



# Executive Committee

## Agenda

Date: Thursday, July 7, 2022  
Time: 9:00 am  
Location: Islands Trust Victoria Boardroom  
200-1627 Fort Street, Victoria, BC

---

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
2.1. Introduction of New Items	
2.2. Approval of Agenda	
2.2.1. Agenda Context Notes	4 - 4
3. RISE AND REPORT DECISIONS FROM CLOSED MEETING - None	
4. ADOPTION OF MINUTES	
4.1. June 21 Executive Committee draft minutes for adoption	5 - 9
5. FOLLOW UP ACTION LIST AND UPDATES	
5.1. Follow Up Action List/Director/CAO Updates	10 - 15
5.2. Local Trust Committee Chair Updates	
5.3. Islands Trust Conservancy Liaison Update	
6. BYLAWS FOR APPROVAL CONSIDERATION	
See associated correspondence items 10.1, 10.2, and 10.3 for the Denman Bylaws items 6.1, 6.2, and 6.3.	
6.1. Denman Island LTC Bylaw No. 241 (OCP amendment) - RFD	16 - 37
That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 241, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021", in accordance with Section 27 of the <i>Islands Trust Act</i> .	
6.2. Denman Island LTC Bylaw No. 242 (LUB amendment) - RFD	38 - 64
That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 242, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021", in accordance with Section 27 of the <i>Islands Trust Act</i> .	
6.3. Denman Island LTC Bylaw No. 243 (housing agreement) - RFD	65 - 83
That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 243, cited as "Denman Island Housing Agreement Bylaw No. 243, 2021", in accordance with Section 27 of the <i>Islands Trust Act</i> .	

**6.4. Denman Island LTC Bylaw No. 245 (fees bylaw) - RFD** 84 - 96

THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 245, cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022", in accordance with Section 27 of the *Islands Trust Act*.

**7. TRUST COUNCIL MEETING PREPARATION**

**7.1. Executive**

**7.1.1. June Trust Council Quarterly Roundtable Review**

**7.1.2. Trust Council Business Decision Highlights** 97 - 97

Draft for approval/circulation.

**7.1.3. Trust Council FUAL** 98 - 104

**7.2. Local Planning Services**

**7.3. Administrative Services**

**7.4. Trust Area Services**

**8. EXECUTIVE COMMITTEE PROJECTS**

**8.1. Trust Council Initiated**

**8.1.1. Executive**

**8.1.2. Trust Area Services**

**8.1.2.1. Advocacy Evaluation - Verbal Update**

See 2.1.1 Agenda Context Notes

**8.1.3. Local Planning Services**

**8.1.4. Administrative Services**

**8.2. Executive Committee Initiated**

**8.2.1. Executive**

**8.2.2. Trust Area Services**

**8.2.3. Local Planning Services**

**8.2.4. Administrative Services**

**8.2.4.1. Budget Item Adjustments - Discussion** 105 - 105

**9. NEW BUSINESS**

**9.1. Executive/Trust Council**

**9.2. Trust Area Services**

**9.2.1. LTC Chairs Report on Local Advocacy Topics**

**9.3. Local Planning Services**

**9.4. Administrative Services**

**10. CORRESPONDENCE (for information unless raised for action)**

**10.1. C. Kinch re: Comments on Denman Island Bylaw Nos. 241, 242, and 243 for Executive Committee letter dated June 14, 2022** 106 - 108

10.2.	J. Armstrong re: Executive Committee - addition to agenda - DE Bylaws 241, 242, and 243 email dated June 14, 2022	109 - 110
10.3.	S. Palmer re: Denman Housing Association letter dated June 29, 2022	111 - 112
10.4.	A. Barford (Stand.earth) letter dated June 22, 2022 re UBCM motion	113 - 115
11.	<b>WORK PROGRAM</b>	
11.1.	Review and amendment of current work program	116 - 120
12.	<b>NEXT MEETING</b>	
13.	<b>CLOSED MEETING (none scheduled)</b>	
14.	<b>ADJOURNMENT</b>	



**Executive Committee  
Agenda – Context Notes  
For the meeting of July 7, 2022**

Agenda No.	From	Context Notes
8.1.2.1	DTAS	<p>Advocacy Evaluation – Verbal Update</p> <p><a href="#">Advocacy Policy 6.10.3</a> at Section (G. 2.) states: <i>In the last year of every Islands Trust Council term, the Executive Committee will review and evaluate the effectiveness of the advocacy work undertaken during that term, considering the general policies in Section B.</i></p> <p>Staff would like to hear from the Executive Committee about the extent of effort staff should commit to this and whether LTC advocacy should be in scope. Each year advocacy is summarized in the annual report. To provide context regarding the extent of effort required, there were approximately 8 letters sent in 2018/9 (post-election), 26 letters in 2019/20, 11 letters in 2020/21, and 7 letters in 2021/22. There were approximately 17 LTC letters sent in 2021/22. Some of these letters included UBCM resolution requests and, in addition, the Chair wrote to thank decision-makers for meetings/decisions. The evaluation could be done by staff or contracted out depending on the complexity of analysis desired. There is no advocacy budget but funds could be used from the communications budget for this purpose. The Executive Committee waived advocacy evaluation in 2018 due to staff workload.</p>



## Executive Committee Minutes of Regular Meeting

**Date:** June 21, 2022  
**Location:** Electronic Meeting  
Islands Trust Victoria Boardroom  
200-1627 Fort Street, Victoria, BC

**Members Present:** Peter Luckham, Chair, Thetis Island Trustee (boardroom)  
Dan Rogers, Vice-Chair, Gambier/Keats Island Trustee  
Laura Patrick, Vice-Chair, Salt Spring Island Trustee  
Sue Ellen Fast, Vice-Chair, Bowen Island Municipal Trustee

**Staff Present:** Russ Hotsenpiller, Chief Administrative Officer (CAO) (boardroom)  
David Marlor, Director, Legislative Services (DLS) (boardroom)  
Clare Frater, Director, Trust Area Services (DTAS) (boardroom)  
Wanda Boden, Acting Director, Administrative Services (A/DAS) (boardroom)  
Warren Dingman, Manager, Bylaw Compliance and Enforcement  
Lori Foster, Executive Coordinator/Recorder (boardroom)

**Others Present:** 0 members of the public attended electronically

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:03 a.m. and humbly stated gratitude to live and work on Coast Salish First Nations traditional and treaty territory then introduced elected officials and staff. He noted that today is National Indigenous Peoples Day.

### 2. APPROVAL OF AGENDA

2.1 Introduction of New Items - None

2.2 Approval of Agenda

By general consent, the agenda was approved as presented.

2.2.1 Agenda Context Notes

Attached as indicated for items 3. and 7.1.1.

### 3. RISE AND REPORT DECISIONS FROM CLOSED MEETING

Chair Luckham reported that at the June 8th closed meeting, the in-camera minutes of May 25th were adopted as presented.

### 4. ADOPTION OF MINUTES

#### 4.1 June 8th Executive Committee draft minutes

By general consent, the minutes were adopted as presented.

### 5. FOLLOW UP ACTION LIST AND UPDATES

#### 5.1 Follow Up Action List/Director/CAO Updates

Chief Administrative Officer (CAO) Hotsenpiller and directors reviewed their FUAL list items, spoke to emerging issues, recently attended meetings, and gave staffing updates.

Discussion ensued on the following:

- Working with the Minister of Land, Water and Resource Stewardship regarding its Coastal Marine Strategy,
- Budget for new term trustee computers,
- Elections webpage now added to the website,
- Acceleration of budget consultation dates and the June 1 Financial Planning Committee resolution, “that Financial Planning Committee request staff to research alternate budget engagement methods and provide options to FPC with cost estimates”.

#### 5.2 Local Trust Committee Chair Updates

Local Trust Committee (LTC) chairs gave verbal updates on recently attended and upcoming LTC meetings, applications in progress, and projects status.

#### 5.3 Islands Trust Conservancy (ITC) Liaison Update

Vice-Chair of Islands Trust Conservancy, Municipal Trustee Fast noted that the EC/ITC liaison meeting will be held July 13, 2022, in-person in Victoria.

### 6. BYLAWS FOR APPROVAL CONSIDERATION – None

### 7. TRUST COUNCIL MEETING PREPARATION

#### 7.1 Executive

##### 7.1.1 Port Optimization Initiative Presentation - Session Outline

##### **EC-2022-082**

##### **It was Moved and Seconded,**

That the Port Optimization Initiative Presentation Session Outline be forwarded for inclusion in the June Trust Council agenda package.

**CARRIED**

#### 7.2 Local Planning Services - None

#### 7.3 Administrative Services - None

7.4 Trust Area Services – None

8. EXECUTIVE COMMITTEE PROJECTS

8.1 Trust Council Initiated – None

- 8.1.1 Executive – None
- 8.1.2 Trust Area Services – None
- 8.1.3 Local Planning Services – None
- 8.1.4 Administrative Services – None

8.2 Executive Committee Initiated

8.2.1 Executive

8.2.1.1 Minister Meeting Requests for September's UBCM Convention Deadline June 24 – Briefing

Executive Committee discussed potential minister meeting requests for the upcoming Union of BC Municipalities (UBCM) conference being held in Whistler, September 12-16, 2022.

**EC-2022-083**

**It was Moved and Seconded,**

That Executive Committee request staff submit to the UBCM minister meeting requests a meeting with the Minister of Land, Water and Resource Stewardship regarding Islands Trust involvement in the Coastal Marine Strategy and watershed protection.

**CARRIED**

**EC-2022-084**

**It was Moved and Seconded,**

That Executive Committee request staff submit to the UBCM minister meeting requests a meeting with the Minister of Transportation regarding the development of a transportation strategy in the Islands Trust Area.

**CARRIED**

**EC-2022-085**

**It was Moved and Seconded,**

That Executive Committee request staff submit to the UBCM minister meeting requests a meeting with the Minister of Environment and Climate Change Strategy with regards to impacts on the natural environment and climate change regarding anchorages and shipping.

**CARRIED**

- 8.2.2 Trust Area Services - None
- 8.2.3 Local Planning Services - None

8.2.4 Administrative Services - None

9. **NEW BUSINESS** - None

9.1 **Executive/Trust Council** – None

9.2 **Trust Area Services** - None

9.2.1 LTC Chairs Report on Local Advocacy Topics - None

9.3 **Local Planning Services** - None

9.4 **Administrative Services** – None

10. **CORRESPONDENCE**

10.1 **L. Salton re: ban on desalination email dated June 10, 2022**

**EC-2022-086**

**It was Moved and Seconded,**

That item 10.1 L. Salton re: ban on desalination email dated June 10, 2022 be forwarded to Islands 2050.

**CARRIED**

10.2 **M. Welman re: June Trust Council Agenda Item 9.1 - Request for Decision email dated June 12, 2022**

Received for information.

10.3 **D. Cunnington re: Expert pans desalination ban nonsense email dated June 12, 2022**

**EC-2022-087**

**It was Moved and Seconded,**

That item 10.3 D. Cunnington re: Expert pans desalination ban nonsense email dated June 12, 2022 be forwarded to all trustees and to Islands 2050.

**CARRIED**

10.4 **J. Margison re: My Letter re Trust Policy Directives and Implementation email dated June 8, 2022**

**EC-2022-088**

**It was Moved and Seconded,**

That the Executive Committee request the Regional Planning Manager for the southern team respond to correspondence from J. Margison dated April 12th, May 4<sup>th</sup>, and June 8<sup>th</sup>.

**CARRIED**

**10.5 Emergency Management Trans Mountain re: BC EAO Condition 35 Fate and Behaviour Bitumen Research email dated June 16, 2022**

**EC-2022-089**

**It was Moved and Seconded**

That Executive Committee request staff to post the Emergency Management Trans Mountain re: BC EAO Condition 35 Fate and Behaviour Bitumen Research summary and letter to the Islands Trust website and forward to future Trust Council agenda as a hyperlink.

**CARRIED**

**11. WORK PROGRAM**

**11.1 Review and amendment of current work program**

Received for information.

**12. NEXT MEETING**

The next Executive Committee meeting is scheduled to be held electronically Thursday, July 7, 2022, starting at 9:00 a.m.

**13. CLOSED MEETING - None**

**14. ADJOURNMENT**

**By general consent,** the meeting was adjourned at 11:22 a.m.

---

**Peter Luckham, Chair**

**Certified Correct**

---

**Lori Foster, Executive Coordinator**



# Follow Up Action Report

## Executive Committee

### Chief Administrative Officer

Activity	Responsibility	Dates	Status
<p>1 Discuss with the province and report to Trust Council at the December Trust Council meeting on a process to identify potential governance and/or operational change that could be adopted in order to improve the delivery and integration of all the types of services that are delivered to the Islands Trust Area.</p> <p><b>By general consent</b>, at its Dec 16, 2020 meeting, Executive Committee put this item on hold pending review by Trust Programs Committee.</p>	Russ Hotsenpiller	Meeting: 12-Sep-2017 Target: 05-Dec-2017	In Progress
<p>2 That the report Potential legislative and procedure change by the Islands Trust in relation to forest protection - Briefing be brought to a future Executive Committee meeting for next steps.</p>	Russ Hotsenpiller	Meeting: 18-Nov-2020 Target: 07-Sep-2022	In Progress
<p>3 CAO to provide a high-level advice/report with respect to the process of advancing the Governance and Management Review report.</p>	Russ Hotsenpiller	Meeting: 04-May-2022 Target: 21-Jun-2022	Completed
<p>4 Bring a briefing to September Trust Council regarding 2022-2026 new term Trust Orientation that covers the Continuous Learning Plan.</p>	Russ Hotsenpiller	Meeting: 08-Jun-2022 Target: 20-Sep-2022	In Progress
<p>5 Correspondence action: Forward 10.1 to Islands 2050; Forward 10.3 to all trustees and 2050; 10.5 post to website, add hyperlink to Trust Council agenda (added to September correspondence).</p>	Russ Hotsenpiller	Meeting: 21-Jun-2022 Target: 07-Jul-2022	Completed

## Follow Up Action Report

### Executive Committee

#### Chief Administrative Officer

Activity	Responsibility	Dates	Status
6 Forward Port Optimization Presentation to June Trust Council.	Russ Hotsenpiller	Meeting: 21-Jun-2022 Target: 21-Jun-2022	Completed

#### Director, Administrative Services

Activity	Responsibility	Dates	Status
1 Review Islands Trust Policy 6.5.2 as a whole and specifically make recommendations to amend the policy to ensure the policy is clear in regards to the process and decision making authority related to proposed 'overspends' for any particular budget item.	Julia Mobbs	Meeting: 21-Oct-2020 Target: 07-Sep-2022	In Progress
2 That more information be brought back regarding the financial implications of Employee & Family Assistance Plan EFAP if the deductible changed to further consider if staff should enrol the new term of trustees in the Union of British Columbia Municipalities (UBCM) enhanced benefits plan with the Employee & Family Assistance Plan add-on.	Julia Mobbs Wanda Boden	Meeting: 26-May-2021 Target: 07-Sep-2022	In Progress

#### Director, Legislative Services

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------



## Follow Up Action Report

### Executive Committee

#### Director, Legislative Services

Activity	Responsibility	Dates	Status
1 Staff to draft amendments for replacement of those Trust Council policies deemed as top priority for updating, based on policy review analysis, for consideration of approval by Trust Council. As of March 2022, amendments to 11 out of 17 policies deemed out of date have been adopted.	David Marlor	Meeting: 03-Feb-2021 Target: 23-Sep-2022	In Progress
2 Staff review the sponsorship policy and report back recommendations on local trust committee approvals, communications, and funding mechanisms.	David Marlor	Meeting: 14-Apr-2021 Target: 07-Sep-2022	In Progress

