



**PUBLIC HEARING**  
**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**February 17, 2026**  
**Electronic Meeting**

**PROPOSED BYLAW NO. 255**  
(Denman Island Official Community Plan, 2008, Amendment No. 2, 2025)  
**AND**  
**PROPOSED BYLAW NO. 250**  
(Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024)  
**AND**  
**PROPOSED BYLAW NO. 254**  
(Denman Island Housing Agreement Bylaw No. 254, 2025)

**DE-RZ-2024.1 Triple Rock Land Cooperative**

**RELEVANT BACKGROUND INFORMATION REFERENCE BINDER**

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- 5. PROPOSED BYLAW NO. 250 (LUB)**
- 6. PROPOSED BYLAW NO. 254 (HA)**
- 7. APPLICATION DE-RZ-2024.1 TRIPLE ROCK LAND COOPERATIVE**



# Islands Trust

## 8. REFERRAL TO INDIGENOUS GOVERNING BODIES AND AGENCIES

<u>ITEM</u>	<u>DESCRIPTION</u>
8.1	BYLAW 255 Bylaw Referral Form
8.2	BYLAW 255 Indigenous Governing Bodies Referral Responses Received
8.3	BYLAW 255 Agency Referral Responses Received
8.4	BYLAW 250 Bylaw Referral Form
8.5	BYLAW 250 Indigenous Governing Bodies and Agency Referral Responses Received

## 9. STAFF REPORTS

<u>ITEM</u>	<u>DATE</u>	<u>REPORT</u>
9.1	2024-06-04	STAFF REPORT
9.2	2024-10-08	STAFF REPORT
9.3	2025-05-20	STAFF REPORT
9.4	2025-12-16	STAFF REPORT
9.5	2026-02-17	STAFF REPORT

## 10. RELEVANT MINUTES/RESOLUTIONS WITHOUT MEETINGS

<u>ITEM</u>	<u>DATE</u>	<u>REPORT</u>
10.1	2024-06-04	DENMAN LOCAL TRUST COMMITTEE (LTC) MINUTES
10.2	2024-08-13	DENMAN LTC MINUTES
10.3	2024-10-08	DENMAN LTC MINUTES
10.4	2025-05-20	DENMAN LTC MINUTES
10.5	2025-03-18	DENMAN LTC MINUTES
10.6	2025-12-16	DENMAN LTC MINUTES

## 11. PUBLIC CORRESPONDENCE - NONE

## 12. PUBLIC HEARING SUBMISSIONS

## 13. COMMUNITY CONSULTATION - NONE

## 14. OTHER INFORMATION - NONE

## **CHAIRPERSONS OPENING STATEMENT**

The following is an example of an opening statement to be made by the Chairperson of the Local Trust Committee at the beginning of the Public Hearing.

*“This Public Hearing is being convened pursuant to Section 465 of the Local Government Act in order to consider:*

**PROPOSED BYLAW NO. 255**  
**(Denman Island Official Community Plan, 2008, Amendment No. 2, 2025)**  
**AND**  
**PROPOSED BYLAW NO. 250**  
**(Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024)**  
**AND**  
**PROPOSED BYLAW NO. 254**  
**(Denman Island Housing Agreement Bylaw No. 254, 2025)**

*All persons who believe that their interest in property is affected by the proposed bylaw(s) will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw(s). Those wishing to speak should commence their presentation by clearly stating their name.*

*Members of the Local Trust Committee may, if they wish, ask questions of you following your presentation; however, the main function of the Local Trust Committee members is to listen to the views of the public. It is not the function of Committee members to debate the merits of the proposed bylaw(s) with individual citizens.*

*Everyone will be given a reasonable opportunity to be heard and none should feel discouraged from presenting their views.*

*In considering the proposed bylaw(s), the Local Trust Committee has received documents which may influence its decision. Those documents are available for review during this hearing, as available on our website and indicated in the Public Hearing notice.*

*Any person who wishes to present a written submission to the Local Trust Committee may do so, and all written submissions are available for review during this hearing. Written submissions must be received by the Local Trust Committee before the close of the hearing.*

*Your final opportunity to comment on the proposed bylaw(s) is during this hearing, as members of the Local Trust Committee may not receive further submissions, nor discuss the proposed bylaw with the public after the close of the hearing.*

*After this Public Hearing has concluded, the Local Trust Committee may, without further notice, make whatever decision it deems proper with respect to the bylaw(s) that are the subject of the hearing.”*

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Trust Area: Denman Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: DE-255

Application No.: DE-RZ-2024.1

Trust Initiated: No

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**Proofread By:**

Clerk: Yes  
Planner: Yes

Technical Staff: Yes

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First Reading Date: 20-May-2025

Bylaw Sent to Referrals: Yes  
Date Proposed Bylaw to Web:

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**Resolutions:**

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

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**Secretary Signature Block:**

Secretary's Signature: Mourao, Nadine

Date: 04-Feb-2026

File complete and ready for Public review: Yes

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**Public Hearings:**

Location: Electronic  
Proofread By: Mourao, Nadine

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Legal Paper: Island Grapevine  
First Publish Date: 05-Feb-2026

Second Publish Date: 12-Feb-2026

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Alternate Paper: Comox Valley Echo  
First Publish Date:

Second Publish Date:

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Mailout Date: 29-Jan-2026

Delivery Notices:  
Date Public Hearing Held: 17-Feb-2026

Second Reading Date: 20-May-2025

Third Reading Date:

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Trust Area: Denman Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: DE-250

Application No.: DE-RZ-2024.1

Trust Initiated: No

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**Proofread By:**

Clerk: Yes  
Planner: Yes

Technical Staff: Yes

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First Reading Date: 08-Oct-2024

Bylaw Sent to Referrals: Yes  
Date Proposed Bylaw to Web: 08-Oct-2024

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**Resolutions:**

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

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**Secretary Signature Block:**

Secretary's Signature: Mourao, Nadine

Date: 04-Feb-2026

File complete and ready for Public review: Yes

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**Public Hearings:**

Location: Electronic  
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Second Publish Date:

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Mailout Date: 29-Jan-2026

Delivery Notices:  
Date Public Hearing Held: 17-Feb-2026

Second Reading Date: 20-May-2025

Third Reading Date:



# Denman Island Local Trust Committee

## PUBLIC HEARING NOTICE

Proposed Bylaw Nos. 255, 254 and 250  
DE-RZ-2024.1 Triple Rock Land Cooperative

The Denman Island Local Trust Committee invites the public to attend a Public Hearing beginning at **10:00 am, Tuesday, February 17, 2025, via electronic meeting**, to hear your views regarding **Proposed Bylaw Nos. 255, 254 and 250**.

- **10:00 AM – Community Information Meeting** will be held before the Public Hearing for you to learn more about the bylaws and to ask questions
- **10:15 AM – Public Hearing**

### What are Bylaw Nos. 255, 254 and 250 about?

**Bylaw No. 255** proposes to amend the Official Community Plan (OCP) by withdrawing residential units from the density bank to enable an increase in residential units on the subject property by four.

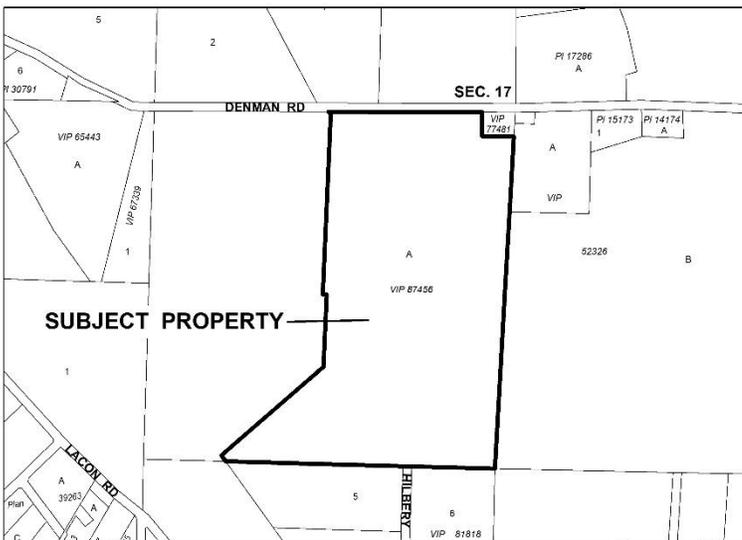
**Bylaw No. 250** proposes to amend the Land Use Bylaw (LUB) by introducing new zoning regulations applicable to the R4 zone.

The proposed amendments include:

1. Increasing the number of residential units on the subject property by four.
2. Permitting secondary suites in all residential units.
3. Increasing the maximum gross floor area for single-family dwellings from 139.4 m<sup>2</sup> to 186 m<sup>2</sup> to accommodate secondary suites.
4. Increasing the maximum floor area for outbuildings from 1275 m<sup>2</sup> to 2174 m<sup>2</sup> to meet ongoing needs and support the additional secondary suites.

**Bylaw No. 254** proposes to enter the Local Trust Community into a new housing agreement with the owner of the subject land. The agreement will regulate the occupancy and affordability of 19 housing units, including associated secondary suites, and will establish monitoring and reporting requirements to ensure compliance.

These bylaw amendments will apply to 5201 Denman Road, Denman Island, legally described as: Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 (PID 028-101-677)



### How Do I Get More Information?

Copies of the proposed bylaw, the Public Hearing Binder and other information is available **online** from February 6, 2026 to February 17, 2026 here:

[https://islandstrust.bc.ca/island-](https://islandstrust.bc.ca/island-planning/denman/projects/)

[planning/denman/projects/](https://islandstrust.bc.ca/island-planning/denman/projects/) and at the Islands Trust Northern Office, 700 North Road, Gabriola, BC V0R 1X3 from 8:30 a.m. to 4:00 p.m., Tuesday – Thursday excluding statutory holidays.

### Enquiries?

Contact the Islands Trust Northern Office, by **email**: [northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca), or **phone**: 250-247-2063.

### Written submissions?

**Written submissions will be accepted until 4:30 p.m., February 16, 2026 to:** Islands Trust, 700 North Road, Gabriola Island, BC, V0R 1X3 or **email**: [northphsub@islandstrust.bc.ca](mailto:northphsub@islandstrust.bc.ca)

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

**NO WRITTEN OR ORAL REPRESENTATIONS WILL BE RECEIVED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE, OR ITS MEMBERS, AFTER THE CONCLUSION OF THE PUBLIC HEARING.**

**Nadine Mourao,**  
Deputy Secretary

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 255

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### A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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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 Official Community Plan, 2008, Amendment No. 2, 2025”.

#### 2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	20	DAY OF	MAY	, 2025
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 20__
READ A SECOND TIME THIS	20	DAY OF	MAY	, 2025
READ A THIRD TIME THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	, 20__
ADOPTED THIS	_____	DAY OF	_____	, 20__

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 255**

**SCHEDULE 1**

Appendix “D” of the Denman Island Official Community Plan No. 185, 2008, is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:
- 2.

