



Denman Island Local Trust Committee Special Meeting Agenda

Date: February 15, 2022
Time: 10:00 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:00 AM - 12:00 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. **BUSINESS ITEMS**
 - 3.1. Local Trust Committee Special Meeting Minutes dated January 13, 2022 - for adoption 2 - 8
 - 3.2. Local Trust Committee Special Meeting Minutes dated November 2, 2021 - for adoption 9 - 17
 - 3.3. Denman Farming Regulations Review Project - Staff Report - for decision 18 - 30
 - 3.3.1. Submission dated February 1, 2022 from H. Holm 31 - 33
 - 3.4. DE-RZ-2021.1 (Denman Housing Association) - Staff Report - for decision 34 - 114
4. **ADJOURNMENT** 12:00 PM - 12:00 PM



Denman Island Local Trust Committee Minutes of Special Meeting

Date: January 13, 2022
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
Heather Kauer, Regional Planning Manager
Vicky Bockman, Recorder

Others Present: Approximately thirty-one (31) members of the public
Simon Palmer, Denman Housing Association
Maris MacDonald, MacDonald Hagarty Architects
Emily Davies, MacDonald Hagarty Architects

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 7:05 pm, welcomed the public, and acknowledged that the meeting was being held electronically in traditional territory of Coast Salish First Nations including the K'ómoks and Qualicum First Nations. She introduced herself, Local Trustees, staff, recorder and the representatives from Denman Housing Association (DHA) and MacDonald Hagarty Architects.

She advised that this Special Local Trust Committee (LTC) meeting was being held to conduct a Community Information Meeting (CIM) presentation and facilitated question and answer session where members of the public will hear information and can ask questions about application DE-RZ-2021.1 (DHA), proposed Bylaw Nos. 241 (Official Community Plan), 242 (Land Use Bylaw), and 243 (Housing Agreement).

2. COMMUNITY INFORMATION MEETING - Bylaw Nos. 241, 242 and 243

Regarding DE-RZ-2021.1 - Denman Housing Association (DHA) - Affordable Housing Project (Denman Green)

The following additions to the agenda were presented for consideration:

- 3.2 Letter of Support to Comox Valley Regional District (CVRD) regarding Housing Service

By general consent the agenda was approved as amended.

2.1 Planner Presentation

Planner Zupanec explained that this CIM provides an opportunity for the public to learn about the rezoning application, density transfer and changes to bylaws proposed to enable the Denman Housing Association “Denman Green” affordable housing development project; determine if interests are affected; and encourages submission of written or verbal questions. She advised that a facilitated question and answer session will follow this presentation.

She provided an overview of the proposed density transfer:

- Donor Parcel (6080 Woodham Road): reduce density on non-ALR portion of the parcel from 7 permitted dwellings/parcel to 4;
- Receiver Parcels (Lots 4 and 5 Danes Road): increase density from 2 permitted market housing dwellings/lots to 5;
- Receiver Parcel (1151 Northwest Road): increase density from 1 permitted dwelling up to 20 units of affordable housing, with 19 densities transferred from the Denman Island Density Bank which currently has sufficient densities to support this application;
- The density transfer pieces are necessary to allow for DHA to be in possession of the property in the village currently owned by a local resident, and all three pieces of the density transfer must be approved in order for the affordable housing portion to be possible.

The receiver parcel which will include the affordable housing development has recently been subdivided into two separate lots with a 1.05 ha portion for the affordable housing parcel and with .28 ha to be retained by the current owner for market residential use and which is not a part of this application.

Simon Palmer, on behalf of the DHA, spoke to the application noting that DHA has been working for ten years to address a proven and recognized need for affordable housing on Denman Island. He outlined the timeline for design and costing relating to BC Housing proposals for community funding.

Emily Davies, MacDonald Hagarty Architects, provided information on their work to advance the project:

- site water and wastewater plans have been completed. They are awaiting an environmental assessment to determine setback requirement for the waterlogged area on the west side of the site;
- the R4 setback requirement of 10 metres has been included to determine the available area;
- preliminary schematic design possibilities include a single story option or a two-story option with minor configuration differences, the use of natural landscaping, shared and private outdoor open spaces, natural and durable building palate, integrating daylight with natural and durable materials, a photovoltaic solar array, 30 parking stalls, a community room, laundry facility and mechanical/electrical room.

Planner Zupanec provided an overview of the following:

Proposed changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB):

- OCP – Bylaw No. 241

- Change the Denman Green subject area from Village-V to Residential-R;
- Remove the Denman Green parcel from Development Permit Area (DPA) No. 5-Commercial;
- New policies in support of affordable rental housing, rental tenure housing, BC Energy Step Code requirements and reducing the size of the Commercial DPA.
- LUB- Bylaw No. 242
 - Change the subject area from Commercial – C to Affordable Housing – R4(1);
 - New Affordable Housing Zone-R4(1), new site specific R1(5) zone for the Danes Road parcels;
 - New site specific R2(7) zone for the Woodham Road parcel.

Housing Agreement Bylaw No. 243:

- includes requirements for construction, sewage treatment system type, affordable rental rate to qualified occupants, a tenant selection procedure, annual reporting to the Islands Trust.

Restrictive Covenant:

- includes fencing, datalogger and construction of dwellings to a minimum Step 2 Energy Step Code requirements.

Bylaw Referral Response Comments received to date:

- CVRD expressed interest in ensuring available space on the 1151 Northwest Road parcel for future infrastructure to support a public bus stop and a park and ride;
- Denman Conservancy is currently reviewing the bylaw referral package as it relates to the Danes Road receiver parcel adjacent to park and ecological covenant lands;
- Islands Trust Freshwater Specialist expressed concerns regarding the average daily demand and rainwater harvesting calculations, water treatment plan, climate modelling and storm water management planning.

Possible Next Steps;

- include ensuring an appropriate water system, sensitive ecosystem protection, adoption of bylaws, registration of covenant on title, transfer of land to DHA, DHA application to BC Housing for funding, and subsequent applicant and BC Housing working together to finalize design, site plan, water and sewage plan.

Issues and Opportunities:

- the need for affordable rental housing on Denman Island is well known;
- zoning changes need to ensure a viable affordable housing development, not just for profit housing;
- decisions need to consider appropriate and adequate water;
- sensitive ecosystems and habitats need to be protected.

2.2 Question and Answer Session

Members of the public were invited to raise questions with answers provided by the Planner, applicant or architects for the applicant.

- At what point will Island Health review the water system for this development?
 - Island Health has been involved for some time. The water plan is on the Islands Trust website and has been submitted to Island Health for their review. The next step is for Island Health to approve the design of the system for the overall plan.
- What is the definition of “affordable” for the bylaw?
 - The Housing Agreement Bylaw No. 243 stipulates and defines exactly how to put the affordability element into practice with section D dealing with rental rates.

To make the project financially feasible a combination of the three BC Housing groups of affordable housing will be needed: deeply subsidized, linked to gross income of household with payment of no more than 30% of the gross income of the family with a maximum income to qualify, and near market. The route to qualify for a deep subsidy would be to register with BC Housing and then to meet the local selection criteria. The criteria for income limits and percentage of housing allocated to deep subsidy or income related allocation changes from year to year.

A Trustee requested that information on the affordability of this project be provided in a more complete and transparent method, even if the limits and percentages criteria are utilized using this year’s numbers, to provide the public with a sense of how this will work.

- Where will the solar array be located and will trees be removed?
 - The current siting of the solar array is along the Kirk Road boundary. An arborist will be consulted to determine potentially dangerous trees requiring removal. Discussions have included replanting with native species.
- Why not create a referendum to establish a fund for purchase of land for affordable housing?
 - Taxpayers could be asked if they want to be levied for this specific purpose, and Trust Council has discussed the possibility of establishing a Housing Authority for this purpose. The underlying framework to support this does not currently exist and would need to be considered and determined. The subject of a Housing Service for Denman Island is on the agenda at 3.2.
- Has the septic disposal location, now shown in the southeast corner, been shifted from another location and was there an investigation for suitability for that area?
 - The southeast corner has been selected by professionals and has changed from the first iteration. A report from an environmental biologist reviewing the wet area will inform the final configuration of the buildings and septic field. Test pits and analysis would have to be done if change is necessary.

- The site is directly across from the community hall which can be lively and noisy into late evening and concern was expressed regarding a possible conflict; has the design included any measures to minimize this possible disruption?
 - The area facing Northwest Road will have a 10 metre setback which will allow for fencing and trees, and the incorporation of landscaping would be a key to addressing those concerns.
- What is the intended height of the solar array and how would that area be screened?
 - The solar array site is very preliminary at this time and a specialist will be consulted to determine the best location after the site of the buildings is determined. The height might be 4-5 feet on a steel structure or there might be potential to use some on roofs. Landscaping would screen from ground level if that is the final location.
- Is the Danes Road density increasing from 2 to 3 or from 2 to 5?
 - Danes Road Lots 4 and 5 are proposed to increase density from 2 permitted market housing dwellings/lots to 5.
- Is the commercially zoned section of the Kirk Road property represented on the site drawings?
 - Part of the rezoning application is to remove the commercial zone designation and replace it with residential and affordable housing site-specific zones. There would be no commercial component to the Denman Green parcel other than the home occupation option.

Chair Fast thanked everyone for their participation and advised that Trustees and staff can be contacted with further questions.

3. NEW BUSINESS

3.1 Meeting Procedures Bylaw - Staff Report - for decision

Regional Planning Manager Kauer presented the Staff Report that asks the LTC to consider replacement of the Denman Island Meeting Procedures Bylaw to incorporate provincial regulation changes permitting local government regular business electronic meetings and adding provisions for public participation and meeting decorum.

She advised that recommendations include requesting that Trust Council be asked to consider adding a full time staff position to the 2022/23 fiscal year budget for electronic meeting support which would allow public to participate in Town Halls electronically.

Discussion of the draft Meeting Procedures Bylaw No. 244, 2022 included the following:

- Correction of a typo: paragraph no. 5, last line: change “trustee to “trustees”;
- Paragraph 38 was considered to be unclear and its removal was supported.

DE-2022-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022” be amended by deleting paragraph 38.

CARRIED

DE-2022-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022” as amended, be read a first time.

CARRIED

DE-2022-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022” as amended, be read a second time.

CARRIED

DE-2022-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022” as amended, be read a third time.

CARRIED

DE-2022-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 244, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw, 2022” as amended, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2022-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that Trust Council consider adding a full time staff position to the 2022/23 fiscal year budget for electronic meeting support.

Discussion on the motion ensued. Trustees noted that more information would be useful to inform a decision, expressed concerns, and questioned flexibility and if in-person meetings were to be resumed regularly could this position be repurposed to a planning position; questions and rationale might be addressed through a review by Financial Planning Committee at this point as it is time sensitive, and could provide useful information prior to consideration by Trust Council. Staff will forward the matter to Financial Planning Committee.

CARRIED

3.2 Letter of Support to Comox Valley Regional District (CVRD) regarding Housing Service

Trustee Busheikin explained that a Denman Island Housing Service has been discussed for some time and that CVRD Director Arbour is working on this initiative. The process

would involve a feasibility study and then a referendum on a small tax levy applied for a specific Housing Service to support housing.

DE-2022-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter to the Comox Valley Regional District encouraging them to undertake a feasibility study on establishing a Housing Service on Denman Island.

Staff will forward a letter drafted previously to Trustee Busheikin who offered to act on this resolution.

CARRIED

4. ADJOURNMENT

Upcoming Meeting

LTC members discussed the meeting scheduled for January 18th and supported postponing the meeting for reasons including the allowance for receipt of information on the DHA rezoning application; and to hold the meeting electronically in consideration of the number of COVID cases currently active on Denman Island.

DE-2022-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee cancel the January 18, 2022 meeting and hold a Special Electronic Meeting on February 15, 2022 at 10:00 am.

CARRIED

By general consent the meeting was adjourned at 9:13 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder

Denman Island Local Trust Committee Minutes of Special Meeting

Date: November 2, 2021
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
Heather Kauer, Regional Planning Manager
Marnie Eggen, Island Planner
William Shulba, Senior Freshwater Specialist
Vicky Bockman, Recorder

Others Present: Daniel Arbour, Electoral Area Director
Approximately 6 members of the public

1. CALL TO ORDER

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

Chair Fast called the meeting to order at 10:32 am. She introduced Trustees, staff and recorder and acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - IN CAMERA MEETING SEPTEMBER 7, 2021

Chair Fast reported that at the September 7, 2021 *In Camera* meeting the Local Trust Committee (LTC) adopted the minutes of the July 6, 2021 *In Camera* meeting.

4. REPORTS

4.1 Trustee Reports

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

- Trust Council in September;
- Regional Planning Committee-working on initiatives based on regional approaches to planning;
- Comox Valley Regional District (CVRD) Elected Officials Forum focused on water and water protection;
- CVRD and Islands Trust annual coordination meeting discussing matters of mutual interest;
- Vancouver Island Economic Summit;

- Financial Planning Committee-working on the budget for the next fiscal year;
- Islands Trust screening of the documentary Dust n' Bones.

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

- Three meetings of the Select Committee for management and governance review of Islands Trust-a report is anticipated for Trust Council in March, 2022;
- Trust Council in September;
- Islands Trust screening of the documentary Dust n' Bones;
- CVRD/Islands Trust annual meeting-Fire Chief Luckett reported on a wildfire emergency fighting exercise on Denman Island;
- Baynes Sound Lambert Channel Forum Steering Committee;
- Trust Programs Committee.

4.2 Chair's Report

Chair Fast reported on activities and meetings including:

- Howe Sound Forum held on Bowen Island;
- Metro Vancouver Regional District meeting – discussion on changes to wastewater treatment to improve marine water quality in the Salish Sea;
- Bowen Island Municipal Council;
- Executive Committee;
- Zero Waste Conference – annual event held electronically;
- Financial Planning Committee meeting is upcoming.

4.3 Electoral Area Director's Report

Director Arbour reported on the following:

- A letter exploring housing services feasibility for Denman and Hornby Islands with options to support housing on Denman Island may be available for consideration at the next LTC meeting;
- The high speed internet initiative referendum vote to bring fibre optic service to Denman and Hornby Islands will take place on November 27;
- CVRD is starting strategic sessions to discuss a solid waste management plan for the entire region;
- Advocating to make the chipping program a permanent fixture in all communities – many benefits include improvement of air quality and reduction of fire risk;
- CVRD is continuing to work with the Graham Lake Improvement District to resolve issues;
- Discussions are being held to consider options to apply to Oceans and Fisheries Canada for selection in a new pilot program.

5. TOWN HALL - none

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated September 7, 2021 - for adoption

By general consent the September 7, 2021 minutes were adopted.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated October 25, 2021 - for discussion

Trustees had no comments.

8.2 Islands Trust Area Bylaw No. TC183 - Referral Request for Response

LTC members discussed process, options, and timing for responding to this referral and expressed support for an approach that provides an opportunity to solicit and reflect Denman Island community's viewpoints.

DE-2021-075

It was MOVED and SECONDED,

that the matter of Islands 2050 Bylaw Referral be deferred until the completion of the formal consultation process as applied to Denman Island.