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
1 Investigate options for local trust committees with respect to being notified of aquaculture and mariculture license changes including changes in species in its negotiation of protocol agreements with the province.	Clare Frater	Meeting: 30-Jan-2019 Target: 07-Sep-2022	In Progress
2 Legislative Monitoring Chart (bi-annually to Trust Council) Staff to produce the Legislative Monitoring briefing every 6 months with the next one being September 2022.	Clare Frater	Meeting: 23-Feb-2022 Target: 20-Sep-2022	Completed



# Follow Up Action Report

## Executive Committee

### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p><b>3</b> Authorize a grant of \$4,500 (from History and Heritage Grants) to Drama Camp Productions in support of the application to host screenings of the movie Dust n Bones and reconciliation discussions on Hornby, Denman (COMPLETE) and Gabriola Islands, subject to support of local trustees and affected local trust committees.</p>	Clare Frater	Meeting: 26-Feb-2020 Target: 07-Sep-2022	In Progress
<p><b>4</b> That staff redirect funding approved by resolution EC-2020-032 from its February 26th business meeting for Hornby Island under the History and Heritage grant application, be allocated to a Dust n Bones screening event on Salt Spring Island.</p>	Clare Frater	Meeting: 10-Mar-2020 Target: 07-Sep-2022	In Progress
<p><b>5</b> That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to consultation with First Nations.</p>	Clare Frater	Meeting: 17-Jun-2020 Target: 07-Sep-2022	In Progress
<p><b>6</b> Ask staff to investigate options for policies or policy updates for formal opportunities for First Nations presentations and engagement at Trust Council meetings.</p>	Clare Frater	Meeting: 27-Oct-2021 Target: 07-Sep-2022	In Progress
<p><b>7</b> Staff bring back an amendment to the History, Heritage and Conservation Grants-in-Aid Policy 2.1.14 regarding grant applications with indications about an intake period and maximum amount.</p>	Clare Frater	Meeting: 13-Apr-2022 Target: 08-Jun-2022	In Progress

## Follow Up Action Report

### Executive Committee

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<b>8</b> Staff to develop policy regarding s. 8 (2) (h.1) (iii) and (iv) of the Islands Trust Act.	Clare Frater	Meeting: 13-Apr-2022 Target: 08-Jun-2022	In Progress
<b>9</b> Continue to work with K'ómoks First Nation and Gabriola Historical Society in terms of its funding request and Executive Committee consider ways to allocate funds for such requests.	Clare Frater	Meeting: 04-May-2022 Target: 07-Sep-2022	In Progress
<b>10</b> Staff to provide advice to the Executive Committee in time for the September Trust Council on alternatives to increase the History Heritage Grants-in-aid funding for the current fiscal year.	Clare Frater	Meeting: 25-May-2022 Target: 07-Sep-2022	In Progress
<b>11</b> Staff to prepare a letter from the Chair to the Ministry of Forests, Land, Natural Resource Operations advocating for the proper disposal of replaced docks.	Clare Frater	Meeting: 25-May-2022 Target: 07-Jul-2022	In Progress
<b>12</b> That items 10.7 A. Hodson-Deggan re: consider the following 4.2.7. not attainable email dated June 3, 2022 and 10.12 P. Mertz re: A. Hodson email on water development email dated June 7, 2022 be forwarded to the Trust Programs Committee for consideration in the Trust Policy Statement update.	Clare Frater	Meeting: 08-Jun-2022 Target: 07-Jul-2022	Completed

## Follow Up Action Report

### Executive Committee

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p><b>13</b> Submit minister meeting requests to UBCM, as resolved, to:</p> <ul style="list-style-type: none"> <li>1. Minister of Land, Water, and Resource Stewardship regarding Islands Trust involvement in the Coastal Marine Strategy and watershed protection.</li> <li>2. Minister of Transportation regarding the development of a transportation strategy in the Islands Trust Area.</li> <li>3. Minister of Environment and Climate Change Strategy with regards to impacts on the natural environment and climate change regarding anchorages and shipping.</li> </ul>	Clare Frater	Meeting: 21-Jun-2022 Target: 24-Jun-2022	Completed

#### Regional Planning Manager

Activity	Responsibility	Dates	Status
<p><b>1</b> RPM for southern team respond to correspondence item 10.4 from J. Margison re: My letter - items dated April 12th, May 4th, and June 8th.</p>	Robert Kojima	Meeting: 21-Jun-2022 Target: 03-Aug-2022	In Progress



# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-RZ-2021.1  
(Denman Housing Society –  
Denman Green)

DATE OF MEETING: July 7, 2022  
TO: Islands Trust Executive Committee  
FROM: Sonja Zupanec, Island Planner  
SUBJECT: Denman Island Local Trust Committee – Bylaw Nos. 241 (OCP)

## RECOMMENDATION

1. That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 241, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021", in accordance with Section 27 of the *Islands Trust Act*.

## DIRECTORS COMMENTS

Denman Island Local Trust Committee (LTC) has referred Bylaw Nos. 241, 242 and 243 to the Executive Committee (EC) for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the EC approve the bylaws as they are part of a comprehensive density transfer, bylaw amendment application and housing agreement to enable up to 20 units of affordable rental housing in the Denman Island village area.

## IMPLICATIONS OF RECOMMENDATION

### Organizational

None.

### Financial

None.

### Policy

None.

### Implementation/Communications

Communication to the **Denman Island Local Trust Committee** regarding the EC decision by **July 11, 2022**, so that Bylaw No. 241 (OCP) can be forwarded to the Minister of Municipal Affairs and Housing for approval.

### Other

None.

## PURPOSE

Denman Island Local Trust Committee **Bylaw No. 241**, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021" (Attachment 5) would amend the OCP with new general policies to enable the transfer of density from one parcel to another for the purposes of multi-family affordable housing and require Energy Step Code compliance for any dwellings as a result of rezoning or density transfer.

The parcels subject to this application and amending bylaws are described as:

### Donor parcel:

Subject Property Address: 6080 Woodham Road, Denman Island, BC  
Parcel Identifier Number: 009-704-523

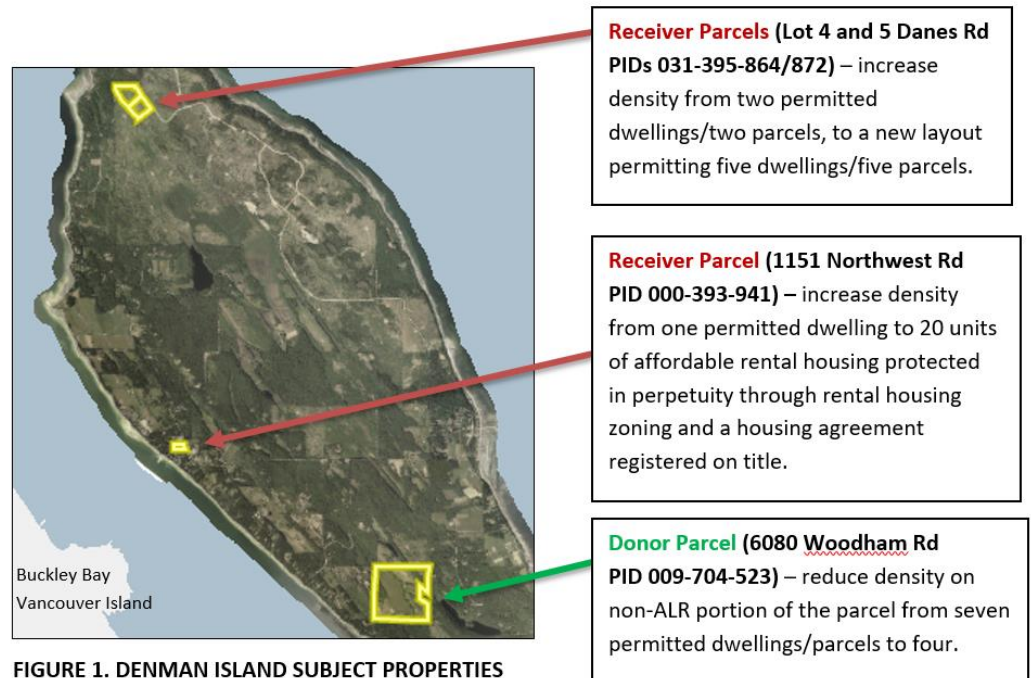
### Receiver parcel (affordable housing):

Subject Property Address: 1151 Northwest Road, Denman Island, BC  
Parcel Identifier Number: 000-393-941

### Receiver parcel (market housing):

Subject Property Address: 6800 Danes Road, Denman Island, BC  
Parcel Identifier Number: 031-395-864

As shown on the map (below):



## BACKGROUND

Denman Island Local Trust Committee Bylaw No. 241 was given first reading as amended on March 22, 2022 and second reading on April 29, 2022. A public hearing was held on May 30, 2022 and third reading was given on May 31, 2022.

### **Issues Relating To Provincial Interest and First Nation Interest**

The bylaw was referred to the following First Nations for comment:

- Snuneymuxw First Nation
- Penelakut Tribe
- Lyackson First Nation
- Wei Wai Kum First Nation
- Cowichan Tribes
- Komoks First Nation
- Stz'uminus First Nation
- Hulquminum First Nation
- Nanwakolas First Nation
- Qualicum First Nation
- Snaw-Na-As First Nation
- Temexw First Nation
- Tlaamin First Nation
- Tsuubaa-asatx First Nation
- We Wai Kai First Nation
- Xwemanlhkwu First Nation

No issues or concerns have been noted by the First Nations in response to the referrals sent.

### **Issues Relating To Resources and Enforcement**

None.

### **Public Comments**

Public comments were solicited through regular and special local trust committee business meetings, two community information meetings and a public hearing. Post public hearing correspondence has been received from some residents in the vicinity of the proposed affordable housing development with concerns that adequate proof of water or septic capacity has not been achieved and that pandemic meeting restrictions have limited the ability of concerned residents to engage on the proposal in a timely manner. The LTC has reviewed all professional reports pertaining to this application and has been satisfied with the level of detail submitted in support of the increase in density in the village core. Proof of an approved provincial water license is the only outstanding item remaining prior to consideration of final reading/adoption by the LTC.

### **Staff Comments**

Proposed Bylaw 241 is consistent with the Islands Trust Policy Statement Directives checklist. Given that the LTC gave the proposed bylaw third reading, staff recommends, as per page 1 of this RFD, that EC approve the proposed bylaw.

**RELEVANT POLICIES**

- Section 27 of the *Islands Trust Act*

**ALTERNATIVE**

**1. Not approve the Bylaw:**

*THAT the Executive Committee request that staff advise Denman Island Local Trust Committee in writing that Bylaw No. 241, cited as cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, is not approved for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.*

**ATTACHMENTS**

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. Islands Trust Policy Statement Directives Checklist
5. Bylaw No. 241

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	June 27, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 30, 2022



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-241

Bylaw Type: Official Community Plan Bylaw

Date of resolution referring bylaw to Executive Committee: 31-May-2022

- Bylaw Submission Checklist attached
- Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee \_\_\_\_\_

Director, LPS \_\_\_\_\_

Local Trust Committee \_\_\_\_\_

Planner \_\_\_\_\_

Planning Clerk \_\_\_\_\_

---

Trust Area: Denman Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: DE-241

Application No.: DE-RZ-2021.1

Trust Initiated: No

---

**Proofread By:**

Clerk: Yes  
Planner: Yes

Technical Staff: Yes

---

First Reading Date: 02-Nov-2021

Bylaw Sent to Referrals: Yes  
Date Proposed Bylaw to Web: 08-Nov-2022

---

**Resolutions:**

Resolution Waiving Public Hearing: No  
Resolution Authorizing Public Hearing: Yes  
Resolution to Proceed no Further Date:

---

**Secretary Signature Block:**

Secretary's Signature: McErlean, Becky

Date: 03-Jun-2022

File complete and ready for Public review: Yes

---

**Public Hearings:**

Location: Denman Community Hall, 1196 Northwest Rd, Denman  
Proofread By: Zupanec, Sonja

---

Legal Paper: Island Grapevine  
First Publish Date: 19-May-2022

Second Publish Date: 26-May-2022

---

Alternate Paper:  
First Publish Date:

Second Publish Date:

---

Mailout Date: 19-May-2022

Delivery Notices: 19-May-2022  
Date Public Hearing Held: 31-May-2022

Second Reading Date: 29-Apr-2022

Third Reading Date: 31-May-2022



Referrals: Bylaw DE-241

Agency	Sent	Received
<b>Comox Valley Regional District</b> 600 Comox Road: Alana Mullaly Comment: Parks - no concerns Water and Wastewater Management Services - no concerns Fire Services - no concern Transit Services - would like to see a park and ride and a bus stop for Denman system. Transite Update - Further to comments January 12, 2022 request for bus stop and park and ride has been withdrawn.	09-Dec-2021	12-Jan-2022 22-Mar-2022
<b>Cowichan Tribes</b> Chief and Council: Candace Charlie Comment: defer comment on this application to those First Nations in closer proximity to the project area.	09-Dec-2021	14-Dec-2021
<b>Denman Conservancy Association</b> PO Box 60: Des Kennedy Comment: see comments provided in document in file	09-Dec-2021	12-Oct-2022 07-Feb-2022
<b>Denman Island Fire Rescue</b> Fire Chief: Don Lockett Comment:	06-Dec-2021	
<b>Halalt First Nation</b> 7973 Chemainus Rd: Raven August Comment:	09-Dec-2021 28-Apr-2022	
<b>Hornby Island Local Trust Committee</b> 700 North Road: Sue Ellen Fast Comment: Interests unaffected	03-Feb-2022	18-Feb-2022
<b>Hulquminum Treaty Group</b> 200-200 Cowichan Way: Reception Referrals Comment:	09-Dec-2021 28-Apr-2022	
<b>Island Health</b> 3rd Floor, 6475 Metral Drive: Referrals Referrals Comment: see comments in letter provided in file	09-Dec-2021	07-Feb-2022
<b>K'omoks First Nation</b> 3320 Comox Road: Todd Boychuk Comment:	09-Dec-2021 28-Apr-2022	
<b>Lake Cowichan First Nation</b> 313B Deer Road: Carole Livingstone Comment:	09-Dec-2021 28-Apr-2022	
<b>Lyackson First Nation</b> 8017 Chemainus Road: Referrals Coordinator Comment:	09-Dec-2021 28-Apr-2022	



Referrals: Bylaw DE-241

Agency	Sent	Received
<b>Nanwakolas Council</b> 203-2005 Eagle Drive: Referrals Office Comment:	09-Dec-2021 28-Apr-2022	
<b>Penelakut Tribe</b> Chief and Council: Denean Jack Comment:	09-Dec-2021 28-Apr-2022	
<b>Qualicum Indian Band</b> 5850 River Road: Michael Recalma Comment:	09-Dec-2021 28-Apr-2022	
<b>School District 71</b> 607 Cumberland Raod: Tom Demeo	09-Dec-2021	
<b>SnawNawAs Nation (Nanoose)</b> 209 Mallard Way: Referrals Coordinator Comment:	09-Dec-2021 28-Apr-2022	
<b>Snuneymuxw First Nation</b> 668 Centre Street: Desiree Thomas Comment: no concerns	09-Dec-2021	15-Dec-2021
<b>Stz'uminus First Nation</b> 12611A Trans Canada Hwy: Chenoa Akey Comment: sent to Referrals@coastsalishdevcorp.com	09-Dec-2021 28-Apr-2022	
<b>Te'Mexw Treaty Association</b> 13D Cooper Road: Eileen Charlie Comment:	09-Dec-2021 28-Apr-2022	
<b>Tla'amin First Nation</b> RR #2, Sliammon Road: Denise Smith Comment:	09-Dec-2021 28-Apr-2022	
<b>We Wai Kai Nation</b> 690 Headstart Crescent: Samantha Chickite Comment:	09-Dec-2021 28-Apr-2022	
<b>We Wai Kum First Nation</b> 1400 Weiwaikum Road: Tabitha Donkers Comment:	09-Dec-2021 28-Apr-2022	
<b>William Shulba</b> Islands Trust: William Shulba Comment: see comments in document provided to file	06-Dec-2021	12-Jan-2022
<b>Xwemalhkwu (Homalco) First Nation</b>	09-Dec-2021	