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative total of residential dwelling units in the bank
255	[date of adoption]	Lot A, Section 17 Denman Island, Nanaimo District, Plan VIP87456	-4	7 – 4 = 3  (*as per standing resolution #2023-073)  (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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

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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                    8<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2024

READ A SECOND TIME THIS                    20<sup>TH</sup>                    DAY OF                    MAY                    , 2025

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

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**Chair**

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**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" and the note "Secondary dwelling units must be approved through a Temporary Use Permit" 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" and the note "Secondary dwelling units must be approved through a Temporary Use Permit" 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 3 – Density of Uses, Buildings and Structures, line item 3 and in the R3 column, is amended by replacing the number "15" with the number "19".
  - 1.6 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 m<sup>2</sup>" in the R3 column, and renumber accordingly.
  - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting "1275 m<sup>2</sup>" in line item 6 and in the R3 column, and replacing it with "2174 m<sup>2</sup>".

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 254

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### A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

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

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

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

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 254, 2025”.

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

READ A FIRST TIME THIS                    20                    DAY OF                    MAY                    , 2025

READ A SECOND TIME THIS                    16                    DAY OF                    DECEMBER                    , 2025

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

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**Chair**

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**Secretary**

## Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ is BETWEEN:

**TRIPLE ROCK LAND COOPERATIVE**, a cooperative incorporated under the laws of the province of British Columbia and having its office at 5201 Denman Rd, 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 those Lands situated on Denman Island and legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the “Lands”);
- B. The Owner is an association constituted under the Cooperative Association Act, SBC 1999, c. 28 and has as its sole object the creation of a co-operatively owned and managed affordable housing community on Denman Island;
- C. The Owner applied to the Denman Island Local Trust Committee for a rezoning of the Lands by means of Denman Island Land Use Bylaw, \_\_\_\_\_ to permit the development of 19 co-operative housing units with secondary suites, accessory buildings, and a common house on the area of the Lands that is zoned R3 pursuant to the Denman Island Land Use Bylaw (the “R3 Land”) and, for certainty, this Agreement does not contemplate or authorize residential development on any other part of the Lands;
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to ensure Cooperative Housing Units remain affordable according to the terms and conditions set out in 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 a housing agreement between the Owner and the Trust Committee under section 483 of the Local Government Act, and as a covenant under section 219 of the Land Title Act, as follows:

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

- (1) “Co-operative Housing Unit” means a Primary Housing Unit and may include a Secondary Suite;
- (2) “Co-operative member” means a member of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (3) “Co-operative Rules and policies” means the rules and policies of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (4) “CPI” means the all-items consumer price index for Victoria, British Columbia published by Statistics Canada;
- (5) “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;
- (6) “Family Member” means a person who lives with and is related to the Co-operative member by blood, adoption, marriage (including a marriage-like relationship). It also includes a chosen family member, an individual with whom the member shares a close, long-standing, family-like relationship, regardless of legal or biological ties;
- (7) “Primary Housing Unit” means a single detached Dwelling Unit occupied as a residence by at least one Co-operative member; and
- (8) “Secondary Suite” means a Dwelling Unit located within the same building as, and having a lesser floor area than, a Primary Housing Unit.

**b. Agreement over the Lands:**

1. Pursuant to section 219 of the *Land Title Act* and Section 483 of the *Local Government Act*, the Owner covenants and agrees that:
  - a. 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; and
  - b. If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.
2. The Owner covenants and agrees with the Trust Committee that, in perpetuity:

- a. the R3 Land must not be used, and no building or structure may be constructed on the Lands, other than for 19 Co-operative Housing Units, a common house, and non-residential accessory buildings and structures as defined in this Agreement and the Denman Island Land Use Bylaw, and any home-based business permitted by the Denman Island Land Use Bylaw;
  - b. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any Siting and Use Permit issued by the Denman Islands Local Trust Committee; and
  - c. the Lands shall not be subdivided by subdivision plan, strata plan or otherwise howsoever.
- c. Dissolution of the Co-operative** - If on the winding up or dissolution of the Owner, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property must not be paid to or distributed among the Co-operative members; and must be given or transferred to an institution:
  - a. that has as its object the co-operative ownership and management of affordable housing on Denman Island; and
  - b. that has been chosen by the Co-operative members and approved by the Trust Committee at or before the time of dissolution.
- d. Occupancy of Primary Housing Units**
  1. No Primary Housing Unit shall be occupied by any person who is not a Co-operative member, a family member of such a member, the guest of such a member, a tenant or roommate of a Co-operative member approved by the Owner pursuant to the Co-operative Rules and policies, a caregiver of the Co-operative member, or a person whose membership in the Owner is under consideration by the Owner pursuant to the Co-operative Rules and policies.
  2. Every Primary Housing Unit shall have a Co-operative member as its primary occupant, except when a Co-operative member is on a temporary leave-of-absence as permitted by the Co-operative Rules and policies.
  3. Co-operative members shall have the Primary Housing Unit as their principal residence.
  4. Primary Housing Units may not be used for any form of vacation rental, including short-term vacation rentals.
- e. Pricing of Co-operative membership shares and Housing Units**
  1. The purchase price of a membership share in the Owner may not exceed the acquisition price of the share, plus the lesser of: any increase in the annual average CPI from the year in which the share was acquired to the year in which it is transferred, and 2% annually.
  2. The purchase price of a Co-operative Housing Unit upon any sale of the Co-operative Housing Unit in connection with a transfer of shares in the Owner may not exceed the depreciated replacement cost of the Co-operative Housing Unit, as determined by a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative

member and furthermore may be limited to a maximum value (a cap) as determined by policies set by the Owner.

**f. Occupancy and Affordability of Secondary Suites**

1. Occupancy of Secondary Suites is limited to caregivers and family members of the Co-operative member who is the main occupant of the Primary Housing Unit to which the Suite is attached, Co-operative members, people applying for Co-operative membership, and people volunteering for or otherwise actively involved with and committed to the Co-operative. Occupants of Secondary Suites must be approved by the Owner.
2. The amount of rent charged for Secondary Suites must be at least 20% less than the average comparable market rent charged for a similar unit or rental arrangement on Denman Island, or, in the absence of Denman Island data, in the Comox Valley in which case any comparables should be adjusted to reflect the likely discount or increase for Denman as compared to the Comox Valley.
3. Secondary Suites may not be used for any form of vacation rental, including short-term vacation rentals.

**g. Monitoring and Reporting to the Local Trust Committee** - The Owner must deliver to the Trust Committee within six weeks of the transfer of any shares in the Owner and the closing of any sale of a Co-operative Housing Unit a completed statutory declaration, substantially in the form attached as Schedule A, sworn by a director of the Owner and the Co-operative member transferring shares and attaching a copy of the share transfer agreement, the agreement of purchase and sale for the Co-operative Housing Unit, and the certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member, as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than 15 months prior to the date of the purchase and sale of the Co-operative Housing Unit.

**h. Order to Comply** - If the Owner is in default of the performance or observation of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with the 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 in any Notice of Default provided to the Owner by the Trust Committee.

**i. Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and shared infrastructure 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 with reasonable notice to the Owner, subject to the notice provisions of the *Residential Tenancy Act*.

**j. No Transfer** - The Owner must not transfer the Lands, other than to an association constituted under the *Cooperative Association Act* or other non-profit association incorporated under the *Societies Act*, having as its object the co-operative ownership and management of affordable housing on Denman Island.

**k. Cooperative Standing** – The Owner must maintain its standing as a co-operative under the

*Cooperative Act* or as a society under the *Societies Act*, as applicable, to ensure the ongoing occupancy and affordability objectives set out in this Agreement, and must not amend its memorandum of association, co-operative rules of association, constitution, or bylaws, as applicable, in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.

- l. 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 Co-operative Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Denman Island Land Use Bylaw, as amended from time to time.
- m. 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.
- n. 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.

This clause will survive the termination of this Agreement.

- o. 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.

This clause will survive the termination of this Agreement.

- p. 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.
- q. 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.
- r. 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.

- 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"**

DENMAN ISLAND LOCAL TRUST COMMITTEE

FORM OF STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT with the Denman Island
PROVINCE OF BRITISH COLUMBIA	)	Local Trust Committee ("Housing
	)	Agreement")

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia, do solemnly declare:

1. That I am a member of the Triple Rock Land Co-operative or its successor in title to land legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the "Lands"), and make this declaration to the best of my personal knowledge.
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement registered against the Lands.
3. This declaration is made pursuant to the Housing Agreement in respect of the Co-operative Housing Unit with the address \_\_\_\_\_
4. On the \_\_\_\_\_ day of, 20\_\_\_\_ I entered into an agreement to transfer one or more shares in the owner of the Land's Co-operative Housing Unit, a true copy of which is attached to this declaration, to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
5. Pursuant to an agreement of purchase and sale that will close on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ of which a true copy is attached to this declaration, I intend to transfer all of my right and title in the Co-operative Housing Unit to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
6. 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*.

SWORN BEFORE ME at _____, in	)
the Province of British Columbia, this _____	)
day of _____ 20_____.	)
	)
	)
	)
	)
_____	) Signature of person making declaration
A Commissioner for Taking Affidavits for	)
British Columbia	)

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia do solemnly declare:

1. That I am a director of Triple Rock Land Co-operative or its successor in title to land legally described as the South West ¼ of Section 17, Denman Island, Nanaimo District, except that Part in Plan 14174 and Plan VIP77481, and make this declaration to the best of my personal knowledge.
2. That Paragraphs 5 and 6 of the Statutory Declaration of \_\_\_\_\_ set out above correctly disclose the amount of consideration in respect of the share transfer and ownership transfers described in those paragraphs.
3. 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*.

SWORN BEFORE ME at \_\_\_\_\_, in \_\_\_\_\_ )  
The Province of British Columbia, this \_\_\_\_\_ )  
Day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
A Commissioner for Taking Affidavits for  
British Columbia

) \_\_\_\_\_  
)  
)  
) \_\_\_\_\_  
) Signature of person making declaration

Attached:

- Share transfer agreement
- Agreement of purchase and sale for the Co-operative Housing Unit
- A certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than one year prior to the date of the purchase and sale of the Unit



Victoria Office  
 200 - 1627 Fort Street  
 Victoria, BC V8R 1H8  
 (250) 405-5151  
[information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

Galiano, Mayne, North Pender,  
 Saturna, South Pender Islands

Salt Spring Office  
 1 - 500 Lower Ganges Road  
 Salt Spring Island, BC V8K 2N8  
 (250) 537-9144  
[ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca)

Salt Spring Island

Northern Office  
 700 North Road  
 Gabriola Island, BC V0R 1X3  
 (250) 247-2063  
[northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca)

Denman, Gabriola, Gambier, Hornby,  
 Lasqueti, Thetis, Ballenas-  
 Winchelsea Islands

## Land Use Application

**Application Type:** *Check all that apply*

*See Associated Schedules for Information and Application Requirements*

<input checked="" type="checkbox"/> Bylaw Amendment	<input checked="" type="checkbox"/> OCP	<input checked="" type="checkbox"/> Land Use / Rezoning	<input type="checkbox"/> Land Use Contract	Schedule A
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Renewal or Amendment			Schedule B
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Renewal			Schedule C
<input type="checkbox"/> Heritage Alteration Permit				Schedule D
<input type="checkbox"/> LCRB License	<input type="checkbox"/> Liquor	<input type="checkbox"/> Temporary Change	<input type="checkbox"/> Cannabis Retail	Schedule E
<input type="checkbox"/> Order - Board of Variance				Schedule F
<input type="checkbox"/> Siting & Use Permit				Schedule G
<input type="checkbox"/> Soil Deposit / Removal	<input type="checkbox"/> Registration	<input type="checkbox"/> Permit		Schedule H
<input type="checkbox"/> Strata Conversion				Schedule I
<input type="checkbox"/> Subdivision Review	<input type="checkbox"/> Boundary Adjustment			Schedule J
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Renewal			Schedule K

**Description of Subject Property:**

Civic Address	PID
5201 Denman Rd, Denman Island, BC, V0R 1T0	028-101-677
Legal Description	
the South West 1/4 of Section 17, Denman Island, Nanaimo District, Except that part in Plan 14174 and Plan VIP77481	

**Purpose of Application:** *Provide a brief description (attached additional pages if needed)*

rezone from 15 to 19 units, allow secondary suites in all main dwellings, increase maximum floor area of dwellings and outbuildings

**Applicant:**

Name	Company
Laura Busheikin	Triple Rock Land Cooperative
Mailing Address	
5201 Denman Rd Denman Island V0R 1T0	
Phone	Email
250-218-3216	denmancoho@gmail.com

**Declaration:**

*As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.*



**Office Use Only:**

Date Received	Fees Paid	Receipt No.	TAPIS No.