CARRIED

9. APPLICATIONS AND REFERRALS

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

Planner Zupanec presented the staff report that includes Draft Bylaw No 241 (Official Community Plan), Draft Bylaw No. 242 (Land Use Bylaw), Draft Bylaw No. 243 (Housing Agreement), Draft Restrictive Covenant, Sewage confirmation addendum for Northwest Road, Proposed Water Management Plan, and Early Referral response from Denman Conservancy.

She reported that pending items include approval for a water license, confirmation of adequate sewage disposal capacity for the Danes Road receiver parcels, the Islands Trust Policy Statement checklist; and an internal review of the proposed Water Management Plan that will be conducted by staff with a report provided to the LTC. Staff recommends first reading to advance the referral process.

A Trustee expressed concern that documentation supporting key elements is lacking.

Chair Fast invited the applicant, Simon Palmer, to speak to the application with the following comments noted:

- The Water Plan, including the rainwater harvesting aspect, has been submitted to Island Health who determined they would have no further need to comment until the design stage of the system;
- The well flow test indicated more than adequate well water to supply the project and in addition, half of the potable water needs are planned to be supplied by a rainwater system which has been approved by the BC Ministry of Health;
- The engineer that designed the wastewater system determined there are adequate soil conditions to accept the calculated waste without having any effect downstream of the fields; design of that system is premature at this time and will come early in 2022;
- The LTC was requested by the applicant to consider giving first and second reading for all three bylaws at today's meeting to enable the project to meet the funding request deadline.

Trustees discussed the proposal further with the following noted:

- The proponent confirmed that an electric charging station for residents has been discussed internally;
- In response to a Trustee's concern regarding impact on project residents from potential late-night noise from the nearby community Hall and Activity Centre, the applicant expressed the opinion that the benefits of the affordable living would outweigh any potential objections to noise;
- Giving second reading at today's meeting was considered premature as the referral responses, community input, and receipt of pending documents and analysis might inform possible changes which are typically completed at second reading; and deferral of second reading may not delay the process depending on the substance of the information received.

By general consent the meeting recessed at 11:52 am and reconvened at 11:55 am.

- Definitions and analysis might be expanded to provide clarity and to ensure there is no conflict between multi-family affordable housing and secondary suites regulations and definitions;
- The Housing Needs Assessment indicated a lack of rental housing altogether, not just low income households; consideration might be given to Bylaw No. 235 Schedule "1" Objective 5 to broaden the intent;
- The BC Energy Step Code Level in Bylaw No. 235 Schedule "1" seventh bullet was noted as Level 3 and should be corrected to Level 2;
- Trustees supported a Community Information Meeting to be held as a separate, stand-alone event on an evening or weekend afternoon to encourage community involvement.

DE-2021-076

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 241 cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2021" be amended as follows: by removing the words "for low income households" from proposed Objective 5.

A Trustee made it clear that this amendment is not against low income households however is intended to broaden the scope of availability of rental housing on Denman Island.

CARRIED

DE-2021-077

It was MOVED and SECONDED,

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

CARRIED

DE-2021-078

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 242 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021" be read a first time.

CARRIED

DE-2021-079**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be amended by replacing the words “Step Code 3” with the words “Step Code 2” in paragraph b. v of the Housing Agreement Section 219 Covenant.

CARRIED**DE-2021-080****It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be read a first time.

CARRIED**DE-2021-081****It was MOVED and SECONDED,**

that proposed Bylaw Nos. 241, 242, and 243 be referred to the following First Nations, Local Governments, and agencies for comment:

- a. Hornby Island Local Trust Committee
- b. Island Health
- c. Denman Advisory Planning Commission
- d. Denman Conservancy
- e. Comox Valley Regional District
- f. K'ómoks First Nation
- g. School District 71
- h. Denman Fire Department
- i. Qualicum First Nation
- j. Tla'amin Nation
- k. Snaw'Naw'As Nation
- l. Te'Mexw Treaty Association
- m. We Wai Kai Nation
- n. Stz'uminus First Nation
- o. Lake Cowichan First Nation
- p. Halalt First Nation
- q. Lyackson First Nation
- r. Penelakut Tribe
- s. Cowichan Tribes
- t. Laich-kwil-tach Treaty Society
- u. Nanwakolas Council
- v. We Wai Kum Nation
- w. Xwemanlhkwu (Homalco) First Nation
- x. Islands Trust Freshwater Specialist

A Trustee requested that a cover letter be provided to the Advisory Planning Commission to provide an understanding of the link between the different parts of this project including the donor parcel and receiver parcels.

CARRIED

DE-2021-082

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for an evening or weekend afternoon prior to the next scheduled Local Trust Committee business meeting for application DE-RZ-2021.1 (DHA) and proposed Bylaw Nos. 241, 242, and 243.

CARRIED

DE-2021-083

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back an analysis with recommendations to clarify the definition of dwelling, multi-family in the proposed Bylaw No. 242 and ensure that proposed Bylaw No. 241 Schedule "1", 1. Bullet no. 4 clearly delineates between affordable housing types and primary dwellings, secondary suites and cabins.

CARRIED

By general consent the meeting recessed at 12:51 pm and reconvened at 1:22 pm.

By general consent agenda item 12.3 was moved to follow 9.1.

12.3 2022 Annual Meeting Schedule - for discussion and decision

DE-2021-084

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2022: January 18, March 22, May 31, July 19, September 27, and November 8.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Farming Regulations Review Project - Staff Report - for decision

Planner Eggen presented the Staff Report that provides the LTC with a project status update and asks the LTC to consider a referral to the Advisory Planning Commission (APC) and the Denman Growers and Producers Alliance (GPA) for comment.

Trustees discussed the APC workload and debated benefit of referring the draft community engagement plan and draft topic areas for the community survey/questionnaire to the APC. They discussed process with two referrals currently being considered for APC comment, and suggested that the APC and GPA be advised of the introductory nature and focused responses being requested at this time.

DE-2021-085

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer to the Denman Island Advisory Planning Commission and the Denman Growers and Producers Alliance for their comment, the anticipated draft community engagement plan for the Denman Farming Regulations Review Project and anticipated draft topic areas for the community survey/questionnaire to be prepared by the consultant.

CARRIED

11. CORRESPONDENCE - none**12. NEW BUSINESS****12.1 William Shulba, Senior Freshwater Specialist regarding the Groundwater Recharge Potential Mapping Project and the Watershed Resilience Mapping Project - verbal update**

Senior Freshwater Specialist Shulba provided updates on four projects that have occurred on Denman Island over the past year and a half: the Aquifer Conceptualization Project; Groundwater Recharge Mapping Project; Hydraulic Connectivity and Aquifer Mapping Study; and Healthy Watersheds Project- Watershed Resiliency Mapping.

He advised that a report will be provided in the future that will include island profiles for each Trust Area island and that LTCs will be able to initiate projects with more information specific to their island if desired.

12.2 Fees Bylaw Update - Request for Decision

This Request for Decision asks the LTC to consider adoption of a new application processing Fees Bylaw, drafted by staff and specific to Denman Island needs, based on the model Fees Bylaw.

- A Trustee suggested that the model fee bylaw needs to be adjusted for Denman Island, however it might be preferable to delay consideration until the Farming Regulation project is concluded;
- A Trustee noted that this is an Administrative Bylaw that does not require community consultation, however suggested that an opportunity for public comment might be beneficial as a part of the process.
- The timing, process, and effect on other projects currently on the LTC work program were reviewed.

DE-2021-086**It was MOVED and SECONDED,**

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

Trustees debated the motion. A Trustee expressed concern that support might be given if increases were limited, however, large increases with no assurance of sponsorship and costs associated with new Agricultural Land Reserve conditions might create negative impacts on small scale projects for community needs. A Trustee indicated that this approach asks users to bear a cost of the service rather than taxation on the general public, and supported advancing this initiative to a draft stage with subsequent opportunity for public comment.

The question on the motion was then called.

CARRIED

Trustee Busheikin Opposed

12.4 Position of Rise and Report on the Local Trust Committee Agenda - for discussion

LTC members discussed the matter with no change recommended to the current position of Rise and Report items on the LTC agenda at this time.

13. REPORTS**13.1 Trust Conservancy Report - none****13.2 Applications Report dated October 25, 2021**

Received.

13.3 Trustee and Local Expense Report dated August, 2021

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

14. WORK PROGRAM**14.1 Top Priorities Report dated October 25, 2021**

Received.

14.2 Projects List Report dated October 25, 2021

Received.

By general consent items 16 through 17 were moved to follow 14.2.

16. UPCOMING MEETINGS**16.1 Next Regular Meeting - to be determined**

Trustees confirmed the next regular business meeting is scheduled for Tuesday, January 18, 2022 with start time and location to be determined.

17. INFORMATION ITEMS**17.1 News Release - Islands Trust to Improve Development Application Process**

Received.

17.2 Islands Trust Council Highlights - September 21-23, 2021

Received.

17.3 Islands Trust to Return to In-Person Meetings

Received.

15. CLOSED MEETING**15.1 Motion to Close the Meeting**

DE-2021-087

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) and (m) for the purpose of considering:(d) adoption of In-Camera Meeting minutes dated September 7, 2021 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 2:50 pm.

15.2 Recall to Order - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:50 pm.

Sue Ellen Fast, Chair
Certified Correct:

Vicky Bockman, Recorder



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

DATE OF MEETING: February 15, 2022
TO: Denman Island Local Trust Committee
FROM: Sonja Zupanec and Marlis McCargar, Island Planners
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Denman Island Farming Regulations Review Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse the 'Denman Island Farming Regulation Community Questionnaire' dated February 2022, as presented.
2. That the Denman Island Local Trust Committee release up to \$2000 from the Farming Regulation Review Project budget for advertising and direct mail out of the questionnaire to Denman Island residents and property owners.
3. That the Denman Island Local Trust Committee direct staff to work with the consultant to schedule and advertise a special meeting to hold a Community Information Meeting in the spring for the Farming Regulations Review Project.

REPORT SUMMARY

The purpose of this report is to provide to the Denman Island Local Trust Committee (LTC) a project update and an opportunity to review and comment on the draft community questionnaire (Attachment 1).

BACKGROUND

The LTC passed the following resolutions at their regular business meeting, held November 2, 2021:

DE-2021-085

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

that the Denman Island Local Trust Committee request staff to refer to the Denman Island Advisory Planning Commission and the Denman Growers and Producers Alliance for their comment, the anticipated draft community engagement plan for the Denman Farming Regulations Review Project and anticipated draft topic areas for the community questionnaire/questionnaire to be prepared by the consultant.

CARRIED

Due to the pandemic and concerns from Denman Advisory Planning Commission (APC) members about meeting in person, there was an interest to meet electronically. However, recent legislative amendments did not allow for this. In an effort to advance the project in a timely manner and obtain early input from key community members on questionnaire prior to being considered for endorsement by the LTC, staff, instead, held an

electronic meeting on January 17th, and invited members from the APC and the Denman Growers and Producers Alliance (GPA) to participate. See Attachment 2 for the notes from this meeting.

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

PROJECT UPDATE

The request for proposal process to hire a consultant to lead this project concluded mid-December. The contract was awarded to Uplands Agricultural Consulting Ltd. Hiring a land use planning consultant as the lead planner on this project is one of the main commitments of the Islands Trust in the Contribution Agreement with BC Investment Agriculture Foundation (IAF) Funding Grant.

The consultant has undertaken the follow work to advance this project:

- Undertaken background research, including review of:
 - the Farm Plan Implementation Project work to date, including proposed bylaws;
 - Agricultural Land Commission regulatory updates;
 - available Agricultural Land Use Inventory and activities data, BC Assessment and census data, and related data to support policy and regulatory changes;
- coordinate with Islands Trust planning staff and Ministry of Agriculture staff to update Agricultural Land Use Inventory and activities data for Denman Island;
- developed a draft community questionnaire which was reviewed by members of the Advisory Planning Commission and Growers and Producers Alliance.

Community Questionnaire

A copy of the draft community questionnaire (Attachment 1) is presented for LTC review, comment and endorsement.

ALTERNATIVES

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

1. Request changes to the draft questionnaire.

The LTC may wish to make changes to the draft questionnaire. Implications of making changes to either are the following:

- If the amendments are minor and can be made at the meeting, then the document(s) can be endorsed as amended.
- If the amendments are major, staff would have to have to return to a subsequent meeting with an amended document(s). In this case, the implications of making these types of amendments may delay the advancement of the project to Phase 2: Consultation and Bylaw Development which may impact our commitments in the Contribution Agreement with BC Investment Agriculture.

Recommended wording for such a resolution is as follows:

That the Denman Island Local Trust Committee request staff to amend the Farming Regulations Review questionnaire by [insert requested changes].

Additionally, staff recommend resolutions on Page 1 of the report and include “as amended.”

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will work with the consultant to distribute the questionnaire.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner Marlis McCargar, Island Planner	February 8, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	February 9, 2022

ATTACHMENTS

1. Draft Questionnaire – February 2022
2. Notes from electronic meeting with members of the APC and GPA held January 17, 2022.

Draft Denman Island Questionnaire – Farm Regulations Bylaw Review

Overview

The purpose of this questionnaire is to obtain feedback from the Denman Island community to inform the development the Denman Island Farm Regulations Review. This review will result in amendments to the Denman Island Official Community Plan and Land Use Bylaw. Please note that any cannabis-related land use issues are outside the scope of the Farm Regulations Bylaw Review. The Islands Trust intends to undertake a separate initiative to review cannabis-related bylaws.

Any local government bylaws (such as the Denman Island Farm Bylaw) that pertains to land in the Agricultural Land Reserve (ALR) must adhere to all other provincial legislation, including the provincial *Agricultural Land Commission Act* (ALCA). Section 46 of the ALCA requires that local governments adopt bylaws that are supportive of farm activities and must ensure that bylaws are consistent with the ALCA, the Regulation, and any orders of the ALC.

Regulations allow local governments, such as the Islands Trust, to authorize how a landowner can use a piece of land and how much of that use is allowed on the land. However, due to the fact that the ALR is provincially-regulated, the Denman Island Farm Regulations must generally align with the provinces policies and regulations and the Islands Trust must not prohibit agriculture.

Questionnaire topic areas:

1. Definitions of agriculture, horticulture, and intensive agriculture
2. Secondary dwellings in the ALR.
3. Agri-tourism and associated accommodation
4. Setbacks for agricultural buildings and practices from waterbodies

Topic 1. Definitions of Agriculture, Horticulture, and Intensive Agriculture

Context

Over the last few years there has been a lot of discussion and feedback regarding the need to appropriately re-define “agriculture”, “horticulture”, and “intensive agriculture” in order to best fit the culture and the scale of farming found on Denman Island. Agriculture, horticulture, and intensive agriculture are currently allowed within Agriculture, Forestry, and Resource zones on Denman Island. In Residential zones, both agriculture and horticulture are allowed but intensive agriculture is not.

It is important to note that within the ALR certain forms of agriculture can be restricted but not prohibited. Section 555(2) of the *Local Government Act* specifies that intensive agriculture is a permitted use on all ALR land, regardless of any zoning bylaw regulations that may prohibit certain farm practices. A balance will therefore need to be struck on certain definitions, whereby the character of the farming community is protected through policy but the definitions within the Farm Bylaw regulations remain legally acceptable.