Islands Trust

Print Date: June 27, 2022

## Referrals: Bylaw DE-241

Agency	Sent	Received
1218 Bute Crescent: Referrals Coordinator	28-Apr-2022	
<i>Comment:</i>		



Islands Trust

## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2021.1 (DHA)

File Name: Denman Green Affordable Housing Proposed Bylaw No. 241 (OCP) and 242 (LUB)

### PURPOSE

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

### POLICY STATEMENT

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

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

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

### DIRECTIVES ONLY CHECKLIST

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

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

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



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

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

## Executive Committee

---

### Policy Checklist

---

**Checklist Key:**

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

### Executive Committee Legislative Role Policy (2.4)

---

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

**Checklist Key:**

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

### The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

---

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

## Comments

---

Completed By: Becky McErlean

## Status

---

Date Resolution Referred to Exective Committee: 31-May-2022

Reading:



**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 241**

**Schedule "1"**

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

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

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

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

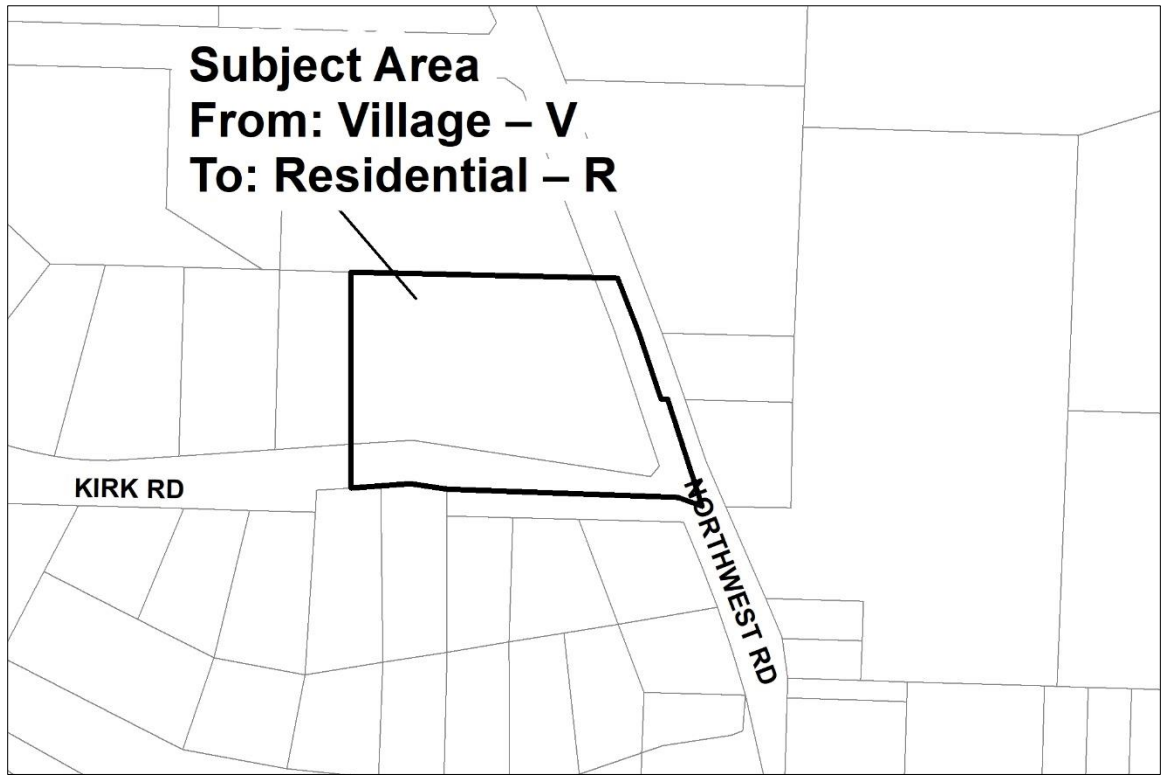
**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 241**

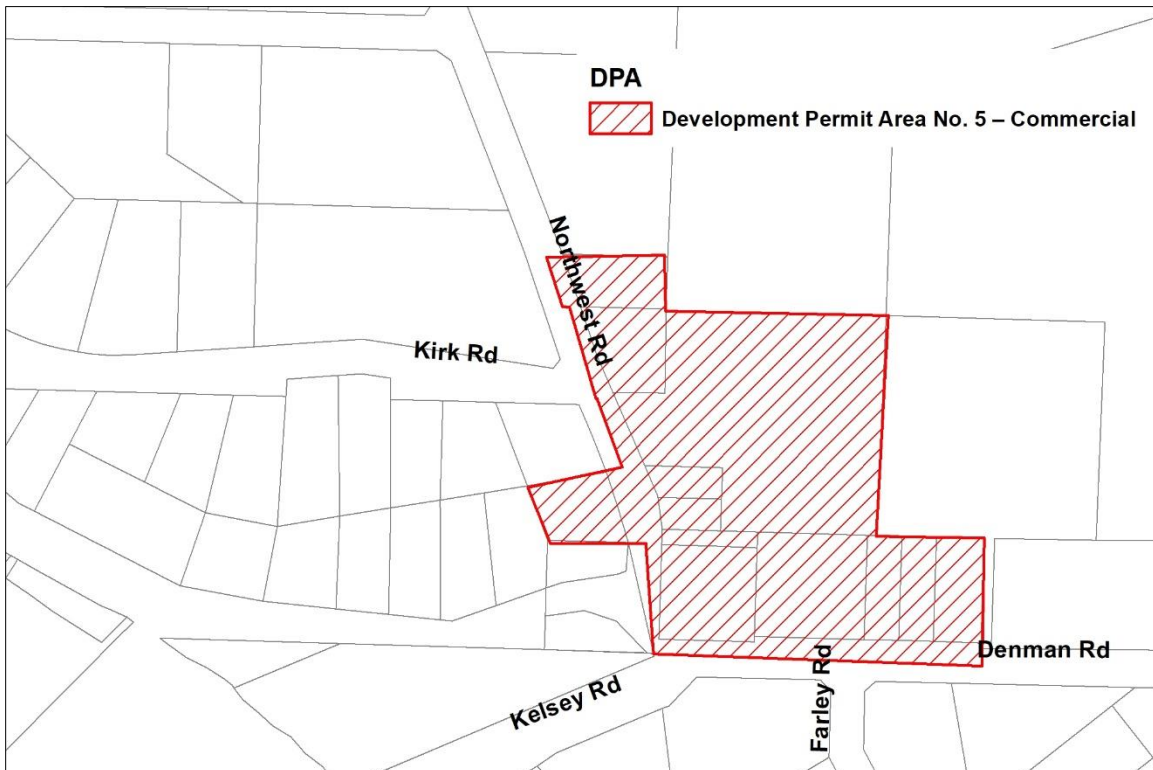
**Schedule "2"**

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

Plan No. 1



Plan No. 2



## First Nation Engagement

### Referral of: DE BL 241 (OCP) and DE BL 242 (LUB) Amendments

#### First Nation: Cowichan Tribes

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>December 14, 2021</i>	<i>Response – defer comment on this application to those FN in closer proximity to the project area</i>	<i>FN</i>

#### First Nation: Halalt First Nation

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder via email and left message</i>	<i>BM</i>

#### First Nation: Lyackson First Nation

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder via email and left message</i>	<i>BM</i>

#### First Nation: Ts’uubaa-asatx First Nation (Lake Cowichan)

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email and added to Knowledgekeeper database</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email and added to Knowledgekeeper database</i>	<i>BM</i>

#### First Nation: Penelakut Tribes

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

#### First Nation: Snaw-aw-as First Nation (Nanoose)

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email to Te’mexw as well as above</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: Tla'amin First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Stz'uminus First Nation (Chemainus)**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email to Coast Salish Dev. Corp</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email to Coast Salish Dev. Corp</i>	<i>BM</i>

**First Nation: Hul'qumi'num Treaty Group**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: K'omoks First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Nanwakolas Council**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: Qualicum Indian Band**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Snuneymuxw First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>December 15, 2022</i>	<i>Received Response – No concerns</i>	<i>FN</i>

**First Nation: Te'Mexw Treaty Association**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: We Wai Kai Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: We Wai Kum Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Xwemalhwu (Homalco) First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

SZ = Sonja Zupanec, Island Planner

BM = Becky McErlean, Legislative Clerk

FN = First Nation



# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-RZ-2021.1  
(Denman Housing Society –  
Denman Green)

DATE OF MEETING: July 7, 2022  
TO: Islands Trust Executive Committee  
FROM: Sonja Zupanec, Island Planner  
SUBJECT: Denman Island Local Trust Committee – Bylaw No. 242 (LUB)

## RECOMMENDATION

1. That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 242, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021”., in accordance with Section 27 of the *Islands Trust Act*.

## DIRECTORS COMMENTS

Denman Island Local Trust Committee (LTC) has referred Bylaw No. 242 to the Executive Committee (EC) for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the EC approve the bylaw as it is part of a comprehensive density transfer, bylaw amendment application and housing agreement to enable up to 20 units of affordable rental housing in the Denman Island village area.

## IMPLICATIONS OF RECOMMENDATION

### Organizational

None.

### Financial

None.

### Policy

None.

### Implementation/Communications

Communication to the **Denman Island Local Trust Committee** regarding the EC decision by **July 11, 2022**, so that accompanying Bylaw No. 241 (OCP) can be forwarded to the Minister of Municipal Affairs and Housing for approval.

### Other

None.

## PURPOSE

Denman Island Local Trust Committee **Bylaw No. 242**, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” (Attachment 5) amend the LUB zoning of the:

- **Donor parcel** - to reduce the maximum permitted density on the non Agricultural Land Reserve portion of the parcel from seven dwellings to four.
- **Receiver parcel (affordable housing ‘Denman Green’)** - to a site specific zone for Affordable Housing and introduce site specific regulations for up to twenty units of density, setbacks, height, lot coverage and maximum floor area.
- **Receiver parcels (market housing)** – to introduce site specific regulations for Energy Step Code Compliance and a revised minimum average lot size that would permit five lots.

The parcels subject to this application and amending bylaws are described as:

### Donor parcel:

Subject Property Address: 6080 Woodham Road, Denman Island, BC  
Parcel Identifier Number: 009-704-523

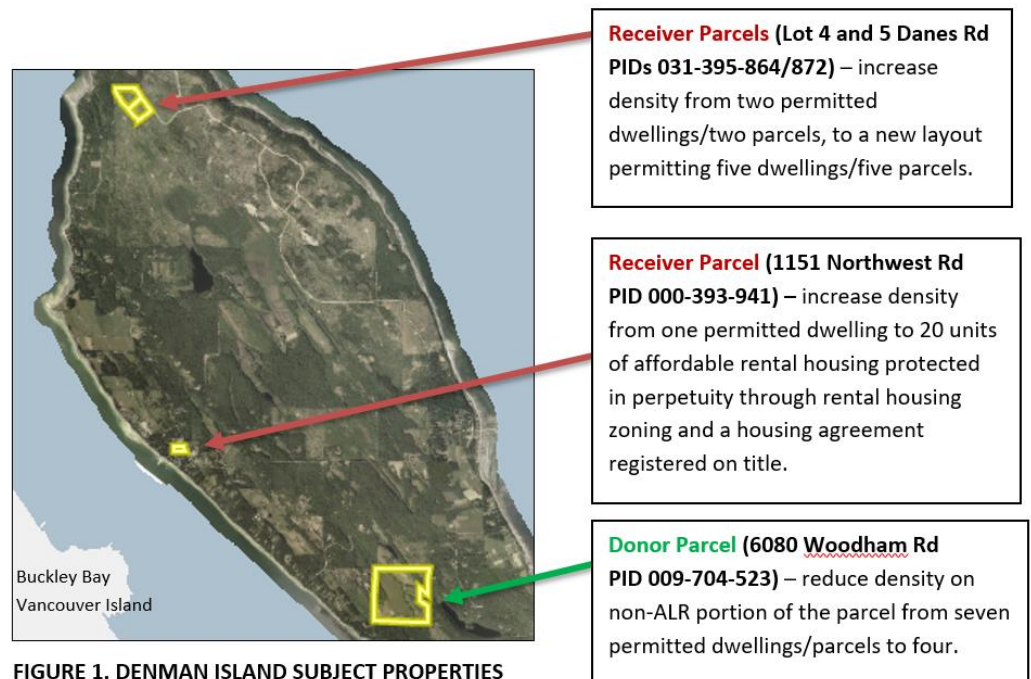
### Receiver parcel (affordable housing):

Subject Property Address: 1151 Northwest Road, Denman Island, BC  
Parcel Identifier Number: 000-393-941

### Receiver parcel (market housing):

Subject Property Address: 6800 Danes Road, Denman Island, BC  
Parcel Identifier Number: 031-395-864

As shown on the map (below):



## **BACKGROUND**

Denman Island Local Trust Committee Bylaw No. 242 was given first reading as amended on March 22, 2022 and second reading on April 29, 2022. A public hearing was held on May 30, 2022 and third reading was given on May 31, 2022.

### **Issues Relating To Provincial Interest and First Nation Interest**

The bylaws were referred to the following First Nations for comment:

- Snuneymuxw First Nation
- Penelakut Tribe
- Lyackson First Nation
- Wei Wai Kum First Nation
- Cowichan Tribes
- Komoks First Nation
- Stz'uminus First Nation
- Hulquminum First Nation
- Nanwakolas First Nation
- Qualicum First Nation
- Snaw-Na-As First Nation
- Temexw First Nation
- Tlaamin First Nation
- Tsuubaa-asatx First Nation
- We Wai Kai First Nation
- Xwemanlhkwu First Nation

No issues or concerns have been noted by the First Nations in response to the referrals sent.

### **Issues Relating To Resources and Enforcement**

None.

### **Public Comments**

Public comments were solicited through regular and special local trust committee business meetings, two community information meetings and a public hearing. Post public hearing correspondence has been received from some residents in the vicinity of the proposed affordable housing development with concerns that adequate proof of water or septic capacity has not been achieved and that pandemic meeting restrictions have limited the ability of concerned residents to engage on the proposal in a timely manner. The LTC has reviewed all professional reports pertaining to this application and has been satisfied with the level of detail submitted in support of the increase in density in the village core. Proof of an approved provincial water license is the only outstanding item remaining prior to consideration of final reading/adoption by the LTC.

### **Staff Comments**

Proposed Bylaw 242 is consistent with the Islands Trust Policy Statement Directives checklist. Given that the LTC gave the proposed bylaws third reading, staff recommends, as per page 1 of this RFD, that EC approve the proposed bylaw.