**Owner Authorization:**

As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Laura Busheikin, Director

Print Name (Complete if applicant is not the owner(s))

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

**All registered owners on title must be listed on and sign the application. Corporations must include a list of directors.**

<i>Name/Company Name</i>	<i>Signature</i>
Triple Rock Land Cooperative	
<i>Mailing Address</i>	
5201 Denman Rd	
Denman Island, BC, V0R 1T0	
<i>Phone</i>	<i>Print Name</i>
[Redacted]	Yolande Laking, President
<i>Email</i>	<i>Date</i>
[Redacted]	Dec 18, 2023
<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
	[Redacted]
<i>Phone</i>	<i>Print Name</i>
<i>Email</i>	<i>Date</i>
<i>Name/Company Name</i>	<i>Signature</i>
<i>Mailing Address</i>	
<i>Phone</i>	<i>Print Name</i>
<i>Email</i>	<i>Date</i>

**Application Checklist** The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, a [BC Contaminated Sites Regulation Disclosure Statement \(Schedule 1\)](#) must be completed
- If applicable, QEP Report registered in Province of BC [Riparian Areas Regulation \(RAR\)](#) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws**

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

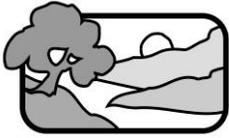
**Freedom of Information**

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.

## List of Directors of the Triple Rock Land Cooperative

Rose Dickson  
Phillipa Joly  
Elizabeth Gries  
Micah Gries  
Melisande Gagnon  
Kevin Mitchell  
Brad Taylor  
Sheelagh McKenzie  
Vali Majd  
Ian Avery  
Seva Ganga  
Yolande Laking  
Rosie Graham  
Tristan Pinal  
Rafal Jasinski  
Ania Jasinski  
Grzegorz Hajdrych  
Miho Hajdrych  
Tomas Hajek  
Laura Busheikin

Note: all members are director, as stipulated in our Cooperative Rules of Incorporation



Islands Trust

# BYLAW REFERRAL FORM

700 North Road  
Gabriola Island BC V0R 1X3  
Ph: (250) 247-2063  
Fax: (250) 247-7514  
northinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

**Island:** Denman Island Local Trust Area **Bylaw No.:** 255 **Date:** June 4, 2025

You are requested to comment on the attached Bylaws for potential effect on your Nation/Agency's interests. We would appreciate your response within 90 days, by **September 4, 2025**. If you require support in reviewing this referral, our project planner is available to schedule a virtual meeting at your earliest convenience. Please contact our office directly with any questions. A Public Hearing to consider the Bylaws is anticipated in Fall 2025.

**APPLICANTS NAME / ADDRESS:**

Triple Rock Land Cooperative

**PURPOSE OF BYLAW:**

The intent of Bylaw No. 255, if adopted, is to amend the Official Community Plan (OCP) by removing four units from the density bank to permit an increase of four residential units on the subject property.

**GENERAL LOCATION:**

5201 Denman Road, Denman Island

**LEGAL DESCRIPTION:**

LOT A SECTION 17 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP87456 (PID: 028-101-677)

**SIZE OF PROPERTY AFFECTED:**

35.5 hectares

**ALR STATUS:**

Yes, ALR in the north portion of the lot

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Sustainable Resources (SR)/ Agriculture (A)

**OTHER INFORMATION:**

The Denman Island Local Trust Committee gave First Reading to proposed Bylaw No. 255 on May 20, 2025. A copy of the most recent staff report and the proposed bylaw is included in this referral for background information. All relevant background information, including staff reports and public correspondence received is posted to the Denman applications webpage: <https://islandstrust.bc.ca/island-planning/denman/current-applications/>

Proposed Bylaw No. 255 is related to Proposed Bylaw No. 250 (LUB), which was referred for comment in October 2024. At that time, it was anticipated that an OCP amendment would not be required for the application, as the Local Trust Committee was concurrently advancing a separate project that would have removed the density bank from the OCP entirely. However, that project did not proceed, and an OCP amendment is now necessary to withdraw units from the density bank to support the rezoning. As a result, the OCP amendment (Bylaw No. 255) is being referred at a later stage than the associated LUB amendment.

Please direct any communications regarding this referral to Marlis McCargar at 250-247-2210, or by email to [mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca).

Please fill out the Response Summary on the back of this form. If your Nation or Agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Marlis McCargar

Title: Island Planner

**This referral has been sent to the following agencies:**

**First Nations**

- Cowichan Tribes
- Da'naxda'xw First Nation
- Halalt First Nation
- Homalco First Nation
- K'omoks First Nation
- Lyackson First Nation
- Mamalilikulla First Nation
- Nanwakolas Council
- Penelakut Tribe
- Qualicum First Nation
- Snaw-Naw-As First Nation
- Snuneymuxw First Nation

**Regional Agencies**

Comox Valley Regional District

**Non-Agency Referrals**

School District No. 71

**Adjacent Local Trust Committees and Municipalities**

Hornby Island Local Trust Committee

**Provincial Agencies**

- Agricultural Land Commission
- Ministry of Agriculture
- Ministry of Housing and Municipal Affairs

Stz'uminus First Nation  
Te'mexw Treaty Association  
Tla'amin Nation  
Tlowitsis Nation  
Ts'uubaa-asatx First Nation  
We Wai Kai Nation  
Wei Wai Kum First Nation

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

\_\_\_\_\_  
Denman Island Trust Area  
(Island)

\_\_\_\_\_  
(Your Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
255  
(Bylaw Number(s))

\_\_\_\_\_  
(Print Your Name, Your Title)

\_\_\_\_\_  
(First Nation/Agency)

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 255

---

### A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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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 Official Community Plan, 2008, Amendment No. 2, 2025”.

#### 2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	20	DAY OF	MAY	, 2025
PUBLIC HEARING HELD THIS	20	DAY OF	MAY	, 2025
READ A SECOND TIME THIS	_____	DAY OF	_____	, 20__
READ A THIRD TIME THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	, 20__
ADOPTED THIS	_____	DAY OF	_____	, 20__

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 255**

**SCHEDULE 1**

Appendix “D” of the Denman Island Official Community Plan No. 185, 2008, is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:
- 2.

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative total of residential dwelling units in the bank
255	[date of adoption]	Lot A, Section 17 Denman Island, Nanaimo District, Plan VIP87456	-4	7 – 4 = 3  (*as per standing resolution #2023-073)  (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)



Islands Trust

# REPORT

# STAFF

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

DATE OF MEETING: May 20, 2025

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. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a second time.
4. That Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a first time.
5. That Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a second time.
6. That the Denman Island Local Trust Committee request staff to schedule a (virtual or in-person) community information meeting in summer 2025 for application DE-RZ-2024.1 (Triple Rock Land Cooperative) and Proposed Bylaw Nos. 250, 254 and 255.
7. That the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” to the following First Nations, Local Governments and agencies for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, 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 (Xwemalhkwa), Mamalilikulla First Nation, K'ómoks First Nation, Comox

**Valley Regional District, School District #71 (Comox Valley), Hornby Island Local Trust Committee, Agricultural Land Commission and Ministry of Housing and Municipal Affairs.**

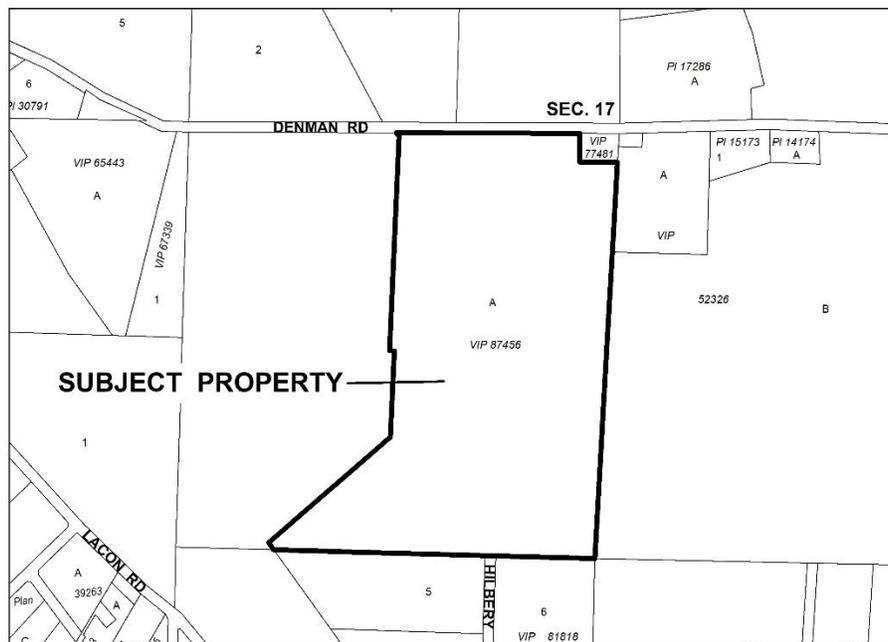
**REPORT SUMMARY**

This report introduces draft bylaws to amend the Denman Island Official Community Plan (OCP) to remove four densities from the density bank to accommodate the proposed development as well as an updated Housing Agreement to ensure it reflects the changes in zoning.

Staff is recommending that the draft bylaws Nos. 254 and 255 in Attachments 1 and 3 of this report be given First and Second Readings as presented and that Proposed Bylaw No. 250 be given Second Reading. All relevant background information is posted to the Islands Trust [current applications webpage](#).

**BACKGROUND**

The Denman Island Local Trust Committee (LTC) is considering a rezoning application from Triple Rock Land Cooperative (DE-RZ-2024.1) to permit 19 dwelling units and associated secondary suites. As part of the application, a Housing Agreement is required to secure long-term affordability and occupancy provisions.



Subject Property Map

The Denman Island LTC passed the following resolution at the June 4, 2024 regular business meeting to initiate this work:

**DE-2024-050**

**It was MOVED and SECONDED**

**that the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (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 have worked with the applicant to prepare a draft housing agreement for LTC consideration (Attachment 3).