Definition of Agriculture

Q1) Please rank the following definitions of “Agriculture” in order of preference, with 1 being most preferred and 4 being least preferred:

- “Agriculture” means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals. (*Mayne Island*)
- “Agriculture” means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock. (*Hornby Island*)
- “Agricultural” means the use of land, buildings or structures for the growing, rearing, producing, packing, storing and harvesting and wholesaling of agricultural crops or raising livestock; includes processing crops grown on the land, the storage and repair of farm machinery and implements of husbandry used on that farm, and the storage, sale and processing of agricultural products

harvested, reared or produced by the agricultural use. For the purpose of this bylaw, Agriculture also includes apiculture and aquaculture, but excludes cannabis production (*Comox Valley Regional District*).

- “Agriculture” means the use of land, buildings or structures for any of the following activities: growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals; clearing, draining, irrigating or cultivating land; using farm machinery, equipment, devices, materials and structures; applying fertilizers, compost, manure and other growing agents; intensively cultivating, in plantations, speciality wood crops or speciality fibre crops prescribed by the Minister of Agriculture, Food and Fisheries; turf production; aquaculture; raising or keeping of game, within the meaning of the Game Farm Act, by a person licensed to do so under the Act; raising or keeping fur bearing animals, within the meaning of the Fur Farm Act, by a person licensed to do so under the Act; storage, processing or direct marketing by a farmer of farm products; but does not include any of the following activities: a forest practice defined in the Forest Practices Code of British Columbia Act; the sale of processed wood products; breeding pets; operating a kennel or equestrian stable; growing, producing, raising or keeping of exotic animals as defined by the Minister of Agriculture, Food and Fisheries. (*Denman Island, current*)

Definition of Horticulture

Some local governments prefer to include “Horticulture” within the overarching definition of “Agriculture” while others prefer to define it separately.

Q2) Please rank the following definitions of “Horticulture” in order of preference, with 1 being most preferred and 4 being least preferred:

- “Horticulture” is the use of land for the rearing of plants (*Mayne Island*)
- “Horticulture” means the cultivation of fruits, vegetables, herbs, flowers and ornamental plants (*Sunshine Coast Regional District*)
- “Horticulture” is the growing of flowers, fruits, vegetables and other plants and includes the sale of such products when grown by the landowners on their lot (*Denman Island*)
- Prefer not to define “Horticulture” at all.

Intensive Agriculture

The *Denman Island Land Use Bylaw* currently defines “Intensive agriculture” as the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots (*Denman Island, current*).

Intensive agriculture is permitted within the ALR and in Agriculturally-designated zones outside the ALR, but not within residential areas (e.g. R1 or R2). Some jurisdictions, such as Mayne Island and Hornby Island, do not define intensive agriculture at all and therefore do not restrict it outside of the ALR.

Q3) Out of the examples provided below, please rank in order of preference, with 1 being most preferred and 5 being least preferred:

- “Intensive agriculture” means agriculture that involves the confinement of more than 4,550 kg (approximately 10 Animal Unit Equivalents) of poultry or livestock or the operation of a fur farm or the manure- based cultivation of mushrooms. (*Salt Spring Island*).
- “Intensive agricultural use” means the use of land, buildings and structures for the confinement, growing, producing, harvesting, slaughtering, processing of poultry, livestock or fur bearing animals,

including the operation of feedlots, or for the growing of mushrooms. (*Comox Valley Regional District*).

- “Intensive agriculture” is defined as: the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots (*Denman Island*, current)
- Prefer not to define “intensive agriculture” at all (note that this will not preclude it from being a permitted use within the ALR as per provincial regulations).

Agriculture in Zones R1 and R2

The following questions refer to agricultural practices that may be permitted outside the ALR and Agricultural Zones. Please note that if any changes to the Farm Use Bylaw are made, current activities in R1 and R2 could be grandfathered in.

Q4) Definition of Residential Agriculture

Would you support the following potential definition of “Residential Agriculture” which has been developed with input from the Growers and Producers Alliance, for an allowable use in zones R1 and R2?

“Residential Agriculture” is the production of crops and livestock that provides the dual role of being a source of household food security as well as income from the sale of surplus product. The use of agrochemicals is limited. Sale of products produced is limited to the local area and farmers markets.”

- Yes
- No

Q5) Would you support the permitted use of Intensive Agriculture within R1 and/or R2 zones on Denman Island? (check all that apply)

- Yes without any additional restrictions
- Yes but only on R1 or R2 lots larger than 5 acres
- Yes but only to a maximum of 10 Animal Unit Equivalents (e.g. 8 horses, 10 cows, 10 pigs, 30 sheep, or 250 chickens)
- Yes but only to a maximum of 5 Animal Unit Equivalents (e.g. 4 horses, 5 cows, 5 pigs, 15 sheep/goats, or 125 chickens)
- No I do not support Intensive Agriculture in R1 or R2 zones

Please provide any comments regarding Definitions here:

Topic 2. Secondary Dwellings in the ALR

Context

Housing within the ALR is heavily regulated by the ALC. Local governments can be more restrictive than what is allowed by the ALC (e.g. allow fewer dwellings) but can not be less restrictive (e.g. allow more dwellings).

As of December 31, 2021, the ALC is allowing a ‘secondary dwelling’ on properties in the ALR that have one principal residence of 500 m² (5,380 ft²) or less. These properties will not be required to have Farm Tax Status to qualify, however, the following must apply:

- A second dwelling must not already exist; and
- The new secondary dwelling must be 90 m² (970 ft²) or less on parcels less than 40 ha (98.8 acres) or 180 m² (1,940 ft²) on parcels 40 ha (98.8 acres) or greater.

Unless the local government applies conditions, the type of secondary dwelling can be in the form of a garden suite, a guest house, a suite above an existing building, or a manufactured home, however, it cannot be divided up into multiple units. The occupancy of the secondary dwelling is not restricted: it can be used as a short-term vacation rental, as farm worker housing, or to provide housing for those who are not directly engaged in farm work.

There are 171 parcels of land that are in (or partially in) the ALR that may be eligible for a secondary dwelling. While not all of these parcels would qualify for a secondary dwelling, and not all landowners would choose to build a secondary dwelling, it provides an upper estimate as to how many new secondary dwellings could possibly be built on the Island base on the new ALC regulations. According to the 2016 Census (the most recent available information), there were 832 dwellings on the entire of Denman Island (both in and outside of the ALR).

Q6. Based on the above context, which of the statements below best aligns with your level of support for secondary dwellings on ALR land within Denman Island?

A) Secondary dwellings should be allowed in the ALR on Denman Island as per the ALC regulations, with no additional restrictions placed by Islands Trust.

B) Secondary dwellings should be allowed in the ALR on Denman Island, subject to certain conditions to be put in place by Islands Trust (select all conditions that you would support):

- o Lots must be over a certain size (e.g. 5 acres) to qualify for a secondary dwelling
- o The property must have Farm Tax Status (e.g. the farm must be a commercial operation) to qualify for a secondary dwelling
- o The secondary dwelling must be used for long term rentals or farm worker housing only (e.g. no vacation rentals or AirB&Bs)
- o The property must have adequate potable water and septic capacity for the additional secondary dwelling
- o Other (please specify): _____

C) Secondary dwellings should not be allowed in the ALR on Denman Island.

Please provide any comments regarding Secondary Dwellings here:

Topic 3. Tourist Accommodations on Farmland

Context

Within the ALR, tourism and related accommodations are strictly regulated by the ALC. Local governments, such as the Islands Trust, can adopt more restrictive rules but cannot allow for less restrictions than what the province sets out.

There are 2 types of accommodation that can be permitted in the ALR by the ALC:

- 1) Agri-tourism accommodation: this must be directly related to an agri-tourism activity (see context above) and the property must have Farm Tax Status. The total area used for the accommodation must be less than 5% of the parcel and list limited to a max of 10 sleeping units (e.g. a bedroom, trailer, or tent) but can be restricted to less by local governments. This accommodation must be provided on a seasonal (specific time of year, but not all year) or short term (less than 30 consecutive days per tourist) basis only.

- 2) Bed and Breakfast (B&Bs): This type of accommodation can only occur within the principal residence and must be limited to 4 bedrooms total. It must be provided for short-term accommodation only.

Tourism Accommodation in the ALR

A local government may decide that no tourist accommodation should occur in the ALR in its jurisdiction at all. It must be specifically listed in the land use bylaw in order for that use to be allowed to occur. The land use bylaw may restrict the number of agri-tourism sleeping units to fewer than 10 and can also specify requirements for maximum floor area, parking, signage, setbacks, fire and emergency servicing. The Denman Island Land Use Bylaw does not currently mention agri-tourism accommodation or B&Bs, and therefore they are currently prohibited.

Q7) Would you support the allowance of agri-tourism accommodation (e.g. seasonal cottages, campsites) and/or B&Bs (within a principal residence) to be allowed within the ALR on Denman Island? Please select the answer that best fits with your preference:

- A. I would support this use as per the ALC regulations (up to 10 agri-tourism 'beds' on the property and up to 4 B&B 'bedrooms' in the principal residence)
- B. I would support a more restrictive approach to agri-tourism: e.g. less than 10 agri-tourism beds and less than 4 B&B bedrooms
- C. I would not support any forms of tourist accommodation in the ALR

Temporary Use Permits

Local governments that allow tourist accommodation in the ALR may require permits to ensure the occupation of the accommodation meets the requirements of their bylaws. The most common form of permitting is through the use of Temporary Use Permits (TUPs) which would provide up to 3 years of approved use (which can be renewed once, for 6 years total). This is generally used to 'test the waters' to ensure that there are no issues that arise that would create long term problems if the use was approved through permanent re-zoning. After the 3 or 6 year mark the local government can grant full approval through a re-zoning of the property. Both TUPs and re-zoning require fees.

Q8) If you responded in support (e.g. A or B) to question 7, would you support the use of Temporary Use Permits?

- Yes – I would support the use of TUPs as a first step to make sure the use does is a suitable fit
- No - if tourism accommodation is included in the land use bylaw it should not require a temporary permitting approach, it should be permitted in the zoning

Tourism Accommodation Outside of the ALR

Tourist-based accommodation could also be allowed OUTSIDE of the ALR if the land use bylaw permitted it.

Q9) Would you support allowing agri-tourism accommodations (e.g. tents) on parcels outside the ALR?

- Yes – only if the property has farm tax status
- Yes – even if the property does not have farm tax status
- No

Q10) Would you support allowing B&B accommodations (e.g. bedrooms within a principal residence) on parcels outside the ALR?

- ☐ Yes – only if the property has farm tax status
- ☐ Yes – even if the property does not have farm tax status
- ☐ No

Topic 4. Setbacks between Agriculture and Waterways

Setbacks can be necessary between farming and environmentally sensitive areas. Riparian vegetation provides important habitat to support biodiversity. The provincial Riparian Areas Protection Regulation (RAPR) does not apply to agricultural land use and farming activities.

Many setbacks for the protection of water resources associated with agriculture are set by the BC Ministry of Environment through the *Agricultural Environmental Management Code of Practice (AEM Code)* and are therefore outside the realm of local government regulation. The AEM Code is a relatively new regulation that was enacted in 2019 and it supersedes local government regulations.

The AEM Code defines "watercourse" as:

- (a) an area of land that perennially or intermittently contains surface water, other than
 - (i) puddles,
 - (ii) groundwater and dugout ponds for livestock watering, and
 - (iii) furrows, grassed waterways and other temporary ponded areas that are normally farmed, and
- (b) drainage ditches that lead to an area described in paragraph (a);

Section 64 (1) of the AEM Code states that *"a person responsible for a grazing area, seasonal feeding area or temporary holding area in which livestock or poultry have direct access to a watercourse must ensure that effective controls are in place to minimize*

- (a)trampling and erosion of soil into the watercourse, and*
- (b)contaminated runoff, leachate and solids entering the watercourse."*

Local governments, through the *Local Government Act*, have the ability to regulate farming activities within their jurisdiction. Local governments can require that agriculture in the ALR adhere to Development Permit Area Guidelines for Environmental Protection near riparian areas, but it can't be restrictive to the point of prohibiting agricultural production completely. For example, local regulations could require fencing to prevent livestock from entering ponds, streams, wetlands, lakes, or other waterbodies but could not prohibit livestock from grazing on the property entirely.

Question 9. Would you support updating Development Permit Area #4 (Streams, Lakes, and Wetlands) to include requirements for livestock fencing and other agricultural restrictions within specific setback areas?

- ☐ Yes
- ☐ Maybe
- ☐ No

Please provide any comments regarding Tourism Accommodations here:

Denman Island APC and GPA Meeting #1

January 17, 2022 from 3-5pm

Via Zoom

Attending:

Marnie Eggen	Island Trust
Ione Smith	Upland Agricultural Consulting
Sydney Hnatiuk	
Edina Johnston	APC
Anne de Cosson	
C Urquhart	
Doug Wright	GPA
Dylan Gale	
Naomi Elliot	
Noah Ross	

Meeting agenda:

- Welcome and Introductions | 10 mins
- Brief summary of project work up-to-date and next steps | 15 mins
- Draft Project Engagement Plan (attached for your reference) - presentation and discussion | 45 mins
- Preliminary topic areas for survey/questionnaire (see list below) - presentation and discussion | 45 mins

Meeting begins at 3:05 pm

Marnie welcomes all to the meeting and offers land acknowledgment

Marnie presents meeting agenda

Round of introductions:

All introduce themselves and their affiliation

Marnie presents the history of agricultural policy work on Denman Island from 2016-present.

Ione introduces the objectives of this meeting:

- Go over engagement plan and get feedback – make sure we are on the right track early on
- Go over the draft questionnaire and get feedback

Ione Presents draft questionnaire

Topic areas:

- a. Definitions of agriculture and permitted use of agriculture outside the ALR.
- b. Secondary dwellings in the ALR (and alignment with new ALC regulations).
- c. Agri-tourism, associated accommodation, and use of TUPs.
- d. Setbacks for agricultural buildings and practices and for non-agricultural buildings.
- e. Subdivisions involving farmland, this may include minimum parcel sizes and how to deal with situations that create panhandle lots.

Marnie presents the purpose and scope of the Denman Island Farming Regulations Review project.

- To identify what bylaws are working for Denman and which ones are not, then to refresh them, bringing the bylaws up to date with how the community is feeling about agriculture and agriculture land use on Denman Island.
- We are reinvigorating the discussion around the bylaws which did not get resolved in the creation of the agriculture plan and bringing in the new considerations based on changing ALR regulations.

