



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

DATE OF MEETING: June 4, 2024
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Application to amend the OCP and 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 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.
2. That the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit the following to the Local Trust Committee prior to Second Reading being considered:
 - a) 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; and
 - b) A Water Management Plan to address:
 - i. minimum onsite storage capacity for potable water; and
 - ii. treatment, maintenance plan and delivery system for potable water;
 - c) A Fire Suppression Plan to address:
 - i. water needs and types of storage being considered; and
 - ii. emergency considerations should temporary water demand be greater than designed storage or well capacity.
3. 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 drafting an amended housing agreement.
4. 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 and Islands Trust Freshwater Specialist for comment.

REPORT SUMMARY

The staff report provides the Denman Island Local Trust Committee (LTC) with a preliminary overview of the proposal; identifies land use planning issues associated with the application; and seeks direction from the LTC on next steps.

This application proposes amendments to 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. The current zoning allows 15 dwelling units on the subject property and with this amendment request, the applicant is asking for a total of 19 units and up to a maximum of 19 secondary suites permitted in all dwellings. 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). Also proposed is an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m² to 2174 m²).

The applicant has provided a comprehensive summary document as part of the bylaw amendment application (Attachment 4). The application addresses a number of OCP policies (Attachment 3). However, information pertaining to adequate water and sewage disposal for secondary suites have not yet been submitted.

Staff recommends the LTC request the information specified by the OCP policies identified in this report and request draft amendments to the LUB be prepared for LTC consideration.

BACKGROUND

The application proposes to amend the LUB to increase the number of dwelling units permitted at the Triple Rock Land Cooperative (TRLC). The applicant has provided a summary of their intended changes as part of the bylaw amendment application (Attachment 4).

All relevant professional reports and background information are posted to the [Islands Trust applications page](#).

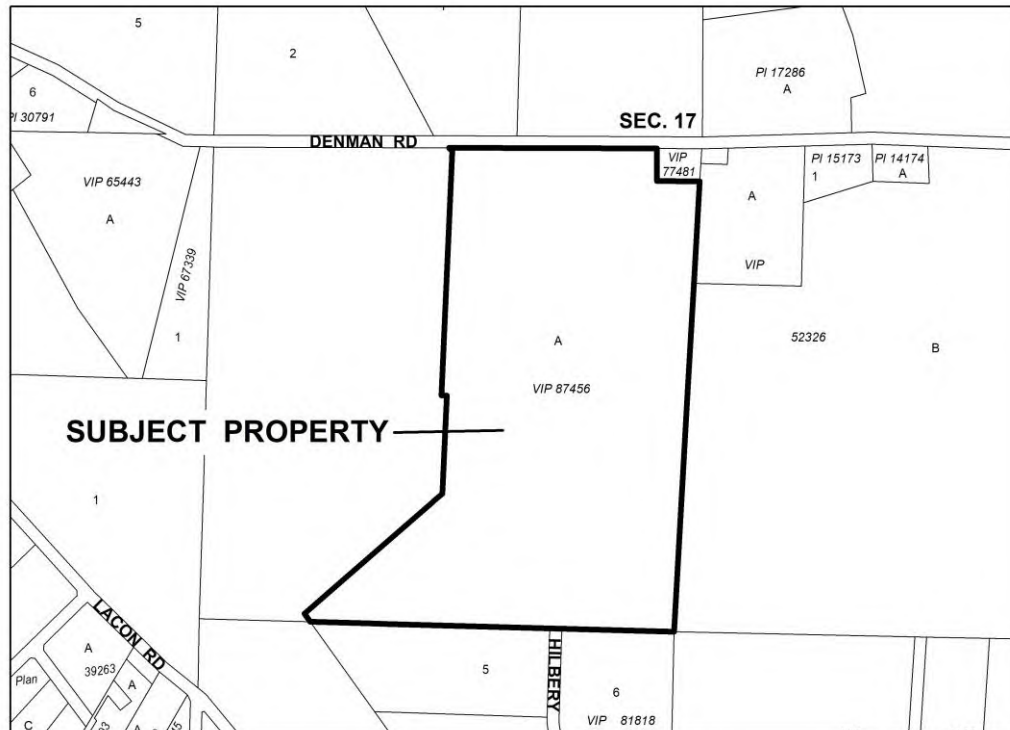


Figure 1: Subject Property Map – 5201 Denman Road, Denman Island

Project Rationale

Renters, seniors, and families are at high risk of falling into core housing need, with affordability and inadequate living conditions being major concerns. According to the Denman Housing Association, 80 residents are currently either unhoused or insecurely housed.

Cohousing developments, like TRLC, provide a unique housing option that addresses the gap in home ownership and affordable rentals. These communities emphasize supportive, inter-generational living, shared facilities, and a consensus-based decision-making process involving all members. They foster a strong sense of community and mutual support among residents.

Applicant Project Rationale

The following section presents a summary of the information provided by the applicant.