On October 8, 2024 the Denman Island LTC gave first reading to Proposed Bylaw No. 250 (LUB) and forwarded the bylaw to agencies and First Nations for comment. A summary of referral responses received to date are included in this report. The Denman Island Local Trust Committee (LTC) passed the following resolutions were passed at that meeting:

**DE-2024-065**

**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.**

**CARRIED**

**DE-2024-066**

**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.**

**CARRIED**

At the time, it was anticipated that an OCP amendment would not be required for this application, as the LTC was advancing a separate project (Proposed Bylaw Nos. 248 and 249) that would have eliminated the density bank from the OCP altogether. However, that project did not continue and the bylaws did not proceed. As a result, the current rezoning application now requires an OCP amendment to withdraw densities from the density bank, a step that was not originally anticipated. This has contributed to a somewhat irregular process, with the Land Use Bylaw (LUB) amendment already having received first reading and referrals, while the OCP amendment is being introduced at this later stage.

To address this, the Denman Island LTC passed the following resolutions at the March 18, 2025 regular business:

**DE-2025-017**

**It was MOVED and SECONDED**

**that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 to enable application DE-RZ-2024.1 (Triple Rock Cooperative).**

**CARRIED**

A draft bylaw to amend the OCP is included as Attachment 1 for LTC Consideration.

## **ANALYSIS**

### **Issues and Opportunities**

Staff have identified the following, discussed in more detail below:

- Summary of Referral Responses for Proposed Bylaw No. 250 (LUB)
- Summary of draft Bylaw No. 255 (OCP)
- Summary of draft Bylaw No. 254 (Housing Agreement)
- Bylaws Consistent with Islands Trust Policy Statement

### Summary of Referral Responses

At the time of this report, referral responses from Ministry of Agriculture, Ministry of Housing and Municipal Affairs, Vancouver Island Health Authority, Agricultural Land Commission and Hornby Island LTC have been received. The referral response from K'omoks First Nation has been included as Attachment 5.

A summary of the referral responses that have been received are provided in Table 1:

**Table 1. Summary of Referral Responses**

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Hornby Island Local Trust Committee	<ul style="list-style-type: none"> <li>Interests Unaffected by Bylaw</li> </ul>	None.
Ministry of Agriculture and Food	<ul style="list-style-type: none"> <li>Ministry staff are pleased that no dwellings or development are proposed for the ALR-designated northern portion of the property.</li> <li>Ministry staff recommend placing the four new dwellings within the existing CoHo Landing cluster to maintain a suitable buffer from the ALR, as their exact locations haven't been provided and one existing structure appears to be very close to the ALR boundary.</li> <li>The added dwellings and increased residential density on the property are unlikely to negatively affect future farming potential on the site or nearby ALR lands.</li> </ul>	The four new dwellings will be within the existing CoHo Landing cluster.
Ministry of Housing and Municipal Affairs	<ul style="list-style-type: none"> <li>Deferred to Agricultural Land Commission and Ministry of Housing comments</li> </ul>	None.
Vancouver Island Health Authority	<ul style="list-style-type: none"> <li>Each home currently uses its own rainwater system for drinking water, which will continue with the new units and suites. However, if a shared system is introduced, it may trigger requirements under the Drinking Water Protection Act and Regulation, including permits, testing, treatment, and reporting.</li> <li>The Sewerage System Regulation applies to all onsite</li> </ul>	None.

	<p>systems, and given the property's size and composting toilet requirements, there appears to be sufficient space for new or amended septic systems and replacement fields. Existing systems must comply with regulations, and an Authorized Person should assess and update them as needed to accommodate secondary suites.</p>	
Agricultural Land Commission	<ul style="list-style-type: none"> <li>• Since the R3 zone applies only to the non-ALR portion of the property, ALC staff have no comments.</li> <li>• ALC recommends using setback and buffer guidelines from the <i>Guide to Edge Planning</i> for any development near ALR boundaries to prevent future land-use conflicts.</li> </ul>	None.
Cowichan Tribes	<ul style="list-style-type: none"> <li>• No comment. Defer to communities closer to Denman Island.</li> </ul>	None.
Ts'uubaa-asatx Nation	<ul style="list-style-type: none"> <li>• Outside Ts'uubaa-asatx Nation's core title area.</li> <li>• Defer to the First Nation(s) whose traditional territory fronts this area, likely K'omoks First Nation.</li> </ul>	None.
Tla'amin Nation	<ul style="list-style-type: none"> <li>• Outside of Tla'amin Nation's core territory.</li> </ul>	None.
K'ómoks First Nation	<ul style="list-style-type: none"> <li>• Outside KFN designated areas of high archaeological potential (AOP) and does not require any Cultural Heritage Investigation Permits (CHIP).</li> <li>• Likely no concerns over the request.</li> <li>• However, are at capacity for environmental referrals and cannot meaningfully engage at this time.</li> </ul>	None.

Homalco First Nation	<ul style="list-style-type: none"> <li>No concerns at this time.</li> </ul>	None.
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**Summary of Draft Bylaw No. 255 (OCP)**

The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP re-designation. Draft Bylaw No. 255 (OCP - Attachment 1), if adopted, would remove four densities from the density bank.

**Summary of Draft Bylaw No. 254 (Housing Agreement)**

The current housing agreement for Triple Rock Cooperative, originally adopted in 2008, is being updated to reflect evolving housing needs. The proposed update is contained in draft Bylaw No. 254 (Attachment 3). If adopted, this bylaw will regulate the occupancy and affordability of 19 housing units, including their associated secondary suites, and will establish monitoring and reporting requirements to ensure compliance.

Key Updates in the Draft Housing Agreement:

- **Secondary Suites:** The agreement includes provisions governing the use and affordability of secondary suites, which were not addressed in the 2008 version.
- **Affordability Standards:** Rents for secondary suites must be at least 20% below the average market rent for comparable units on Denman Island. If Denman-specific data is unavailable, Comox Valley rents may be used, with appropriate adjustments for local differences.
- **Cooperative Rules and Policies:** The Cooperative Rules of Association and Memorandum of Association were included as attachments in the 2008 Housing Agreement, but the applicant has requested they not be included in the updated version, arguing that the agreement should focus solely on matters relevant to the LTC’s interests.

The key issue for the LTC is whether changes to these documents could affect the co-op’s obligations under the Housing Agreement.

If the LTC is not concerned about these documents changing over time without its review, they need not be attached to the agreement. If there is concern, the LTC could:

- Attach the current versions of the Cooperative Rules and Policies as schedules, as presented;
  - Define the term “Cooperative Rules and Policies” to mean those in effect at the time the Housing Agreement is signed; or
  - Require LTC consent (outside of a full HA amendment) for any future changes to those documents that could affect the co-op’s obligations under the agreement.
- **Expanded Definition of Family Member:**  
The definition now includes not only individuals related by blood, adoption, or marriage (including marriage-like relationships), but also *chosen family members*—those with a close, long-standing, family-like relationship, regardless of legal or biological ties.

These changes aim to strengthen the original agreement by improving affordability protections, acknowledging diverse family structures, and ensuring that secondary suites support long-term housing goals.

### ***Bylaw Consistency with the Islands Trust Policy Statement***

The draft bylaw amendment (No. 255) is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist are included as Attachment 4 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. 255.

The Policy Statement Directives Checklist for proposed Bylaw No. 250 (LUB) was endorsed by the LTC on October 8, 2024.

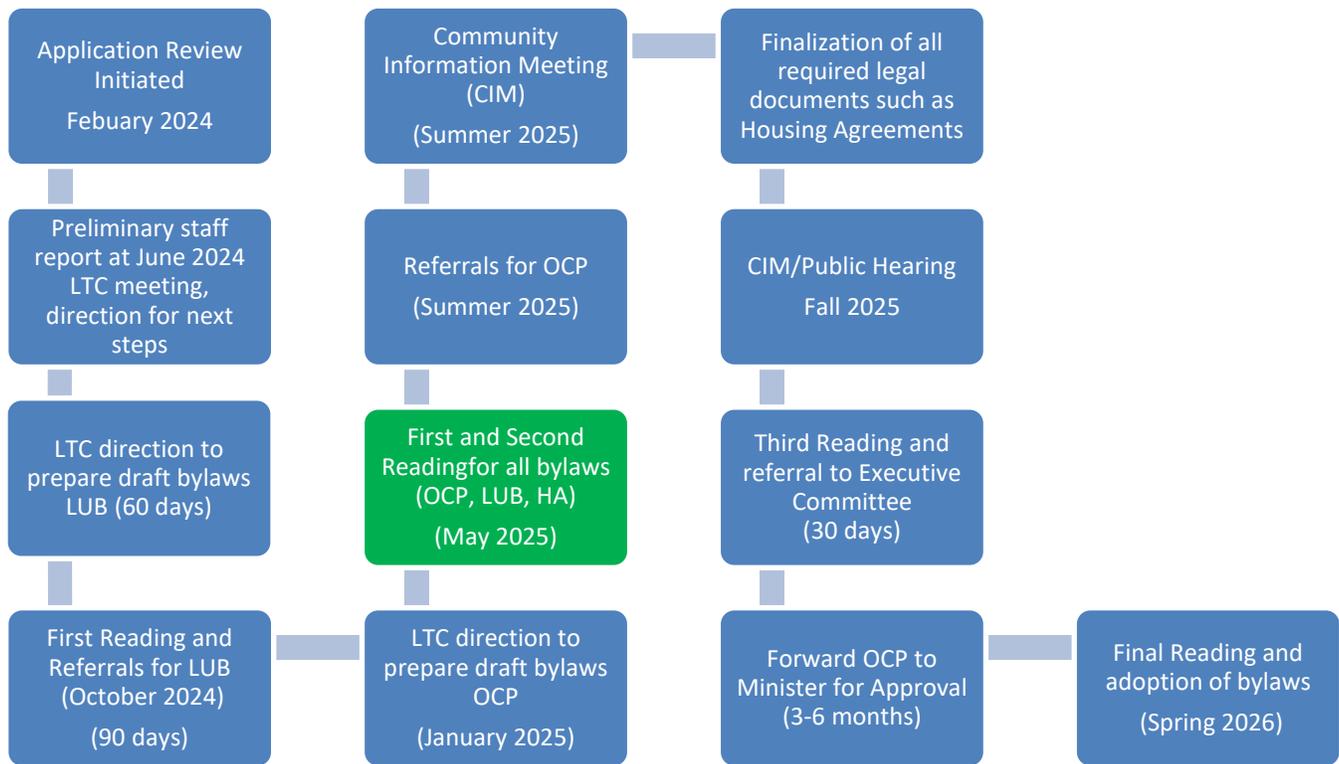
### **Consultation**

As this application proposes an amendment to the Official Community Plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws 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 as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. 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 an OCP/LUB amendment application such as this, can be processed:



## RATIONALE FOR RECOMMENDATIONS

Draft bylaws have been prepared to amend the OCP to withdraw from the density bank, and to establish a housing agreement. Staff recommend giving first and second readings to both draft Bylaw No. 255 (OCP) and draft Bylaw No. 254 (Housing Agreement) to initiate formal consultation with First Nations, agencies, and local governments.