Feedback on draft questionnaire:

- Survey should be tailored to farming and agriculture (food security, employment opportunities, training opportunities, responsible agriculture, supporting local food systems)
 - lone: The survey topics will be very narrow and laser focused on agriculture and the policies and regulations which can support it at the Islands Trust level
- Questions about permitting agricultural use outside of the ALR and how we can best support that
 - Including chickens as a permitted use in Residential 1 (R1) lands should be considered
 - It is possible to have farm tax status outside of the ALR, and to have successful agricultural production. But it is important that we identify an agricultural definition for those properties so we can write them into the policies and bylaws. Not all types of farming are appropriate in areas that are primarily residential.
- GPA has been wondering if there is the option to take the new ALR rules as they are from the provincial government, without adding any additional restrictions (all ALR rules, not just housing related rules).
 - Yes, that is a possibility. In that case there would be no conditions other than the criteria put forth by the ALC.
 - The survey currently gives alignment with the ALC regulations as an option, as well as options for further conditions and restrictions.
- Is it necessary to apply to the ALC to build a secondary residence under the new regulations?
 - No, as long as they line up with the criteria within the new rules there is no application necessary. *(lone gives a brief overview of the new ALC criteria for allowing secondary dwellings – must not already have a secondary dwelling, the dwelling must be max 90 m² , etc.)*
- Concerns are raised around the legality of Airbnb's and the preservation of farmland if secondary suites are allowed.
- Question raised as to whether or not ALR can accommodate 3 or more dwellings.
 - That would require an application to the ALC, and first be vetted by the Islands Trust.
 - For Islands Trust to consider supporting it there would need to be explicit statements about that in the bylaws.
 - ALC rarely allows additional dwellings, must be an exceptional circumstance, and does not base decisions on need for affordable housing.
- Is it possible to go beyond the ALC regulations?
 - No, the local bylaws can be more restrictive but not less restrictive. It is possible to apply for a third dwelling but it is rare that it would be approved.
- If you wanted a 3rd dwelling would you need a TUP to get that approved?

- Marnie: an application to the APC for more than one additional dwelling would have to go through the LTC and it would be unlikely that to receive support from the LTC for that unless it was written into the bylaws.
 - it is very uncommon that third dwellings are approved.
- Do we know how many properties are within the ALR could have an additional dwelling placed based on the new ALC regulations (e.g. how many extra houses might exist at full buildout)?
 - Not off hand, but not all properties would be affected by the new regulations because they may not meet the necessary criteria for building secondary dwellings.
 - For properties outside of the ALR which have agriculture practices occurring on them, they are not affected by the new regulations, but we will still be including them in the overall review in agricultural regulations on Denman Island.
 - Likewise, neighbours of ALR land holders are also impacted by agricultural regulations and bylaws, so they also need to be included
 - Marnie will follow up with information regarding number of parcels in the ALR.
- The survey looks good and clearly directed, but the tourism aspect might go sideways as there is not much tourism happening here, nor the desire for tourism.
 - Bylaws are as much for things which you do want as they are for things you don't want, they are a tool to restrict things which are not in line with the community values on Denman island such as Intensive agriculture or tourism.
- On Denman we recognise that our farming activities need to be creative in order to be viable, so in writing these bylaws around secondary dwellings, it would be good to be creative in the wording so there is flexibility.
- Ensure survey is worded so that it is clear the purpose is to improve life on Denman, protect the legacy and culture, rather than restricting the actions of residents.
- Where do part time or seasonal workers fit in within the dwelling issue?
 - Seasonal workers would be able to stay in the secondary dwelling, with the new ALC regulations, the occupants of the secondary dwelling could be a farm worker, could be a tourist or family. There are no restrictions regarding who can be in the dwelling, just the number of dwellings.
- lone: is there any other topics I have missed in the questionnaire?
 - No

lone opens the floor to general feedback

- A big challenge for agriculture on Denman is the land prices, it's not possible to pay mortgages off with farming. Creative solutions are the only way that we are able to make an income.
- Hesitancy towards the Islands Trust because not a lot of enthusiasm around regulations and regulatory bodies, so need to be careful with how this engagement is framed.
- Is there space for the Islands Trust to suggest and streamline solutions through templates or a factsheet to aid people through the regulatory process of building secondary dwellings and how they can be used to generate income?
 - Island trust has a page with this sort of information on their website and are always looking for ways to improve it. This could be a good idea and Island Trust can explore how we can best implement this.

- At the moment, this is beyond the scope of the project
- We need to build the regulations and push them through and then these sorts of resources can be built from that.
- Marnie notes that there are siting and use permits for new buildings on Denman, but not building permits
- Farm succession planning is not included in this review, can it be?
 - Subdivision and secondary dwellings can also be related to succession planning.
 - Subdivision can be a bit complicated so consultants will include a good preamble regarding what the ALC allows
- Two most pressing issues on Denman are affordable housing (rental properties) and the conserving the ability to farm (succession).
- Will housing become more restricted?
 - Ione describes how local government has the ability to build in more restrictive conditions than the ALR but not less.
- The questionnaire would be sent to anyone who lives on the island, not necessarily only landowners. It will be available online not just in the mailbox.
- What is islands trust going to do with these farm properties which have 3 houses on them already?
 - There would be no demand to have one of those houses be removed, things are grandfathered in. These regulations only effect new dwellings.
- Interest in definitions around wetlands (seasonality and its impacts on agriculture)
 - Ione to investigate

Comments around specific stakeholders for interviews

- General store is under new ownership but could still be worthwhile interviewing
- Transition Denman Island has basically amalgamated with GPA
- Dylan's partner is in education and can discuss the school garden, the coupon and nutrition program, food bank and provide a contact for the Farm 2 Families program.
- Laura the trustee knows a lot and is a good resource
- Farmers market committee is a part of the GPA, though may be good to engage separately (sub-committee) – Naomi is the contact for that

Final thought – we need to encourage farming on Denman, so let's ensure the questionnaire is crafted in a positive way and use language that lends support to the farming community.

Next steps:

- **Deadline for Survey feedback 26th**
- Upland to finalize engagement strategy and survey
- Begin interviews
- Map based agriculture land use inventory
- Prepare mail-out

From: HHolm [REDACTED]
Sent: Tuesday, February 1, 2022 10:54 PM
To: Denman Island Local Trust Committee <DenmanIslandLocalTrustCommittee@islandstrust.bc.ca>
Cc: Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: Feb. 1-22 submission to the Feb. 15/22 LTC meeting

LTC members, Planner Zupanec and Upland Agricultural Consulting:

For your information and for inclusion in the agenda package for the Feb. 15/22 Special LTC meeting (attached)

Harlene Holm

Submission to the Denman Island Local Trust Committee February 15/22 special meeting.

I have a number of requests of the Local Trust Committee, Planner Zupanec and Upland Agricultural Consulting –all of whom will shape farm regulatory outcomes.

1) Please add the following to the project documents available on the Denman Island Trust website:

a. Taina Uitto's report based on surveying vendors and shoppers at a series of market days. This was a Farm Plan committee initiatives and left out of the Final Farm Plan. Ms. Uitto has promised to email a copy for me to forward to the LTC.

b. Jenny Balke's June 2013 Rural Affordable Housing Project commissioned by Denman Community Land Trust Association (DCLTA) with funding from the Comox Valley Housing Task Force. Dr. Balke's powerpoint presentation to the Task Force forum on Homelessness may also be of interest.

c. DCLTA's formal recommendations arising from Dr. Balke's report.

d. My objection to the use of islanders on the Farm Plan Steering Committee as a funding requirement whereas the bulk of the report embodies conclusions and recommendations that represent those of the Ministry of Agriculture. My objection was submitted at the time the LTC was considering adopting the Farm Plan report. I argued that the report be received for information, not adopted. This submission should be found in the record of the LTC adoption of the Farm Plan.

e. My March 16, 2021 delegation and submission to the LTC outlining the failure of proposed bylaws 228 and 229 to work within the Trust mandate, the intent of the islanders on the Farm Plan committee plus the absence of protection or even representation of wetlands and water courses in what I termed a sustainability-free zone covering nearly half the island.

2) Proposed bylaws 228 and 229 move Agriculture out of Sustainable Resources to stand alone as Agriculture. That alone is alarming. Proposed bylaw 229 allows feedlots (fenced non-grazing area) and intensive agriculture (confined in a building). I have never heard anyone on island extoll feedlots or intensive agriculture as an appropriate use.

How many numbered agricultural zones are there on Denman Island? These represent lots as small as two hectares. There are agricultural uses that exist in BC that could and would be highly destructive to the ground water and wetlands and to the health and well being of neighbours.

Please don't use proposed bylaws 228 and 229 as a starting point except to recognize what not to do going forward. The first step should be to determine what is working at an island-scale, sustainable and community-supported level. What isn't working is the Ministry of Agriculture's existing clout that allows landowners of ALR land to drain and /or divert streams and wetlands.

The Ministry of Agriculture has a mandate to support and expand agriculture as an industry. The Trust mandate is far more complex and appropriate.

3) Please look at existing OCP/bylaw regulations measured against what farming is carried on in this community. If it ain't broke, don't fix it.

4) I understand that the community will be surveyed and “engaged.” Please look at Taina Uitto’s survey report as a model. Residents and particularly farmers have more to do in the spring than fill out a survey and attend meetings in order to avert regulatory damages.

Note the key vision statement and two key guiding principles that reflect the voice of islanders on the Farm Plan Committee:

* An Island where we feed each other abundantly because farming is a viable and valued foundation of our sustainable community. –Vision Statement, Denman Island Agriculture Plan Steering Committee

* Recognizing/supporting the local, small-scale, and diverse nature of Denman Island agriculture

* Recognizing the importance of healthy ecosystems and their interrelationships with farming

Harlene Holm

██████████ Road, Denman Island

Owner and farmer of ALR land

*resigned from the Farm Plan Steering Committee when it was clear the plan was and would remain hijacked

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

DATE OF MEETING: February 15, 2022

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, RPP, MCIP
Northern Team

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

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

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

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be amended:
 - i. Section 1.20, Line Item 2, be amended to read “Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R1(5) zone.”;
 - ii. Section 1.20, Line Item 4 be removed in its entirety and subsequent line items numbered chronologically;
 - iii. Section 1.21, Line Item 1 be removed in its entirety and subsequent line items numbered chronologically;
 - iv. Section 1.22, Table 8 – Site Specific Regulations, R4(1) – add a new line after item 5 to read: “6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line.”; and renumber subsequent line items chronologically;
 - v. Section 1.22, Table 8 – Site Specific Regulations, R4(1), Line Item 8 – reduce the minimum required number of automobile parking spaces required to 1.0 per affordable housing unit.
2. That Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be given first reading as amended.
3. That Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be amended by removing clause iv in “section b. Agreement over the Lands” in its entirety.

4. That Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be given second reading as amended.
5. That the Denman Island Local Trust Committee request staff to work with the applicant to prepare the following amendments to the draft restrictive covenant for 1151 Northwest Road, DE-RZ-2021.1 (DHA), for future Local Trust Committee consideration:
 - i. Protection of riparian habitat along the western boundary and establishment of a 3.0 metre minimum setback and restoration area along the eastern edge of the wetland. Requirements for a landscape buffer, wetland area fencing to be constructed prior to any construction on the site and maintained in perpetuity; and siting of a trail consistent with the ‘Baseline Inventory’ report recommendations dated February 2, 2022; and
 - ii. Requirements for a stormwater management (drainage) plan as part of a future Siting and Use Permit.

REPORT SUMMARY

This report summarizes referral responses and the Community Information Meeting recently held for “Denman Green” application DE-RZ-2021.1 (DHA). Staff is recommending that amendments to Proposed Bylaw Nos. 242 (LUB) and 243 (Housing Agreement) be considered as summarized in this report and in Attachment 1. Staff is also recommending additional work on the draft restrictive covenant for Denman Green be prepared and returned for future Local Trust Committee consideration to include measures to protect a recently identified wetland feature. All relevant background information is posted to the Islands Trust [current applications webpage](#).

BACKGROUND

On November 21, 2021 the Denman Island Local Trust Committee (LTC) gave first readings to Proposed Bylaw Nos. 241 (OCP), 242 (LUB) and 243 (Housing Agreement) and forwarded the bylaws to agencies and First Nations for comment. A summary of referral responses received to date are included in Attachment 2. The LTC also passed the following resolution:

DE-2021-083 It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back an analysis with recommendations to clarify the definition of dwelling, multi-family in the proposed Bylaw No. 242 and ensure that proposed Bylaw No. 241 Schedule”1”, 1. Bullet no. 4 clearly delineates between affordable housing types and primary dwellings, secondary suites and cabins. **CARRIED**

Staff analysis and a recommendation are outlined in the following section of this report.

ANALYSIS

Issues and Opportunities

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

- Summary of Referral Responses (Attachment 2)
- Recommended Amendments to Bylaw No. 242 (LUB) (Attachment 1)
- Recommended Amendment to Bylaw No. 243 (Housing Agreement) (Attachment 1)

- Additions to Draft Restrictive Covenant
- Status of Revised Site Plan, Water and Septic Approvals
- Definition of ‘Multi-family Dwelling’

Summary of Public Input and Referral Responses

An online community information meeting was held in January 2022. Public input on the proposed bylaws is encouraged until the close of a public hearing (date to be determined). Public interest appears to be primarily in the practical application of the housing agreement for the 20 units of proposed affordable housing at 1151 Northwest Road. No suggested changes or revisions to the Proposed Bylaws are as a result of public input.

Attachment 2 summarizes the referral responses received up until the time of report writing.

The Denman Conservancy have provided a detailed response for LTC consideration, specifically related to zoning regulations and possible restrictions on development for receiver Lots 4 and 5 Danes Road. The owner of the receiver lands has indicated that the covenant area adjacent to Lots 4 and 5 was historically established based on a detailed environmental assessment and evaluation of the functions and features of the adjacent creek. The riparian areas are seen to be adequately protected by the extent of the covenant area. Further restrictions on the adjacent receiver lands is seen by the owner to be overly restrictive as part of this density transfer to support affordable housing in the village core. A draft plan of subdivision has been provided by the owner to show the approximate location of the additional lots in proximity to the covenant areas (Figure 1). The owner is interested in ensuring maximum zoning flexibility for these lots to be developed as view lots, with residential development likely occurring at the top of the ridge vs. in proximity to the covenant boundaries.

The Comox Valley Regional District have requested the applicant consider allocating sufficient space to accommodate a future park and ride and bus stop for the Denman Island Transit System. The applicant has been in recent discussions with the CVRD staff to discuss alternative sites as the Denman Green parcel may have significant site constraints due to a recently identified wetland area.

Island Health has confirmed that they are waiting for the applicant to submit a complete drinking water system application prior to providing further comment. This application is pending receipt of an approved groundwater license from the provincial government, which is currently in stream.

Islands Trust Freshwater Specialist has reviewed the Denman Green Water Plan and provided general comments to the Island Planner for LTC consideration. Staff recommend the approved water license be referred to the Freshwater Specialist for comment, when available:

- The ‘Average Daily Demand (ADD)’ used by the developer is less than the Island Health and BC Design guidelines and does not seem to reflect a sustainability or precautionary principle;
- Using ‘average monthly rainfall’ to determine summer time rainfall for rainwater harvesting does not seem to be in line with precautionary principle – the average is from previous decades. Climate projections show lower than average will be the norm;
- Will raw groundwater be stored in mixed tanks with rainwater? A detailed treatment design system should be provided as well as stormwater management and how stormwater can assist in irrigation. What water source is proposed for fire suppression?