The TRLC, known as CoHo Landing, is a non-profit land cooperative consisting of 15 single family dwellings. It is financed and managed by members.

In October, 2008, the TRLC property was rezoned from Forestry to a new site-specific zone, Co-housing (R3), which permitted 15 affordable units, regulated by a housing agreement. The portion of the property which is in the Agricultural Land Reserve (ALR) was rezoned to a site specific Agriculture (5) zone, which does not permit any dwellings.

The project is considered a success by everyone involved in it. It provides stable, affordable housing for 15 households, people who otherwise would be reliant on the unpredictable and often unaffordable rental market. With intentions to expand, the project aims to enhance vibrancy, sustainability, and diversity, while addressing

the critical need for affordable housing. The expansion project is “shovel-ready” for new units, and the secondary suites would be created through strategic renovations or modest additions.

This application would create four new units of affordable housing as well as potential for up to 19 affordable secondary suites which could be used to house extended family members, caregivers, other cooperative members, or participants in the cooperative (people who participate but are not members). The suites would be the only secondary units on Denman Island *required* to be affordable (via a Housing Agreement).

Pending approval, the project does not anticipate further land approvals to moving ahead – no need for subdivision, land acquisition, or grant procurement. TRLC has an established structure for membership and proven strategies for infrastructure.

Pre-application Community Meeting

The applicant held an independently facilitated Community Information Meeting (CIM) on March 21, 2023 on Denman Island. A summary report of the proceedings was provided with the application and is available in Attachment 4.

Executive Committee Fee Sponsorship

The Islands Trust Executive Committee (EC) passed the following resolution on January 17, 2024 to approve a development application fee sponsorship for this bylaw amendment application:

EC-2024-009

It was MOVED and SECONDED,

that the Executive Committee approve financial sponsorship for the \$1,530.00 application fee for rezoning application DE-RZ-2024.1 from the Triple Rock Land Cooperative.

CARRIED

ANALYSIS

Policy/Regulatory

A comprehensive site context analysis is provided in Attachment 1. There are a number of Islands Trust policies, OCP policies and LUB regulations that are pertinent to the consideration of this proposal, detailed in Attachments 2 and 3 and summarized as follows.

Islands Trust Policy Statement:

Staff note that an ITPS Checklist (Directives Only) will be completed at the time that draft bylaw amendments are presented to the LTC. Attachment 2 outlines Islands Trust Policy Statement (ITPS) directive policies that are relevant to the application for early consideration by the LTC.

Official Community Plan:

Attachment 3 of this report provides a comprehensive overview of relevant OCP policies related to this application. The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP amendment.

There are several policies in the OCP that are applicable to the application, including addressing climate change, transportation, water management, waste management and housing needs. A number of OCP policies support this proposal in principle (Section C.4 Climate Change Adaptation and Mitigation and E.1 Housing Policies); still,

there are policies that are not addressed by the application and additional information is recommended to support the application.

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 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).

Land Use Bylaw:

The subject property requires rezoning with site specific regulations to address density, accessory uses and floor area.

Covenant:

The Covenant currently attached to the property restricts tree cutting within 30 metres of the eastern, western and southern property boundaries effectively creating a buffer area for development. The covenant also stipulates that each dwelling unit must have one cistern with a minimum capacity of 4546 litres (1000 gallons). The LTC can consider amending the covenant to require additional cistern capacity or other requirements.

Housing Agreement:

Amendments to the housing agreement will be required to ensure the affordability of the secondary suite rental units is protected in perpetuity.

Issues and Opportunities

All professional reports submitted by the applicant have been posted to the [application page](#). Staff have identified the following preliminary issues and opportunities, discussed in more detail below and in Attachment 3 (Relevant OCP policies):

- Density
- Wastewater Systems
- Groundwater Management
- Rainwater Collection/Harvesting

Density

The applicant requests an increase in the density, adding four units to the 15 units that are currently permitted by zoning. Additionally, the applicant requests that secondary suites be permitted in all dwellings. According to the OCP, secondary suites do not count towards the density calculation. Therefore, if approved, this request would allow a total of up to 19 units and introduce a new permitted use for secondary suites.

The secondary suites would be included in the maximum number of dwelling units allowed on the property. There are two potential OCP policies that would support this request; however, as mentioned above, the LTC has endorsed a minor project which will eliminate the density bank and Housing Policy 12. The following two OCP policies are relevant for the LTC to consider in the event that the minor project does not proceed. However, they are not being applied to this rezoning at this time due to the concurrent minor project, which aims to eliminate these policies from the OCP.

1. Housing – Policies, Use and Density Policy 12 – this allows an increase in density on Denman Island of five percent to accommodate affordable housing from the existing residential density beyond that permitted by existing zoning on the date of the OCP. This rezoning proposal seeks to add four new densities to the subject property, the LTC is contemplating eliminating this policy from the OCP; however, it is relevant to mention here in the event the minor project does not move forward.
2. Appendix D – Density Banking – The use of the density bank is reserved for affordable housing. As referenced above, staff are working on a minor project concurrently that would eliminate the density banking policy. If the minor project does not proceed and the LTC wishes to withdraw densities from the bank for this application, an OCP amendment would be required by the applicant.