**RELEVANT POLICIES**

- Section 27 of the *Islands Trust Act*

**ALTERNATIVE**

**1. Not approve the Bylaw:**

*THAT the Executive Committee request that staff advise Denman Island Local Trust Committee in writing that Bylaw No. 242, cited as cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021”, is not approved for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.*

**ATTACHMENTS**

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. Islands Trust Policy Statement Directives Checklist
5. Bylaw No. 242

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	June 27, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 30, 2022



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-242

Bylaw Type: Land Use Bylaw

Date of resolution referring bylaw to Executive Committee: 31-May-2022

- Bylaw Submission Checklist attached
- Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee \_\_\_\_\_

Director, LPS \_\_\_\_\_

Local Trust Committee \_\_\_\_\_

Planner \_\_\_\_\_

Planning Clerk \_\_\_\_\_

---

Trust Area: Denman Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: DE-242

Application No.: DE-RZ-2021.1

Trust Initiated: No

---

**Proofread By:**

Clerk: Yes  
Planner: Yes

Technical Staff: Yes

---

First Reading Date: 02-Nov-2021

Bylaw Sent to Referrals: Yes  
Date Proposed Bylaw to Web: 08-Nov-2021

---

**Resolutions:**

Resolution Waiving Public Hearing: No  
Resolution Authorizing Public Hearing: Yes  
Resolution to Proceed no Further Date:

---

**Secretary Signature Block:**

Secretary's Signature: McErlean, Becky

Date: 03-Jun-2022

File complete and ready for Public review: Yes

---

**Public Hearings:**

Location: Denman Community Hall, 1196 Northwest Rd, Denman  
Proofread By: Zupanec, Sonja

---

Legal Paper: Island Grapevine  
First Publish Date: 19-May-2022

Second Publish Date: 26-May-2022

---

Alternate Paper:  
First Publish Date:

Second Publish Date:

---

Mailout Date: 19-May-2022

Delivery Notices: 19-May-2022  
Date Public Hearing Held: 31-May-2022

Second Reading Date:

Third Reading Date: 31-May-2022



Referrals: Bylaw DE-242

Agency	Sent	Received
<b>Comox Valley Regional District</b> 600 Comox Road: Alana Mullaly <i>Comment:</i> Parks - no concerns Water and Wastewater Management Services - no concerns Fire Services - no concern Transit Services - would like to see a park and ride and a bus stop for Denman system. Transite Update - Further to comments January 12, 2022 request for bus stop and park and ride has been withdrawn.	09-Dec-2021	12-Jan-2022 22-Mar-2022
<b>Cowichan Tribes</b> <i>Chief and Council:</i> Candace Charlie <i>Comment:</i> defer comment on this application to those First Nations in closer proximity to the project area.	09-Dec-2021	14-Dec-2021
<b>Denman Conservancy Association</b> PO Box 60: Des Kennedy <i>Comment:</i> see comments provided in document in file	09-Dec-2021	12-Oct-2021 07-Feb-2022
<b>Denman Island Fire Rescue</b> <i>Fire Chief:</i> Don Lockett <i>Comment:</i>	06-Dec-2021	
<b>Halalt First Nation</b> 7973 Chemainus Rd: Raven August <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Hornby Island Local Trust Committee</b> 700 North Road: Sue Ellen Fast <i>Comment:</i> Interest unaffected	03-Feb-2022	18-Feb-2022
<b>Hulquminum Treaty Group</b> 200-200 Cowichan Way: Reception Referrals <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Island Health</b> 3rd Floor, 6475 Metral Drive: Referrals Referrals <i>Comment:</i> see comments in letter provided in file	09-Dec-2021	07-Feb-2022
<b>K'omoks First Nation</b> 3320 Comox Road: Todd Boychuk <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Lake Cowichan First Nation</b> 313B Deer Road: Carole Livingstone <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Lyackson First Nation</b> 8017 Chemainus Road: Referrals Coordinator <i>Comment:</i>	09-Dec-2021 28-Apr-2022	



Referrals: Bylaw DE-242

Agency	Sent	Received
<b>Nanwakolas Council</b> 203-2005 Eagle Drive: Referrals Coordinator <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Penelakut Tribe</b> Chief and Council: Denean Jack <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Qualicum Indian Band</b> 5850 River Road: Michael Recalma <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>School District 71</b> 607 Cumberland Raod: Tom Demeo	09-Dec-2021	
<b>SnawNawAs Nation (Nanoose)</b> 209 Mallard Way: Referrals Coordinator <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Snuneymuxw First Nation</b> 668 Centre Street: Desiree Thomas <i>Comment:</i> no concerns	09-Dec-2021	15-Dec-2021
<b>Stz'uminus First Nation</b> 12611A Trans Canada Hwy: Chenoa Akey <i>Comment:</i> sent to referrals@coastsalishdevcorp.com	09-Dec-2021 28-Apr-2022	
<b>Te'Mexw Treaty Association</b> 13D Cooper Road: Eileen Charlie <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>Tla'amin First Nation</b> RR #2, Sliammon Road: Denise Smith <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>We Wai Kai Nation</b> 690 Headstart Crescent: Samantha Chickite <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>We Wai Kum First Nation</b> 1400 Weiwaikum Road: Tabitha Donkers <i>Comment:</i>	09-Dec-2021 28-Apr-2022	
<b>William Shulba</b> Islands Trust: William Shulba <i>Comment:</i> see comments in document provided to file	06-Dec-2022	12-Jan-2022
<b>Xwemalhkwu (Homalco) First Nation</b>	09-Dec-2021	



Islands Trust

Print Date: June 27, 2022

## Referrals: Bylaw DE-242

Agency	Sent	Received
1218 Bute Crescent: Referrals Coordinator	28-Apr-2022	
<i>Comment:</i>		



## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: DE-RZ-2021.1 (DHA)

File Name: Denman Green Affordable Housing Proposed Bylaw No. 241 (OCP) and 242 (LUB)

### PURPOSE

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

### POLICY STATEMENT

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

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

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

### DIRECTIVES ONLY CHECKLIST

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

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

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

### PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

### PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
✓	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	<b>4.1.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	<b>4.1.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	<b>4.1.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	<b>4.2</b>	<b>Forests</b>
N/A	<b>4.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	<b>4.2.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	<b>4.2.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	<b>4.2.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

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

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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

**Executive Committee**

---

**Policy Checklist**

---

**Checklist Key:**

- Consistent                      The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
- Contrary                         The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
- Not-Applicable                The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

**Executive Committee Legislative Role Policy (2.4)**

---

- Consistent                      i     Bylaw is consistent with the object of the Trust
- Consistent                      ii    Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
- Consistent                      iii   Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
- Consistent                      iv   Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

**Checklist Key:**

- Requires Resources                      Staff resources required to assist with administration.
- No Resources Required                      No staff resources required.

**The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual**

---

- No Resources Required                      B.5     Bylaw is consistent with the object of the Trust
- No Resources Required                      B10    Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

## Comments

---

Completed By: Becky McErlean

## Status

---

Date Resolution Referred to Exective Committee: 31-May-2022

Reading:

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 242

---

### A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

---

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

1. Citation

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

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

READ A FIRST TIME THIS                    22<sup>ND</sup>                    DAY OF                    MARCH                    , 2022

READ A SECOND TIME THIS                    29<sup>TH</sup>                    DAY OF                    APRIL                    , 2022

PUBLIC HEARING HELD THIS                    30<sup>TH</sup>                    DAY OF                    MAY                    , 2022

READ A THIRD TIME THIS                    31<sup>ST</sup>                    DAY OF                    MAY                    , 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ , 202x

ADOPTED THIS                    \_\_\_\_\_ DAY OF \_\_\_\_\_ , 202x

---

**Chair**

---

**Secretary**

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

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

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

*"dwelling, multi-family* means a building containing two or more dwelling units (excluding a principle dwelling with a secondary suite), each having their own entrance, which may include an entrance from a common interior corridor or an exterior entrance;

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

*residential rental tenure* means the granting of a right to occupy a *dwelling unit* as living accommodation where the minimum occupancy period is thirty consecutive days, and where the *dwelling unit* is not owned by a *dwelling unit* occupant, but where regular payments are made to the owner for the use of the *dwelling unit*;"
  - 1.3 PART 2 GENERAL REGULATIONS, Section 2.1 Accessory Buildings and Structures, 10 is amended by adding the words "and the use is not permitted on a parcel in the 'Affordable Rental Housing (R4) Zone'." after the word "Bylaw".
  - 1.4 PART 2 GENERAL REGULATIONS, Section 2.1 Travel Trailers, 11 is amended by adding the words "except on a parcel zoned 'Affordable Rental Housing (R4).'" after the word "accommodation".
  - 1.5 PART 2 GENERAL REGULATIONS, Section 2.4 Home Occupation Regulations, Permitted Home Occupation Uses is amended by adding the following new regulations 3 and 4 after regulation 2 and by making such consequential numbering alterations to effect this change:
    - "3 Despite regulation 2 of this section, the following uses, and no others are permitted as home occupations in the R4 zone:
      - general business offices
      - professional offices, excluding health services
      - artist or artisan studios"
    - 4 Notwithstanding 2.4 regulation 3 of this section, the following is prohibited in the R4 zone:
      - on site purchase of any products or services
      - on site attendance of clientele or customers
      - creation of noise which disturbs persons"

- 1.6 PART 2 GENERAL REGULATIONS, Section 2.4 Home Occupation Regulations, Number of Employees is amended by adding the following new regulation 17 after regulation 16 and by making such consequential numbering alterations to effect this change:  
  
“Despite regulation 16 of this section, no non-resident employees are permitted in the R4 zone.”
- 1.7 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, residential is amended by removing:
  - “one per one single family residential use”, and replacing it with:
  - “one per one single family residential dwelling unit”
- 1.8 PART 2 GENERAL REGULATIONS, Section 2.5 Parking Regulations, Number of Parking Spaces Required, 16, residential is amended by adding another bullet:
  - “two per dwelling unit in a multi-family dwelling”
- 1.9 PART 2 GENERAL REGULATIONS, Section 2.5, Parking Regulations, Number of Parking Spaces Required, 17, Minimum number of bicycle parking spaces is amended by adding another bullet:
  - “one per dwelling unit in a multi-family dwelling”
- 1.10 PART 2 GENERAL REGULATIONS, Section 2.6 Signs Regulations, Permitted signs, 1 is amended by adding “Affordable Rental Housing (R4)” after “(R3)”.
- 1.11 PART 2 GENERAL REGULATIONS, Section 2.7 Screening Regulations, Landscape Screens, 8 is amended by removing “R3 zone” and replacing with “R3 and R4 zones”.
- 1.12 PART 3 ZONE REGULATIONS, Section 3.1 Creation of Zones, 1, Zone Classification, Zoning Code, Residential Zones is amended by adding “Affordable Rental Housing R4”.
- 1.13 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 1 – Permitted Uses is deleted in its entirety and replaced with:

<b>Table 1 - Permitted Uses</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>
<b>Principal Uses</b>					
1	Residential	✓	✓	✓	
2	Residential Rental Tenure subject to registration of housing agreement				✓
3	Parks	✓	✓	✓	✓
4	Utilities	✓	✓	✓	✓
<b>Accessory Uses</b>					
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:

	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:

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

5	Maximum number of buildings or structures for the generation of electricity from non-polluting sources	1	1	1	3
---	--	---	---	---	---

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

<b>Table 4 – Height</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>
1	Maximum height of principal buildings and structures				
	<ul style="list-style-type: none"> <li>located less than 100.0 metres from the natural boundary of the sea</li> </ul>	7.0 m	7.0 m	7.0 m	7.0 m
	<ul style="list-style-type: none"> <li>located 100.0 metres or more from the natural boundary of the sea</li> </ul>	9.0 m	9.0 m	9.0 m	9.0 m
2	Maximum height of buildings and structures				
	<ul style="list-style-type: none"> <li>accessory to a residential use</li> </ul>	6.0 m	6.0 m	6.0 m	6.0 m
	<ul style="list-style-type: none"> <li>used exclusively for agriculture</li> </ul>	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:

<b>Table 5 - Setbacks</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>R4</b>
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				
	<ul style="list-style-type: none"> <li>from the front lot line</li> </ul>	7.5 m	7.5 m	30.0 m	10.0 m
	<ul style="list-style-type: none"> <li>from the rear or side lot line</li> </ul>	3.0 m	3.0 m	30.0 m	10.0 m
	<ul style="list-style-type: none"> <li>from the exterior side lot line</li> </ul>	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:

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

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

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

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

“R2(7)

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

R2(8)

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

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

**Table 8 - Site Specific Regulations**

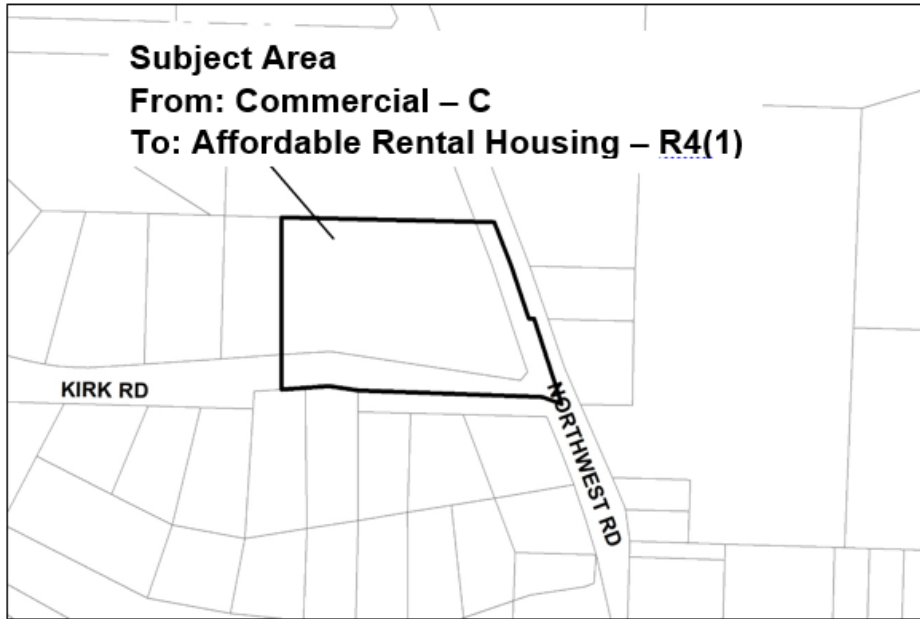
The regulations listed in tables 1 through 7 of this section apply to the land identified on Schedule B (the Zoning Map) by the site specific zoning code listed below on the left, except as varied by the relevant site specific regulation listed in this Table (Table 8)

<b>Site Specific Zoning Code</b>	<b>Site Specific Regulations</b>
R4(1)	<ol style="list-style-type: none"> <li>1 Despite line 7 of Table 1 of this Section, the following is not permitted:               <ul style="list-style-type: none"> <li>• the keeping of chickens or other livestock;</li> </ul> </li> <li>2 Despite line 3 in Table 3 of this Section, the maximum number of affordable dwelling units per lot is 20.</li> <li>3 Despite line 4 in Table 3 of this Section, the maximum combined lot coverage of buildings and structures is 25%.</li> <li>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.</li> <li>5 Despite line 1 in Table 5 of this Section, the minimum setback of a free standing photovoltaic solar array or water cistern from any interior lot line is 1.5 m.</li> <li>6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays and water cisterns, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line.</li> <li>7 Despite line 4 in Table 6 of this Section, the maximum gross floor area of an affordable dwelling unit is 140 m<sup>2</sup>.</li> <li>8 Despite Table 7 of this Section, the minimum lot area permitted by subdivision is 1.0 hectare.</li> <li>9 Despite regulations 16 of Section 2.5, the minimum number of automobile parking spaces required is 1.0 per affordable housing unit.</li> <li>10 Despite regulations 9, 12, and 15 in Section 2.8, the applicant must provide proof of a water license that permits the withdrawal of the licensed amount of groundwater.</li> </ol>