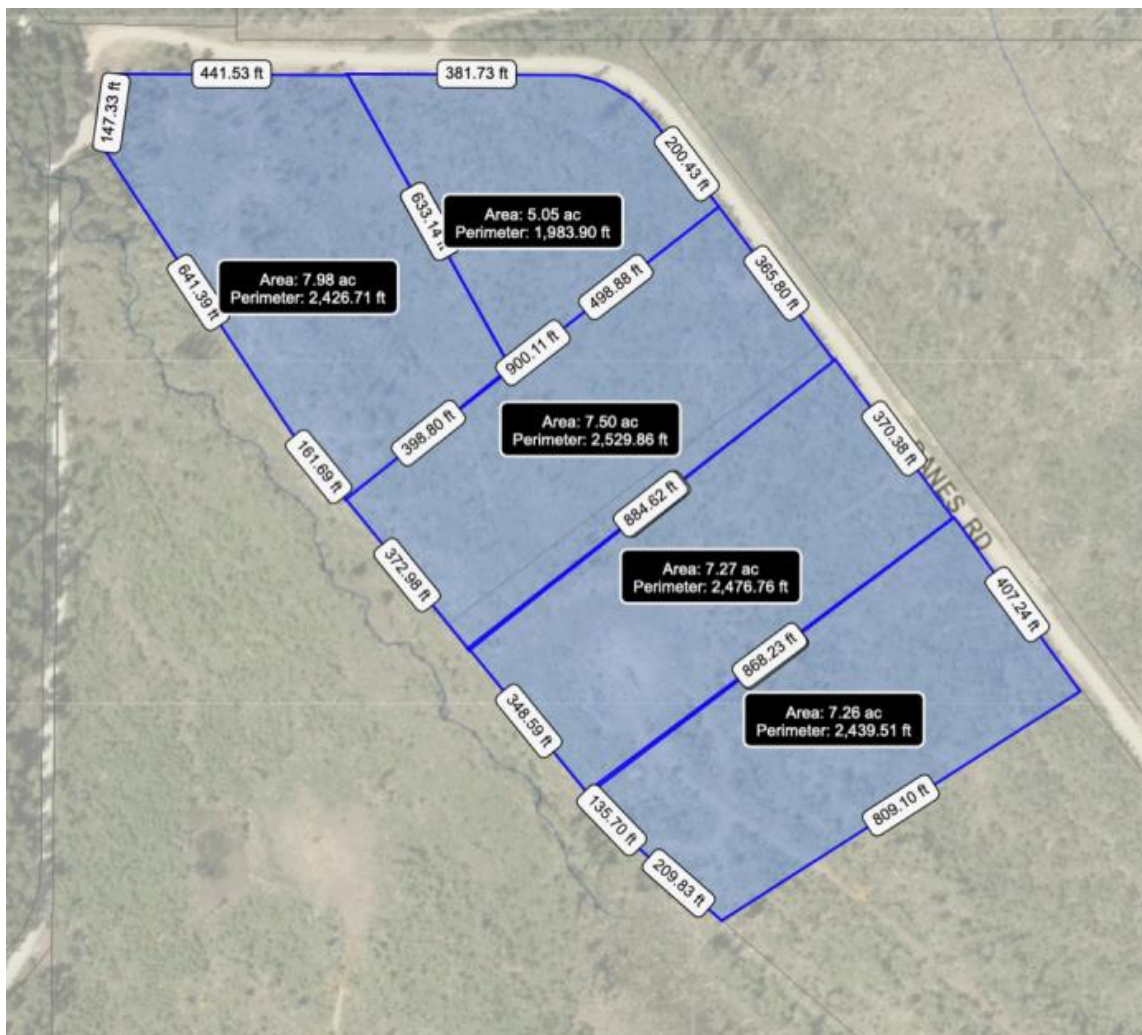


Figure 1. Draft plan of subdivision into five lots (Lots 4 and 5, Danes Road).



Figure 2. Adjacent conservation covenant areas to Lots 4 and 5 Danes Road.

Recommended Amendments to Bylaw No. 242 (LUB)

The applicant has indicated support for maximum flexibility of the affordable housing receiver parcel zoning, to protect the newly designated wetland area and still accommodate buildings, structures, parking and associated infrastructure for water and sewage treatment. A full summary of suggested amendments and staff comments are outlined in Attachment 1. Staff support a number of changes via first reading as amended. Additional changes may be required prior to a public hearing pending receipt of the approved water licence.

Recommended Amendments to Bylaw No. 243 (Housing Agreement)

The applicant has requested one minor amendment (Attachment 1) to allow greater flexibility at the time of construction with the form of affordable housing. Staff support this change and giving second reading as no further changes to the housing agreement are anticipated at this time.

Additions to the Draft Restrictive Covenant

A draft section 219 restrictive covenant is intended to be registered on the title of the 'Denman Green' parcel for the 20 units of affordable rental housing, as a condition of rezoning. The covenant would require that the 20 units of rental housing be built to Energy Step Code Level 2 standards; require ground water quality and quantity monitoring be conducted and data submitted annually to the Islands Trust; and fencing/screening be maintained.

The LTC has not yet endorsed the covenant and additional changes are necessary to ensure the protection of riparian habitat along the western boundary and appropriate setbacks and restoration along the eastern boundary of the wetland (Figure 3). A baseline inventory report prepared by a qualified professional (Attachment 3) provides recommendations that should be included in the restrictive covenant. Staff recommend working with the applicant to develop covenant language to implement the report recommendations as outlined in staff recommendation #7 on page two of this report.



Figure 3. Preliminary development constraints assessment for 1151 Northwest Road – Denman Green.

Status of Revised Site Plan, Water and Septic Approvals

The referral response from Island Health (Attachment 2) indicates that additional information from the applicant is required prior to the water system being approved. A projected timeline for a possible approval date was not available at the time of report writing.

Second reading of Proposed Bylaws 241 (OCP) and 242 (LUB) are not recommended until such a time that the LTC has reviewed and considered the water licence, as well as the completed Islands Trust Policy Statement checklist (ITPS).

Definition of ‘Multi-Family Dwelling’

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

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

As secondary suites on Denman Island are permitted within a principal dwelling in certain zones, those dwellings could be classified as a ‘multi-family dwelling’ under this definition. It does not appear to be the intention of the definition or regulations to classify secondary suites in principle residences as multi-family dwellings. The Gabriola Land Use Bylaws defines a multi-family dwelling as consisting of three or more dwelling units, in order to keep secondary suites separate from a higher density form of housing. The LTC may wish to amend the definition in Bylaw 242 by replacing the word “two” with “three” or alternately wait for the Denman housing review project to commence and address this issue at that time.

RATIONALE FOR RECOMMENDATIONS

Staff recommend minor amendments to two bylaws while the applicant continues to work with the appropriate provincial ministry and agency to secure water approvals. The staff recommendations are found on page 1 of this report.

ALTERNATIVES:

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

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

Next Steps

If the LTC concurs with the staff recommendations, staff will update the bylaws and work with the applicant to prepare draft amendments to the restrictive covenant for future LTC consideration.

Submitted By:	Sonja Zupanec, RPP, MCIP, Island Planner	February 10, 2022
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	February 11, 2022

ATTACHMENTS

1. Summary Table of Proposed Bylaw Amendments Feb 2022

2. Referral responses received as of Feb 10, 2022
3. Baseline Inventory Report, Current Environmental, February 2, 2022
4. Proposed Bylaw No. 241 (OCP)
5. Proposed Bylaw No. 242 (LUB)
6. Proposed Bylaw No. 243 (Housing Agreement)
7. Draft Restrictive Covenant

ATTACHMENT 1 – RECOMMENDED BYLAW AMENDMENTS DE-RZ-2021.1 (DHA)

FEBRUARY 2022

TABLE 1. RECOMMENDED AMENDMENTS FOR PROPOSED BYLAW NO. 242 (TO AMEND LAND USE BYLAW)

Bylaw Section/Text	Recommended Change for LTC Consideration	Rationale for Change
A. Section 1.20 – item 2 prohibiting secondary suites in the R1(5) zone	AMEND this section to read: “Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R1(5) zone.”	Secondary suites add to future rental housing stock and will not affect the density transfer calculations in the Denman OCP. This regulation should be removed from the donor and Danes Road receiver parcel zoning.
B. Section 1.21 – Item 1. Prohibiting secondary suites in the R2(7) Zone	REMOVE line item 1. entirely and renumber subsequent line items.	
C. Section 1.20 – item 4 requiring 30 m setback to covenant area	REMOVE line item entirely and renumber subsequent line items.	Owner does wish to encumber receiver lots with additional setback or vegetative buffer restrictions. Topography of the lots will likely result in residential development limited to top of the slope and not adjacent to covenant area at base of slope. Covenant buffer area was established to protect integrity of the watercourse and owner feels additional restrictions are not necessary.
D. Section 1.22 – Table 8 R4(1) Zone	NEW LINE ITEM: Reduce the required minimum setback for the R4(1) zone from 10 m to 4.0 metres for all buildings and structures (other than free standing photovoltaic solar array) from EXTERIOR lot lines and 3.0 metres from INTERIOR lot lines.	Due to the delineation of the wetland area on this parcel, almost half of the property is no longer able to be developed. This will result in significant site constraints for the siting of critical infrastructure (water, sewage, parking) as well as 20 units of housing. Staff recommend the LTC provide as much flexibility as possible to setback restrictions and minimum parking requirements for this site specific zone.
E. Section 1.22 – Table 8, Item 8, R4(1) Zone	REDUCE the minimum required parking from 1.5 to 1.0 space per affordable housing unit.	

ATTACHMENT 1 – RECOMMENDED BYLAW AMENDMENTS DE-RZ-2021.1 (DHA)

FEBRUARY 2022

TABLE 2. RECOMMENDED AMENDMENT FOR PROPOSED BYLAW NO. 243 (HOUSING AGREEMENT – DENMAN GREEN)

Bylaw Section/Text	Recommended Change for LTC Consideration	Rationale for Change
Section b. Agreement over the Lands iv	REMOVE clause <i>“iv it will design and construct only duplexes or triplexes or quadruplexes on the Lands. If an Affordable Housing Funder requires a different configuration of the Affordable Housing Units, that configuration must be approved by the Local Trust Committee.”</i>	Due to recently identified site constraints the applicant is requesting maximum flexibility in the housing agreement for the final configuration of dwelling units.

770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 6470-20/Denman Housing Association

January 10, 2022

Sent via email only: northinfo@islandstrust.bc.ca

Sonja Zupanec
Islands Trust
700 North Road
Gabriola Island BC V0R 1X3

Dear Ms. Zupanec:

Re: Bylaw No. 241 (Official Community Plan) and 242 (Land Use Bylaw) Referral

Thank you for your referral for the above-noted bylaw amendments. The referral was circulated to internal departments for comments:

Transit Services:

We would be interested in the 1151 Northwest Road property to put in a park and ride and a bus stop for the Denman Island Transit system.

With 20 affordable rental units being considered for this lot, transit service directly in front of this property would greatly benefit its use. Also, with its close proximity to the new stair case connecting Denman Island West Ferry terminal and Downtown Denman, a park and ride would benefit the island as a whole to reduce transportation costs to residents who do not live close to the ferry terminal.

Here is some history of the transit system. There was a seasonal transit system from Denman Island West Ferry Terminal to Gravelly Bay Ferry Terminal in 2021. The service is considered feasible at this time and is expected to continue in 2022. There are future plans in place to have the service run year round with the help of Denman Works.

Please contact Dustin Bennett, Transit and Facilities Coordinator, at 250-334-6090 or dbennett@comoxvalleyrd.ca for details on transit upgrades.

Planning Services:

Islands Trust provides planning services to Denman Island. Therefore, planning services has no comments on this referral.

The following departments responded with no concerns:

- Parks Services
- Water and Wastewater Management Services
- Fire Services

Sincerely,

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services

/bc



February 7, 2022

Sonja Zupanec, Island Planner
Local Planning Services
Islands Trust

Dear Sonja Zupanec:

RE: Denman Island Local Trust Committee Rezoning Application DE-RZ-2021.1 (Denman Housing Society)

Island Health appreciates the opportunity to comment on the referral to amend the Denman Island OCP and Denman Island Land Use Bylaw to allow for the transfer of density from one parcel to another.

Transferring of the density from lots in the more rural areas of the island to a lot in the downtown core of Denman Island is in line with healthy built environment policies. Densifying the village core to allow for the creation of multifamily affordable housing rentals will support the residents of the community in multiple ways. The proposed "Denman Green" location is walkable to the local amenities and the property has easy access to groceries, medical care, and school, as well as accessibility to transport near by, as the ferry is only minutes away. The location for this type of rental housing is ideal for the island and much needed. The transfer of density in this situation makes sense provided baseline public health measures, such as sewage disposal and drinking water are met on the proposed development. Until the property has, through permitting/filing process, demonstrated the ability to adequately supply drinking water and sewage disposal in compliance with the regulations, we are not in a position to provide assurance that this can be achieved.

Regarding the proposed drinking water source for the Denman Green project, Island Health has been in communication with the Denman Housing Association regarding the requirements for the construction and approval of a drinking water system supplied by groundwater and supplemented with rainwater. To date Island Health has yet to receive a complete drinking water system application for this project. At this time we cannot comment on whether support for this affordable housing project could be provided until such time that the required documentation around water supply and a Record of Onsite Sewage System is received by our office. Once the requirements for a drinking water system and onsite wastewater disposal have been met, we would be in a position to support this project.

Sincerely,

Ella Derby, BSc, BTech, CPHI (C)
Environmental Health Officer
Island Health

ED/mn

Health Protection and Environmental Services

355 - 11th Street | Courtenay, BC V9N 1S4
Email: HPES.Courtenay@islandhealth.ca

Tel: 250.331-8518 | Fax: 250.331.8596
www.islandhealth.ca

Denman Conservancy Association (DCA) RESPONSE to 2021-12-08_Agency Referral BL 241 & 242

Note: For context, we attach our previous referral response (sent as response to early referral request Oct 12, 2021).

And, for clarity, DCA is commenting on Bylaws No. 241 and 242 only as they directly affect our interests as Covenant Holder for the Railway Marsh Conservation Covenant Area. We have no comments on other components of this referral.

1. We noted a couple of minor typos in the proposed bylaws as outlined in the Referral package:
 - a. Pg 6 of 9 bylaw – Section 1.20: first bullet “affect” should be “effect”
 - b. In same section “R1(5) #4 (and in all other instances of ‘covenant’ that refer to the specific area on the ground) please add the word “area” after the word “covenant” to avoid confusion with the standalone term “covenant” which refers to a legal document.
2. In the R1(5) section, please consider adding a recommendation that a QEP assessment should be a requirement for all new lots in this zone under the Riparian Areas Regulation.
3. RE Table 5: Setbacks:
 - a. 30m from park/covenant area boundary is a positive step we are glad to see.
 - b. Note that general setback regulations state: "Despite any zone-specific regulations no building may be sited less than 15.0 metres, measured horizontally, from the edge of a cliff." (LUB pg 10) – we would suggest, therefore, that a minimum 15m setback from the slope edge may be required in this area, if sections of the slope are defined as a 'Cliff': "cliff means a sloping surface face of soil, rock or other natural material exceeding 15 metres in height, the average slope of which exceeds 48 degrees as measured from a horizontal plane over a horizontal distance of 12 metres" (LUB pg 1). An on-the-ground assessment of the slope grade may be needed to determine what the setback requirements should be for these lots.
 - c. With regards to vegetation removal within a setback from a covenant area/park boundary on a slope, could the setback be adjusted where necessary to be located a minimum of 10m from the crest of the slope, to prevent erosion into the Railway Grade Marsh riparian and wetland areas below. Could vegetation removal be restricted within 10m of the crest of the slope?
 - d. We request that there be some consideration of a requirement for landscape screening /fencing requirements at the slope edge to prevent occupant encroachment into covenant area where there is no public access permitted along the east side of this sensitive wetland. An addition to this effect, specific to this area, could be referred to in section 2.7 in the LUB (pg 15). Or, the recommendation for this kind of buffer vegetation or fencing/screening could be inserted onto Page 25 in the site specific regulations for R1(5) zone.

