020. Correspondence should be sent to northinfo@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.

The approval of the proposed temporary residential use of a second dwelling has relatively low potential to impact cultural heritage and archaeological sites in the area. No formal consultation is recommended at this time beyond encouraging the property owner to contact the provincial Archaeological Branch prior to any physical development that might take place on the property.

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

Rationale for Recommendation

Staff is recommending issuance of the TUP renewal as outlined in the recommendation on page 1 of this staff report. The temporary use was originally found by staff to be consistent with the intent of the OCP policies guiding such applications and - excepting the use - the requirements of the LUB for the R2, Rural Residential zone. It is the opinion of staff currently that the use continues to be similarly consistent.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust [insert request here].

2. Deny the application

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

That the Denman Island Local Trust Committee deny application DE-TUP-2020.1 for the follows reasons: [insert reasons].

NEXT STEPS

If the LTC agrees with the staff recommendation, the TUP as drafted in **Attachment 3** will be issued.

Submitted By:	Ian Cox, Planner 1 Northern Team	April 27, 2020
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	April 28, 2020

ATTACHMENTS

1. Site Context
2. TUP Guidelines
3. Draft Temporary Use Permit
4. Public Notice

Attachment 1

Site Context from DE-TUP-2016.2 Staff Report

LOCATION

Legal Description	Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384
PID	PID 000-876-283
Civic Address	8900 Owl Crescent, Denman Island

LAND USE

Current Land Use	R2 – Rural Residential
Surrounding Land Use	The subject property is located at 8900 Owl Crescent on Denman Island in the R2 (Rural Residential) zone, and is approximately 2 hectares (4.942 acres) in size. The easternmost third of the property has been cleared for residential use (figure 3), where there are a number of existing buildings and structures including the primary residence, septic tanks & pumps, a septic field, cistern, water line, propane tank, as well as a shed. Road to the west and north, residential properties to the east and south; irregular in shape, and bisected by a stream, as shown in figure 1 below.

HISTORICAL ACTIVITY

File No.	Purpose
DE-SUP-2005.2	Single family residence, garage and hobby woodwork shop. Home office for computer consulting, programming and technical support.
DE-SUP-2011.16	Single Family Dwelling and Garage/workshop

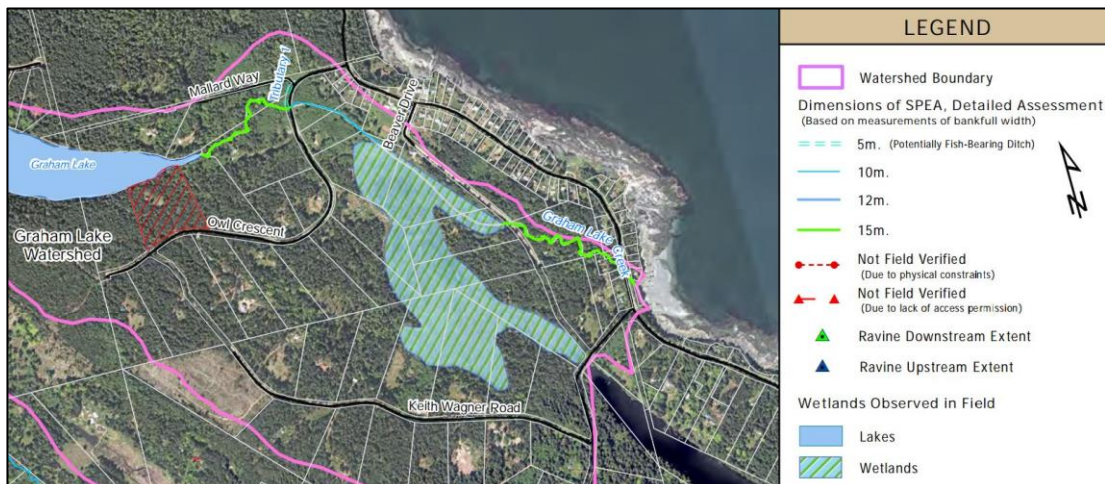
POLICY/REGULATORY

Denman Island Official Community Plan, No. 185	OCP Designation: R – Rural <u>Development Permit Area:</u> According to Schedule E, Map 2 in the OCP, the location of the proposed secondary dwelling appears to be within Development Permit Area 4 – Major Streams. However, this appears to be incorrect. The applicant has indicated that the current location of the stream and ditch bisects their property, which is confirmed by the 2014 Madrone Report on the Graham Lake Watershed¹ (see figure 2 below). Given this information, staff are satisfied that the proposed location of the secondary dwelling is indeed greater than 30 metres from the present natural boundary of the stream.
--	--