Staff anticipate this application can move forward concurrently with the minor project. The LTC-initiated minor project eliminates the need for an OCP amendment for this rezoning. However, the timing of bylaw readings for this rezoning may be affected and will be determined by further staff analysis.

Wastewater Systems

The applicant has provided a report prepared by a qualified professional on the feasibility of additional wastewater systems on the property (Attachment 5). The report states that there is adequate space and suitable soils for up to five additional wastewater systems. More information is needed to determine if each dwelling site has a wastewater system (including greywater tank and dispersal field capacity) that can accommodate a secondary suite.

LTC Direction: Staff recommend requesting further information from a qualified professional regarding the feasibility of accommodating wastewater systems for up to 19 secondary suites.

Groundwater Management

As per OCP Section D.3 Water Management Policy 6, the LTC should consider implementing measures to conserve water and protect groundwater resources in areas with limited groundwater supply. OCP Section E.1 Housing policy 29 states that the LTC should require affordable housing proposals to demonstrate an adequate potable water supply. The groundwater supply status in the area where the applicant proposes an increase in density is unknown. However, the current dwellings rely on rainwater catchment and do not use the groundwater supply, nor do they have the infrastructure to connect to it. Currently, groundwater is only used for watering the common garden.

LTC direction is needed to determine whether the applicant must provide a hydrogeological assessment of the groundwater supply, considering the proposed development expansion and potential impacts on the water supply if the dwellings need to connect to the groundwater.

Rainwater Collection/Harvesting

OCP Section C.2 Freshwater Policy 9 stipulates that zoning regulations should encourage rainwater collection. Section D.3 Water Management Policy 6, stipulates that zoning changes should require mitigating measures to conserve water. The applicant has indicated that rainwater harvesting, collection, treatment and use for potable water supply will be the only source of water for residential dwellings. Draft zoning regulations or a covenant for all permitted dwelling units can include specific requirements for minimum cistern capacity, water treatment, maintenance plan, etc. at the time a Siting and Use Permit is requested.

The applicant is proposing up to 19 secondary suite rental units. According to Section 7 of the Public Health Act's Health Hazards Regulation, landlords cannot rent a domestic rental unit that lacks a connection to a water supply

system unless they can provide tenants with potable water for domestic use. As such, more information is needed to determine the applicant's potable water plan. Specifically, information is required on how each rental unit will be equipped with a system for rainwater storage, treatment, and delivery to ensure a potable water supply.

LTC direction is needed to determine if the applicant will be required to provide a water management plan. Staff recommend that the plan should address the minimum onsite storage capacity, treatment, maintenance and delivery for potable, non-potable rainwater. Additionally, the plan should cover onsite storage capacity for fire suppression and emergency measures should temporary demand exceed the designed storage or well capacity.

Timeline

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. The LTC should consider if it wishes to undertake additional consultation and direct staff accordingly.

Decision to Not Hold a Public Hearing

The LTC is prohibited from holding a Public Hearing under Sections 464(3) of the *Local Government Act* that states:

A local government must not hold a public hearing on a proposed zoning bylaw if

- a) an official community plan is in effect for the area that is the subject of the zoning bylaw,*
- b) the bylaw is consistent with the official community plan,*
- c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and*
- d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.*