4. Regarding water utility setbacks, could the planners please confirm our understanding of the following:
 - a. Currently there are no property line setback regulations for wells/utility houses, that we can see in the bylaws. There are existing height restrictions if located within a setback area (2.5m max height) and floor area restrictions if located within a setback area (6m²).
 - b. If the above is correct and no setbacks for these amenities currently exist, we request that in this instance, given the sensitivity of the ecosystem directly adjacent and downstream from these lots, that a setback from the covenant area / park boundary be established for wells/pump/utility houses in R1.

From: Wil Cottingham on behalf of northinfo
Sent: Tuesday, December 14, 2021 9:56 AM
To: Becky McErlean
Subject: FW: Bylaw Referral for Denman Bylaw Nos. 241 and 242 - Snuneymuxw FN
Attachments: 2021-12-08_FN Referral BL 241 & 242 Memo.pdf; Bylaw Referral Form - Bylaws 241 and 242.doc

From: Desiree Thomas <Desireet@snuneymuxw.ca>
Sent: Tuesday, December 14, 2021 9:54 AM
To: northinfo <northinfo@islandstrust.bc.ca>
Cc: Lisa Wilcox <lwilcox@islandstrust.bc.ca>; Sonja Zupanec <szupanec@islandstrust.bc.ca>
Subject: RE: Bylaw Referral for Denman Bylaw Nos. 241 and 242 - Snuneymuxw FN

Good morning,

On behalf of Chief Wyse, Snuneymuxw First Nation defers comments on Bylaw Referral for Denman Island, Bylaw Nos. 241 & 242. After an initial review, Snuneymuxw First Nation has no concerns related to the Snuneymuxw Treaty of 1854, traditional territory or to rights and title with respect to this proposed amendment.

If you have any further questions or concerns, do not hesitate to contact myself at your earliest convenience.

Hay ce:ep qa

Desiree Thomas

Lands Clerk
668 Centre Street, Nanaimo BC, V9R 4Z4
EMAIL: desireet@snuneymuxw.ca
PHONE: 250-824-1351

Snuneymuxw First Nation

668 Centre Street, Nanaimo BC, V9R 4Z4
TEL: 250-740-2300/1-888-636-8789
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Web: <http://www.snuneymuxw.ca>

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Baseline Inventory

PID 000-393-941

DENMAN ISLAND



February 2, 2022

Prepared for:

Denman Housing Association

Prepared by:

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

Current Environmental Ltd.

558 England Avenue

Courtenay, BC V9N 2N3



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1 ACKNOWLEDGMENTS

Table 1. Project acknowledgements.

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

2 PROPERTY INFORMATION

2.1 LEGAL DESCRIPTION & PROPERTY SIZE

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

2.2 PROPERTY ACCESS INFORMATION

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

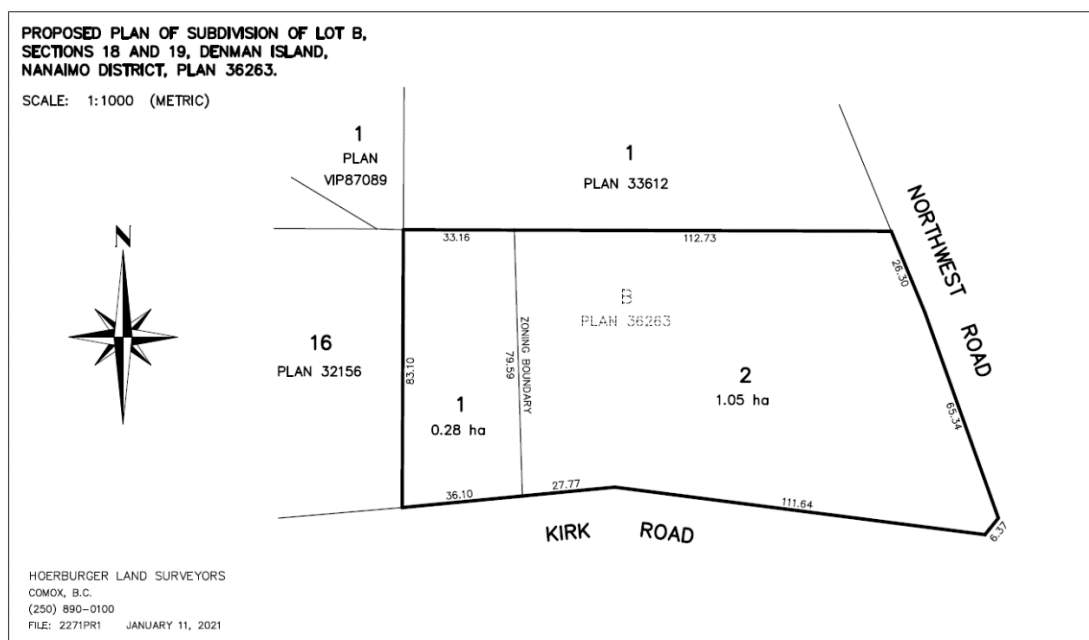


Figure 1. Surveyed plan of subdivide parts "1 & 2". This assessment pertains to the commercially zoned portion "2" (Lot B).

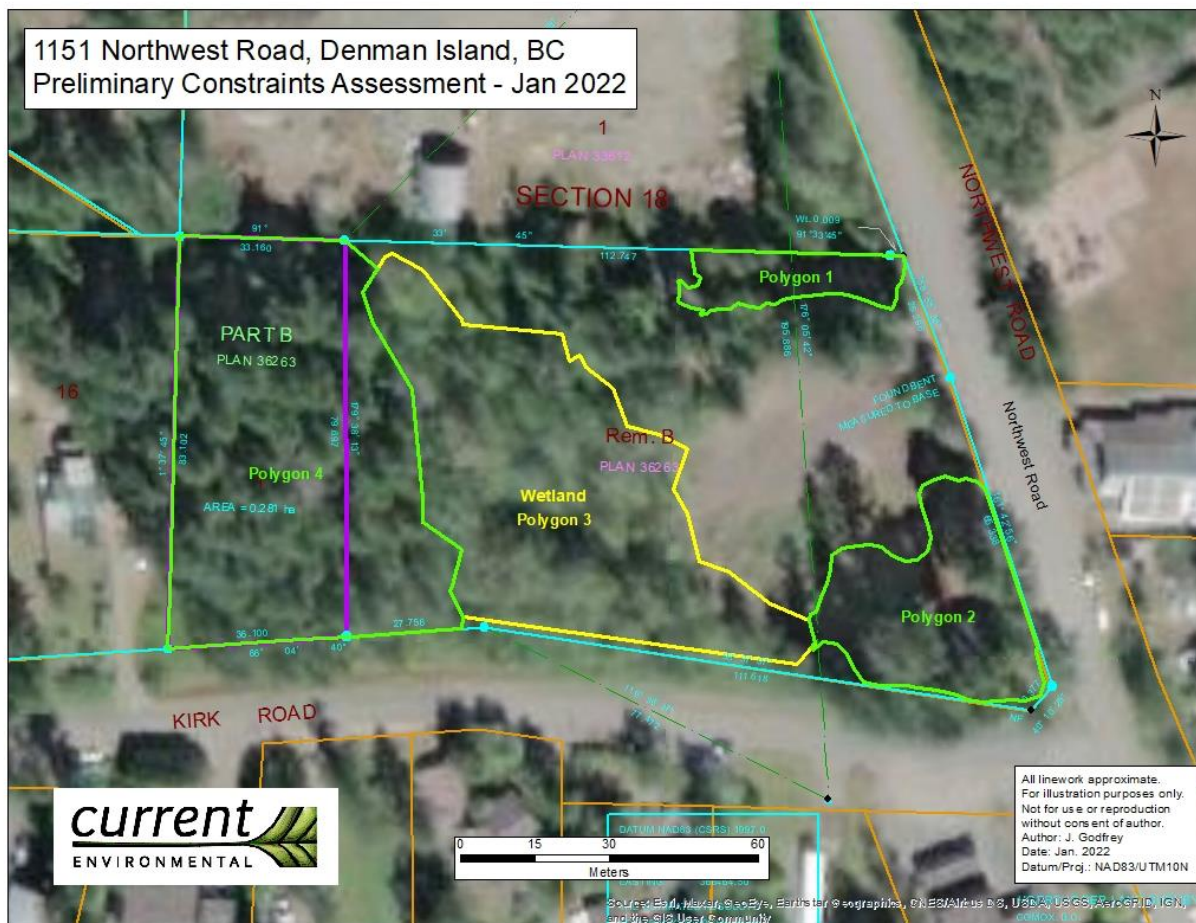


Figure 2. Vegetation communities identified during site visit in January 2022. Purple line dividing Polygon 4 separates the western subdivided lot from the subject lot in the east and corresponds with the zoning boundary as seen in Figure 1.

3 REGULATORY SETTING

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

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

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

3.1 DENMAN ISLAND LAND USE BYLAW, 2008

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

Guideline 3 Landscaping:

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

Guideline 5 Parking:

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

3.2 WILDLIFE ACT

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

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

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

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

3.3 WATER SUSTAINABILITY ACT

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

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

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

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

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

3.4 ENVIRONMENTAL MANAGEMENT ACT

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

3.5 WEED CONTROL ACT

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

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

3.6 CANADA MIGRATORY BIRD CONVENTION ACT

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

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

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

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

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

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

4 REPORT METHODOLOGY

4.1 EQUIPMENT

All surveys were conducted using the equipment listed below:

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

4.2 METHODOLOGY

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

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

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

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

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

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

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

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

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

5 SIGNIFICANCE OF THE LAND AND NATURAL AMENITIES

5.1 GENERAL DESCRIPTION

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

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

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

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

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

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

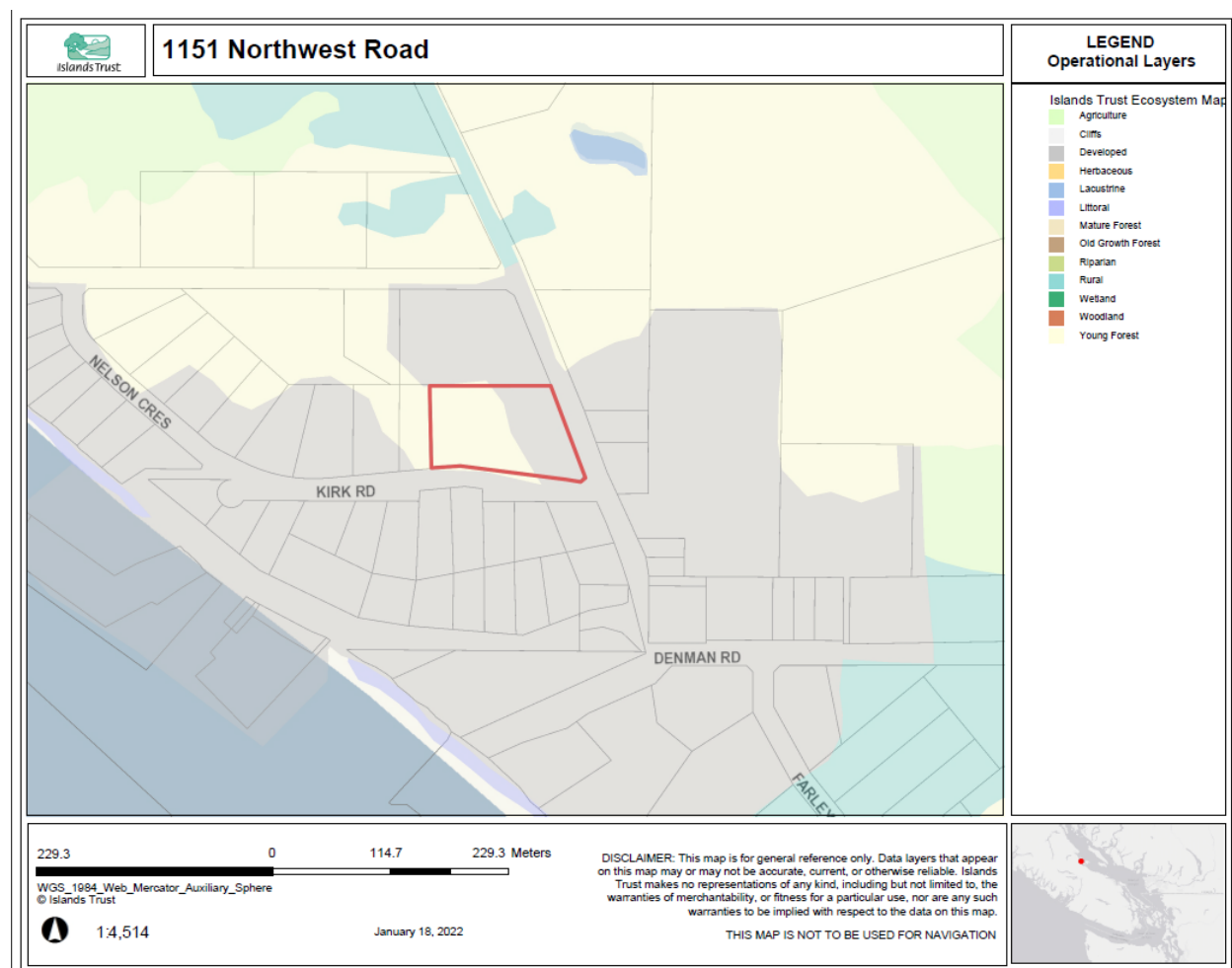


Figure 3. Ecosystems present on the subject property (outlined in red) as mapped by Islands Trust. The subject property consists of “Developed” (grey) and “Young Forest” (tan) ecosystems.

5.2 RARE SPECIES AND COMMUNITIES

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

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

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

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

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

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

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

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

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

5.3 HYDROLOGICAL FEATURES

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

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

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

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

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

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

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

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

6 CONDITIONS AT TIME OF DATA COLLECTION

Table 3. Conditions at time of data collection.