¹ See p.38 <http://islandstrust.bc.ca/media/264775/January-21-2014-Madrone-Environmental-Stream-Mapping-Report.pdf>



Figure 2: Excerpt from the 2014 Madrone Report on the Graham Lake Watershed



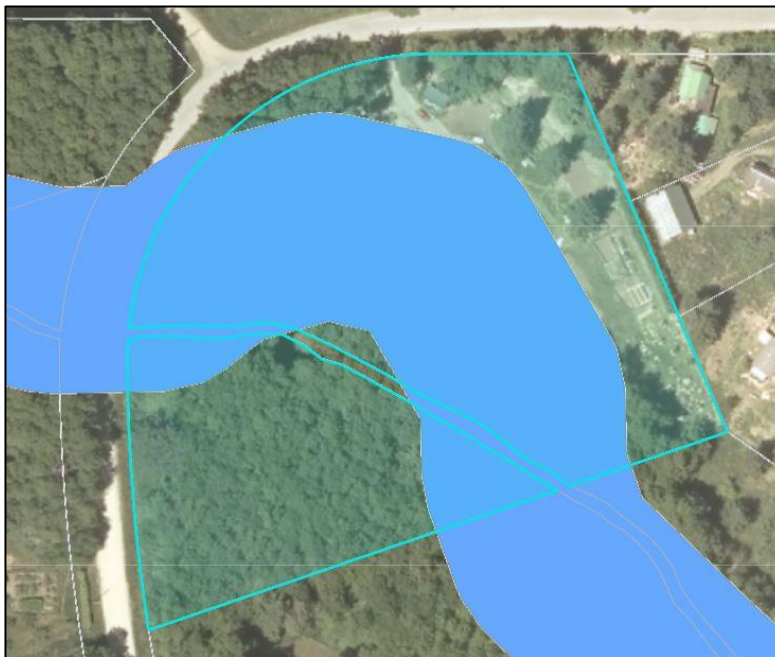
The subject property generally slopes downhill from the creek. Although OCP mapping designates a portion of the property within Development Permit Area 4 – Major Streams (figure 4), which requires a minimum setback distance of 30 metres, staff are satisfied that this proposal does not require a Development Permit as the proposed dwelling site is more than 80 m from the stream.

Figure 3: Aerial Photo of Subject Property





Figure 4: OCP Development Permit Area 4 – Major Streams Map



The Denman Island Official Community Plan, No. 185 contains the following objectives and policies related to housing on the island.

Section E.1 - Housing

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**.



	Housing Policy 10: 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. 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 under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section. 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. Housing Policy 15: The Local Trust Committee may approve secondary dwelling units on lands within the “Rural” and “Sustainable Resources” designations through a Temporary Use Permit in order to address housing objectives as defined in the Official Community Plan.
Denman Island Land Use Bylaw, No. 186	The subject property is zoned R2 – Rural Residential in the Denman Island Land Use Bylaw No. 186. For the applicant to obtain a TUP, the property must comply with zoning and the following objective and guidelines apply. This TUP application has been reviewed for adherence with the guidelines (see attachment 5): Area 2: The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource). Objective: To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan. Guidelines: (See Attachment 5 for TUP Guidelines Checklist)
Other Regulations	<u>Islands Trust Policy Statement</u> The following Islands Trust Policy Statements pertain to this TUP application. 3.3 Freshwater and Wetland Ecosystems and Riparian Zones <i>Directive Policy</i> • 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. 5.2 Growth and Development <i>Directive Policies</i> • 5.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans. • 5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards. 5.8 Health and Well-being <i>Directive Policies</i> • 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.
Covenants	Right of Way (C16350) held by the Graham Lake Improvement District = n/a
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Fund	Lindsay Dickson Nature Reserve (Trust Fund Property) to the north.
Regional Conservation Strategy	Map 7 of the Islands Trust Fund Regional Conservation Plan indicates that the estimated importance of habitat composition is medium for this property.
Sensitive Ecosystems	A small part of the eastern portion property is mapped as having a young forest (Coastal Douglas-fir) ecosystem present.
Hazard Areas	None mapped.
Archaeological Sites	According to Remote Access to Archaeological Data (RAAD), there are no archaeological sites on or within 50 metres of the subject property.
Climate Change Adaptation and Mitigation	There are no anticipated significant impacts on greenhouse gas emissions that would result from this TUP application.
Shoreline Classification	n/a
Shoreline Data in TAPIS	n/a

