



File No.: DE-RZ-2024.1 (Triple Rock Land Cooperative)

DATE OF MEETING: October 8, 2024

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner
Northern Team

SUBJECT: Application to amend the LUB to allow for additional density
Applicant: Laura Busheikin on behalf of Triple Rock Land Cooperative
Location: 5201 Denman Road, Denman Island
PID 028-101-677

RECOMMENDATION

1. That Denman Island Local Trust Committee Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a first time.
2. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 250, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”, is not contrary to or at variance with the Islands Trust Policy Statement.
3. That Proposed Bylaw No. 250 be referred to the following First Nations, Local Governments and agencies for comment:

- | | |
|---|--|
| <ul style="list-style-type: none"> • Cowichan Tribes • Halalt First Nation • Da'naxda'xw/Awaetlala First Nation • Qualicum First Nation | <ul style="list-style-type: none"> • Tla'amin Nation • Nanwakolas Council • Wei Wai Kum Nation • We Wai Kai Nation |
| <ul style="list-style-type: none"> • Lyackson First Nation • Penelakut Tribe • Snuneymuxw First Nation • Snaw'Naw'As Nation • Stz'uminus First Nation • Te'Mexw Treaty Association • Tsu'uubaa-asatx First Nation • Tlowitsis First Nation • Homalco First Nation (Xwemalhkwu) | <ul style="list-style-type: none"> • Mamalilikulla First Nation • K'ómoks First Nation • Comox Valley Regional District • School District #71 (Comox Valley) • Hornby Island Local Trust Committee • Denman Fire Department • Island Health |

REPORT SUMMARY

The staff report introduces a draft bylaw to amend the Denman Island Land Use Bylaw (LUB) to increase the number of units on the subject property by four and permit secondary suites in all units, as presented in application DE-RZ-2024.1 (Triple Rock Land Co-op). In addition, the applicant is proposing to increase the maximum gross floor area of the single family dwellings to allow for secondary dwellings (from 139.4 m² to 186 m²), and an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m² to 2174 m²).

The subject property is split designated as 'Sustainable Resources' and 'Agriculture' in the OCP and does not require an OCP amendment. Staff recommend that the draft Land Use Amendment bylaw in Attachment 1 of this report be given First Reading as presented. All relevant professional reports and background information are posted to the [Islands Trust applications page](#).

BACKGROUND

The Denman Island Local Trust Committee (LTC) passed the following resolutions at the June 4, 2024 regular business meeting:

DE-2024-048

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

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008 to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456.

CARRIED

A draft bylaw to amend the LUB is included in Attachment 1 for LTC consideration.

DE-2024-049

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

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit Confirmation from a qualified professional that the subject property has adequate conditions to support wastewater systems, compliant with the BC Sewerage System Regulation under the Health Act for the proposed increase in density to the local trust committee prior to second reading being considered.

CARRIED

The applicant has submitted an email from B4 Engineering Inc., specifically from an engineer who specializes in the design and construction management of onsite sewage disposal systems (Attachment 2). The engineer recommends that, rather than conducting a broad-based and extensive soil investigation for the entire property at this time, the simplest approach would be to wait until a new secondary suite is proposed. At that point, a site-specific and detailed soils investigation and septic system design can be provided at the time of construction.

The LTC discussed this approach at their August 13, 2024 LTC Meeting and passed the following resolution:

DE-2024-056

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

that the Denman Island Local Trust Committee is satisfied with the requirements set forth in DE-2024-049 for the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit confirmation from a qualified professional the subject property has adequate conditions to support wastewater systems is sufficient for now and that the Local Trust Committee will request more comprehensive wastewater treatment information prior to construction.

CARRIED

DE-2024-050

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2021.1 (Triple Rock Land Cooperative) enter into a cost recovery agreement with the Islands Trust for the purposes of vetting an amended housing agreement, which the applicant will provide.

CARRIED

Staff are working with the applicant and legal to prepare an amended housing agreement for LTC consideration.

DE-2024-051

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to send an early referral of DE-RZ-2024.1 (Triple Rock Land Cooperative) to the Denman Island Fire Department.

CARRIED

An early referral was sent to the Denman Island Fire Department on June 25, 2024. No response has been received at the time of report writing.