Proposed Bylaw No. 250 (Land Use Bylaw) has already received first reading and been referred. Staff recommend proceeding with second reading of this bylaw as well, to maintain alignment with the other bylaws in the package.

The full list of staff recommendations can be 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 bylaws. Recommended wording for the resolution is as follows:

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

*That the Denman Island Local Trust Committee amend draft Bylaw No. 254, cited as the “Denman Island Housing Agreement Bylaw No. 254, 2025” by...*

*That the Denman Island Local Trust Committee amend draft Bylaw No. 255, cited as the “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2025” by...*

**2. Consider First Reading Only.**

The LTC may choose to give first reading only to all bylaws and schedule a Community Information Meeting (CIM) prior to considering second reading. This approach may be appropriate if the LTC anticipates that significant changes to the bylaws could be needed following referral responses and community feedback received through the CIM process.

**3. Proceed no further.**

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

*“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2024.1 (Triple Rock Land Cooperative) 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	May 2, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 5, 2025

**ATTACHMENTS**

1. Draft Bylaw No. 255 (OCP) – for first and second readings
2. Proposed Bylaw No. 250 (LUB) - for second reading
3. Draft Bylaw No. 254 (Housing Agreement) – for first and second readings
4. ITPS Checklist (OCP)
5. Referral Responses from K’omoks First Nation dated November 1, 2024 and March 5, 2025

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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

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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                    8<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2024

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

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**Chair**

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**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 3 – - Density of Uses, Buildings and Structures is amended by replacing the number “15” with the number “19”.
  - 1.6 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 m<sup>2</sup>” in the R3 column, and renumber accordingly.
  - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m<sup>2</sup>” in line item 6 and replacing it with “2174 m<sup>2</sup>”.

# DRAFT

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 254

### A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

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

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

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

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 254, 2025”.

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

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

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

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

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**

**Housing Agreement**

THIS AGREEMENT DATED FOR REFERENCE THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ is BETWEEN:

**TRIPLE ROCK LAND COOPERATIVE**, a cooperative incorporated under the laws of the province of British Columbia and having its office at 5201 Denman Rd, 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 those Lands situated on Denman Island and legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the “Lands”);
- B. The Owner is an association constituted under the Cooperative Association Act, SBC 1999, c. 28 and has as its sole object the creation of a co-operatively owned and managed affordable housing community on Denman Island;
- C. The Owner applied to the Denman Island Local Trust Committee for a rezoning of the Lands by means of Denman Island Land Use Bylaw, \_\_\_\_\_ to permit the development of 19 co-operative housing units with secondary suites, accessory buildings, and a common house on the Lands;
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to ensure Cooperative Housing Units remain affordable according to the terms and conditions set out in 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 a housing agreement between the Owner and the Trust Committee under section 483 of the Local Government Act, and as a covenant under section 219 of the Land Title Act, as follows:

**Definitions – in this Agreement:**

- (1) “Co-operative Housing Unit” means a Primary Housing Unit and may include a Secondary Suite;
- (2) “Co-operative member” means a member of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (3) “Co-operative Rules and policies” means the rules and policies of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (4) “CPI” means the all-items consumer price index for Victoria, British Columbia published by Statistics Canada;
- (5) “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;
- (6) “Family Member” means a person who lives with and is related to the Co-operative member by blood, adoption, marriage (including a marriage-like relationship). It also includes a chosen family member, an individual with whom the member shares a close, long-standing, family-like relationship, regardless of legal or biological ties;
- (7) “Primary Housing Unit” means a single detached Dwelling Unit occupied as a residence by at least one Co-operative member; and
- (8) “Secondary Suite” means a Dwelling Unit located within the same building as, and having a lesser floor area than, a Primary Housing Unit.

**b. Agreement over the Lands:**

1. Pursuant to section 219 of the *Land Title Act* and Section 483 of the *Local Government Act*, the Owner covenants and agrees that:
  - a. 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; and
  - b. If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.
2. The Owner covenants and agrees with the Trust Committee that, in perpetuity:
  - a. the Lands must not be used, and no building or structure may be constructed on the Lands, other than for 19 Co-operative Housing Units, a common house, and non-residential accessory buildings and structures as defined in this Agreement and the

Denman Island Land Use Bylaw, and any home-based business permitted by the Denman Island Land Use Bylaw;

- b. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any Siting and Use Permit issued by the Denman Islands Local Trust Committee; and
- c. The Lands shall not be subdivided by subdivision plan, strata plan or otherwise howsoever.

**c. Dissolution of the Co-operative** - If on the winding up or dissolution of the Owner, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property must not be paid to or distributed among the Co-operative members; and must be given or transferred to an institution:

- a. that has as its object the co-operative ownership and management of affordable housing on Denman Island; and
- b. that has been chosen by the Co-operative members and approved by the Trust Committee at or before the time of dissolution.

**d. Occupancy of Primary Housing Units**

1. No Primary Housing Unit shall be occupied by any person who is not a Co-operative member, a family member of such a member, the guest of such a member, a tenant or roommate of a Co-operative member approved by the Owner pursuant to the Co-operative Rules and policies, a caregiver of the Co-operative member, or a person whose membership in the Owner is under consideration by the Owner pursuant to the Co-operative Rules and policies.
2. Every Primary Housing Unit shall have a Co-operative member as its primary occupant, except when a Co-operative member is on a temporary leave-of-absence as permitted by the Co-operative Rules and policies.
3. Co-operative members shall have the Primary Housing Unit as their principal residence.
4. Primary Housing Units may not be used for any form of vacation rental, including short-term vacation rentals.

**e. Pricing of Co-operative membership shares and Housing Units**

1. The purchase price of a membership share in the Owner may not exceed the acquisition price of the share, plus the lesser of: any increase in the annual average CPI from the year in which the share was acquired to the year in which it is transferred, and 2% annually.
2. The purchase price of a Co-operative Housing Unit upon any sale of the Co-operative Housing Unit in connection with a transfer of shares in the Owner may not exceed the depreciated replacement cost of the Co-operative Housing Unit, as determined by a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member and furthermore may be limited to a maximum value (a cap) as determined by policies set by the Owner.

**f. Occupancy and Affordability of Secondary Suites**

1. Occupancy of Secondary Suites is limited to caregivers and family members of the Co-operative member who is the main occupant of the Primary Housing Unit to which the Suite is attached, Co-operative members, people applying for Co-operative membership, and people volunteering for or otherwise actively involved with and committed to the Co-operative. Occupants of Secondary Suites must be approved by the Owner.
  2. The amount of rent charged for Secondary Suites must be at least 20% less than the average comparable market rent charged for a similar unit or rental arrangement on Denman Island, or, in the absence of Denman Island data, in the Comox Valley in which case any comparables should be adjusted to reflect the likely discount or increase for Denman as compared to the Comox Valley.
  3. Secondary Suites may not be used for any form of vacation rental, including short-term vacation rentals.
- g. Monitoring and Reporting to the Local Trust Committee** - The Owner must deliver to the Trust Committee within six weeks of the transfer of any shares in the Owner and the closing of any sale of a Co-operative Housing Unit a completed statutory declaration, substantially in the form attached as Schedule A, sworn by a director of the Owner and the Co-operative member transferring shares and attaching a copy of the share transfer agreement, the agreement of purchase and sale for the Co-operative Housing Unit, and the certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member, as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than 15 months prior to the date of the purchase and sale of the Co-operative Housing Unit.
- h. Order to Comply** - If the Owner is in default of the performance or observation of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with the 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 in any Notice of Default provided to the Owner by the Trust Committee.
- i. Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and shared infrastructure 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 with reasonable notice to the Owner, subject to the notice provisions of the *Residential Tenancy Act*.
- j. No Transfer** - The Owner must not transfer the Lands, other than to an association constituted under the *Cooperative Association Act* or other non-profit association incorporated under the *Societies Act*, having as its object the co-operative ownership and management of affordable housing on Denman Island.
- k. Cooperative Standing** – The Owner must maintain its standing as a co-operative under the *Cooperative Act* or as a society under the *Societies Act*, as applicable, to ensure the ongoing occupancy and affordability objectives set out in this Agreement, and must not amend its memorandum of association, co-operative rules of association, constitution, or bylaws, as

applicable, in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.

- l. 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 Co-operative Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Denman Island Land Use Bylaw, as amended from time to time.
- m. 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.
- n. 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.

This clause will survive the termination of this Agreement.

- o. 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.

This clause will survive the termination of this Agreement.

- p. 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.
- q. 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.
- r. 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.

- 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"**  
**Memorandum Of Association**  
**Triple Rock Land Cooperative**

1. The name of the Association is: Triple Rock Land Cooperative
2. The purpose of the association is:  
*To create a cooperatively owned and managed affordable housing community on Denman Island.*
3. Authorized Share Capital:  
  
The capital of the Cooperative consists of an unlimited number of membership shares, divided into shares of the following denomination: \$1000.00
4. The liability of a member of the Association is limited in accordance with the Cooperative Association Act.

DRAFT

**SCHEDULE "B"**  
**Rules of the Association**  
**Triple Rock Land Cooperative**

***Preliminary***

1. In these rules, unless the context otherwise requires, words importing the singular include the plural, and vice versa.
2. "They" and "their" can be used to mean "he/she" and "his/her" respectively.
3. "Act" means the *Cooperative Association Act*; and "call", "director", "special resolution", "Memorandum", "officer" and "Rules" have the meanings assigned to them by the Act.
4. "The Cooperative" and the "The Coop" mean "**TRIPLE ROCK LAND COOPERATIVE**".

***Membership***

5. Any person who supports the goals and objectives of the Triple Rock Land Cooperative may apply to become a member.
6. Potential members may make an application for membership in writing to the directors. The directors may require a trial period of residence or other type of participation, and may accept, postpone or refuse it.
7. Once an individual's application for membership is accepted by the directors, and upon purchasing a minimum of two shares, the individual becomes a member and is entitled to full privileges and responsibilities.
8. All members' financial responsibilities and liabilities are established according to the following guideline:  
total costs to the Cooperative of land purchase, and of all common expenses for permanent structures and changes to the shape and status of the land, including infrastructure, buildings, administration costs for legal help, consultants, professionals, rezoning, and other fees, divided by the number of members  
plus  
any amounts borrowed by the Cooperative for the member's residential dwelling or portion of residential dwelling  
plus  
total costs to the Cooperation of maintenance, short-term coverage of members' outstanding payments to the Coop, reserve fund, and other unforeseen expenses, divided by the number of members.

**SCHEDULE “C”**

DENMAN ISLAND LOCAL TRUST COMMITTEE

FORM OF STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT with the Denman Island
PROVINCE OF BRITISH COLUMBIA	)	Local Trust Committee (“Housing
	)	Agreement”)

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia, do solemnly declare:

1. That I am a member of the Triple Rock Land Co-operative or its successor in title to land legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the “Lands”), and make this declaration to the best of my personal knowledge.
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement registered against the Lands.
3. This declaration is made pursuant to the Housing Agreement in respect of the Co-operative Housing Unit with the address \_\_\_\_\_
4. On the \_\_\_\_\_ day of, 20\_\_\_\_ I entered into an agreement to transfer one or more shares in the owner of the Land’s Co-operative Housing Unit, a true copy of which is attached to this declaration, to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
5. Pursuant to an agreement of purchase and sale that will close on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ of which a true copy is attached to this declaration, I intend to transfer all of my right and title in the Co-operative Housing Unit to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
6. 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*.