Attachment 2

TUP Guidelines from DE-TUP-2016.2 Staff Report

TEMPORARY USE PERMIT GUIDELINES, AREA 2, FOR A SECONDARY DWELLING UNIT

Guideline	Complies?	Planner Comments
Guideline 1: Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.		
Zoning of Subject Property	yes	Subject property is zoned "R2" = OK
Guideline 2: Compliance with the requirements of the "Secondary Suites and Dwelling Units" regulations of Part 2, "General Regulations" is a condition of approval*		
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6 a) Not have a floor area in excess of 140 sq. m (1506.9 sq. ft)	yes	Proposed floor area = 68 sq. m (732 sq. ft) = OK *Condition included in permit.
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6. b) not be located more than 60 metres (196.8 ft) from the principal residence unless otherwise approved by the LTC as a condition of the permit.	yes	Proposed distance = 27.8 m (91.2 ft) = OK *Condition included in permit.
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6. c) Be connected to an approved sewerage system.	TBD	Applicant notes that original septic system, installed and approved in 2005 (attachment 3), was sized for a 3 bedroom house, although a two bedroom house was built. They are confident that the system can be expanded to accommodate the additional secondary dwelling unit (1 bedroom + den) *Condition included in permit.
2.1.6: Where permitted by a Temporary Use Permit, a secondary dwelling unit shall: 2.1.6. d) Include a rainwater catchment and storage system for a capacity of at least 1,000 gallons unless otherwise approved by the LTC as a condition of the permit.	yes	Applicant has confirmed that the 1,000 gallon concrete cistern below grade, as shown on proposed site plan, is intended to be used for the storage of collected rainwater for the secondary dwelling unit. *Condition included in permit.
2.1.7 A written plan for the supply of water is to be provided that demonstrates an adequate supply of potable water prior to the issuance of permits to allow the use.	n/a	n/a (Regulation 2.1.8 applies in this case)



2.1.8 Where water is supplied to 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.	TBD	*Condition included in permit.
2.1.9 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 dwelling unit.	n/a	n/a (Regulation 2.1.8 applies in this case)
Guideline 3: Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.		
Potentially refer application to APC	n/a	Staff have not identified a need to refer to the APC.
Guideline 4: Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.		
Other agency approvals?	n/a	No approvals from other agencies are required.
Guideline 5: The general conditions for issuing a Temporary Use Permit are as follows:		
a) Adequate off-road parking should be provided (Land Use Bylaw subsection 2.5.16 – automobile parking space requirements for residential use: residential • one per one single family • one per one cabin or accessory)	yes	Applicant confirmed that the proposed plan indicates two parking spaces to be used by the existing house and one dedicated parking space for the proposed secondary dwelling unit = OK . *Condition included in permit.
b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee	yes	As this is a residential use, garbage pick-up and recycling is available to the property through Denman Island Residents Association's Waste Management Committee = OK .
c) Water supply should be addressed so as to not create negative impacts upon existing common water sources	yes	See comments under regulation 2.1.8 above.
d) Other requirements that the Local Trust Committee may consider appropriate	Subject to LTC consideration	Any other requirements that the LTC consider appropriate should be considered as a condition of permit.

PROPOSED

	DENMAN ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT DE-TUP-2020.1 (WILLIAMS)
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To: **Craig Williams and Christine Pearce**