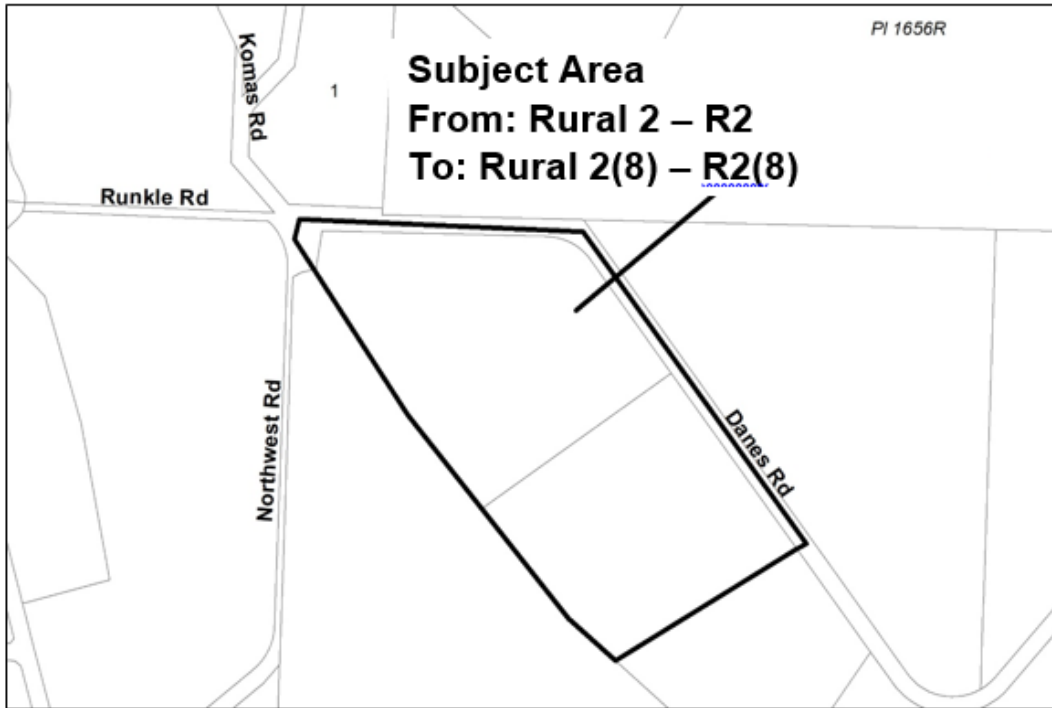
2. Schedule "B" of Denman Island Land Use Bylaw, 2008 is amended as follows:

- 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)*

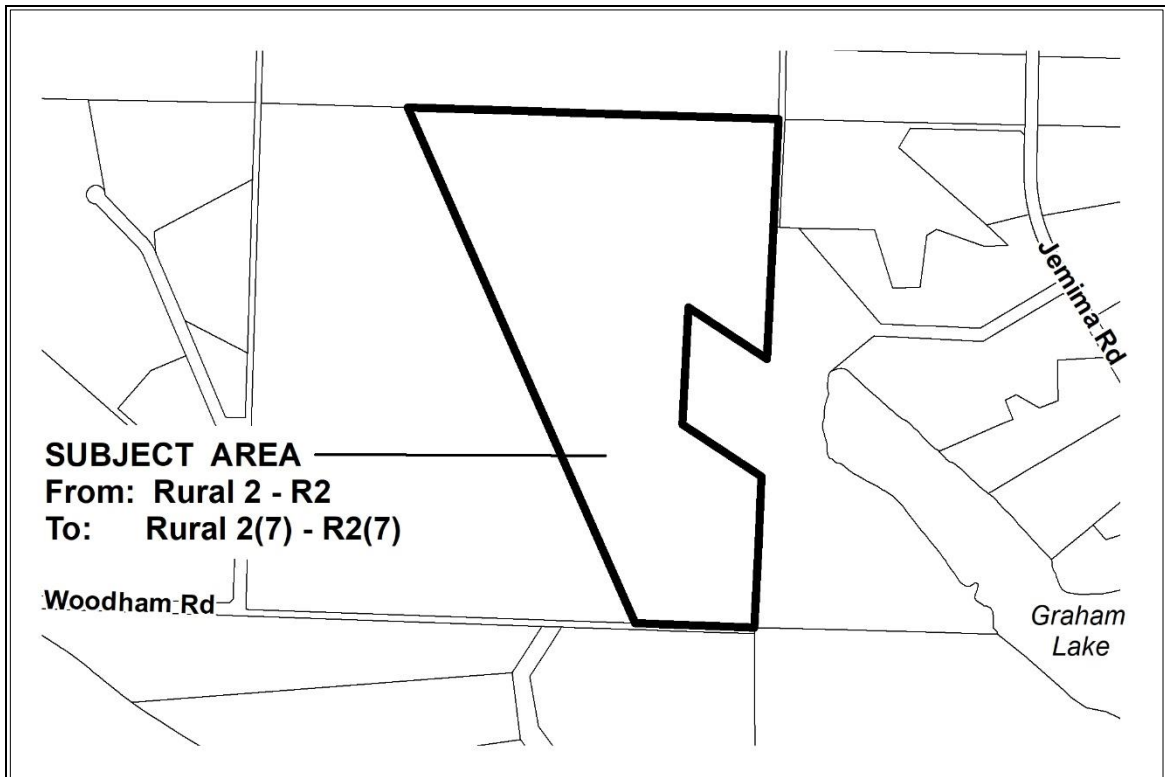


**Plan No. 2**  
*(Final plan to be inserted prior to bylaw adoption)*



**Plan No. 3**

*(Final plan to be inserted prior to bylaw adoption)*



## First Nation Engagement

### Referral of: DE BL 241 (OCP) and DE BL 242 (LUB) Amendments

#### First Nation: Cowichan Tribes

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>December 14, 2021</i>	<i>Response – defer comment on this application to those FN in closer proximity to the project area</i>	<i>FN</i>

#### First Nation: Halalt First Nation

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder via email and left message</i>	<i>BM</i>

#### First Nation: Lyackson First Nation

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder via email and left message</i>	<i>BM</i>

#### First Nation: Ts’uubaa-asatx First Nation (Lake Cowichan)

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email and added to Knowledgekeeper database</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email and added to Knowledgekeeper database</i>	<i>BM</i>

#### First Nation: Penelakut Tribes

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

#### First Nation: Snaw-aw-as First Nation (Nanoose)

Date	Comment/Action	Initial
<i>December 9, 2021</i>	<i>Sent out Referral Package via email to Te’mexw as well as above</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: Tla'amin First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Stz'uminus First Nation (Chemainus)**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email to Coast Salish Dev. Corp</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email to Coast Salish Dev. Corp</i>	<i>BM</i>

**First Nation: Hul'qumi'num Treaty Group**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: K'omoks First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Nanwakolas Council**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: Qualicum Indian Band**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Snuneymuxw First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>December 15, 2022</i>	<i>Received Response – No concerns</i>	<i>FN</i>

**First Nation: Te'Mexw Treaty Association**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email</i>	<i>BM</i>

**First Nation: We Wai Kai Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: We Wai Kum Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

**First Nation: Xwemalhwu (Homalco) First Nation**

<b>Date</b>	<b>Comment/Action</b>	<b>Initial</b>
<i>December 9, 2021</i>	<i>Sent out Referral Package via email</i>	<i>BM/SZ</i>
<i>April 28, 2022</i>	<i>Sent reminder package via email, left message</i>	<i>BM</i>

SZ = Sonja Zupanec, Island Planner

BM = Becky McErlean, Legislative Clerk

FN = First Nation



# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-RZ-2021.1  
(Denman Housing Society –  
Denman Green)

DATE OF MEETING: July 7, 2022  
TO: Islands Trust Executive Committee  
FROM: Sonja Zupanec, Island Planner  
SUBJECT: Denman Island Local Trust Committee – Bylaw No. 243 (Housing Agreement)

## RECOMMENDATION

1. That the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, in accordance with Section 27 of the *Islands Trust Act*.

## DIRECTORS COMMENTS

Denman Island Local Trust Committee (LTC) has referred Bylaw No. 243 to the Executive Committee (EC) for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the EC approve the bylaw as it is part of a comprehensive density transfer, bylaw amendment application and housing agreement to enable up to 20 units of affordable rental housing in the Denman Island village area.

## IMPLICATIONS OF RECOMMENDATION

### Organizational

None.

### Financial

None.

### Policy

None.

### Implementation/Communications

Communication to the **Denman Island Local Trust Committee** regarding the EC decision by **July 11, 2022**, so that accompanying Bylaw No. 241 (OCP) can be forwarded to the Minister of Municipal Affairs and Housing for approval.

### Other

None.

## PURPOSE

Denman Island Local Trust Committee **Bylaw No. 243**, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021” (Attachment 5) would allow the Local Trust Committee to enter into a housing agreement with the owner of the subject land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands pursuant to Section 29 of the *Islands Trust Act* and Section 483 of the *Local Government Act*.

The parcels subject to this application and amending bylaws are described as:

### Donor parcel:

Subject Property Address: 6080 Woodham Road, Denman Island, BC  
Parcel Identifier Number: 009-704-523

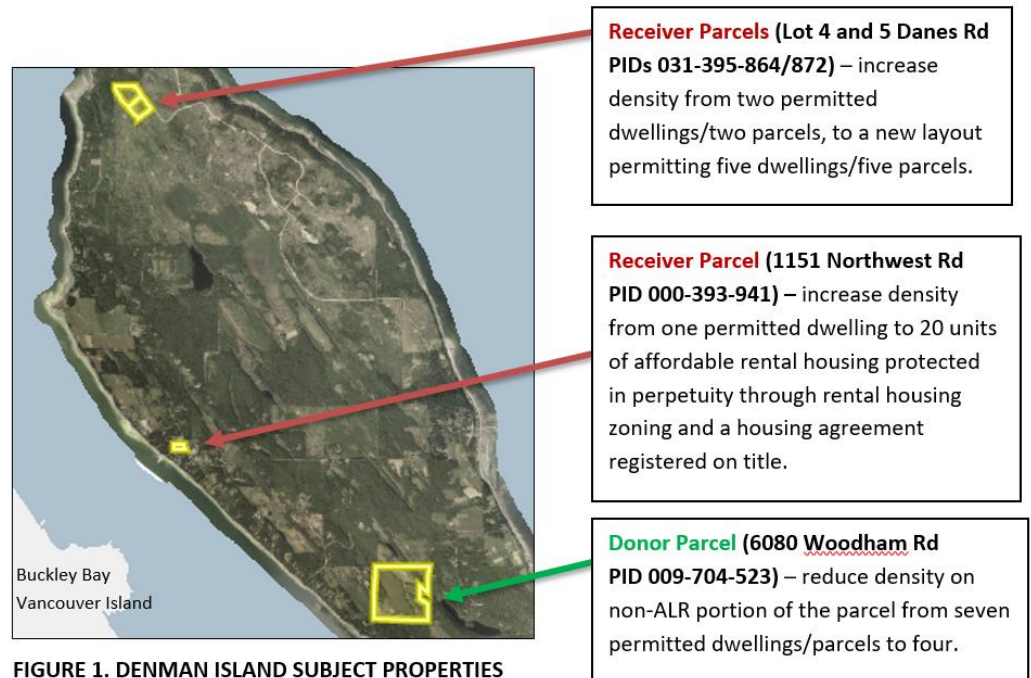
### Receiver parcel (affordable housing):

Subject Property Address: 1151 Northwest Road, Denman Island, BC  
Parcel Identifier Number: 000-393-941

### Receiver parcel (market housing):

Subject Property Address: 6800 Danes Road, Denman Island, BC  
Parcel Identifier Number: 031-395-864

As shown on the map (below):



## BACKGROUND

Housing Agreement Bylaw No. 243 was given first reading on November 2, 2021, second reading on February 15, 2022 and third reading on May 31, 2022.

## Issues Relating To Provincial Interest and First Nation Interest

The bylaws were referred to the following First Nations for comment:

- Snuneymuxw First Nation
- Penelakut Tribe
- Lyackson First Nation
- Wei Wai Kum First Nation
- Cowichan Tribes
- Komoks First Nation
- Stz'uminus First Nation
- Hulquminum First Nation
- Nanwakolas First Nation
- Qualicum First Nation
- Snaw-Na-As First Nation
- Temexw First Nation
- Tlaamin First Nation
- Tsuubaa-asatx First Nation
- We Wai Kai First Nation
- Xwemanlhkwu First Nation

No issues or concerns have been noted by the First Nations in response to the referrals sent.

## Issues Relating To Resources and Enforcement

None.

## Public Comments

Public comments were solicited through regular and special local trust committee business meetings, two community information meetings and a public hearing. Post public hearing correspondence has been received from some residents in the vicinity of the proposed affordable housing development with concerns that adequate proof of water or septic capacity has not been achieved and that pandemic meeting restrictions have limited the ability of concerned residents to engage on the proposal in a timely manner. The LTC has reviewed all professional reports pertaining to this application and has been satisfied with the level of detail submitted in support of the increase in density in the village core. Proof of an approved provincial water license is the only outstanding item remaining prior to consideration of final reading/adoption by the LTC.

## Staff Comments

Housing Agreement Bylaw 243 is an administrative bylaw and not subject to the Islands Trust Policy Statement Directives checklist. Given that the LTC gave the proposed bylaw third reading, staff recommends, as per page 1 of this RFD, that EC approve the proposed bylaws.

## RELEVANT POLICIES

- Section 27 of the *Islands Trust Act*

**ALTERNATIVE**

**1. Not approve the Bylaw:**

*THAT the Executive Committee request that staff advise Denman Island Local Trust Committee in writing that Bylaw No. 243, cited as cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, is not approved for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.*

**ATTACHMENTS**

- 1. EC Submission Cover
- 2. Bylaw Submission Checklist
- 3. EC Policy Checklist
- 4. Islands Trust Policy Statement Directives Checklist
- 5. Bylaw No. 243

Submitted By:	Sonja Zupanec, RPP, MCIP Island Planner	June 27, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 30, 2022



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-243

Bylaw Type: Housing Agreement Procedure Bylaw

Date of resolution referring bylaw to Executive Committee: 31-May-2022

- Bylaw Submission Checklist attached
- Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee \_\_\_\_\_

Director, LPS \_\_\_\_\_

Local Trust Committee \_\_\_\_\_

Planner \_\_\_\_\_

Planning Clerk \_\_\_\_\_

---

Trust Area: Denman Island Local Trust Committee  
Type: Housing Agreement Procedure Bylaw  
Bylaw No.: DE-243  
Application No.: GB-RZ-2021.1  
Trust Initiated: No

**Proofread By:**

---

Clerk: Yes  
Planner: Yes

Technical Staff: No

---

First Reading Date: 02-Nov-2021

Bylaw Sent to Referrals: No  
Date Proposed Bylaw to Web:

**Resolutions:**

---

Resolution Waiving Public Hearing: No  
Resolution Authorizing Public Hearing: No  
Resolution to Proceed no Further Date:

**Secretary Signature Block:**

---

Secretary's Signature: McErlean, Becky

Date: 31-May-2022

File complete and ready for Public review: Yes

**Public Hearings:**

---

Location: Denman Community Hall, 1196 Northwest Road, Denman  
Proofread By: Zupanec, Sonja

---

Legal Paper: Island Grapevine  
First Publish Date: 19-May-2022

Second Publish Date: 26-May-2022

---

Alternate Paper:  
First Publish Date:

Second Publish Date:

---

Mailout Date: 19-May-2022  
Second Reading Date: 15-Feb-2022

Delivery Notices: 19-May-2022  
Date Public Hearing Held: 11-May-2022  
Third Reading Date: 31-May-2022

**Executive Committee**

---

**Policy Checklist**

---

**Checklist Key:**

- Consistent                      The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
- Contrary                         The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
- Not-Applicable                The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

**Executive Committee Legislative Role Policy (2.4)**

---

- Consistent                      i     Bylaw is consistent with the object of the Trust
- Consistent                      ii    Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
- Consistent                      iii   Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
- Consistent                      iv    Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

**Checklist Key:**

- Requires Resources                      Staff resources required to assist with administration.
- No Resources Required                      No staff resources required.