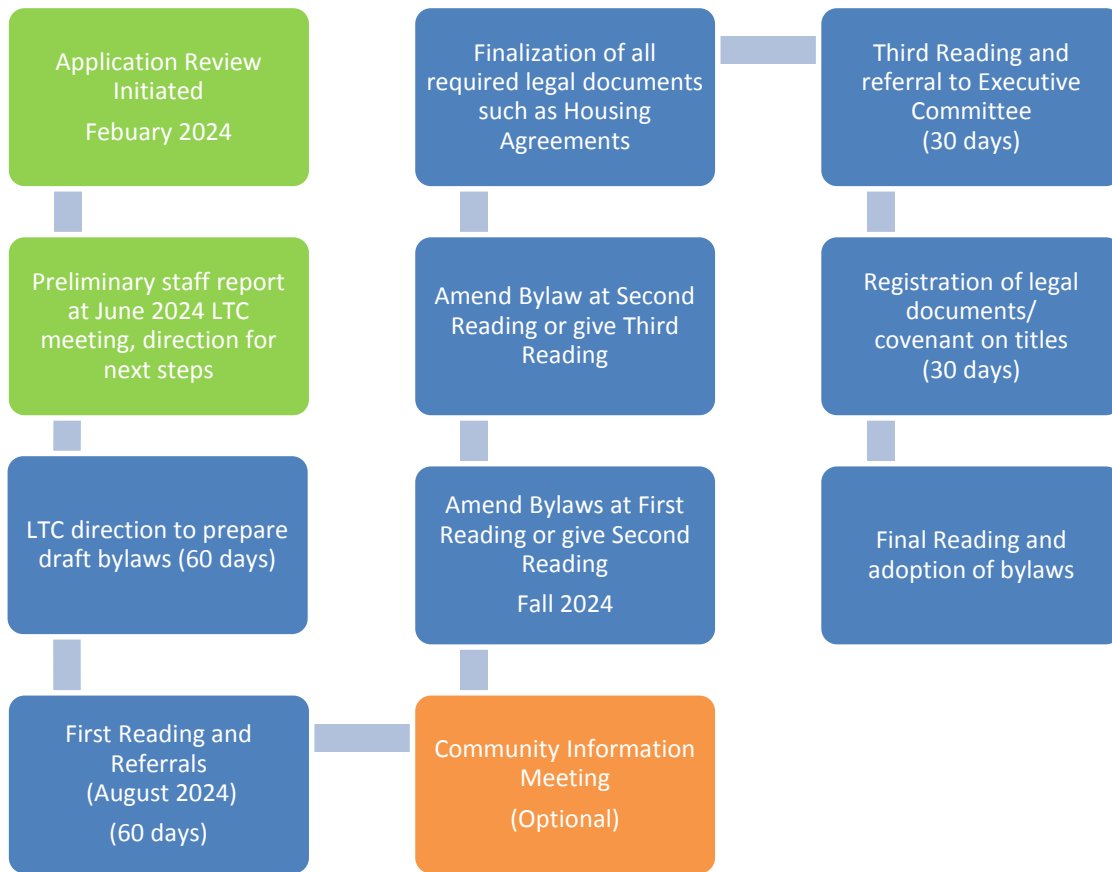
As a separate OCP amendment, staff are working on a minor project that would eliminate the need for an OCP amendment. If the minor project does not proceed, an OCP amendment would be required through the applicant and thus a Public Hearing would need to be held.

Protocols

Protocols and agreements exist and are relevant to the consultation/engagement process for this file with the K'ómoks First Nation, Comox Valley Regional District and adjacent (Hornby Island) LTC.

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

Staff is recommending a number of key information pieces to support advancement of the application and to inform the development and timing of draft bylaws.

ALTERNATIVES

1. Request further information

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

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by a Professional Engineer, which identifies the potential impacts of the proposed development on local pedestrian and vehicular transportation routes and patterns.

2. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

3. Receive for information

The LTC may receive the report for information

NEXT STEPS

Should the LTC move forward with staff recommendations, staff will advise the applicant of necessary next steps and prepare a draft bylaw and amended Housing Agreement for LTC consideration.

Submitted By:	Marlis McCargar, Island Planner	May 16, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 17, 2024

ATTACHMENTS

1. Site Context
2. Relevant ITPS Policies
3. Relevant OCP Policies
4. TRLC Supporting Document
5. Feasibility of Wastewater Systems
6. Rainwater Catchment Information

ATTACHMENT #1 – SITE CONTEXT

FILE NO.: DE-RZ-2024.1 (TRIPLE ROCK COOPERATIVE)

LOCATION

Legal Description	LOT A SECTION 17 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP87456
PID	028-101-677
Civic Address	5201 Denman Rd, Denman Island


LAND USE

Current Land Use	Residential; agricultural
Surrounding Land Use	Vacant forested, agriculture (ALR), residential

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-2004.1	To create a one acre lot to expand the existing fire hall site on Denman Road.
DE-ALR-2009.2	To subdivide to 2 properties. 35.5 hectares to become co-housing for 15 families - that will farm the ALR portion Lot A. The other 27.5 hectares to be single family residential and will include portion of ALR.
DE-RZ-2004.2	Proposed ambulance station.
DE-RZ-2006.2	Co-housing project.
DE-SUB-2004.1	Three lot residential subdivision.
DE-SUB-2008.5	To create two parcels.
DE-SUP-2010.5	1 Common House and 15 small dwelling units.

POLICY/REGULATORY

Official Community Plan Designations	Sustainable Resources (SR) - large forested and agriculture lots No DPAs
Land Use Bylaw	R3 and A(5) split zone
Other Regulations	ALR in the north portion of the lot 
Covenants	EJ49175 Undersurface Rights

	EM21741 Undersurface Rights FB315901 Easement FB326319 Statutory Right of Way FB326320 Statutory Right of Way FB326547 Covenant with DELTC CA3198134 Statutory Right of Way CA3198135 Statutory Right of Way FB269464 Housing Agreement
Bylaw Enforcement	None.