1. This Permit applies to the land described below:

PID 000-876-283

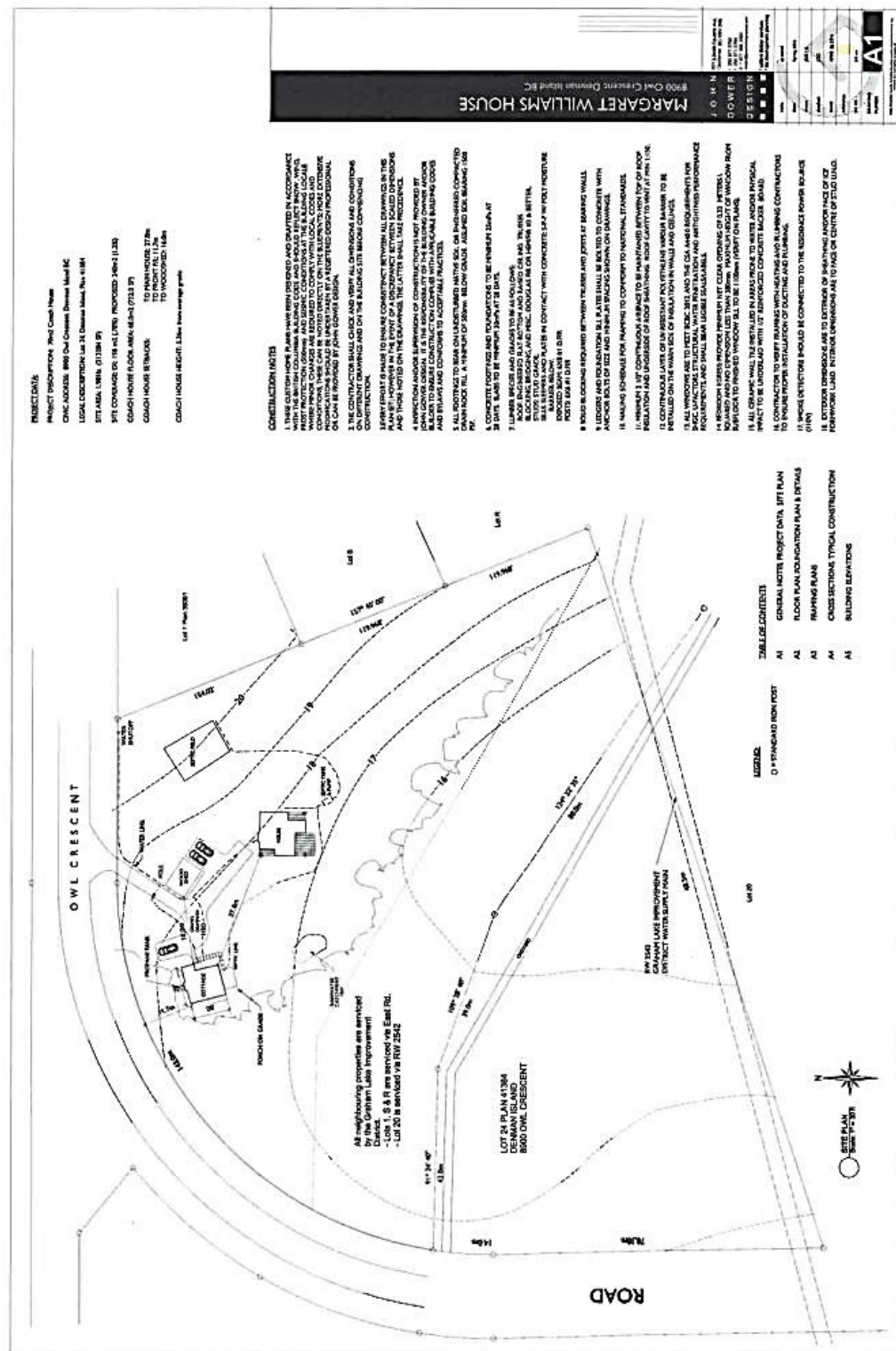
Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384

2. Pursuant to Section 493 of the *Local Government Act*, this Permit is issued for the purpose of permitting a secondary dwelling unit on the above described land, and is subject to the following conditions:
 - a) the maximum floor area of the secondary dwelling unit shall not be more than 68 square metres (732 square feet);
 - b) the secondary dwelling unit shall not be located more than 27.8 metres (91.2 feet) from the principal residence;
 - c) the secondary dwelling unit shall be connected to an approved sewerage system;
 - d) the secondary dwelling unit shall include a rainwater catchment and storage system for a capacity of at least 1,000 gallons;
 - e) potable water shall be supplied by making a connection off the existing water line on the property, as approved by the Graham Lake Improvement District;
 - f) the owner must provide parking for a minimum of one vehicle for the secondary dwelling unit;
 - g) the holder of the Permit will be held accountable for any violation of the conditions of this Permit; AND
 - h) conditions a) through f) apply to the proposed secondary dwelling unit, septic tank and pump, and water cistern as shown on Schedules "A1" Site Plan, "A2" Floor Plan, "A3" Elevation 1, and "A4" Elevation 2, all attached to and forming part of this permit.
3. This Permit expires three years from date of issuance.
4. This is not a Siting and Use Permit, nor does it relieve the Permittee from the need to secure all other approvals necessary for the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS
____ DAY OF ____.**