**The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual**

---

- No Resources Required                      B.5     Bylaw is consistent with the object of the Trust
- No Resources Required                      B10    Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

## Comments

---

Completed By: Becky McErlean

## Status

---

Date Resolution Referred to Exective Committee: 31-May-2022

Reading: 31-May-2022

Third Reading



**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 Official Community Plan, 2008, Amendment No. 241 and Denman Island Land Use Bylaw 2008 Amendment No. 242 and has been put in place to permit the development of an affordable housing project;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SCHEDULE "A"**

**OWNER'S STATUTORY DECLARATION**

CANADA, PROVINCE OF BRITISH COLUMBIA

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

I, \_\_\_\_\_, Denman Island, BC, declare that:

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

DECLARED BEFORE ME at \_\_\_\_\_, British Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
A Commissioner for taking Affidavits  
Columbia

\_\_\_\_\_  
Signature of person making declaration in British  
Columbia

## 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.



# REQUEST FOR DECISION

LOCAL TRUST COMMITTEE BYLAW SUBMISSION

File No.: DE-BL-245  
3900-03:LPS Admin Bylaw

DATE OF MEETING: July 7, 2022  
TO: Islands Trust Executive Committee  
FROM: Heather Kauer, Regional Planning Manager  
SUBJECT: Denman Island Local Trust Committee – Bylaw No. 245

## RECOMMENDATION

1. THAT the Islands Trust Executive Committee approve Denman Island Local Trust Committee Bylaw No. 245, cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022", in accordance with Section 27 of the *Islands Trust Act*.

## DIRECTORS COMMENTS

Denman Island Local Trust Committee has referred Bylaw No. 245 to the Executive Committee for approval under Section 27 of the *Islands Trust Act*. Staff recommends that the Executive Committee approve the bylaw as it is not contrary to or at variance to the Islands Trust Policy Statement.

## IMPLICATIONS OF RECOMMENDATION

**Organizational – none.**

### Financial

Increases in fees should provide more revenue to cover the cost of processing related permits.

**Policy – none.**

### Implementation/Communications

Communication to **Denman Island Local Trust Committee** regarding the Executive Committee decision by **July 11, 2022**.

**Other – none.**

## PURPOSE

Denman Island Local Trust Committee Bylaw No. 245, cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022" (Attachment 4) is intended to consider adopting a bylaw that updates permitting fees, specifically:

- An expanded Interpretation section.

- Fee increases for the various applications.
- Fees for applications received though work or activity is already undertaken or in operation.
- Clarification of collection of fees and refunds.
- A new section to address Extraordinary Service Costs (ESC)
- A new section to address Annual Fee Increases.

## **BACKGROUND**

### **Denman Island Local Trust Committee Bylaw No. 245**

Bylaw No. 245 was given three readings on May 31, 2022. (Attachment 4).

#### **Issues Relating To Provincial Interest**

None.

#### **Issues Relating To First Nation Interest**

None.

#### **Issues Relating To Resources and Enforcement**

Increased cost recovery.

#### **Public Comments**

None.

#### **Staff Comments**

None.

## **RELEVANT POLICY**

- Section 27 of the *Islands Trust Act*
- Trust Council Policy "5.6.1 Application Processing Services".

## **ALTERNATIVE**

### **1. Determine that the bylaw is contrary to the Islands Trust Policy Statement:**

*THAT the Executive Committee request that staff advise Denman Island Local Trust Committee in writing that the Executive Committee considers that Bylaw No. 245, cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022", is contrary to or at variance with the Islands Trust Policy Statement for [INSERT REASONS], and advise the Denman Island Local Trust Committee on steps needed to address the specified issues.*

Submitted By:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 30, 2022
---------------	---	---------------

**ATTACHMENTS**

1. EC Submission Cover
2. Bylaw Submission Checklist
3. EC Policy Checklist
4. Bylaw No. 245



Local Trust Committee Bylaws  
Submission for Executive committee Approval

Local Trust Committee: Denman Island Local Trust Committee

Bylaw No.: DE-245

Bylaw Type: Fees Bylaw

Date of resolution referring bylaw to Executive Committee: 31-May-2022

- Bylaw Submission Checklist attached
- Policy Statement Checklist attached\*  
\* not required for administrative bylaws
- Summary of Bylaw Intent Attached

**Received by Islands Trust Secretary:**

Signature: \_\_\_\_\_  
Secretary

Date: \_\_\_\_\_

Deadline for Executive Committee decision (one month after receipt by Secretary as determined pursuant to the Interpretation Act\*): \_\_\_\_\_

Date bylaw will appear on Executive Committee agenda: \_\_\_\_\_

- *a month means "a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day"*
- *In the calculation of time expressed as clear days, weeks, months or years, or as "at least" or "not less than" a number of days, weeks, months, or years, the first and last*

**Distribution:** Executive Committee \_\_\_\_\_  
Director, LPS \_\_\_\_\_  
Local Trust Committee \_\_\_\_\_  
Planner \_\_\_\_\_  
Planning Clerk \_\_\_\_\_

---

Trust Area: Denman Island Local Trust Committee

Type: Fees Bylaw

Bylaw No.: DE-245

Application No.:

Trust Initiated: Yes

---

**Proofread By:**

Clerk: Yes

Technical Staff: No

Planner: Yes

---

First Reading Date: 31-May-2022

Bylaw Sent to Referrals: No  
Date Proposed Bylaw to Web:

---

**Resolutions:**

Resolution Waiving Public Hearing: No  
Resolution Authorizing Public Hearing: No  
Resolution to Proceed no Further Date:

---

**Secretary Signature Block:**

Secretary's Signature: McErlean, Becky

Date: 31-May-2022

File complete and ready for Public review: No

---

**Public Hearings:**

Location:  
Proofread By: ,

---

Legal Paper:  
First Publish Date:

Second Publish Date:

---

Alternate Paper:  
First Publish Date:

Second Publish Date:

---

Mailout Date:

Delivery Notices:  
Date Public Hearing Held:

Second Reading Date: 31-May-2022

Third Reading Date: 31-May-2022

## Executive Committee

---

### Policy Checklist

---

**Checklist Key:**

Consistent	The bylaw is consistent with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Contrary	The bylaw is inconsistent (contrary or at variance) with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv
Not-Applicable	The policy is not applicable with the Islands Trust Policy Manual Chapter 2, Section 4, Subsection iv .

### Executive Committee Legislative Role Policy (2.4)

---

Consistent	i	Bylaw is consistent with the object of the Trust
Consistent	ii	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement
Consistent	iii	Bylaw does not expose the Islands Trust to unreasonable expense in the administration or enforcement of the bylaw
Consistent	iv	Bylaw is not enacted without legal authority, including inconsistency with the relevant OCP (based on legal advice)

**Checklist Key:**

Requires Resources	Staff resources required to assist with administration.
No Resources Required	No staff resources required.

### The Bylaw has been Examined Against Best Management Practices for Delivery of Local Planning Services as found in Section 5.9 of the Islands Trust Policy Manual

---

No Resources Required	B.5	Bylaw is consistent with the object of the Trust
No Resources Required	B10	Bylaw is not contrary to or at variance to the Islands Trust Policy Statement

## Comments

---

Completed By: Becky McErlean

## Status

---

Date Resolution Referred to Exective Committee: 31-May-2022

Reading: 31-May-2022

Third Reading

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 245

---

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications.

---

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act;

NOW THEREFORE the Denman Island Local Trust Committee being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust area, in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

#### Citation

**1.1 This bylaw may be cited as the "Denman Island Local Trust Committee Fees Bylaw, 2022".**

#### Interpretation

2.1 In this bylaw:

"Applicant" means:

- 2.1.1 the person authorized under the Denman Island Local Trust Committee Development Procedures Bylaw No. 71, 1992 to make an application in respect of a bylaw or permit under the Islands Trust Act or Part 14 or Part 15 of the Local Government Act;
- 2.1.2 an applicant for a license under the Liquor Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.3 an applicant for a license under the Cannabis Control and Licensing Act in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

# PROPOSED

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community amenity

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

## Application Fees

- 3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

<b>Column 1: Type of Application</b>	<b>Column 2: Fee</b>
Major (e.g. change to density or OCP)	\$7,800
Minor (e.g. regulation change without changing density or OCP amendment)	\$4,600
Affordable housing	\$1,500

# PROPOSED

<b>TABLE 2 – Permits</b>	
<b>Column 1: Development Permit in Respect of:</b>	<b>Column 2: Fee</b>
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions (Development Area DP6)	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000
<b>Type of Development Variance Permit</b>	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
<b>Type of Temporary Use Permit</b>	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses or commercial uses under 95 square metres that provide secondary dwellings.	\$440
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal for secondary dwellings	\$165
<b>Other Permits</b>	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
<b>Combination Applications</b>	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

# PROPOSED

<b>TABLE 3 – Subdivision Referrals</b>	
<b>Column 1</b>	<b>Column 2: Fee</b>
1. Application for Subdivision Review – base fee	\$1,100
2. Application for Subdivision Review – per additional lot created	\$110
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

<b>TABLE 4 – Other Applications</b>	
<b>Column 1: Type of Application</b>	<b>Column 2: Fee</b>
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process and referrals requiring local government consultation	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

#### **4. Fee for After-the-Fact Application**

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rate in 3.1 will be subject to a 20% surcharge.

#### **5. Collection and Refund of Application Processing Fee Amounts**

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC, Board of Variance, or formal referral response submitted to the relevant agency.

# PROPOSED

## **6. Extraordinary Service Costs (ESC)**

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.
- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

## **7. Annual Fee Increases**

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The Denman Island Local Trust Committee will maintain a record of annual 2% increases and make that record available for public inspection.

# PROPOSED

## 8. Application Fee Sponsorship

8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

## 9. Severability

9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

## 10. Repeal

10.1 “Denman Island Local Trust Committee Fees Bylaw No. 181, 2007” is repealed upon adoption of this bylaw.

10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

READ A FIRST TIME THIS 31<sup>ST</sup> DAY OF MAY, 2022

READ A SECOND TIME THIS 31<sup>ST</sup> DAY OF MAY, 2022

READ A THIRD TIME THIS 31<sup>ST</sup> DAY OF MAY, 2022

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202X

---

CHAIR

---

SECRETARY

The following is a list of [agenda](#) highlights of Trust Council's activities and decisions from its June 21-23, 2022, quarterly meeting. These highlights are not the official minutes; Trust Council will adopt those at its September 20-22, 2022, meeting being held electronically in Victoria. [Visit the meeting site to view the recordings.](#)

### **Community Stewardship Awards Recipients Announced**

Trust Council issued this [news release](#) announcing the 2022 recipients including 5 individuals, one organization and a posthumous award.

### **Trust Council establishes new standing committee**

A new Governance Committee was formed by Trust Council with 7 elected members who will begin work in the coming months on a terms of reference, associated policy and next steps. This body will review and consider recommendations from the recent Governance Review report, 2022 and recommend changes to Trust Council.

### **Provincial review of Islands Trust**

Trust Council directed that the Islands Trust Chair write to the Lieutenant Governor in Council to request a review Islands Trust's mandate, governance and structure. This action is in parallel to the recent governance review process initiated by Trust Council.

### **Next steps for Policy Statement Amendment Project**

Trust Council received engagement summary reports from the latest phases of engagement with First Nations, referral agencies, and the public. Council followed with format and content amendments to the draft new Policy Statement with further review by Trust Programs Committee coming to Trust Council's September meeting.

### **Elgrass and Kelp Mapping Projects Final Reports**

Received by Trust Council, the reports will be forwarded to local trust committees and Bowen Island Municipality for consideration in land use planning decisions.

### **Advocacy for Legislation to Protect Biological Diversity and Ecosystem Health**

Trust Council will submit a resolution to the Union of BC Municipalities, a request to the Province for new legislation to protect and restore biological diversity and ecosystem health.

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

Amendments to the policy were approved adding a recommended process and format for updating official community plans, land use bylaws and resourcing local trust committee project work.

### **Delegation of Development Permits**

Adoption of a Trust Council policy delegating staff authority to issue development permits was approved and will be forwarded to local trust committees for consideration to adopt delegation bylaws.

### **Elections Agreements and Procedures Bylaw**

Administrative items for the upcoming elections, Islands Trust approved service contracts with its corresponding regional districts and amendments to its Election Procedures Bylaw.

### **2020/21 Draft Annual Report**

Trust Council approved the draft report which will be finalized for submission to the Minister of Municipal Affairs including distribution to regional districts and MLAs and MPs within the Trust Area.