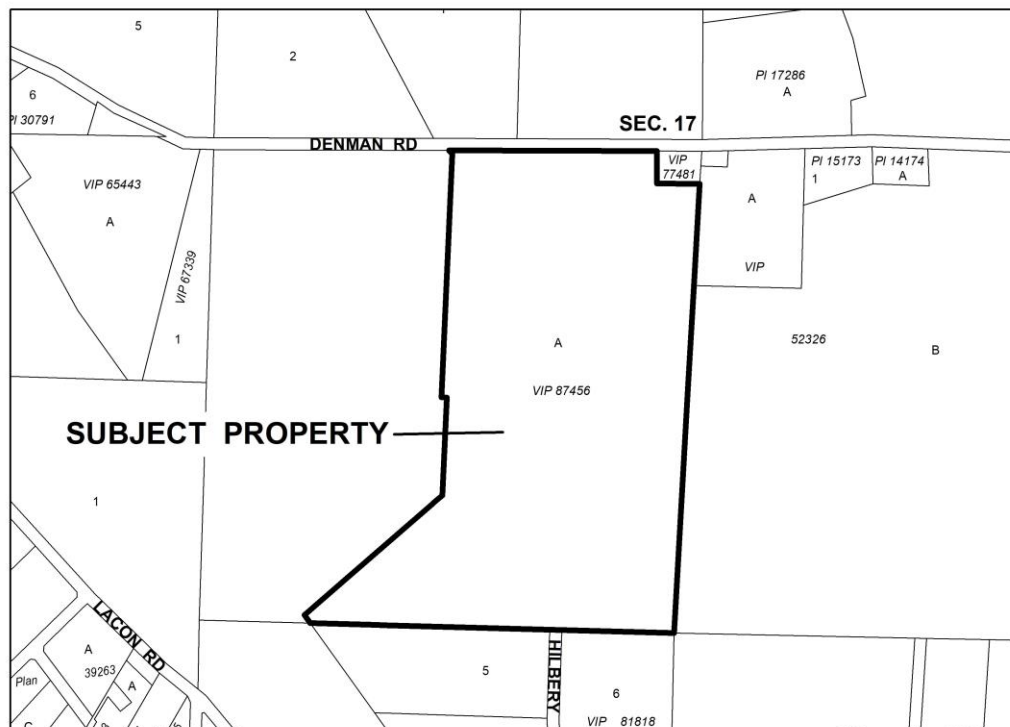


Figure 1: Subject Property Map – 5201 Denman Road, Denman Island

ANALYSIS

Issues and Opportunities

Official Community Plan:

The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP amendment.

Concurrently with this application, staff are working on a minor project for the Denman LTC that will remove the density bank and Housing Policy 12 regarding the five percent (5%) allowable density increase from the OCP, as an OCP amendment. *If this project proceeds as anticipated, there will be no requirement to amend the OCP to withdraw four densities from the density register (OCP Appendix D Density Banking Policy 2; Housing Policy 12).*

Summary of Draft Bylaw No. 250 (LUB)

Draft Bylaw No. 250 (LUB – Attachment 1), if adopted, would amend the zoning of the subject property to permit:

- Increase total number of dwelling units by four;
- Secondary suites in all dwellings;
- Increase in floor area for each dwelling; and
- Increase in floor area for accessory dwellings.

The Local Trust Committee (LTC) decided (by resolution) not to require proof that the subject property can support BC Sewerage System Regulation compliant wastewater systems for the proposed density increase. Staff considered the option of requiring proof at the time of construction; however, the draft bylaw presented in Attachment 1 does not include this requirement for several reasons.

Firstly, Island Health is responsible for the approval and oversight of onsite sewage disposal systems on Denman Island. Island Health requires that all buildings with indoor plumbing have a sewage system compliant with the Sewerage System Regulation. This is ensured through the submission of a ‘septic filing’ from a Registered Onsite Wastewater Practitioner (ROWP) or a Professional Engineer, prior to construction. Island Health plays a regulatory role in ensuring septic systems are designed, installed, and maintained according to these standards.

Secondly, while Islands Trust could require proof of a compliant sewage system at the time of issuing a Siting and Use Permit (SUP), this requirement would only apply to secondary suites constructed as additions. Secondary suites retrofitted within the existing footprint of a dwelling would not trigger the need for an SUP, as SUPs are required for new construction and additions only.