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

7 LANDSCAPE CONTEXT

7.1 REGIONAL CONTEXT

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

7.2 ECOLOGICAL CLASSIFICATIONS

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

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

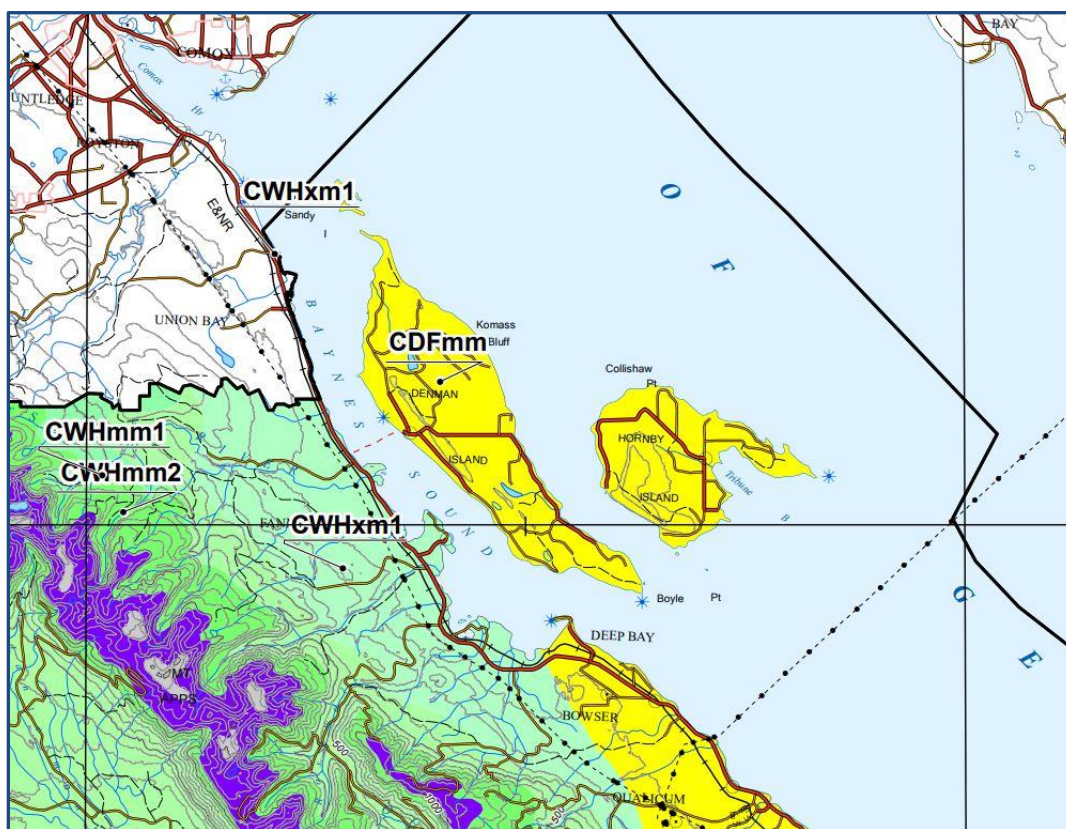


Figure 4. Biogeoclimatic zones and subzones of Denman Island and surrounding areas.

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

7.3 CLIMATE

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

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

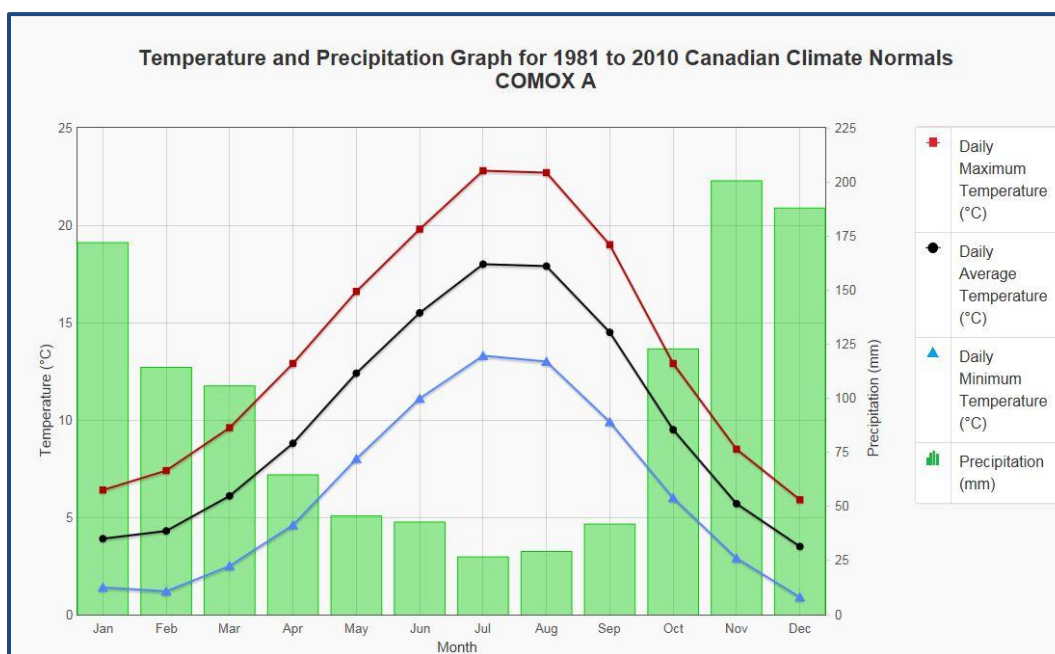


Figure 5. 1981 to 2010 Climate Normals for Comox Weather Station. Obtained from:
http://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?stnID=155&autofwd=1

8 SITE HISTORY

8.1 FIRST NATIONS USE

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

8.2 POST-COLONIZATION USE

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

9 ANTHROPOGENIC FEATURES

9.1 BUILDINGS AND STRUCTURES

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

9.2 LAND MODIFICATIONS

Table 4. Land modification observed on the subject property.

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

9.3 ARCHAEOLOGICAL SITES

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

10 RECOMMENDATIONS

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

10.1 TREE RETENTION

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

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

10.2 WETLAND PROTECTION

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

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

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

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

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

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

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

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

10.3 INVASIVE PLANT REMOVAL

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

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

10.4 TIMING OF CONSTRUCTION

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

11 CLOSURE

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



Dustin Silvester, R.P.Bio.

Current Environmental Ltd.

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250-871-1944

12 INVENTORY BY ECOLOGICAL COMMUNITY

Table 5. Ecological inventory summary form, Polygon 1.

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

Table 6. Ecological inventory summary form, Polygon 2.

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

Table 7. Ecological inventory summary form, Polygon 3.

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

Table 8. Ecological inventory summary form, Polygon 4.

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

13 PHOTOGRAPHS



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



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



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



Photo 4: Representative photo of Polygon 2.



Photo 5: Representative photo of Polygon 2



Figure 6: Representative photo of Polygon 1.



Figure 7: Representative photograph of Polygon 4.



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



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



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



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



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



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

14 **WORKS CITED**

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PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 241

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

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

READ A FIRST TIME THIS	2 ND	DAY OF	NOVEMBER	, 2021
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. 241

Schedule “1”

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

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

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

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

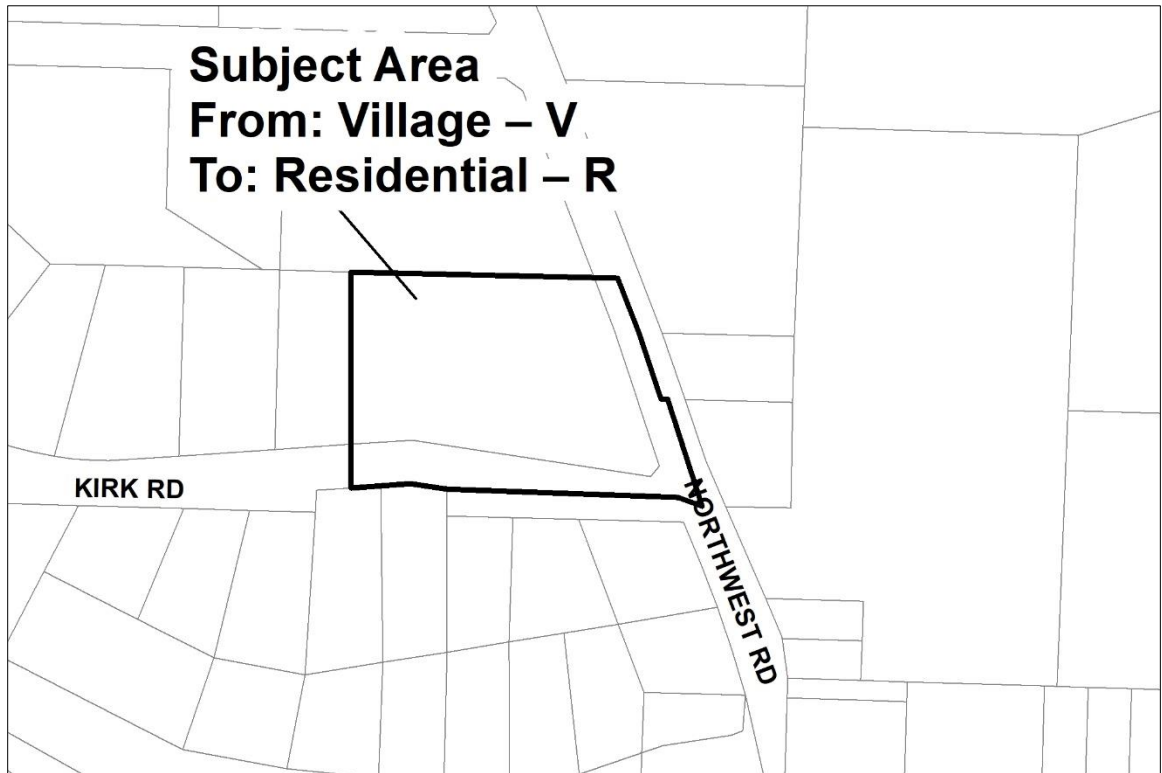
DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 241

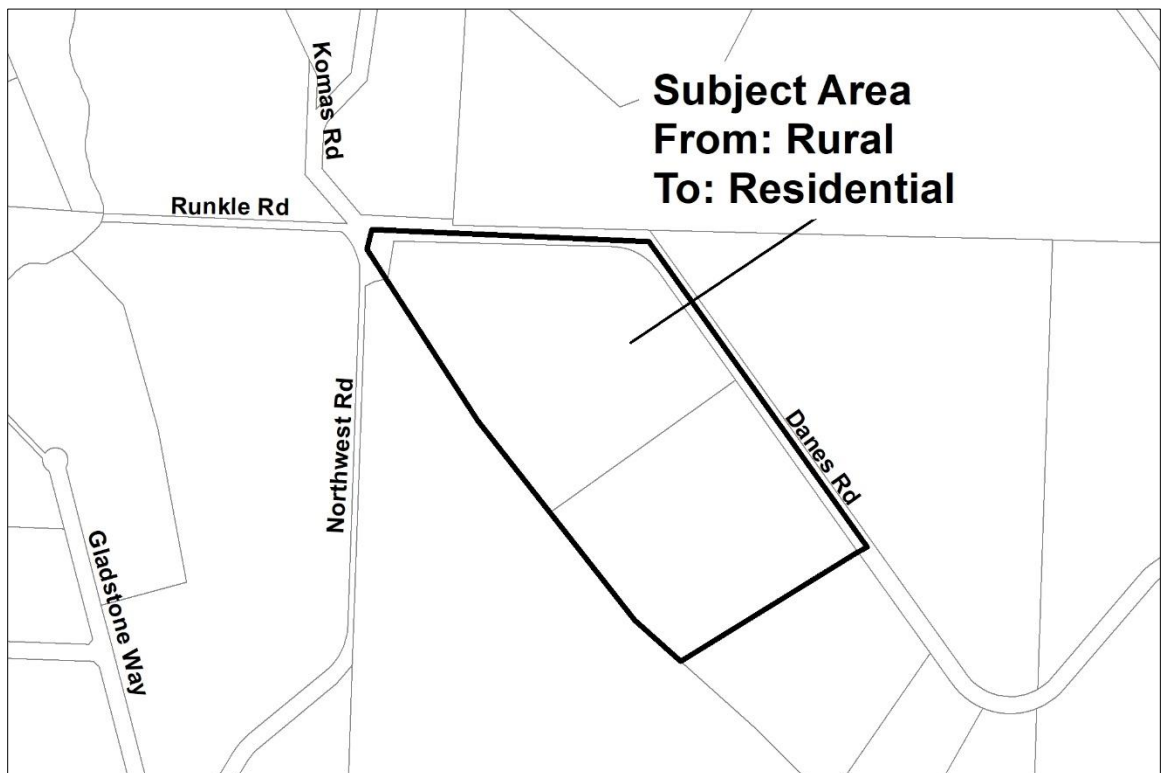
Schedule "2"

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

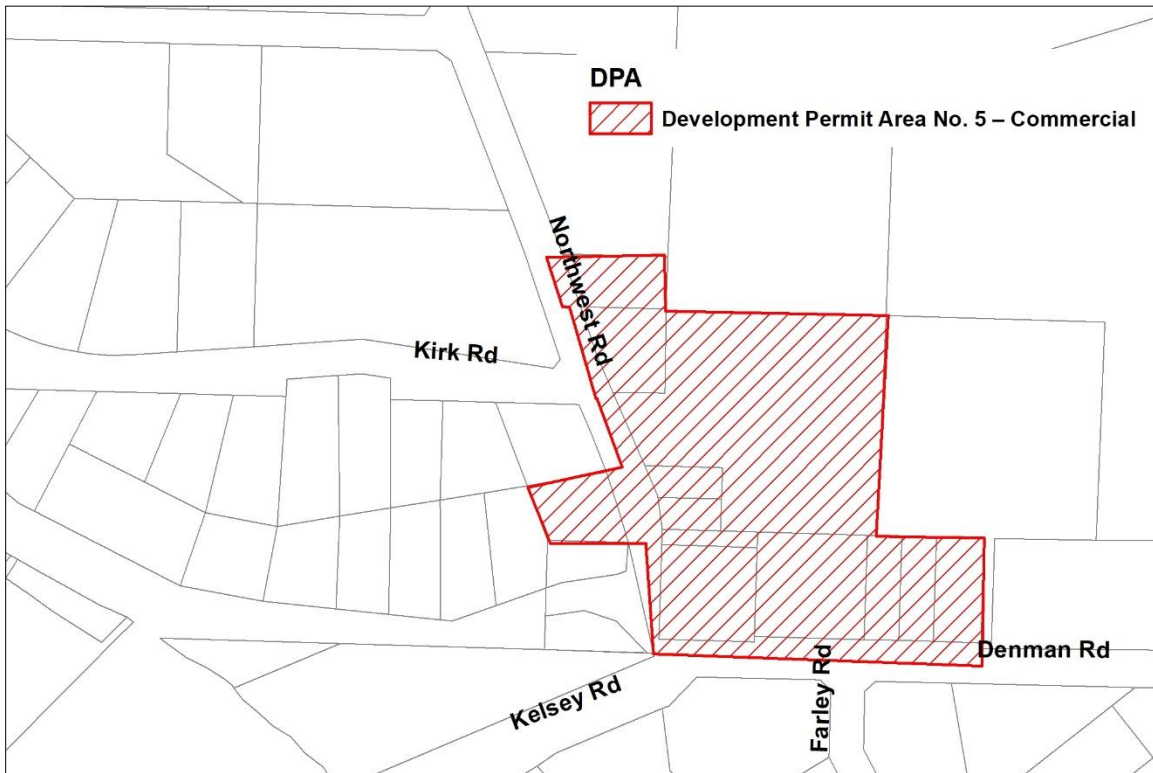
Plan No. 1



Plan No. 2



Plan No. 3



PROPOSED

ATTACHMENT 5

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

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

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

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

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 202x

READ A SECOND TIME THIS _____ DAY OF _____ , 202x

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202x

ADOPTED THIS _____ DAY OF _____ , 202x

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 242**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- “R1(5)
1. A Siting and Use Permit for a dwelling in the R1(5) zone must be accompanied by written certification from an appropriately qualified professional architect or engineer that the dwelling unit meets or exceeds the applicable requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.
 2. Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R1(5) zone.
 3. Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R1(5) zone is five.\
 4. Despite line 1 in Table 5 of this Section, the minimum setback of buildings and structures, except for a fence or pump/utility house from a conservation covenant or provincial park boundary is 30 meters.
 5. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R1(5) zone is five.
 6. Despite line 2 in Table 7 of this Section, the minimum lot area permitted by subdivision, subject to the regulations in 2.8 is 2.0 ha.”