SITE INFLUENCES

Regional Conservation Strategy	
Species at Risk	None mapped.
Sensitive Ecosystems	None mapped. Young Forest.
Hazard Areas	None mapped.
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated climate-change induced hazards on the proposed development.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT 2 – ITPS POLICIES DE-RZ-2024.1 (TRIPLE ROCK COOPERATIVE)

ISLANDS TRUST POLICY STATEMENT

ITPS Policy	Complies	Planner Comments
4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.	YES	Portion of the property in the ALR. Site-specific Agriculture zone that does not permit residential dwellings. No new development being proposed with current application.
4.4.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure: <ul style="list-style-type: none"> • 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. 	Pending receipt of additional information from the applicant	Existing dwellings on rainwater only. Proposed new development to operate with rainwater catchment only. LTC can request a water management plan that outlines rainwater collection methods (storage, treatment, maintenance and delivery system). The LTC can request the rainwater harvesting system plans be certified by an ASSE-certified designer, professional engineer or geoscientist
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.	YES	Existing dwellings on rainwater only. Proposed new development to operate with rainwater catchment only.
5.2.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.	YES	Application addresses positive social impacts of development through provision of affordable rental housing.
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.	YES	Young forest, applicant is currently working with forest management practices to maintain undeveloped areas as forested.
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.	Pending LTC decision.	LTC has initiated a minor project that would eliminate density limits. If this application proceeds concurrently with the minor OCP amendment project, there will be no density limit. Density increase is balanced with maximum gross floor area limitations.

ITPS Policy	Complies	Planner Comments
5.3.7 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.	YES	Development located relatively close to village (within 2km).
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.	YES	Proposed development provides an opportunity for LTC and K'omoks First Nation consideration.
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.	YES	
5.8.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.	YES	Proposal seeks to address community's current and projected housing requirements for affordable housing.

ATTACHMENT 3 –OCP POLICIES DE-RZ-2024.1 (TRIPLE ROCK LAND COOPERATIVE)

DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

OCP Objective/Policy	Complies	Planner Comments
C.2 Freshwater Policy 9 - Zoning regulations should encourage rainwater collection to reduce consumption of groundwater resources; however, adequate controls should be in place to ensure above ground storage tanks are not unsightly.	Yes and pending further application review	<p>Dwellings on the subject property currently rely on 100% rainwater with an individual rainwater harvesting, collection, storage, treatment and use systems. The Cooperative provides one cistern per dwelling. Rezoning process can identify options to ensure this is a requirement of new construction for all dwellings.</p> <p>Given the applicant is proposing affordable rental units, there is special consideration for how the applicant will be providing potable water to the tenants. Landlords are legislated by the Public Health Act's Health Hazards Regulation to provide potable water to tenants. As such, more information is needed confirm water storage capacity, water treatment, maintenance and delivery of potable water.</p> <p>The property has a well which, at the time of the rezoning in 2006, was tested for quality and quantity and proven to be sufficient for the requested density at that time. The groundwater is currently only used to water the common garden.</p>
C.4 Climate Change Policy 2 - The Local Trust Committee should consider energy efficiency attributes, the reduction of greenhouse gas emissions, and climate change adaptation and impacts mitigation in all rezoning applications that propose an increase in density or change of use.	Yes and pending further application review	<p>Current development operates on a sustainability model with a concerted effort to reduce water usage, common garden for local food production, natural habitat preservation and effective waste management. The common house has shared laundry facilities and kitchen.</p> <p>Rezoning process can identify options to ensure specific standards of construction for energy efficiency is a requirement of new construction.</p>
C.4 Climate Change Policy 4 - The Local Trust Committee should support zoning amendment applications for affordable housing that incorporate climate change adaptation and mitigation measures, such as energy efficiency and shared facilities.	Yes	See above.
D.2 Transportation and Utilities Policy 8 - When considering zoning changes, the Local Trust Committee should ensure that the proposed zoning change supports non-automotive transportation.	Pending further application review	Rezoning process can identify options to ensure non automotive transportation is adequately incorporated into the proposal (i.e. requirements for bicycle parking)

<p>D.3 Water Management Policy 6 -When considering a zoning amendment application in an area of scarce ground water supply, the Local Trust Committee should consider requiring mitigating measures to conserve water and protect the ground water resource.</p>	<p>Pending LTC direction</p>	<p>The applicant is proposing that all additional dwellings will be 100% rainwater catchment and therefore, will not impact the ground water.</p> <p>LTC can request adequate groundwater data from the applicant in the form of a groundwater assessment report.</p> <p>LTC can request a water management plan that outlines rainwater collection methods (storage, treatment, maintenance and delivery system). The LTC can request the rainwater harvesting system plans be certified by an ASSE-certified designer, professional engineer or geoscientist.</p>
<p>D.4 Waste Management Policy 5 - Community sewage treatment should be required for any zoning amendment where the sewage disposal capability of a lot is inadequate for the proposed use.</p>	<p>Yes and pending further application review</p>	<p>As per Coho Bylaws, all residential toilets must be composting toilets. Applicant has provided a wastewater system report for 5201 Denman Road; however, the report only identifies up to five more wastewater systems on the subject property. There is no information on how the current wastewater systems will be impacted or adapted to allow for secondary suites.</p> <p>LTC can request adequate data from the applicant on sewage disposal capability and conditions to support up to 19 secondary suites. More information is needed to determine if each dwelling site has a greywater system (tank and dispersal field capacity) that can accommodate a secondary suite.</p>
<p>E.1 Housing Policy 12 - The overall residential density on Denman Island should generally not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 27, 28 and 29 of this Section.</p> <p>Notwithstanding the foregoing, secondary suites contained within the footprint of conforming dwelling units are not deemed to contribute to density calculations for the purposes of this policy.</p>	<p>Pending LTC direction</p>	<p>Four additional units are proposed. The secondary suites do not count towards the density calculation.</p> <p>This policy allows an increase of five percent to accommodate affordable housing from the existing residential density beyond that permitted by existing zoning on the date of the OCP.</p> <p>LTC has initiated a minor project that would eliminate this 5% allotment and the density bank. If this application proceeds concurrently with the minor OCP amendment project, there will be no need to address this OCP policy in the context of this rezoning application.</p>
<p>E.1 Housing Policy 14 - In the Sustainable Resource designation, zoning regulations should permit one dwelling including a secondary suite per parcel.</p>	<p>Pending LTC direction</p>	<p>The subject property has a split designation of 'Sustainable Resource' and 'Agriculture'.</p> <p>The decision was made during the previous rezoning to keep the subject property as 'Sustainable Resource' likely due to the portion</p>