In conclusion, requiring proof of septic capability at the time of construction by Islands Trust is redundant, as applicants cannot proceed with building secondary suites without also obtaining Island Health approval. Furthermore, the mechanisms available through Islands Trust, such as the SUP, do not apply to all secondary suites that may be developed.

The appropriate opportunity for the LTC to require proof of septic capability through its development process and authority is during the rezoning process. This would enable the LTC at the onset to assess whether the subject property can support the necessary infrastructure for the proposed increase in density.

Bylaws Consistent with the Islands Trust Policy Statement

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist are included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed Bylaw No. 250.

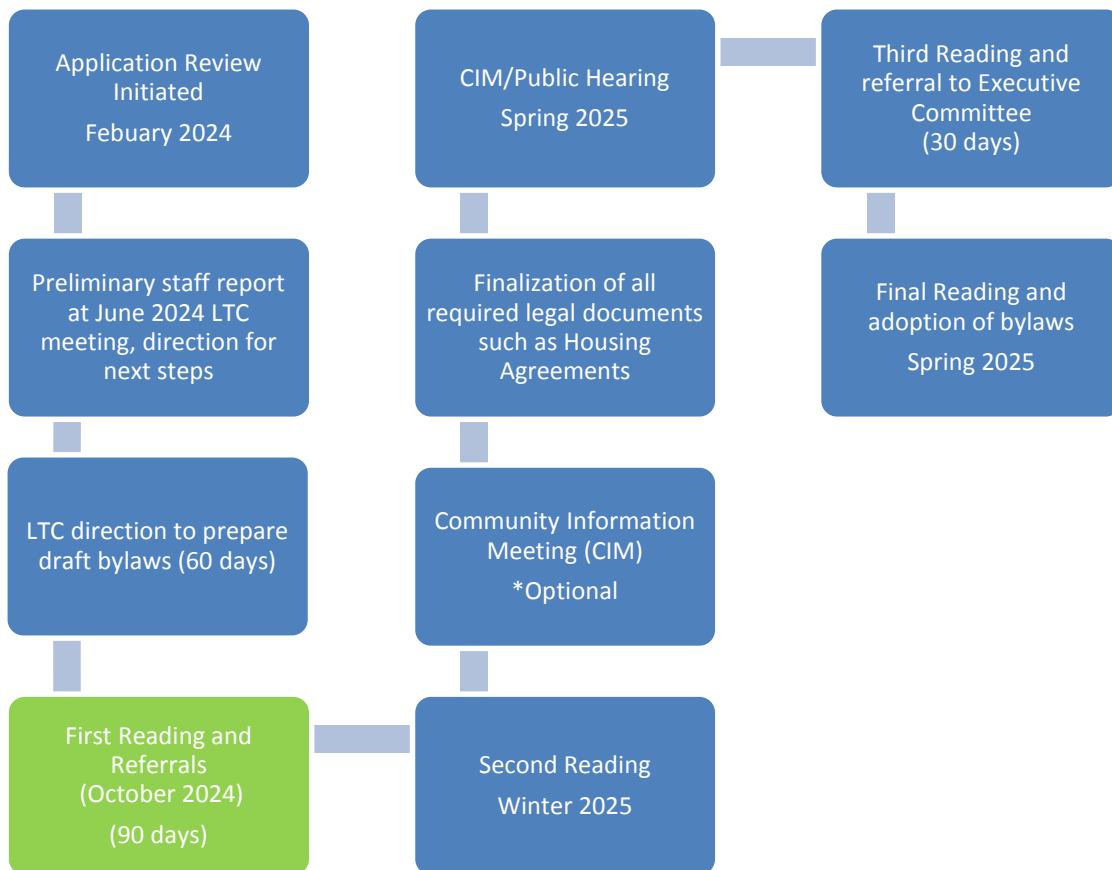
Consultation

As the project will likely not involve an OCP amendment, the LTC is not required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. However, in the spirit of relationship building, this is considered to be good practice.

Following First Reading of the bylaw staff recommend referrals to First Nations, provincial agencies, adjacent local governments and select referral agencies as detailed in the recommendations on page 1 of this report. Staff also recommend a community information meeting held prior to Public Hearing, subsequent to the receipt of referral responses. The LTC should consider if it wishes to undertake additional consultation than identified in the recommendations on page 1 of this report, and direct staff accordingly.