# Follow Up Action Report

## Trust Council

### Chief Administrative Officer

Activity	Responsibility	Dates	Status
1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.	Clare Frater Kate Emmings Russ Hotsenpiller	Meeting: 17-Sep-2019 Target: 31-Dec-2022	In Progress
2 That Islands Trust request the Province enhance the Trust's jurisdiction over tree cutting bylaws to make its jurisdiction equal to that of municipalities under section 8 of the Community Charter.	Russ Hotsenpiller	Meeting: 16-Sep-2020 Target: 21-Jun-2022	In Progress
3 That Trust Council prioritize public engagement tools and approaches as a priority topic for future learning opportunities.	Russ Hotsenpiller	Meeting: 21-Sep-2021 Target: 20-Sep-2022	In Progress
4 Set up standing Governance Committee records management, administration items, and initial meeting to address next steps, terms of reference, and policy. Forward item 4.2.5 Review and Implementation of recommendations from the Governance Review, 2022 - Briefing to the Governance Committee for consideration.	Russ Hotsenpiller	Meeting: 21-Jun-2022 Target: 20-Sep-2022	In Progress

### Director, Administrative Services

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

## Follow Up Action Report

### Trust Council

#### Director, Administrative Services

Activity	Responsibility	Dates	Status
1 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 21-Sep-2022	In Progress

#### Director, Legislative Services

Activity	Responsibility	Dates	Status
1 Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.	Clare Frater David Marlor	Meeting: 12-Mar-2020 Target: 31-Aug-2022	In Progress
2 Staff to work with the Regional Planning Committee to review policies and fees related to the Agricultural Land Commission Exclusion Regulation which comes into effect October 1, 2020.	David Marlor	Meeting: 15-Sep-2020 Target: 21-Jun-2022	In Progress
3 That Trust Council request staff to recommend amendments to Trust Council Policy 6.3.2 to address the use of unspent special property tax requisition funds on new programs or initiatives when the original program or initiative remains ongoing.	David Marlor Julia Mobbs	Meeting: 15-Sep-2020 Target: 21-Sep-2022	In Progress



# Follow Up Action Report

## Trust Council

### Director, Legislative Services

Activity	Responsibility	Dates	Status
4 Trust Council asked staff to provide recommendations about how to broaden engagement and capacity building within local communities, particularly with respect to involving First Nations, in the work of the Islands Trust Area.	Clare Frater David Marlor	Meeting: 10-Mar-2021 Target: 31-May-2022	In Progress
5 Trust Council refer the Residential Floor Area report back to the Regional Planning Committee and request that the report incorporate the work being done on North Pender and South Pender and to update the report to identify environmental benefits .	David Marlor	Meeting: 22-Sep-2021 Target: 23-Mar-2022	Completed
6 Conduct an RWM to adopt Election Bylaw 187.	David Marlor	Meeting: 21-Jun-2022 Target: 20-Sep-2022	In Progress
7 Complete elections services contracts with regional districts, that the Legislative Director and Chair can sign on behalf of Trust Council.	David Marlor	Meeting: 21-Jun-2022 Target: 20-Sep-2022	In Progress
8 Finalize Policy 5.9.1 Best Management Practices for Delivery of Local Planning Services to Local Trust Committees as requested.	David Marlor	Meeting: 22-Jun-2022 Target: 20-Sep-2022	In Progress
9 Forward to local trust committees for consideration to adopt delegation bylaws per the adopted Land Use Permit Delegation Policy.	David Marlor	Meeting: 22-Jun-2022 Target: 20-Sep-2022	In Progress
10 That the Islands Trust Chair, on behalf of Council, submit a letter to the Lieutenant Governor in Council making the review request under Section 8(2)(e) of the Islands Trust Act as resolved, to conduct a review of Islands Trust mandate, governance, and structure.	David Marlor	Meeting: 21-Jun-2022	In Progress



## Follow Up Action Report

### Trust Council

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.</p>	<p>Clare Frater Kate Emmings Russ Hotsenpiller</p>	<p>Meeting: 17-Sep-2019 Target: 31-Dec-2022</p>	<p>In Progress</p>
<p>2 Trust Council requested Executive Committee follow up with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) around forest management.</p>	<p>Clare Frater David Marlor</p>	<p>Meeting: 12-Mar-2020 Target: 31-Aug-2022</p>	<p>In Progress</p>
<p>3 That Trust Council request that the Executive Committee support Bowen Island Municipality in its efforts to oppose recreational use of motorized vehicles on Mount Gardner Crown land, subject to Bowen Island's Municipality First Nations consultation.</p>	<p>Clare Frater</p>	<p>Meeting: 17-Jun-2020 Target: 30-Jun-2022</p>	<p>In Progress</p>
<p>4 Cooperate and work with Dr. Tara Martin's delegation re data sharing of Coastal Douglas-fir.</p>	<p>Clare Frater</p>	<p>Meeting: 17-Jun-2020 Target: 31-Oct-2022</p>	<p>In Progress</p>

## Follow Up Action Report

### Trust Council

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<p>5 That Trust Council issue a NAPTEP certificate for the R. Leader property (Parcel Identifier 000-395-081) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.</p>	<p>Clare Frater Kate Emmings</p>	<p>Meeting: 03-Dec-2020 Target: 31-Oct-2022</p>	<p>In Progress</p>
<p>6 Trust Council asked staff to provide recommendations about how to broaden engagement and capacity building within local communities, particularly with respect to involving First Nations, in the work of the Islands Trust Area.</p>	<p>Clare Frater David Marlor</p>	<p>Meeting: 10-Mar-2021 Target: 31-May-2022</p>	<p>In Progress</p>
<p>7 That Trust Council direct staff to develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications and return to Trust Council for further review and approval.</p>	<p>Clare Frater Kate Emmings</p>	<p>Meeting: 22-Sep-2021 Target: 31-Aug-2022</p>	<p>In Progress</p>
<p>8 That Trust Council request staff to provide a report outlining potential options for how the Trust and local trust committees can engage and assist with the Coast Guard Oil Spill response planning process.</p>	<p>Clare Frater</p>	<p>Meeting: 22-Sep-2021 Target: 20-Sep-2022</p>	<p>In Progress</p>
<p>9 Trust Council approved the Nighthawk Hill NAPTEP Expansion Application and the Livingstone Forest NAPTEP Certificate for issuance.</p>	<p>Clare Frater Kate Emmings</p>	<p>Meeting: 02-Dec-2021 Target: 31-Aug-2022</p>	<p>In Progress</p>
<p>10 Proclaim June 8, 2022, to June 7, 2023 "Year of the Salish Sea", to raise public awareness about a healthy Salish Sea and learn from Indigenous Nations on how to improve its health and management for the benefit of future generations.</p>	<p>Clare Frater</p>	<p>Meeting: 08-Mar-2022 Target: 07-Jun-2023</p>	<p>In Progress</p>

## Follow Up Action Report

### Trust Council

#### Director, Trust Area Services

Activity	Responsibility	Dates	Status
<b>11</b> Prepare a letter for chair's signature in support of Mayne Island Conservancy Society request regarding fallow deer populations to the FLNRORD minister.	Clare Frater	Meeting: 10-Mar-2022 Target: 21-Jun-2022	Completed
<b>12</b> Format the draft Policy Statement as requested by Trust Council (TC) resolutions under item 6.2.3, reaffirm Reconciliation Declaration to be responsive to First Nations' engagement on the Policy Statement as dictated by UNDRIP. Request from Council to Trust Programs Committee for further review and bring to September's TC meeting.	Clare Frater	Meeting: 22-Jun-2022 Target: 20-Sep-2022	In Progress
<b>13</b> Annual Report draft approved for final submission to Minister and circulation per policy.	Clare Frater	Meeting: 22-Jun-2022 Target: 20-Sep-2022	In Progress
<b>14</b> Staff to provide communication materials for understanding the changes in fees re Fees Bylaws.	Clare Frater	Meeting: 22-Jun-2022 Target: 20-Sep-2022	In Progress
<b>15</b> Submit a resolution to UBCM requesting new legislation to protect and restore biological diversity and ecosystem health and call on the Province to develop communication and timelines for this process.	Clare Frater	Meeting: 22-Jun-2022 Target: 20-Sep-2022	In Progress

#### Manager, Islands Trust Conservancy

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------



## Follow Up Action Report

### Trust Council

#### Manager, Islands Trust Conservancy

Activity	Responsibility	Dates	Status
<p>1 That Trust Council consider approaching the Province of British Columbia to request additional funding for the Islands Trust annual budget, ensuring any request that goes forward is appropriately strategized in line with other requests currently being asked of the Province; and that Trust Council direct staff to work with Executive Committee and the Islands Trust Conservancy Board to strategize an approach for requesting additional funding from the Province.</p>	<p>Clare Frater Kate Emmings Russ Hotsenpiller</p>	<p>Meeting: 17-Sep-2019 Target: 31-Dec-2022</p>	<p>In Progress</p>
<p>2 That Trust Council issue a NAPTEP certificate for the R. Leader property (Parcel Identifier 000-395-081) subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.</p>	<p>Clare Frater Kate Emmings</p>	<p>Meeting: 03-Dec-2020 Target: 31-Oct-2022</p>	<p>In Progress</p>
<p>3 That Trust Council direct staff to develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications and return to Trust Council for further review and approval.</p>	<p>Clare Frater Kate Emmings</p>	<p>Meeting: 22-Sep-2021 Target: 31-Aug-2022</p>	<p>In Progress</p>
<p>4 Trust Council approved the Nighthawk Hill NAPTEP Expansion Application and the Livingstone Forest NAPTEP Certificate for issuance.</p>	<p>Clare Frater Kate Emmings</p>	<p>Meeting: 02-Dec-2021 Target: 31-Aug-2022</p>	<p>In Progress</p>

**From:** Dan Rogers <[drogers@islandstrust.bc.ca](mailto:drogers@islandstrust.bc.ca)>

**Sent:** Wednesday, June 22, 2022 9:38 AM

**To:** EC <[ec@islandstrust.bc.ca](mailto:ec@islandstrust.bc.ca)>

**Subject:** Fw: Motion re New Trustee Computers

I'd like to put on the next EC Agenda "budget item adjustments". I am thinking we should talk about proposing to FPC and TC an adjustment to the budget this item and the Heritage grant line item but I'd like to know how our budget is doing. I think that there will be some room for some adjustments given staff vacancy etc. Lori... could I ask this be put on the Agenda for July 7  
thanks

Dan Rogers

Trustee, Gambier Islands Trust Area

Vice-Chair Islands Trust

[drogers@islandstrust.bc.ca](mailto:drogers@islandstrust.bc.ca)

604-220-1500

**From:** Charles Kinch <[REDACTED]@[REDACTED].com>

**Sent:** Tuesday, June 14, 2022 4:04 PM

**To:** Lori Foster <lfoster@islandstrust.bc.ca>

**Subject:** Re: Comments on Denman Island Bylaw Nos. 241, 242 and 243 for Executive Committee Meeting Jun 21

Dear Lori Foster

I was informed by others that there is still time to get an Agenda Item added to the Executive Committee meeting for June 21 in regards to the noted Denman Bylaws through you.

I am not sure I will be able to attend the meeting, but would like to see the attached file of comments presented and discussed.

Charles Kinch  
[REDACTED]

Denman Island, BC  
[REDACTED]

### **Comments on Denman Island Bylaw Nos. 241, 242 and 243**

I have concerns with the handling of these bylaws from both a process point of view, as well as potential negative effects of their particulars.

First and foremost is the disconnect between the goals and expectations of a democratic representational government seeking open transparency, where citizens' voices are heard and decisions are consensus based, and the practical obstacles in place that prevent that happening. From what I have seen, a recent "Governance Review Report on the Islands Trust" that was commissioned by Islands Trust from Great North Consulting identified "good governance principles" and how well Islands Trust was living up to them in its practices identified this as an area needing improvement in general.

For the current affordable housing initiative on Denman Island covered by these bylaws, I was vaguely aware of it, and understood that some meetings may have been held, but understood that many were on-line Zoom meetings, or completely focused on the village property and housing construction itself, so did not get involved. It was only with the Notice of Public Meeting posted in the Grapevine May 19, that it became clear there were two completely unrelated initiatives, with the second part consisting of transfers of densities from a property on Woodham Rd to properties on Danes Road in the northlands that directly affect my own. Since the Meetings were scheduled for May 30 and 31, I realized I only had 11 days to understand how this would affect me, educate myself on the background, compose questions, etc. While the meeting notices and conduct did meet normal criteria for advertising and accessibility, they did prove a challenge for many to prepare for them, as many on Denman do not have good internet connections.

I was looking forward to the scheduled meetings to better understand the whole initiative and to participate in public debate on the issues. I sent in a two page written submission of comments and questions to give advance notice to what I hoped would be discussed. The practicality was much different than expected. The meetings themselves seemed far too constrained, a half hour given to a Community Information Meeting that was the only opportunity to ask questions and get answers. There

were so many people attending that questions were limited to only a couple of minutes, with hurried responses, and still went way beyond allocated time, leaving the Public Hearing even more rushed, with more time constraints on presenters of a couple of minutes each as panel members were from off island and had to make the last ferry out. Written submissions were given no reference and they as well as the oral submissions got no response. I do think our LTC is open to input, but these meetings did not really allow that to happen.

In discussions after those meetings I heard several vehement concerns that other input that should have been included hadn't been. Residential neighbours near the village site sounded very frustrated at their concerns not being listened to. I and others wondered about the local business community since the application removes several acres of prime Commercial Zoned real estate from the village core. When asked about this separately, the Planner apparently stated that the Islands Trust believed it had a consensus view because it had received a letter of support from the Business Improvement Association of the island. When pressed, this turned out to be a letter from an individual at Denman WORKS. In my own admittedly informal survey of local business owners and operators, there was no consensus on the application itself, but universal view that their opinions should have been taken into account but were not as there does not exist any Business Improvement Association on the island, and that Denman WORKS, while doing good things, does not represent them, as it is a corporation solely aimed at encouraging entrepreneurial ventures with information resources and referrals to funding sources, and runs a Job Board, but being funded primarily by the Comox Valley Regional District, has neither the mandate nor mechanism to represent local businesses. If Islands Trust was assuming it was the representative, it was out of naivete or ignorance of the reality of this island.

In addition I think the extremely strict provisions prohibiting any further contact by the public with the Local Trustees in any relationship to these bylaws from the closing of the Public Hearing until final approval is an overly extreme restriction on public discourse and access to their elected representatives.

My second area of concern is the disconnect between the goals and governance principles of providing equal opportunity, and uniformly adhering to and applying its own laws and policy, and the details of this set of proposals in which a certain individual is being allowed to break current bylaws without seeming to have valid justification, in terms of density transfers and environmental impact.

For historical context, in the late 1960s, the provincial government was so concerned with the proliferation of small-lot subdivisions on many islands, worst being Pender, but also on Gabriola, Salt Spring, and Mayne, that it imposed a 10 acre minimum subdivision size on all islands. Debate proceeded for several years and finally in 1974, the Islands Trust was formed, primarily to put limitations on excessive development and protect from excess environmental impact. It took a few years, but eventually the Trust took over all land use controls from regional districts, but still with Provincial oversight. For almost all islands, zoning was imposed with separate categories for agriculture, resources, commercial and residential, with residential almost universally divided into an R1 small lot designation generally reserved to legalize small lot subdivisions already implemented (Ie legacy subdivisions), but an R2 designation of 10 acre minimum for all new subdivisions. This was softened to a 10 acre average, allowing slightly smaller lots to be allowed as long as larger lots balanced the average. What this current set of bylaws does is to legalize a de facto R1 neighbourhood without having to justify it. This is accomplished by the two stages of having one R2 subdivision happen in which 3 of 6 lots are below 10 acres, one just above and two larger, and then a year later, letting the two largest lots be reassigned to a new zoning classification of R2(8) at 7 acres per lot well below R2 criteria, which essentially produces a 9 lot R1 subdivision with 7 acre averages and 8 of the 9 less than 10 acres, but hidden by calling them all R2 and R2(8). The unfairness is highlighted by the

fact the adjacent property on Danes Road is currently being subdivided into 12 residential lots but is being forced to abide by standard R2 criteria. My concern here is that this must be either a one-off special for a unique individual to break the laws and get extra profit, (which is counter to the general principle of universal application of laws), or it is going to set a precedent that lots of other proponents will apply with proposals that ignore or break current rules as long as they are paired with a proposal that will receive public approval of a benefit elsewhere, also not a good governance structure.

I am also concerned that while the Islands Trust was also founded in part to protect overexploitation of the environment like water supply, serious concerns about water in both parts of the proposal are ignored, downplayed or simply left to other governance bodies to care about. The Governance report cited earlier a major failure of Islands Trust to take practical steps in protecting our environment by failing over many decades to properly define carrying capacity of our environment to identify what and where specific limits to growth need to be set.

I have only limited knowledge about the water issues on the Denman Green site itself, but am aware that they are serious enough that they may doom the project to failure by not complying with other rules set by other governing bodies like VIHA.