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

- “R2(7)
1. Despite line 9 in Table 1 of this Section, secondary suites are not permitted in the R2(7) zone.
 2. Despite line 3 in Table 3 of this Section, the maximum number of single family dwellings permitted in the R2(7) zone is four.
 3. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(7) zone is four.”

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

Table 8 - Site Specific Regulations

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

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

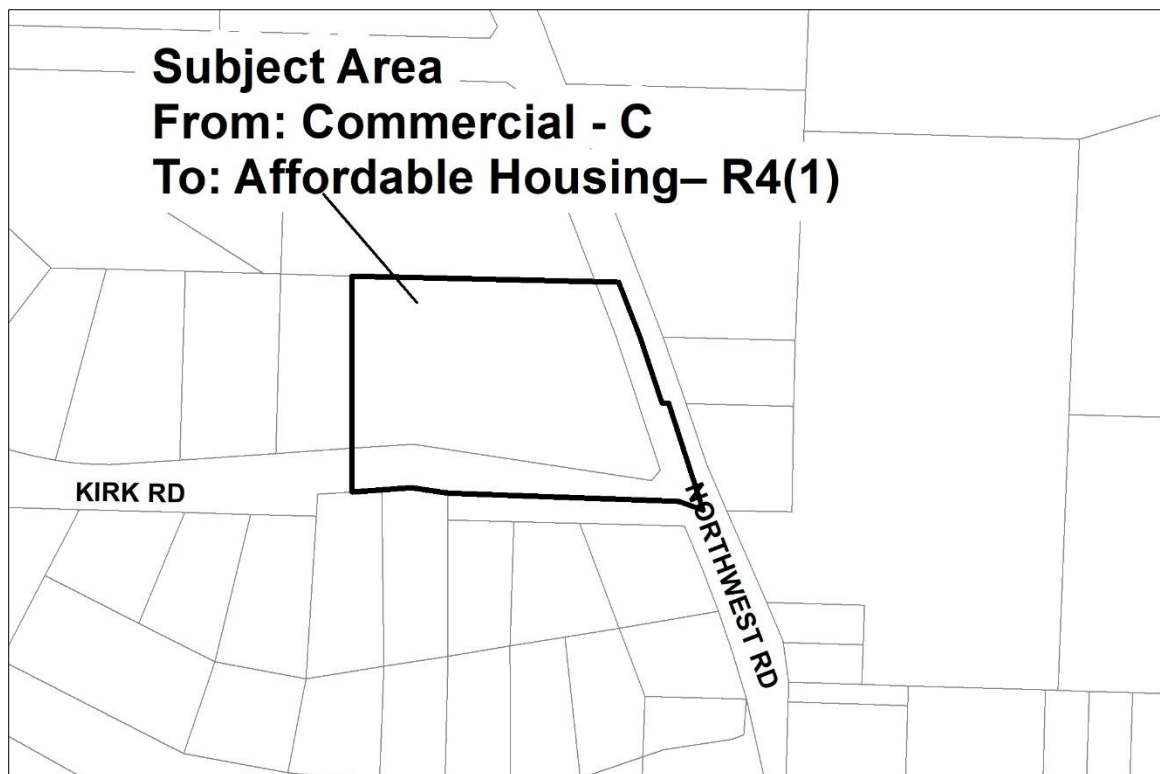
2. Schedule “B” of Denman Island Land Use Bylaw, 2008 is amended as follows:

- 2.1. Schedule “B” – North Sheet is amended by changing the name “North Sheet” to “North Map”.
- 2.2. Schedule “B” – South Sheet is amended by changing the name “South Sheet” to “South Map”.
- 2.3. Schedule “B” – North Map, is amended by changing the zoning classification of PID 000-393-941 as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” of Bylaw No. 186 as are required to effect this change.

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

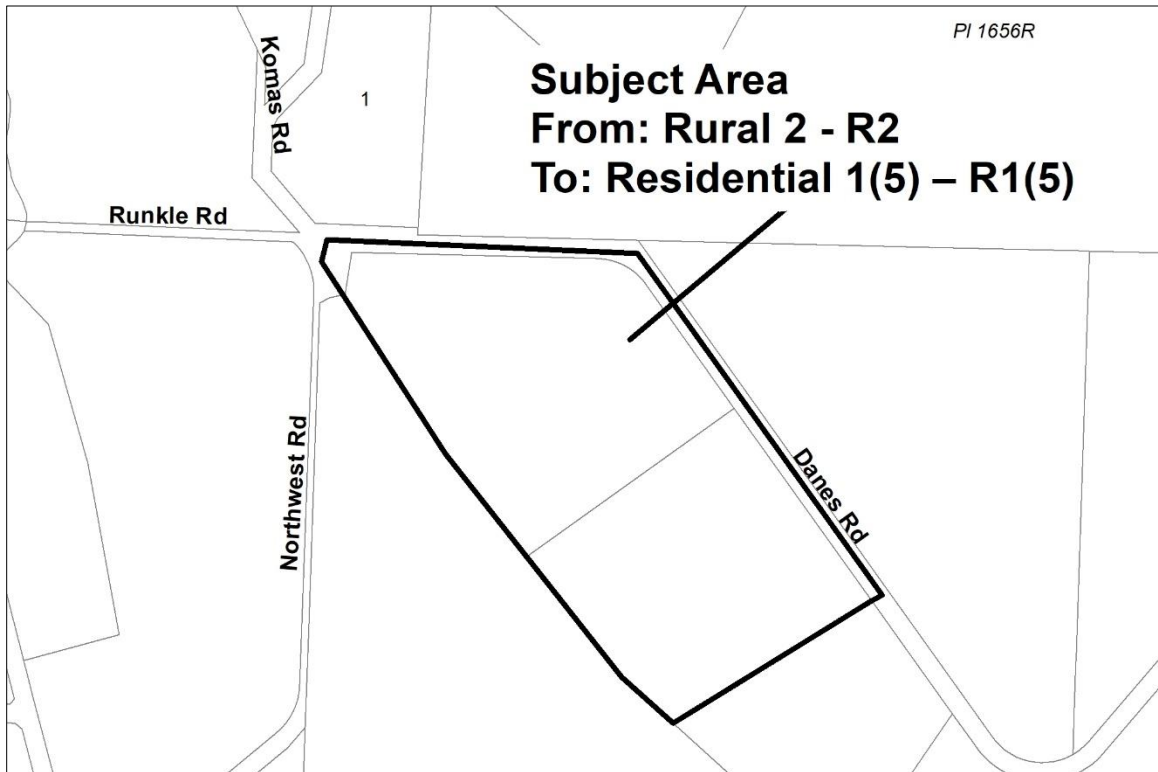
Plan No. 1

(Final plan to be inserted prior to bylaw adoption)



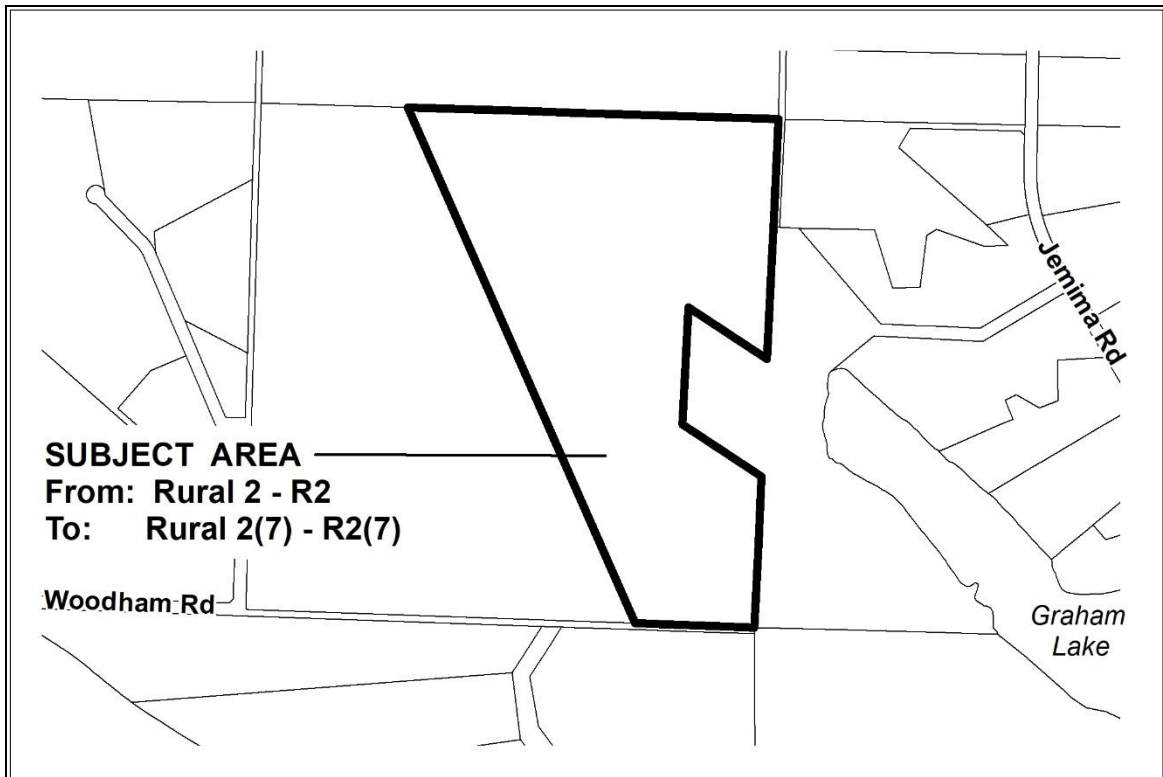
Plan No. 2

(Final plan to be inserted prior to bylaw adoption)



Plan No. 3

(Final plan to be inserted prior to bylaw adoption)



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 243

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

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

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

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

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

1. Citation

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

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

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

Housing Agreement and Section 219 Covenant

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

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

(the "Owner");

AND:

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

(the "Trust Committee")

WHEREAS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. **Agreement over the Lands** – Pursuant to section 219 of the Land Title Act and section 483 of the Local Government Act, the Owner covenants and agrees that:

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

c. **Affordable rental housing eligibility** – The Owner covenants and agrees that Affordable Dwelling Units will only be occupied in accordance with the following criteria:

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

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

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

e. Affordable Housing Units – The Owner covenants and agrees that it will

- i. not rent an Affordable Market Unit unless the Affordable Market Unit is approved by an Affordable Housing Funder and there are other Affordable Housing Units occupied by households whose income does not exceed the Housing Income Limits; and
- ii. will not include more than 30% of the Affordable Housing Units as Affordable Market Units unless necessary to meet the requirements of an Affordable Housing Funder, and not before informing the Trust Committee and providing the Trust Committee and the Denman Island public an opportunity to assist the Owner in limiting the number of Affordable Market Units to 30%

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

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

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

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

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

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

l. Assignment – The Owner acknowledges that the Trust Committee may delegate or assign the

administration and management of this Agreement to a third party, and, in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner.

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

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

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

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

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

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

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

t. Covenant Runs with the Land – Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds

every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE "A"

OWNER'S STATUTORY DECLARATION

CANADA, PROVINCE OF BRITISH COLUMBIA

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

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

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

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

A Commissioner for taking Affidavits
Columbia

Signature of person making declaration in British

SCHEDULE B

Definition of a Qualified Occupant

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

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

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

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

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

TERMS OF INSTRUMENT – PART 2**SECTION 219 COVENANT – DEVELOPMENT**

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

BETWEEN:

DENMAN HOUSING ASSOCIATION

3720 East Road

Denman Island, B.C. V0R 1T0

(the “Grantor”)

AND:

DENMAN ISLAND LOCAL TRUST COMMITTEE

a corporation under the *Islands Trust Act*

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

V8R 1H8

(the “Trust Committee”)

WHEREAS:

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

PID: X

LOT x

(the “Land”);

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

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

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

1. **Definitions** – In this Agreement, the following terms have the following meanings:
 - (a) **“Datalogger”** means a device that can record data from a water piezometric pressure transducer, temperature detector and conductivity sensor, at intervals of once per hour (24 times per day).
 - (b) **“Dwelling Unit”** means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy.
 - (c) **“Energy Step Code”** means Article 10.2.3 of Division B of the *British Columbia Building Code*, and a reference to a numbered step in the Energy Step Code is a reference to a step established in the Energy Step Code.
2. **No Build** – The Grantor will not develop or build on the Land until it erects (and thereafter maintains) a solid wood fence suitable to enhance visual privacy and mitigate dust along its entire length of its shared interior lot lines.
3. **Concurrent Construction Requirements** – Concurrently with its construction of any dwelling unit on the Land, the Grantor will install a down-well continuous datalogger (the “Datalogger”) with a water level pressure transducer, temperature sensor, and electric conductivity sensor, that will allow the Grantor to meet the monitoring requirements imposed on it in section 6, and that is on a direct read smart cable that allows for downloading at the well head or will be installed with telemetry to upload to a desktop application remotely.
4. **Energy Step Code Requirements** – The Grantor shall construct all dwellings on the Land, to meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.
5. **No Occupancy** – The Grantor covenants and agrees with the Trust Committee that the Grantor shall not occupy nor allow any one to occupy any building that may be constructed on the Land unless the Grantor has:
 - (a) provided written certification from an appropriately qualified engineer that the Datalogger has been installed in accordance with the terms of this Agreement; and
 - (b) provided written certification from an appropriately qualified professional architect or engineer that all Dwelling Units meet or exceed the applicable requirements of Step 2 of the Energy Step Code in effect as at the reference date of this Agreement.

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

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

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

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

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

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



Islands Trust

WATER CHAMPION COVENANT ANNUAL REPORT

Submit to:
northinfo@islandstrust.bc.ca
700 North Road, Gabriola Island
BC V0R 1X3

Purpose

The purpose of this annual report is to provide Islands Trust with essential information and data with respect to an evidence-based approach using continuous monitoring to (a) ensure sufficient environmental protection from water quantity issues relating to the housing operations, (b) ensure water sustainability in a changing climate; (c) ensure sufficient water conservation strategies to satisfy deviation from water requirements in water licence xxx; and (d) mitigate risk potential of salt water intrusion on the source well and/or receiving environment.

Background

A Conditional Water Licence xxx was issued for the requested maximum daily demand for any day of the year with a date of water right precedence of [date] to a maximum of xx cubic meters (xx litres) of groundwater per day. Several conditions are specified in licence including but not limited to installation of a flow-metering device. Covenant No. _____ requires additional requirements including a down-well continuous datalogger with a water level pressure transducer, temperature sensor, and electric conductivity sensor.

In Scope

The holder of this covenant is required to:

- Undertake continuous groundwater monitoring at a rate of no less than 24 times per day
- A pressure transducer must be permanently installed in the source groundwater well on a direct read cable
- Groundwater levels, temperature, and electric conductivity is to be recorded
- Groundwater levels must be compensated for barometric pressure
- Provide raw data to Islands Trust

Project Data

Project Name	
Project Operator	
Project Location	

Report Summary

Report Submitted by		Reporting Year	
Professional Designation		Submission Date	
Reporter Phone Number			
Reporter Email			

Well Summary

Well Tag Number		Well License Number	
Well Identification Plate #		Water Use Type	

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