Application Process Steps and Timing

The following process steps and approximate timelines may assist in managing applicant and community expectations in how a LUB amendment application such as this, can be processed:



Rationale for Recommendation

A draft bylaw has been prepared to amend the LUB and contemplate increased density, secondary suites and increased floor area. Staff recommend First Reading in order to advance formal consultation with First Nations, agencies and local government. The staff recommendations are found on page 1 of this report.

ALTERNATIVES

1. Direction to amend the draft bylaws

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee amend draft Bylaw No. 250, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” by...

2. Consider First and Second Reading.

The LTC may wish to give First and Second Readings of the draft bylaw simultaneously. If selecting this alternative, the LTC should be confident that the bylaw will not require significant changes following referrals. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee Bylaw No. 250, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”, be read a second time.

3. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the application will proceed no further. The following resolution is recommended:

“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2024.1 for the following reasons (insert rationale).”

NEXT STEPS

Should the LTC concur with the staff recommendations, bylaw referrals will be sent out requesting a response within 90 days of the date on the referral.

Submitted By:	Marlis McCargar, Island Planner	September 19, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	September 25, 2024

ATTACHMENTS

1. Draft Bylaw No. 250 (LUB)
2. Sewage Report – Email from B4 Engineering Inc.
3. Islands Trust Policy Statement Directive Only Checklist – Bylaw No. 250

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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. 2, 2024”.

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

READ A FIRST TIME THIS _____ DAY OF _____, 202X

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

PUBLIC HEARING HELD THIS _____ DAY OF _____, 202X

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 250**

Schedule 1

1. Schedule “A” of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety, and renumber accordingly.
 - 1.2 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting “A secondary suite is permitted within a dwelling unit provided that:” and replacing it with “Where regulations in Part 3 permit a secondary suite within a dwelling unit, a secondary suite is permitted provided that:”
 - 1.3 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses is amended by deleting “and secondary dwelling units” in line item 10 and in the R3 column, adding a check mark.
 - 1.4 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses is amended by adding “secondary dwelling units” as a line item following number 10 and in the R2 column adding a check mark, and renumber accordingly.
 - 1.5 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by adding an additional line item after number 3 that states “Maximum gross floor area of a building with a single family dwelling unit and a secondary suite” and adding “186 m²” in the R3 column, and renumber accordingly.
 - 1.6 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m²” in line item 6 and replacing it with “2174 m²”.

From: David Graham <dagraham@islandstrust.bc.ca>
Sent: Thursday, August 1, 2024 10:21 AM
To: Marlis McCargar <mmccargar@islandstrust.bc.ca>
David Maude <dmaude@islandstrust.bc.ca>; Sam Borthwick <sborthwick@islandstrust.bc.ca>
Subject: Re: Wastewater treatment at Triple Rock Land Cooperative (aka CoHo Landing) on Denman Island B4 file 1372-01

Hi Marlis,

Can you add this email from B4 Engineering to our verbal discussion regarding the motion directing COHO to provide proof of suite septic capacity please?

Cheers,

David Graham
Denman Trustee

Hi Laura,

As per your request we have reviewed the onsite septic documentation that you sent to us with respect to this development.

It is our professional opinion that instead of doing broad based extensive soils investigation for the entire property at this time the simplest most logical, and most effective approach would be to wait until someone wants to build a new home or add a secondary suite and then provide the site specific detailed site and soils investigation and design for the proposed new houses septic system at the time of construction.

We can design onsite septic systems for very difficult sites. We are confident that we could design and get VIHA approvals for a septic system for each new house or extra suite proposed for a fee of approximately \$4,000 per design filing submitted to VIHA. Each home owner would then be responsible for only the flows that they generate.

In some cases the existing homes septic system could be expanded and in other cases it would be more economical and logical to install a new system for the new suite.

Another option that could be considered is to install a larger central sewage system that many homes could share. Each home would have a small septic tank and a pump to pump the effluent to the central in ground dispersal area. This option may be more difficult to allocate costs between the exiting and new owners however.

We look forward to the opportunity of working with you on the possible upgrading of the septic systems that may be needed for the future expansion of your development.

If you have any questions or concerns with these recommendations please do not hesitate to call or to send us an email.

cheers
Darryl

Darryl Brizan P.Eng. Principal
B4 Engineering Inc. EGBC PTP # 1001087
4735 Sooke Road, Victoria, BC, V9C4C1
Cell:250-961-5208
DarrylBrizan@B4engineering.com





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.

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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