SWORN BEFORE ME at _____, in	)
the Province of British Columbia, this _____	)
day of _____ 20_____.	)
	)
	)
	)
_____	) Signature of person making declaration
A Commissioner for Taking Affidavits for	)
British Columbia	)

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia do solemnly declare:

1. That I am a director of Triple Rock Land Co-operative or its successor in title to land legally described as the South West ¼ of Section 17, Denman Island, Nanaimo District, Except that Part in Plan 14174 and Plan VIP77481, and make this declaration to the best of my personal knowledge.
2. That Paragraphs 5 and 6 of the Statutory Declaration of \_\_\_\_\_ set out above correctly disclose the amount of consideration in respect of the share transfer and ownership transfers described in those paragraphs.
3. 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*.

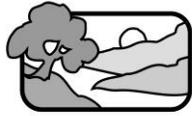
SWORN BEFORE ME at \_\_\_\_\_, in \_\_\_\_\_ )  
The Province of British Columbia, this \_\_\_\_\_ )  
Day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
A Commissioner for Taking Affidavits for  
British Columbia

\_\_\_\_\_  
) Signature of person making declaration

Attached:

- Share transfer agreement
- Agreement of purchase and sale for the Co-operative Housing Unit
- A certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than one year prior to the date of the purchase and sale of the Unit



# ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST (OCP)

File No.: DE-RZ-2024.1 (Bylaw No. 255)

File Name: Triple Rock Land Cooperative

## 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>
N/A	<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.
N/A	<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>
N/A	<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.
✓	<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.
✓	<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.
✓	<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>
✓	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>
✓	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>

**From:** Raini Bevilacqua <raini.bevilacqua@komoks.ca>  
**Sent:** Friday, November 1, 2024 3:51 PM  
**To:** Nadine Mourao; Lia Tarle  
**Cc:** Carol McColl; Marlis McCargar; Reconciliation  
**Subject:** Re: Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Hi Nadine,

This property is outside the KFN AOP and does not require any CHIPs. I do not believe we have any concerns over the request. But if you would like to set up a meeting please let me know and we can schedule it in.

?imot  
Raini



Raini Bevilacqua, M.A.  
Archaeologist & Project Coordinator  
Archaeology & Referrals Department  
[K'ómoks First Nation](#)  
3330 Comox Rd, Courtenay, BC  
P: (250) 339-4545 ext. 120  
C: (778) 835-4288  
Follow us on [Facebook](#) and [Instagram](#)

tuwa ak<sup>w</sup>s ʒoʒol ?a x<sup>w</sup> yiʒmetət (?a) k<sup>w</sup>oms hēhaw toms gūʒe  
"Care takers of the 'land of plenty' since time immemorial", ?aʒaʒuθəm (eye-uhh-juu-eth-  
em Island Comox)

### About K'ómoks First Nation

K'ómoks First Nation's history begins with the arrival of their ancestors to this territory at the end of the last Ice Age. Descent from these First Ancestors tie the **K'ómoks** (Sathloot, Sasitla, Ieeksen, and Xa'xe) and **Pentlatch** tribes to their respective territories. For thousands of years, KFN ancestors occupied the extent of their territories, and harvested and managed the rich natural resources therein. These lands and waters supported thousands of people who developed a rich and sophisticated culture. The disease and warfare that accompanied contact with Europeans in the late 18th century decimated KFN ancestors, just before an onslaught of settlers came to their territories. From this time, KFN has struggled against colonial policies that tried to alienate KFN people from their territories, resources, and culture. Despite all of this, KFN's ancestors persevered, and current generations of KFN people continue to assert their rights and title to the whole of their territory.

### Disclaimer

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**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Sent:** 17 October 2024 15:39  
**To:** Raini Bevilacqua <[raini.bevilacqua@komoks.ca](mailto:rains.bevilacqua@komoks.ca)>; Lia Tarle <[lia.tarle@komoks.ca](mailto:lia.tarle@komoks.ca)>  
**Cc:** Carol McColl <[carol.mccoll@komoks.ca](mailto:carol.mccoll@komoks.ca)>; Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>; Reconciliation <[Reconciliation@islandstrust.bc.ca](mailto:Reconciliation@islandstrust.bc.ca)>  
**Subject:** Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Dear Raini and Lia,

As a follow-up to your work with Sonja Zupanec and Narissa Chadwick on Denman and Hornby Islands, we are sending you a referral of Bylaw No. 250 (LUB) (attached), regarding a rezoning amendment for 5201 Denman Rd, Denman Island.

Narissa is available to discuss this during your next scheduled meeting, or alternatively, we can arrange a separate time. Please let us know which option works best to ensure your K'omoks First Nation's concerns are considered.

The intent of Bylaw No. 250 is to amend the Land Use Bylaw (LUB) for the R4 zone, including:

- Adding four residential units.
- Allowing secondary suites in all units.
- Increasing the maximum gross floor area for single-family dwellings from 139.4 m<sup>2</sup> to 186 m<sup>2</sup>.
- Increasing the maximum floor area for outbuildings from 1275 m<sup>2</sup> to 2174 m<sup>2</sup>.

We are also engaging First Nations as part of the broader housing review project, which will be referred to you separately in 2024/25.

Please contact Marlis McCargar, Island Planner at [mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca) or 250.247.2210 if you have any questions, or if you wish for staff to bring forward your concerns or comments to the Denman Island Local Trust Committee for their consideration of next steps.

Additional background, including the preliminary Staff Report and Proposed Bylaw No. 250 are located <https://islandstrust.bc.ca/island-planning/denman/current-applications/> as GB-RZ-2024.1: Land Use Bylaw Amendment: Triple Rock Land Cooperative.

A reply is respectfully requested by **January 20, 2024**.

Referral responses should be addressed to myself at [nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca) or by mail to: Islands Trust, 700 North Road, Gabriola, B.C. V0R 1X3.

Thank you for your time and attention to this referral,

## **Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

## **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səilwətaʃ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, †aʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x<sup>m</sup>məθk<sup>w</sup>əyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

**From:** Marlis McCargar  
**Sent:** Wednesday, March 5, 2025 10:46 AM  
**To:** Nadine Mourao  
**Subject:** FW: KFN's Referrals Process

Can you add this to the referral response from KFN for Bylaw No. 250?

**Marlis McCargar** (she, her, hers)  
Island Planner  
Islands Trust | T 250-247-2210

**From:** Lia Tarle <[lia.tarle@komoks.ca](mailto:lia.tarle@komoks.ca)>  
**Sent:** Monday, November 25, 2024 3:20 PM  
**To:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>; Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>;  
Reconciliation <[Reconciliation@islandstrust.bc.ca](mailto:Reconciliation@islandstrust.bc.ca)>  
**Cc:** Sonja Zupanec <[szupanec@islandstrust.bc.ca](mailto:szupanec@islandstrust.bc.ca)>; Narissa Chadwick <[nchadwick@islandstrust.bc.ca](mailto:nchadwick@islandstrust.bc.ca)>;  
Renee Jamurat <[rjamurat@islandstrust.bc.ca](mailto:rjamurat@islandstrust.bc.ca)>; Raini Bevilacqua <[raini.bevilacqua@komoks.ca](mailto:raini.bevilacqua@komoks.ca)>;  
Sheriden Barnett <[sheriden.barnett@komoks.ca](mailto:sheriden.barnett@komoks.ca)>  
**Subject:** KFN's Referrals Process

Hello all,

As discussed in our last standing meeting, I'd like to clarify our roles and referrals process at KFN.

My role is to manage the preparation of reports highlighting KFN's requirements for archaeological, cultural and environmental site protection.

Raini's role is to address KFN's archaeological interests via SUP referrals and the KFN CHIP system. Please continue to send land use referrals to Raini for archaeological analysis.

**However, we are at capacity for environmental referrals and cannot meaningfully engage at this time.**

**Please note that even if KFN does not respond to a referral within a given deadline, we may choose to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts, or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites, or environmental impacts are identified when work is carried out or if we discover impacts on our rights or interest that we had not foreseen.**

Thank you,

FW: KFN's Referrals Process



Lia Tarle, Ph.D.

Archaeologist & Repatriation Coordinator

[K'ómoks First Nation](#)

3330 Comox Rd, Courtenay, BC

Tel: 1.250.339.4545 ext. 129

[Lia Tarle, Ph.D. | LinkedIn](#)

<https://orcid.org/0000-0003-3949-4063>

tuwa akʔs ʔoʔoʔ ʔa xʔ yiʔmʔtʔt (ʔa) kʔʔms hʔhaw tʔms gʔjʔ

"Care takers of the 'land of plenty' since time immemorial", ʔayʔajʔuʔʔm (Ayajuthem / Island Comox)

#### About K'ómoks First Nation

The K'ómoks First Nation is located in the heart of the Comox Valley on Vancouver Island. Membership is currently just over 300 members within four clans: Sahtloot, Säsistla, Eiksan and Pentlatch. Two cultures are identified in our community: Coast Salish (Island-Comox speaking peoples) and Kwakwaka'wakw (Kwakʔ wala speaking peoples). K'ómoks originally occupied sites in Kelsey Bay, Quinsum, Campbell River, Quadra Island, Kye Bay and along the Pentlatch Estuary.

#### Disclaimer

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**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>

**Sent:** October 17, 2024 3:40 PM

**To:** Raini Bevilacqua <[rains.bevilacqua@komoks.ca](mailto:rains.bevilacqua@komoks.ca)>; Lia Tarle <[lia.tarle@komoks.ca](mailto:lia.tarle@komoks.ca)>

**Cc:** Carol McColl <[carol.mccoll@komoks.ca](mailto:carol.mccoll@komoks.ca)>; Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>; Reconciliation <[Reconciliation@islandstrust.bc.ca](mailto:Reconciliation@islandstrust.bc.ca)>

**Subject:** Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Dear Raini and Lia,

As a follow-up to your work with Sonja Zupanec and Narissa Chadwick on Denman and Hornby Islands, we are sending you a referral of Bylaw No. 250 (LUB) (attached), regarding a rezoning amendment for 5201 Denman Rd, Denman Island.

Narissa is available to discuss this during your next scheduled meeting, or alternatively, we can arrange a separate time. Please let us know which option works best to ensure your K'ómoks First Nation's concerns are considered.

The intent of Bylaw No. 250 is to amend the Land Use Bylaw (LUB) for the R4 zone, including:

- Adding four residential units.
- Allowing secondary suites in all units.
- Increasing the maximum gross floor area for single-family dwellings from 139.4 m<sup>2</sup> to 186 m<sup>2</sup>.
- Increasing the maximum floor area for outbuildings from 1275 m<sup>2</sup> to 2174 m<sup>2</sup>.

We are also engaging First Nations as part of the broader housing review project, which will be referred to you separately in 2024/25.

Please contact Marlis McCargar, Island Planner at [mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca) or 250.247.2210 if you have any questions, or if you wish for staff to bring forward your concerns or comments to the Denman Island Local Trust Committee for their consideration of next steps.