My personal concern is that this set of bylaws ignores the fact that the two receiver lots on Danes Rd. do not appear to be able to support the required water. On those lots, two wells were drilled that found no water until they went beyond 200 ft in depth, but starting at an elevation of around 100 ft, were way below sea level, and had to be abandoned/decommissioned because of being salty. The lots went ahead only on the basis of shallow dug wells, which were tested to recover adequately after being emptied, but conveniently only in December and January. By adding three new densities to those two lots, they will only be validated if three new wells are provided, unlikely to be drilled because of the other two failures, meaning likely to be shallow dug wells. My concern is that by being closer than legal spacing, at the end of a dry August, they will either be dry or be interfering with each other or with the Danes Creek headwater protected area owned by the DCA right across the road from where they will be dug. DCA should be concerned since besides these 5 potential shallow wells, one more lot in the same subdivision bounding on the Covenant area is also relying on a shallow dug well. By not insisting on adequate water supply proof at time of rezoning, it will mess up the lives of future purchasers of those properties or of their neighbours. I noted that the Governance Report cited earlier pointed out this failure to define a means of identifying carrying capacity to better refine limits to growth as an important deficiency needing to be rectified. I have also heard that Freshwater Sustainability and Recoverability criteria are the subject of one or more current projects funded by the Trust, so it is a shame that this set of proposals are being allowed to go ahead without that in place or at least taking it into account in their decisions.

Overall I hope the Executive Committee will take a serious look at whether the bylaws as they stand now have met the true policy goals of adequate public input, and with their content, uphold the goals of equal opportunity and fairness and uniform application of existing bylaws.

**From:** Judy Armstrong <[REDACTED]>  
**Sent:** Tuesday, June 14, 2022 12:59 PM  
**To:** Lori Foster <lfoster@islandstrust.bc.ca>  
**Subject:** Executive Committee - ADDITION TO AGENDA June 21/2022

Executive Committee via Lori Foster [lfoster@islandstrust.bc.ca](mailto:lfoster@islandstrust.bc.ca)

“Re: Denman Island Bylaw Nos. 241, 242 and 243”

As a Neighbour and full-time Resident from the Kirk-Nelson-Piercy area of Denman Island in which the proposed development located at 1151 Northwest Road, Denman made by DENMAN HOUSING ASSOCIATION seeks Bylaw Changes as per #241, 242 and 243 - I REQUEST a delay for further consideration and COMMUNICATION to those immediate residents specifically in the neighbourhood of this development.

#1 Many and Most residents purchased our property within the neighbourhood of Kirk-Nelson-Piercy area knowing that all the surrounding properties were designated and zoned R2 for the purpose of residential housing. The property at 1151 Northwest Road was designated 'COMMERCIAL' and was viewed as always being Commercial with little to no prospects of rezoning as 'residential' or would be permitted on the PID 000-393-941 under the established IT bylaws and zoning in place at that time.

#2 RECENT Bylaw change REQUESTS #241, 242 and 243 - will REMOVE 3+ acres of property at 1151 Northwest Road property - previously designated COMMERCIAL zone from the Village or Downtown area - WITH NO COMPENSATION or substitution of downtown property to be rezoned to equal the removed Commercial property. With an addition of 60+ people to reside in the Village/Downtown area - more business or entrepreneurial operations in the downtown area will be needed and require commercial zoned property. The LTC and the Executive Committee needs to compensate or redesignate land within the Village Downtown as COMMERCIAL as part of any Bylaw changes approved.

#3 No direct or affirmative consultation with the Specific Neighbourhood RESIDENTS of Kirk-Nelson-Piercy Roads property was undertaken. Yes, public meetings were held during COVID - BUT many residents (seniors or otherwise) did not ZOOM or access COMPUTER meetings.... due to lack of expertise in zoom/computer skills.

#4 THE increased DENSITY in this area WILL BE TOO HIGH. The addition of 60-80 additional residents within this 2.6 ACRE property will be equal to "ALL full time residents" now currently residing in the 26 homes along Kirk, Nelson and Piercy Roads. 20 UNITS/RESIDENCES in this area IS TOO HIGH?

#5 Increased numbers/vehicles within the 'new property' zoning - will impact residents who live in the North Denman Island areas. This HIGH DENSITY development is located on the ONE AND ONLY through traffic roads (Northwest Road) which services all residents living in the North of Denman Island area.

#6 ADDITIONAL DENSITY compensation/bylaw change MUST include Village improvements to surrounding property areas. The proposed project is located directly across from the LARGEST AND MOST UTILIZED public facility on Denman - Children's playground area, community baseball and soccer fields, tennis courts, Community Hall events, concerts, festivals, community gatherings, funerals and weddings all take place in the DENMAN ISLAND COMMUNITY HALL and Outside fields - year round - with the School, Daycare and Medical Clinic in close proximity. When all activities return to full Attendance - with increased traffic, additional vehicles and pedestrians in this general area - and NO SIDEWALKS, TRAFFIC CONTROLS, bike or walking lanes will be

necessary. ANY approval must require the Developer and Owner of the project to IMPROVE the immediate Village areas as well as keep it safe.

Thank you for your IMMEDIATE ATTENTION to the above concerns.

Thank you with respect and concern for The Denman Community I live in.

Judith Armstrong



# Denman Housing Association

To: The Executive Committee of Islands Trust

June 29 2022

Re: Neighbourhood Meeting of June 27 2022

Background: We believe you are in receipt of an email dated June 9 from Jill Paterson to our Denman Trustees and your Northern Office

On receipt of a copy of this email we invited Jill Paterson and others in her neighbourhood to meet with us, raise any concerns, ask questions and be informed as needed

We met on June 27 with 10 people who live on Piercy, Kirk and Northwest Roads and 3 from Nelson Crescent and began by presenting the material shown at the CIM and Public Hearing on May 30, which most had not attended

Below is a summary of the approximately 90 minute discussion

Location. Q. Traffic, parking, noise

A. Central location, accessibility of shops, ferry, school etc by foot would suggest an actual reduction in vehicle use is likely. Tenants will be required to adhere to the terms of a Tenancy Agreement which will define behaviour

Water. Q. Supplying 50 people must affect the aquifer

A. Two hydrogeologists, A. Dakin and one from FLNRO have determined a sustainable, year-round flow from our well of 8,430 litres/day. Actual well water use will be 3,517 litres/day, because rainwater will supply 50% of demand

Wastewater. Q. Environmental impact from effluent of 50 people is inevitable

A. Engineer's assessment of soil and use of Type 3 system concludes full "polishing and attenuation" within 11 metres of the septic field

Size of Development. Q. Why could there not be multiple small sites?

A. One reason, economies of scale required by funders

Q. 20 units, why so large?

A. Need assessed by Islands Trust is 80 units

Conclusion. The concerns of those living closer to what will be a unique multi-family development are of course both personal and particular.

A large part of the evening's conversation revolved around the desirability of island communities being diverse. The reality of our stores, café, guesthouse, contractors all advertising for help was also raised, with the lack of rental accommodation and cost of rentals being identified as the chief obstacle for those who otherwise would look for work on the island

We believe those attending left much better informed and with an understanding that great care has been taken by numerous professionals and oversight bodies to ensure that Denman Green will be a viable, long-term asset within the Denman Island community

Present from the DHA Board

Gracie Macdonald, who also lives in the neighbourhood

Dave Ricketts

Simon Palmer

**From:** Anna Barford <anna@stand.earth>  
**Sent:** Wednesday, June 22, 2022 10:36 AM  
**To:** Lori Foster <lfoster@islandstrust.bc.ca>; Peter Luckham <pluckham@islandstrust.bc.ca>  
**Subject:** Motion at UBCM Protecting BC Coasts From Acidic Washwater Dumping

Good Morning,

Attached please find a letter for the Chair and Council.

We are writing today as Stand.Earth to bring your attention to an important resolution that will be coming before UBCM to address acidic wastewater discharge in all waters off BC.

Islands Trust have already taken advocacy action on this issue with a letter to Minister Alghabra. Your continued action would be of assistance in bringing about solutions that prevent pollution, and would be greatly appreciated.

Thank you for your official consideration of our letter. Please do not hesitate to reach out to myself if I can be of assistance.

Many thanks,

**Anna Barford** | she/her  
Canada Shipping Campaigner O: +1 604 757 7029

**STAND**.earth

Stand.earth challenges corporations and governments to treat people and the environment with respect, because our lives depend on it.



Anna Barford  
Stand.earth  
5307 Victoria Drive, Suite 347  
Vancouver, BC, V5P 3V6  
anna@stand.earth, 604-757-7029

22 June 2022

Chair and Board  
Islands Trust

200 - 1627 Fort Street,  
Victoria, BC,  
V8R 1H8  
Sent via: email

Re: Motion at UBCM Protecting BC Coasts From Acidic Washwater Dumping being brought forward by Vancouver

We are writing today as Stand.Earth to bring your attention to an important resolution that will be coming before UBCM, having passed unanimously at LMLGA, to address acidic wastewater discharge in all waters off BC. This resolution pertains to wastewater from the use of exhaust gas cleaning systems, an issue that the Islands Trust has already taken action on in the form of advocacy.

It is well established that ocean acidification has devastating effects on marine life, aquaculture, and coastal communities dependent on a thriving ocean. In recent years a new device has been taken up in record numbers that is dumping catastrophic volumes of acidic wastewater directly into the ocean from vessels.

In order to mitigate sulphur air pollution from burning heavy oil, the maritime shipping industry employs exhaust gas cleaning systems (scrubbers) instead of simply switching to lower sulphur fuels which are already available on the market. Scrubbers result in a solution of concentrated acidic sulphates, metals, and other toxins that are dumped directly into the ocean while the ship is in operation.

Cruise and cargo vessel traffic in Canadian jurisdiction annually discharge tens of millions tonnes of this acidic washwater directly into the coastal waters of BC. [The International Council for the Exploration of the Seas](#) has found that scrubber washwater has lethal and sub-lethal effects on plankton, a critical component of marine ecosystems.



The Vancouver Fraser Port Authority is demonstrating regional [leadership](#) in preventing acidic wastewater dumping and is [phasing in a requirement simply for ships to burn cleaner fuels](#). They join the [Port of Seattle](#), Quebec's Port Sept-Iles, [The State of California](#) and ports [around the world](#) in taking steps to prevent the use of scrubbers and mandate a transition to cleaner fuels.

The resolution before UBCM offers an important opportunity to bring this issue to the table with levels of government that have jurisdiction over territorial waters and can protect the Salish and Great Bear Seas. The unanimous vote at LMLGA to pass this resolution for consideration at UBCM was a clear signal that local elected leaders care about the health of coastal waters, and are concerned about the future of coastal communities if acidic dumping isn't addressed. We are so grateful for the letter already sent by Islands Trust, and the clarity and signal of care from elected leaders from Hope to Pemberton. We are counting on your continued support of addressing this issue with pollution prevention at the UBCM convention.

We urge you to support and speak to the motion "Protecting B.C.'s Coasts From Acidic Washwater Dumping" at the upcoming UBCM convention in September.

Thank you for your consideration of our letter. Please do not hesitate to reach out at [anna@stand.earth](mailto:anna@stand.earth) or call during daytime hours to 604-757-7029.

Sincerely,

Anna Barford  
Canada Shipping Campaigner  
Stand.earth  
Vancouver, BC



# Top Priorities Report

## Executive Committee

1. <i>Islands Trust Act Amendments</i>	Responsible	Dates
<p>Current requests by Trust Council to seek legislative change have substantially occurred.</p>	Russ Hotsenpiller	Rec'd: 26-Oct-2016
2. <i>Update Islands Trust Policy Statement</i>	Responsible	Dates
<p>With involvement from Trust Programs Committee as appropriate, co-ordinate a review of the Policy Statement including a First Nations and public engagement process. Project charter approved February 26, 2020. (Strategic Plan 3.1, 4.4 , 5.6, 5.7)</p>	Clare Frater	Target: 15-Sep-2022
3. <i>Climate Change Emergency</i>	Responsible	Dates
<p>Matters pertaining to Islands Trust mitigation and adaptation to climate change impacts. (Strategic Plan 3.1)</p>	Russ Hotsenpiller	Rec'd: 05-Jun-2019
4. <i>Business Response to COVID-19</i>	Responsible	Dates
<p>As conditions associated with the COVID 19 pandemic have changed, business practice has been amended. As of May 2022, the Safety Plan is no longer in effect, having been replaced by a Communicable Disease Prevention Plan. Also, staff have either returned to the workplace full time or made alternate arrangements via telework agreement.</p>	Russ Hotsenpiller	Rec'd: 15-Apr-2020

## Top Priorities Report

### Executive Committee

5. <i>First Nations Reconciliation</i>	Responsible	Dates
Implementation of the Reconciliation Action Plan. (Strategic Plan Items 4.5 & 4.6)	Russ Hotsenpiller	Rec'd: 02-Sep-2020
5. <i>Preserve and protect marine ecosystems</i>	Responsible	Dates
Continue advocacy re: Freighter Anchorages, Trust Council added freighter anchorages to the list of Executive Committee list of top priorities. (Strategic Plan Item 2.1)	Clare Frater	Rec'd: 11-Mar-2021



# Projects Report

## Executive Committee

1. <i>Development of an Islands Trust Communications Strategy</i>	Responsible	Date Received
Including development of a new website. (Strategic Plan Item 4.2)	Clare Frater	30-Aug-2017
2. <i>Marine Advocacy</i>	Responsible	Date Received
Associated with i.) impact of commercial activities on Southern Resident Killer Whales SRKW (Strat Plan Item 2.1), ii.) oil spills and iii.) anchorages.	Clare Frater	02-Sep-2020
3. <i>Broadcast Public Meetings</i>	Responsible	Date Received
Develop the capacity to broadcast public meetings of Local Trust Committees, Council Committees and Trust Council. (Strategic Plan Item 4.1)	Clare Frater Julia Mobbs Russ Hotsenpiller	02-Sep-2020
4. <i>Improve Communications about the Islands Trust</i>	Responsible	Date Received
Related to Strategic Plan Items 4.1 & 4.2	Clare Frater	30-Aug-2017
5. <i>NAPTEP regulation changes to increase the percentage of tax exemption</i>	Responsible	Date Received
Strategic Plan Item 1.3	Clare Frater Kate Emmings	02-Sep-2020



## Executive Committee

6. <i>Advocate to reduce negative impacts of shellfish aquaculture practices</i>	Responsible	Date Received
--	-------------	---------------

Develop project charter and budget requests to build organizational capacity (knowledge and time) related to shellfish aquaculture advocacy.

16-Aug-2017

7. <i>Strengthen relations with First Nations</i>	Responsible	Date Received
---	-------------	---------------

MMIWG Calls for Justice Resolutions (Strategic Plan Item 4.6)

1. All staff required to take training related to cultural safety in keeping with the Missing and Murdered Indigenous Women and Girls Calls for Justice.
2. That staff plan education on the Missing and Murdered Indigenous Women and Girls Calls for Justice for trustees and senior staff.
4. Staff to include information about the Missing and Murdered Indigenous Women and Girls Calls for Justice and cultural safety in staff and trustee orientation materials.
5. Draft amendments to the Communications Policy and the Advocacy Policy to address the Missing and Murdered Indigenous Women and Girls Calls for Justice.

21-Oct-2020

8. <i>Strengthen relations with First Nations</i>	Responsible	Date Received
---	-------------	---------------

Develop a policy regarding referral responses where there is a known archeological site. (Strategic Plan Item 4.7)

26-May-2021

## Executive Committee

9. <i>Governance</i>	Responsible	Date Received
<p>Related to Section 5 of the Strategic Plan</p> <p>The possibility of utilizing Section 8(2)(e) of the Islands Trust Act. Responsibilities of trust council: 8(2)For the purpose of carrying out the object of the trust, the trust council may (e) make recommendations to the Lieutenant Governor in Council respecting the determination, implementation and carrying out of policies for the preservation and protection of the trust area and its unique amenities and environment -</p> <hr/>		21-Jul-2021