		<p>that is agricultural and the rest being a forested, large lot. With the recent adoption of Bylaw No. 228, a new Agricultural (A) designation was created and all parcels in the ALR were re-designated to 'A'. This has resulted in a split designation on the subject parcel. However, there still is not another land designation that would be better fit.</p> <p>The LTC can consider re-designating the southern portion of the subject property to 'Rural' or 'Residential', but those designations are also intended for single family residential. As such, this is not recommended by staff.</p>
E.1 Housing Policy 17 - Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.	Yes	Applicant's site plan attempts to cluster new housing units near other dwellings and common house.
E.1 Housing Policy 18 - The Local Trust Committee should encourage the establishment and work of non-profit land trusts for affordable housing.	Yes	LTC and Executive Committee have supported the financial sponsorship of the bylaw amendment fees for the application.
E.1 Housing Policy 24 - Zoning regulations should establish sufficient setbacks for septic disposal systems: <ul style="list-style-type: none"> to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and to protect adjacent properties from effluent or odours. 	Pending further application review	<p>Applicant has provided a report prepared by a qualified professional regarding the feasibility of additional wastewater systems on the subject property. However, the report stipulates that there is adequate space and soils for up to five additional waste water systems.</p> <p>LTC can request further information regarding the feasibility of the wastewater systems and ability to accommodate up to 19 secondary suites.</p>
E.1 Housing Policy 25 - Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.	Yes	Already addressed with previous rezoning.
E.1 Housing Policy 26 - The Local Trust Committee should not approve a zoning amendment application that could fragment large areas of forested or agricultural land.	Yes	The portion of the property in the ALR will remain undeveloped and continues to remain in the ALR and protected by site specific Agricultural zoning which prohibits residential use.
E.1 Housing Policy 29 - The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided: <ul style="list-style-type: none"> that the proposal is not located in a connectivity area identified on Schedule D; that the proposal does not impact negatively on adjacent properties; that the proposal is small-scale; that the proposal is clustered and the siting and height are sensitive to surrounding land uses; 	Yes and pending further application review	<p>Adequate volume of water has not been provided as the proposal is operating with rainwater catchment. The quality of rainwater will be maintained through individual treatment systems.</p> <p>LTC can request a water management plan that outlines rainwater collection methods (storage, treatment, maintenance plan and delivery system). The LTC can request the rainwater harvesting system plans be certified by an ASSE-certified designer, professional engineer or geoscientist.</p>

<ul style="list-style-type: none"> • that the proposal proves an adequate supply of potable water and an adequate sewage disposal system; • that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas; • that the proposed development will not place a strain on existing public services and infrastructure. 		
<p>E.2 Economic Activities Policy 6 - The Local Trust Committee encourages applicants applying for zoning amendments to permit new construction to meet or exceed the Canadian Green Building Council certification, or to provide details on green technology alternatives if meeting the certification requirements is not possible.</p>	<p>Pending further application review</p>	<p>Applicant has not provided details on green technology or green building.</p> <p>The LTC can request that new building meet or exceeds Canadian Green Building Council certification or other green technology alternatives. For example, the LTC can request a restrictive covenant registered on title for compliance with BC Energy Step Code.</p>
<p>E.4 Resource Policy 9 - The area designated Sustainable Resource in this Plan are designated to ensure that land uses involving renewable resources are sustainable and compatible with the small-scale rural character of the Island. The objectives of the designation of this area as an area within which development approval information may be required, include protecting the Agricultural Land Reserve; encouraging diverse agricultural activities; promoting employment through agricultural activities that have minimal negative environmental impact; promoting local employment through sustainable, ecologically sensitive silviculture; and fostering sustainable use of resources. Development approval information may be required to help the Local Trust Committee to determine appropriate uses, density and siting of development in the Sustainable Resource designation.</p>	<p>Pending LTC direction</p>	<p>As mentioned above, the ‘Sustainable Resource’ designation is likely the best fit for this land use.</p> <p>See comments above regarding ALR.</p> <p>Denman does not currently have a DAI Bylaw.</p>
<p>Appendix D Density Banking Policy 2 - The Local Trust Committee may consider applications for transfer of banked densities providing the land receiving the densities will be used for affordable housing and a suitable mechanism is in place ensuring this use is maintained over time. For the purpose of the density bank, affordable housing means adequate, suitable housing that is available to meet a continuum of needs including housing for the homeless and/or special needs; housing for those at risk of homelessness;</p>	<p>Pending LTC decision</p>	<p>The LTC has given staff direction to remove the density bank as part of the Housing Review TUP minor project. It is anticipated that this minor project will proceed concurrently with the rezoning application and therefore the application, will not require an OCP amendment.</p>