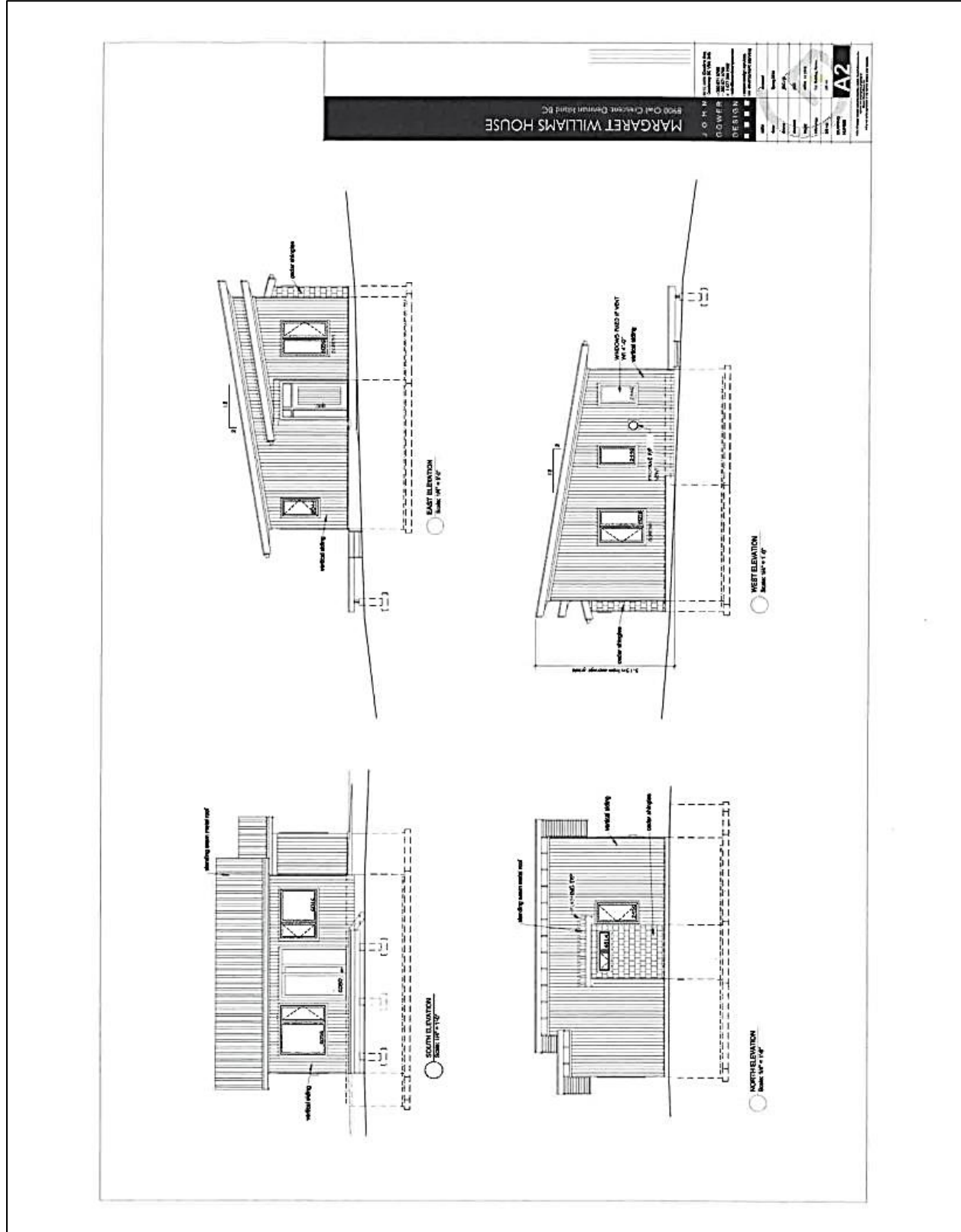
Deputy Secretary, Islands Trust

Date Issued

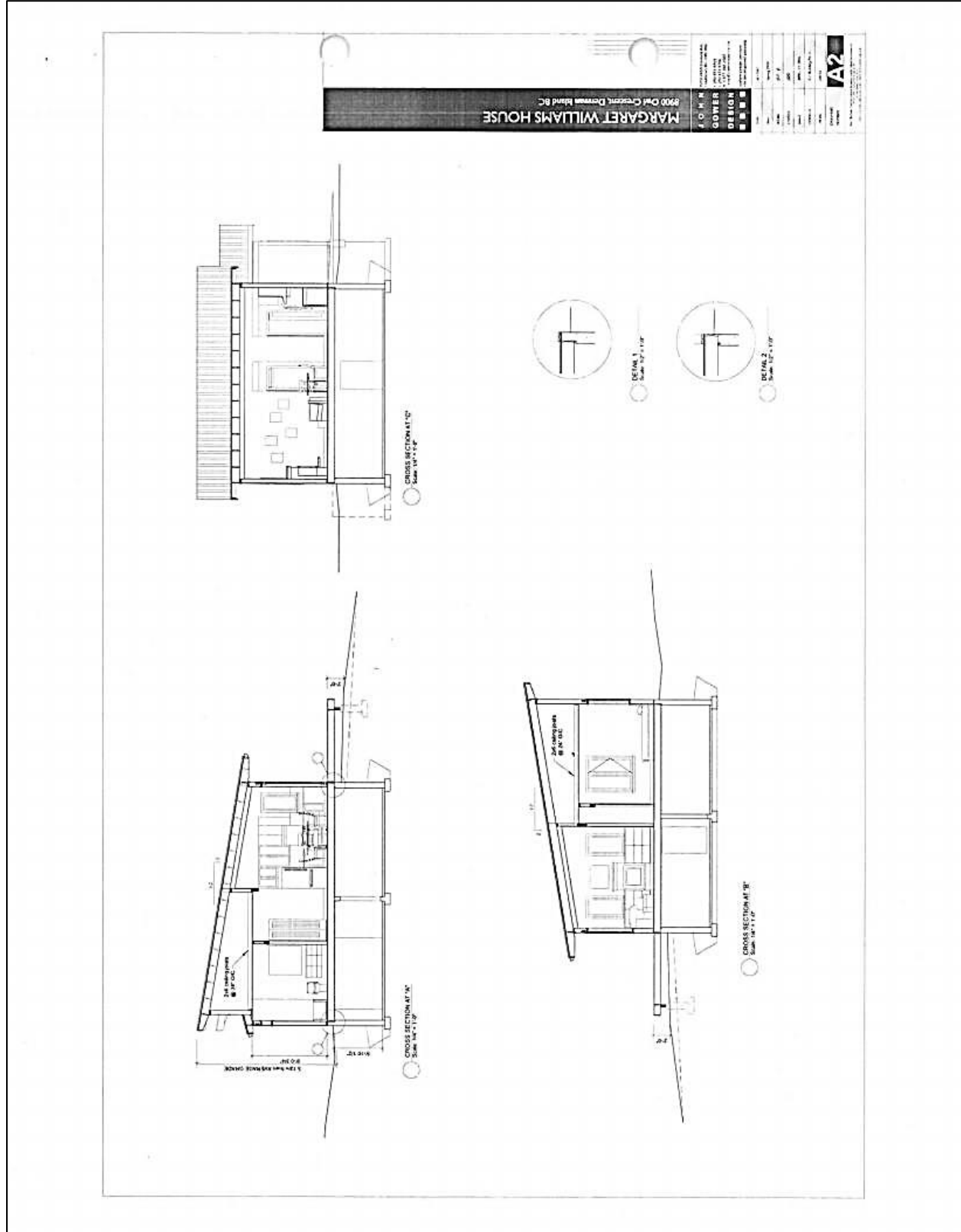


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DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-TUP-2020.1 (WILLIAMS)
Schedule "A3" Elevation 1



DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-TUP-2020.1 (WILLIAMS)
Schedule "A4" Elevation 2



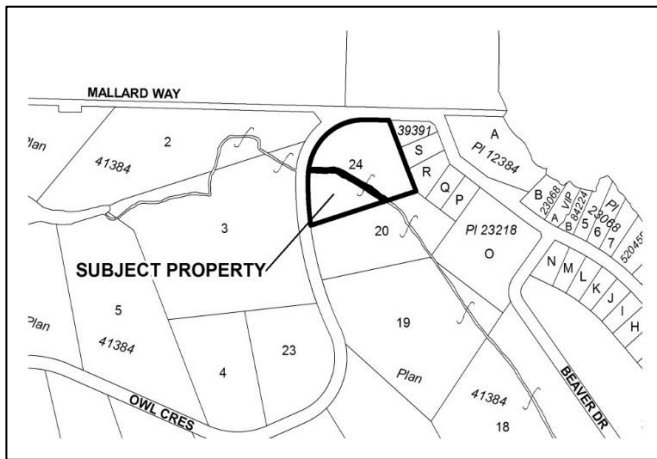


NOTICE
DENMAN ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
DE-TUP-2020.1 (WILLIAMS)

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution for the renewal of a Temporary Use Permit, pursuant to Section 493 of the *Local Government Act*. The proposed permit renewal would apply to Lot 24, Section 9, Denman Island, Nanaimo District, Plan 41384 (PID 000-876-283), 8900 Owl Crescent.

The purpose of this Temporary Use Permit renewal is to continue to allow the residential use of a “secondary dwelling unit” on the subject property. The continuation of the temporary use would be subject to a number of conditions specified in the permit. The renewal would be issued for up to three years and the owner would then need to reapply to the Denman Island Local Trust Committee for a new permit after the three year period, or apply to rezone the property.

The general location of the subject area is shown on the following sketch:



Enquiries or comments should be directed to Ian Cox, Planner 1 at (250) 247-2204, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867, before **4:00 p.m., May 18, 2020**.

Written submissions should be sent to:

Mail: Islands Trust, 700 North Road
Gabriola, BC V0R 1X3
Fax: 250-247-7514
Email: icox@islandstrust.bc.ca

A copy of the proposed Permit may be inspected at the Islands Trust Northern Office Bulletin Board, 700 North Road, Gabriola Island, BC, commencing **May 7, 2020** and continuing up to and including **May 18, 2020**.