Additional background, including the preliminary Staff Report and Proposed Bylaw No. 250 are located <https://islandstrust.bc.ca/island-planning/denman/current-applications/> as GB-RZ-2024.1: Land Use Bylaw Amendment: Triple Rock Land Cooperative.

A reply is respectfully requested by **January 20, 2024**.

Referral responses should be addressed to myself at [nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca) or by mail to: Islands Trust, 700 North Road, Gabriola, B.C. V0R 1X3.

Thank you for your time and attention to this referral,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

**Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətəʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṠÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

# Proponent: First Nation Engagement Communication Log

## FIRST NATION: Cowichan Tribes

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES)</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date Year/Month/Day	Activity (e.g. Letter, E-mail, Phone Call, Meeting)	Proponent Contact	First Nation Contact	Purpose	Notes
2025-06-06	email	Marlis McCargar	Emery Sanderson	bylaw referral	
2025-06-09	email	Marlis McCargar	Emery Sanderson	bylaw referral response	



# Proponent: First Nation Engagement Communication Log

## FIRST NATION: Da'naxda'xw First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES)</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date Year/Month/Day	Activity (e.g. Letter, E-mail, Phone Call, Meeting)	Proponent Contact	First Nation Contact	Purpose	Notes
2025-06-06	email	Marlis McCargar	Robert Duncan	bylaw referral	
2025-06-09	email	Marlis McCargar	Robert Duncan	bylaw referral response	











# Proponent: First Nation Engagement Communication Log

## FIRST NATION: K'omoks First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES)</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date Year/Month/Day	Activity (e.g. Letter, E-mail, Phone Call, Meeting)	Proponent Contact	First Nation Contact	Purpose	Notes
2025-06-06	email	Marlis McCargar	Referrals Coordinator	bylaw referral	
2025-10-01	email	Marlis McCargar	<del>Referrals Coordinator</del> and Izzy Duggan	bylaw referral	
2025-10-29	in person meeting	Marlis McCargar	Izzy Duggan	bylaw referral	
2025-12-15	email	Marlis McCargar	Izzy Duggan	bylaw referral	
2026-01-22	email	Marlis McCargar	Izzy Duggan	bylaw referral	







## Proponent: First Nation Engagement Communication Log

### FIRST NATION: Mamalilikulla First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES)</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date Year/Month/Day	Activity (e.g. Letter, E-mail, Phone Call, Meeting)	Proponent Contact	First Nation Contact	Purpose	Notes
2025-06-06	email	Marlis McCargar	Barb Drennan	bylaw referral	
2025-06-06	email	Marlis McCargar	Barb Drennan	bylaw referral response	















# Proponent: First Nation Engagement Communication Log

## FIRST NATION: Snuneymuxw First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES):</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date Year/Month/Day	Activity (e.g. Letter, E-mail, Phone Call, Meeting)	Proponent Contact	First Nation Contact	Purpose	Notes
2025-06-13	portal	Marlis McCargar	Referrals Coordinator	bylaw referral	
2025-06-16	email	Marlis McCargar	Taylor Charette	bylaw referral response	see interest log

## Proponent Engagement: First Nation's Interests /Concerns Tracking

### FIRST NATION: Snuneymuxw First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>				
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island			
<b>PROPOSED PROJECT/ACTIVITY(IES):</b>	DE-RZ-2024.1 (Triple Rock Land <i>Cooperative</i> )	<b>DATE SUBMITTED TO PROVINCE:</b>				
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>						
Date Year/Month/Day	First Nation Contact Name	Proponent Contact Name	Interest/Concern Raised (General or Site Specific) Details	Proponents Response (How/if addressing	Interest/Concern Status (Resolved / Outstanding)	Comments
2025-06-16	Taylor Charette	Marlis McCargar	Thank you for the referral details and application information.		Resolved	







## Proponent: First Nation Engagement Communication Log

### FIRST NATION: Tla'amin First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES)</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

<b>Date Year/Month/Day</b>	<b>Activity (e.g. Letter, E-mail, Phone Call, Meeting)</b>	<b>Proponent Contact</b>	<b>First Nation Contact</b>	<b>Purpose</b>	<b>Notes</b>
2025-06-13	portal	Marlis McCargar	Referrals Coordinator	bylaw referral	









# Proponent: First Nation Engagement Communication Log

## FIRST NATION: Tsuubaasatx First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island
<b>PROPOSED PROJECT/ACTIVITY(IES):</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date Year/Month/Day	Activity (e.g. Letter, E-mail, Phone Call, Meeting)	Proponent Contact	First Nation Contact	Purpose	Notes
2025-06-06	portal	Marlis McCargar	Referrals Coordinator	bylaw referral	
2025-06-16	portal	Marlis McCargar	Monty Horton	bylaw referral response	see interest log

## Proponent Engagement: First Nation's Interests /Concerns Tracking

### FIRST NATION: Tsuubaasatx First Nation

<b>PROPONENT NAME:</b>	Denman Local Trust Committee	<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>				
<b>PROPONENT LEAD:</b>	Marlis McCargar	<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	Denman Island			
<b>PROPOSED PROJECT/ACTIVITY(IES):</b>	DE-RZ-2024.1 (Triple Rock Land Cooperative)	<b>DATE SUBMITTED TO PROVINCE:</b>				
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>						
<b>Date Year/Month/Day</b>	<b>First Nation Contact Name</b>	<b>Proponent Contact Name</b>	<b>Interest/Concern Raised (General or Site Specific) Details</b>	<b>Proponents Response (How/if addressing</b>	<b>Interest/Concern Status (Resolved / Outstanding)</b>	<b>Comments</b>











## Proponent: First Nation Engagement Communication Log

### FIRST NATION:

<b>PROPONENT NAME:</b>		<b>PROVINCIAL CONTACT/CONSULTATION LEAD:</b>	
<b>PROPONENT LEAD:</b>		<b>LOCATION (REGION/RESOURCE DISTRICT):</b>	
<b>PROPOSED PROJECT/ACTIVITY(IES)</b>		<b>DATE SUBMITTED TO PROVINCE:</b>	
<b>APPLICATION TYPE(S) AND FILE #'S (where available):</b>			

Date	Activity	Proponent Contact	First Nation Contact	Purpose	Notes
<i>Year/Month/Day</i>	<i>(e.g. Letter, E-mail, Phone Call, Meeting)</i>				





## Agency Referrals: Bylaw 255

Agency	Sent	Received
<p><b>Agricultural Land Commission (Provincial)</b>  <i>Lindsay McCoubrey</i>            Comments:            Thank you for forwarding a draft copy of Denman Island Local Trust Committee Bylaw No. 255 which amends the Denman Island Official Community Plan (“OCP”) Bylaw 185, 2008 and includes the draft Housing Agreement for review and comment by the Agricultural Land Commission (“ALC”). The following comments are provided to help ensure that the proposed bylaw amendment is consistent with the Agricultural Land Commission Act (“ALCA”), the Agricultural Land Reserve (“ALR”) General Regulation, the ALR Use Regulation, and any decisions of the ALC.            ALC staff understand that this is a continuation of referral #250 which the ALC provided comments for in its letter dated December 16, 2024 (ALC File: 103005m1), and that the main purpose of this proposal is to amend the “Density Banking” by four units.            ALC staff reiterate comments provided in our 103005m1 response that staff expect that the R3 zoning designation will not be applied to any land within the Agricultural Land Reserve given that the level of residential use permitted in the R3 zone is inconsistent with the Agricultural Land Commission Act and its associated regulations and would set unrealistic expectations for future property owners. ALC staff note that “the Lands” definition in the draft Housing Agreement (s.219 Covenant) is inclusive of the ALR portion of the property (PID:028-101-677). The Housing Agreement supports co-operative housing with a density that exceeds what is permitted in the ALCA and ALR Use Regulation and prohibits buildings and structures other than as defined in the agreement. The Housing Agreement should only apply to the non-ALR portion of the property to avoid confusion about non-authorized residential development in the ALR. In addition, the Housing Agreement should not prohibit farm structures that are permitted on the ALR portion of the property. Any covenant that would prohibit farm use within the ALR requires permission of the Commission under section 22 of the ALCA.            Part 3 of the Ministry of Agriculture and Food’s Guide to Edge Planning (2015) describes urban-side edge planning tools to</p>	<p>13-Jun-2025</p>	<p>15-Sep-2025</p>



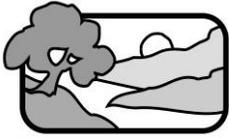
## Islands Trust

<p>promote urban/rural compatibility. Should any development be considered adjacent to the ALR, ALC staff recommend considering the setback and buffer requirements outlined in the Guide to Edge Planning to reduce the potential for future urban/agricultural conflicts.</p> <p>*****</p> <p>The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the regulations, or any decisions of the Commission.</p> <p>This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.</p>		
<p><b>Comox Valley Regional District</b>  <i>Stephanie Pawluk</i>  Comments:  Interests Unaffected</p>	13-Jun-2025	09-Dec-2025
<p><b>Hornby Island Local Trust Committee</b>  Comments:  Defer comment on Denman Island Bylaw No. 255 until K'omoks First Nation has responded to any concerns.</p>	13-Jun-2025	04-Jul-2025
<p><b>Ministry of Agriculture</b>  <i>Referrals Coordinator</i>  Comments:  Thank you for sending proposed Bylaw No. 255 to Ministry of Agriculture and Food (Ministry) staff for review. Upon review of the bylaw, Ministry staff have determined that our interests are unaffected noting that Bylaw No. 255 is merely an OCP amendment that is now required in conjunction with Bylaw No. 250 to which the Ministry previously provided comments on November 20, 2024.</p> <p>With regards to Bylaw No. 250, Ministry staff are pleased to note that four new dwellings will be located within the existing CoHo Landing cluster.</p>	13-Jun-2025	28-Jul-2025
<p><b>Ministry of Housing and Municipal Affairs</b>  <i>Kelsey-Rae Russell</i>  Comments:</p>	13-Jun-2025	27-Jun-2025



## Islands Trust

<p>Thank you for referring Bylaw No. 255 to the Ministry of Housing and Municipal Affairs. Staff have reviewed the submission and do not have any comments on the contents of the bylaw. Please ensure that when the final bylaw is referred to the Minister of Housing and Municipal Affairs for review, the submission package includes a record of comments from all stakeholders, First Nations and other agencies, and information on whether and how the Islands Trust responded to each comment.</p>		
<p><b>Nanwokolas Council</b> <i>Rick Everson</i> Comments: Please contact the nations directly regarding this referral as we only deal with Provincial Crown Land referrals on behalf of our member nations. G̱ilakas'la / ʔimot,</p>	06-Jun-2025	06-Jun-2025
<p><b>School District No. 71</b> <i>Referrals Coordinator</i> Comments:</p>	13-Jun-2025	



Islands Trust

# BYLAW REFERRAL FORM

700 North Road  
Gabriola Island BC V0R 1X3  
Ph: (250) 247-2063  
Fax: (250) 247-7514  
northinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Denman Island Local Trust Area Bylaw No.: 250 (LUB) Date: October 16, 2024

You are requested to comment on the attached Bylaws for potential effect on your Nation’s interests. We would appreciate your response by January 20, 2024. If you require support in reviewing this referral, our project planner is available to schedule a virtual meeting at your earliest convenience. Please contact our office directly with any questions.