housing with rental assistance; and entry level ownership opportunities.		
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Triple Rock Land Cooperative rezoning supporting document

Purpose: to add four new densities + secondary suites for all dwellings



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Introduction

The Triple Rock Land Cooperative (TRLC), commonly known as CoHo Landing, is a non-profit land cooperative with 15 households. It is financed and managed by members.

In October, 2008, the TRLC property was upzoned from F (allowing one dwelling unit) to a new site-specific zone, R3, which permitted 15 affordable units, regulated by a housing agreement. The portion of the split-zoned property which is in the Agricultural Land Reserve was rezoned to a unique A3 zone, which does not allow any dwellings. Development took place gradually. For the last decade or so, the cooperative has been operating as a self-managed “village” based on principles of reciprocity, living lightly on the land, and balancing collective values and practices with individual self-determination. Decisions are made by consensus and the members work together to plan, problem-solve, create policy, manage finances, and build and maintain buildings and infrastructure.

The TRLC property was heavily logged 20-30 years ago and the forest around the housing cluster is regrowing. Buffer zones of 30 metres from neighbouring lot lines, enshrined in a covenant, protect much of this forest. There are no riparian areas or environmentally sensitive features on the land. The proposed new units are within or adjacent to the area already developed. The project includes composting toilets, rainwater catchment, homes of up to 139 m², and a limit on floor area of outbuildings, creating an environmentally sustainable approach to increased density.

The project is considered a success by everyone involved in it. It provides stable, affordable housing for 15 households, people who otherwise would be reliant on the unpredictable and often unaffordable rental market. The property has been on the Denman Island sustainability tour, has been studied by academics, hosted a Land Share Summit in 2022, and has hosted Uvic Environmental Studies students as part of their summer field school for the past two years.

The TRLC is ready to grow—partly to enhance the vibrancy, sustainability, and diversity of the project, and partly to offer more opportunities for affordable housing at a time when this is so direly needed. If the rezoning goes ahead, the project would be “shovel-ready” for new units, and the suites could be created through strategic renovations or modest additions.

Proposed new uses

In the R3 zone

- Four more single family homes
- Option of secondary suites for all dwellings, to be used for extended family, caregivers, and cooperative members/prospective members. These will be contained within the main dwelling
- Increased maximum floor area for homes (from 139.4 m²– 186 m²) to support secondary suites
- Increased maximum floor area for outbuildings (to meet ongoing needs and to support new units) from 1275 m² to 2174 m²

TRLC rezoning at a glance		
	Current	After rezoning
Number of units	15	19
Dwelling type	Single family	Single family + optional secondary suites
Maximum floor area—each dwelling	139.4 m ²	186 m ²
Maximum floor area—all outbuildings	1275 m ²	2174 m ²

Regulatory amendments requested

Official Community Plan amendment requested

Withdraw four densities from the density bank (Appendix D of the OCP) or clarify that the four additional units will come from the 5% as per OCP Policy E1 11 (we understand that the secondary suites, like other secondary suites on Denman, do not count as densities for the purposes of the density cap).

Land Use Bylaw amendments requested

- Change section 3.3, Table 3, line three, under R(3), to read 19 instead of 15
- Change section 3.3, Table 1, line nine, under R(3), to include a tick mark, with text to clarify that only secondary suites that are within the main dwelling are permitted
- Change section 3.3, Table 6, so that
 - line 3, column 3 (R3) (dwelling maximum gross floor area) changes from 139.4 m² to 186 m²
 - line 6, column 3 (R3) m² (maximum gross floor area of all accessory buildings and structures) changes from 1275 m² to 2174 m²

Housing agreement amendments requested

- In item 1.a., change number of units from 15 to 19 and include provisions for attached secondary suites in each dwelling unit
- In item 7, if necessary, include “a family member or caregiver of the co-op member or a participant in the cooperative” (although perhaps the existing language suffices)
- In item 9, which deals with purchase price, include language specifying that the total purchase price of a housing unit and shares cannot exceed the maximum cap as indicated in the

cooperative's resale policy (this is not essential for this rezoning but is a bit of housekeeping to bring the document in alignment with TRLC policies and increase long-term affordability)