For the convenience of the public only, and not to satisfy Section 494(1)(a) of the *Local Government Act*, a copy of the proposed Permit may be inspected at the Denman Island General Store notice board located at 1069 North West Road, Denman Island, BC, and the Marcus Isbister Old School Centre notice board located at 5901 Denman Road, Denman Island, BC. Also, attached for your convenience, is a copy of the proposed Permit.

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed Permit at its **Electronic Business Meeting** to be held at **12:30 pm, Tuesday, May 19, 2020**.

To listen or listen and view the Denman Island Local Trust Committee meeting, on May 19, 2020 starting at 12:30 p.m., the public may join the meeting by:

- **Calling:** 855.703.8985 (Toll Free)
- **Logging into:**
- <https://islandstrust.zoom.us/j/69134876883>

The **Webinar ID number is: 691 3487 6883**

Please refer to the posted agenda on the Islands Trust website (www.islandstrust.bc.ca) at the beginning of that week for an indication of where this application is placed on the agenda.

Written comments made in response to this notice will also be available for public review.

Becky McErlan
Deputy Secretary

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



MEMORANDUM

File No.: 0680-25 (Annual Report)

DATE OF MEETING: May 19, 2020
TO: Denman Island Local Trust Committee
FROM: Heather Kauer, Regional Planning Manager
Northern Team
SUBJECT: 2019-2020 Annual Report

RECOMMENDATION:

1. That the Denman Island Local Trust Committee endorse the following text for inclusion in the 2019-2020 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

“The Denman Island Local Trust Committee (DE LTC) held five regular business meetings, one special meeting, and a community workshop in the 2019/20 fiscal year.

Work for this period focused on advancement of the DE LTC priority to implement the Denman Island Farm Plan and on efforts towards reconciliation and relationship building with local First Nations. This included adopting a standing resolution stating its intent to engage in reconciliation by honouring the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples as well as its intent to work with First Nations governments on implementing actions that support reconciliation and maintain relationships based on respect and recognition.

The DE LTC considered numerous reports in conjunction with two major rezoning applications for affordable housing on the island. The committee also reviewed and considered: two development variance permits, three development permits, and one temporary use permit.

Staff reviewed one subdivision, fourteen siting and use permits and two crown land referrals related to proposed development in the Denman Local Trust Area.”

DISCUSSION

Local trust committees are asked to endorse their draft sections of the 2019-2020 Annual Report so that Trust Council is readily able to approve the annual report at the Trust Council meeting in June 2020.

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

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

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	May 12, 2020
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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 Keats. 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: Komass Bluff

Planner: Marnie Eggen

Planning Status

Status Date: 08-May-2020

No change in status

Status Date: 10-Oct-2019

No change in status.

Status Date: 25-Sep-2018

No change in status.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2019.1	Helliwell + Smith + Blue Sky Architecture Inc.	10-Oct-2019	PID: 017-541-131 Building SFD. Civic address: 2650 Swan Road, Denman Island, BC.

Planner: Bronwyn Sawyer

Planning Status

Status Date: 19-Nov-2019

On hold - applicant request

Status Date: 14-Nov-2019

Information requested from applicant

Status Date: 15-Oct-2019

Planner review

File Number	Applicant Name	Date Received	Purpose
DE-DP-2019.2	McKeachie, Shelley & Morley	13-Dec-2019	PID: 005-850-771 Development Permit required for Subdivision application. Civic address: 5841 Lacon Road, Denman Island, BC.

Planner: Ian Cox

Planning Status

Status Date: 01-May-2020

Scheduled agenda item for May 19th electronic LTC meeting.

Status Date: 17-Mar-2020

March 17th DE LTC meeting cancelled due to Covid-19 protocols.

Status Date: 18-Feb-2020

Agenda item - March 17th LTC meeting.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2020.1	Pandesign Inc.	12-Mar-2020	PID: 006-660-495 DP required for Subdivision purposes

Planner: Jaime Dubyna

Planning Status

Status Date: 22-Apr-2020

Planner reviewing file.

Status Date: 14-Apr-2020

RAR assessment report dated Apr. 6, 2020, received.

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: 08-May-2020

No change in status

Status Date: 10-Oct-2019

No change in status.

Status Date: 25-Sep-2018

No change in status.



Applications

Development Variance Permit

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: 01-May-2020 Scheduled agenda item for May 19th electronic LTC meeting.			
Status Date: 17-Mar-2020 March 17th DE LTC meeting cancelled due to Covid-19 protocols.			
Status Date: 18-Feb-2020 Agenda item - March 17th LTC meeting.			

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: 30-Apr-2020 Awaiting cost recovery agreement signature from applicant before beginning legal review of housing agreement			
Status Date: 07-Apr-2020 Staff reviewing draft housing agreement			
Status Date: 21-Jan-2020 Draft amendment bylaws revised. Bylaws given 1st reading and direction to send out bylaw referrals.			

**Applications****Rezoning**

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: 21-Jan-2020			
Draft bylaws to amend OCP and LUB to implement DPA8 given 1st reading and direction to send out bylaw referrals			
Status Date: 07-Nov-2019			
Draft bylaws to amend OCP and LUB given 1st reading and direction to send out bylaw referrals			
Status Date: 04-Jul-2019			
LTC directed staff to prepare draft bylaws consistent with staff recommendations as set out in July 4, 2019 report.			

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			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.11	Helliwell + Smith + Blue Sky Architecture Inc. Planner: Bronwyn Sawyer	22-Aug-2019	PID: 017-541-131 Single family dwelling, carport and existing accessory building. Civic address: 2650 Swan Road, Denman Island, BC.
Planning Status			
Status Date: 19-Nov-2019 On hold- applicant request			
Status Date: 09-Oct-2019 Awaiting DPA information			
Status Date: 08-Oct-2019 Under review			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2019.16	Ball, Gary Planner: Ian Cox	03-Dec-2019	PID: 003-064-514 Servicing lot and building trailer addition and studio. Civic address: 3871 East Road, Denman Island, BC.
Planning Status			
Status Date: 12-May-2020 Applicant has provided required screening information. SUP to be completed.			
Status Date: 04-Mar-2020 Awaiting detailed screening plan.			
Status Date: 03-Feb-2020 Island Health sewerage system filing confirmation.			



Applications

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.1	School District No. 71 (Comox Valley) Planner: Bronwyn Sawyer Planning Status	13-Jan-2020	PID: 008-706-191 One new single story building for preschool. Civic address: 1100 NW Road, Denman Island, BC.
Status Date: 11-Feb-2020 Under review by planner			
Status Date: 11-Feb-2020 Waiting on applicant for information			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.3	Etienne Design - Jessica Booth Planner: Bronwyn Sawyer Planning Status	16-Mar-2020	PID: 030-773-890 New SFD, workshop with guest accommodation, garage & boat house. Civic address 5465 Lacon Road, Denman Island, BC
Status Date:			
File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.4	Olfert & Kay, Steven & Shannon Planner: Bronwyn Sawyer Planning Status	10-Mar-2020	PID: 001-095-919 Remove, move & add building to property. Civic address: 3030 Nelson Crescent, Denman Island, BC
Status Date:			

**Applications****Siting and use Permit**

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2020.5	Lewis & Street, Alexander, Laura & Tina Planner: Jaime Dubyna	23-Apr-2020	PID: 028-639-961 Cottage & Barn. 4200 Danes Road, Denman Island, BC
Planning Status			
<u>Status Date:</u> 12-May-2020 Planner reviewing file.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise Planner: Jaime Dubyna	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)
Planning Status			
<u>Status Date:</u> 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.			
<u>Status Date:</u> 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.			
<u>Status Date:</u> 16-Apr-2018 Planner recommending LTC to accept and sign the Covenant at the May 1 LTC meeting.			



Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY Planner: Ian Cox Planning Status Status Date: 17-Mar-2020 DVP and DP as PLA conditions scheduled for consideration at March 17th DE LTC meeting - cancelled due to Covid-19 protocols. 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).	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying 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	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.



Applications

Subdivision

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: 20-Mar-2020

DE-RWM-2020.3 Accept 219 Covenant for DE-SUB-2018.1 - *IN FAVOUR*

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.

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: 12-May-2020

No change in status.

Status Date: 30-Jan-2020

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

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.



Applications

Subdivision

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.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2019.2	Formstate Design Inc. (Pandesign)	27-Aug-2019	PID: 006-660-495 Six lot subdivision. Civic address: Danes Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 16-Apr-2020

Awaiting DE-DP-2020.1.

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.



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-2016.2

Planner: Ian Cox

Planning Status

Status Date: 08-May-2020

Agenda item for May 19th electronic Zoom meeting.

Status Date: 02-Apr-2020

Possibility of consideration by RWM on scheduled May 19th LTC date.

Status Date: 17-Mar-2020

Site visit scheduled for March 17th in conjunction with HO LTC meeting cancelled due to Covid-19 protocols.

Islands Trust
LTC EXP SUMMARY REPORT F2020
Invoices posted to Month ending February 2020

615 Denman	Invoices posted to Month ending February 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	1,042.77	-549.77
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>4,239.73</u>	<u>1,134.27</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



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,



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.