- If appropriate, include provisions to ensure secondary suites remain low-impact and affordable, such as
 - Guidelines for who can occupy a secondary suite (a family member of, or a caregiver for, the cooperative member; someone who wishes to participate in cooperative activities and culture; or a cooperative member)
 - A requirement that cooperative members apply to the cooperative whenever they want to have a resident in a suite
 - A prohibition on advertising availability of a secondary suite
 - A guideline for affordability for suites (the TRLC Rules of Association and Memorandum of Understanding, registered with the B.C. Corporate Registry, require the cooperative to provide "affordable housing" and the suites will not be used for commercial rentals, so an affordability provision in the housing agreement is not necessary, but if needed can provide certainty for the LTC)

To expedite the process, CoHo Landing could take on amending the **housing agreement**, working with our lawyer, and presenting the amended version to the LTC for review and endorsement.

It is our understanding that the **covenant** (also registered on title) will not need to be changed.

As well, the TRLC will need to update its **Rules of Agreement** to reflect the increased density, include criteria for occupancy of secondary suites, and include guidelines for the use of secondary suites. This is not within the jurisdiction of the LTC, but since the Rules of Agreement are attached to the Housing Agreement and play a key role in ensuring affordability, it needs to be amended at the same time or immediately after the rezoning.

Existing uses of the land

In the R3 zone:

- 14 single family homes of no more than 139.4 m² each
- One inhabited travel trailer (temporary)
- One common house of 209 m²
- Three electricity metering station sheds, 5.6 m² each
- Five workshop/studios, 28 – 74 m² each, personal use (art, woodworking, etc) (serviced with Hydro; no running water or plumbing; not residential)
- 16 woodsheds, approx. 167 m² combined
- Total outbuilding floor area: 866 m²

In the A3 zone (ALR):

- A fenced garden and orchard
- A garden shed, 9 m²



Family dwelling

Existing water and sewage disposal infrastructure

Water: Homes rely 100% on rainwater. Each household is responsible for their own catchment, filtration, and treatment system. The cooperative provides one cistern per home and members can add more storage capacity if needed. Homes have opportunity to increase catchment surface by also collecting from outbuildings. There is considerable combined expertise on rainwater catchment and treatment in the group and members help each other with design, construction, and maintenance. See attached rainwater catchment report for more detail.

The Common House water is supplied by four 5000-gallon cisterns. The Common House rainwater catchment system is maintained by members of the cooperative (gutter cleaning and repair, preventing freezing, filtration, monitoring).

The property has a well which, at the time of the initial rezoning, was tested for quality and quantity and proven to be sufficient for the current density. **This well is not used by residences** and currently there is no infrastructure in place that would enable that. The well is used to water the common garden.

Sewage: Each home has a composting toilet. Maintenance of the toilet and proper treatment of the resulting material is the responsibility of the cooperative member resident in the home. Each home has a greywater treatment septic system designed by H2O Environmental Ltd in accordance with Ministry of Health standards (some systems are still under construction). Each treatment system has its own dispersal field on the ½ acre of land connected to the house.

The Common House has a flush toilet and a type-one septic system designed by H2O Environmental Ltd.

Photos: Common House cisterns (20,000 gallons in total), individual septic field under construction with family home behind it, metering station (for B.C. hydro)



Uses of land and buildings on adjacent properties

The property directly to the west has a sauna and walking trails, used for pleasure, and a single family dwelling under construction. The Denman Ambulance Station and the Fire Hall also share property lines with the subject property. Other adjacent properties are used for single family dwellings, and some are used for farming.

Reasons in support of proposed amendments

Denman Island’s housing needs are urgent and varied, as evidenced by the Islands Trust Northern Region Housing Needs Assessment and many other studies. The housing crisis is rampant in most of BC and Canada and shows no signs of abating.

The Northern Region Housing Needs Assessment says about Denman Island, “Based on the population projections, there could be a need for potentially 165 residential units in the next 25 years. ...Based on the population growth projected for 165 units and 48% need for affordable rental, Denman Island now requires up to 80 affordable housing units. This translates into three to four units per year.”

No new affordable housing has been built on Denman since the report was released five years ago.

This request would create four new units of affordable housing as well as potential for up to 19 affordable secondary suites which could be used to house extended family members, caregivers, other cooperative members, or participants in the cooperative (people who participate but are not members). These suites would be the only secondary units on Denman *required* to be affordable (via multiple levels of regulation).

If these changes go forward, there would be no institutional barriers to moving ahead—no need to subdivide, finalize land purchase, get grants, etc. Time would be needed for the TRLC membership process, but nothing stands in the way of moving forward. TRLC has an established structure for membership and proven strategies for infrastructure. The Northern Region Housing Needs Assessment recommends that LTCs “support the efforts of not-for-profit organizations to increase the amount of safe, secure, appropriate, affordable housing on their islands” (page 131). This rezoning application provides an opportunity to do that.

Studio zone