**APPLICANTS NAME / ADDRESS:**

Triple Rock Land Cooperative, 5201 Denman Rd, Denman Island

**PURPOSE OF BYLAW:**

The intent of Bylaw No. 250, if adopted, is to amend the Land Use Bylaw (LUB) by introducing new zoning regulations applicable to the R4 zone. The proposed changes include:

1. Increasing the number of residential units on the subject property by four.
2. Permitting secondary suites in all residential units.
3. Increasing the maximum gross floor area for single-family dwellings from 139.4 m<sup>2</sup> to 186 m<sup>2</sup> to accommodate secondary suites.
4. Increasing the maximum floor area for outbuildings from 1275 m<sup>2</sup> to 2174 m<sup>2</sup> to meet ongoing needs and support the additional secondary suites.

**GENERAL LOCATION:**

Denman Island

**LEGAL DESCRIPTION:**

LOT A SECTION 17 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP87456

**SIZE OF PROPERTY AFFECTED:**

35.49 hectares

**ALR STATUS:**

yes , ALR in the north portion of lot

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Sustainable Resources (SR)

**OTHER INFORMATION:**

The Denman Island Local Trust Committee gave First Reading to proposed Bylaw No. 250 on October 8, 2024.

A copy of the staff report and the proposed bylaw is included in this referral for background information. All relevant background information, including staff reports and public correspondence received is posted to the Denman Island applications webpage: <https://islandstrust.bc.ca/island-planning/denman/current-applications/>

Please direct any communications regarding this referral to Nadine Mourao at 250-247-2206, or by email to nmourao@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form. If your Nation’s interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Nadine Mourao

Title: Legislative Clerk / Deputy Secretary

**This referral has been sent to the following agencies:**

**First Nations**

- Cowichan Tribes
- Halalt First Nation
- Da'naxda'xw/Awaetlala First Nation
- Qualicum First Nation
- Lyackson First Nation
- Penelakut Tribe
- Snuneymuxw First Nation

**Regional Agencies**

- Comox Valley Regional District
- School District #71 (Comox Valley)
- Island Health

**Provincial Agencies**

- Ministry of Municipal Affairs and Housing
- Agricultural Land Commission

Snaw'Naw'As Nation  
Stz'uminus First Nation  
Te'Mexw Treaty Association  
Tsu'uubaa-asatx First Nation  
Tlowitsis First Nation  
Homalco First Nation (Xwemalhkwu)  
Tla'amin Nation  
Nanwakolas Council  
Wei Wai Kum Nation  
We Wai Kai Nation  
Mamalilikulla First Nation  
K'ómoks First Nation

**Non-Agency Referrals**

Denman Fire Department

**Adjacent Local Trust Committees and Municipalities**

Hornby Island Local Trust Committee

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Denman Island Trust Area  
\_\_\_\_\_  
(Island)

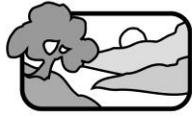
\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

250 (LUB)  
\_\_\_\_\_  
(Bylaw Number)

\_\_\_\_\_  
(Printed Name and Title)

\_\_\_\_\_  
(First Nation)



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 m<sup>2</sup> to 186 m<sup>2</sup>). Also proposed is an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m<sup>2</sup> to 2174 m<sup>2</sup>).

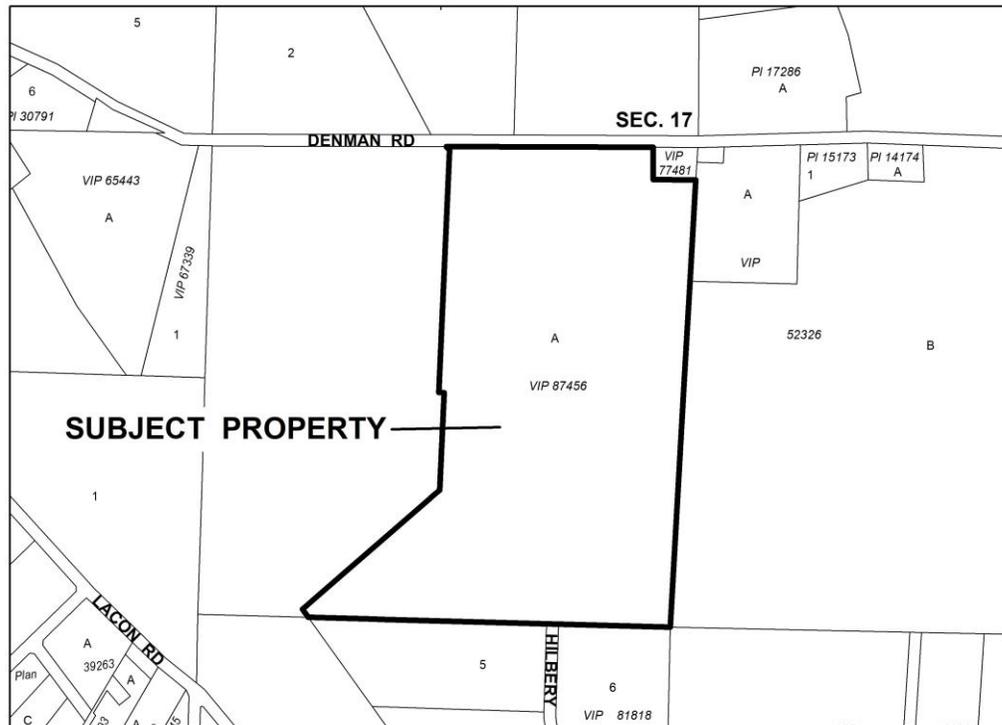
The applicant has provided a comprehensive summary document as part of the bylaw amendment application (Attachment 4). The application addresses a number of OCP policies (Attachment 3). However, information pertaining to adequate water and sewage disposal for secondary suites have not yet been submitted.

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.

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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.

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#### **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.

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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.*

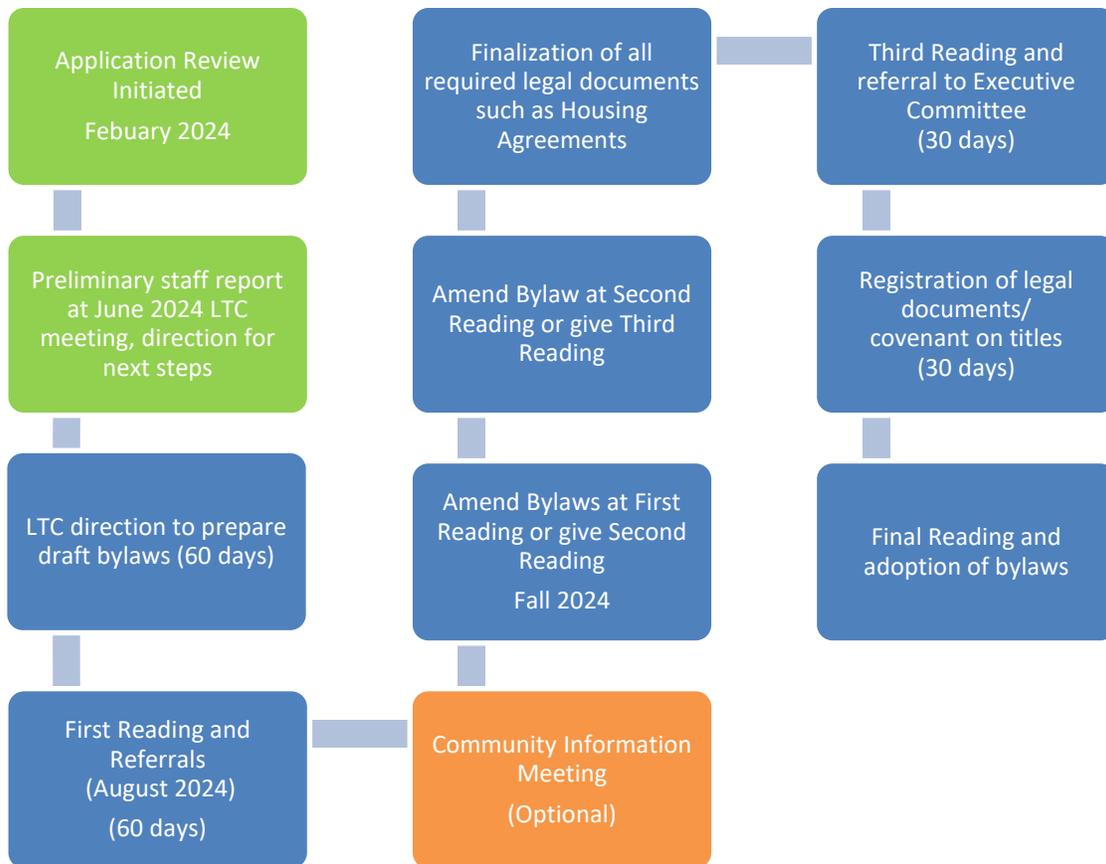
As a separate OCP amendment, staff are working on a minor project that would eliminate the need for an OCP amendment. If the minor project does not proceed, an OCP amendment would be required through the applicant and thus a Public Hearing would need to be held.

### ***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

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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

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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                    8<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2024

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

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**Chair**

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**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 3 – - Density of Uses, Buildings and Structures is amended by replacing the number "15" with the number "19".
  - 1.6 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 m<sup>2</sup>" in the R3 column, and renumber accordingly.
  - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting "1275 m<sup>2</sup>" in line item 6 and replacing it with "2174 m<sup>2</sup>".



## Referrals: Bylaw 250

Agency	Sent	Received
<p><b>Agricultural Land Commission (Provincial)</b>  <i>Nicole Mark</i>  Comments:  Thank you for forwarding a draft copy of Denman Island Local Trust Committee Bylaw No. 250 which amends the Denman Island Land Use Bylaw (2008) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the proposed bylaw amendment is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.</p> <p>ALC staff understand that the proposal is to amend the R3 zoning designation to allow the property with PID: 028-101-677 (5201 Denman Road, Denman Island, BC) (the "Subject Property") to accommodate more residential units. The R3 zoning amendment proposes to:</p> <ul style="list-style-type: none"> <li>• Increase the number of residential units on the Subject Property by four;</li> <li>• Permit secondary suites in all residential units;</li> <li>• Increase the maximum gross floor area for single family dwellings from 139.4 m2 to 186 m2 to accommodate secondary suites; and,</li> <li>• Increase the maximum floor area for outbuildings from 1275 m2 to 2174 m2.</li> </ul> <p>ALC staff expect that the R3 zoning designation will not be applied to any land within the Agricultural Land Reserve given that the level of residential use permitted in the R3 zone is inconsistent with the Agricultural Land Commission Act and its associated regulations and would set unrealistic expectations for future property owners. Currently, under the Denman Island Land Use Bylaw, the R3 zone only applies to a portion of one property (i.e., a portion of the Subject Property). The Subject Property is partially in the ALR and is split zoned R3 and Agriculture. The ALRALC File 103005 Page 2 of 2 portion of the Subject Property is zoned Agriculture, the non-ALR portion of the Subject Property is zoned R3. As the proposed zoning amendment involves amending the R3 zone which does not affect land within the ALR, ALC staff have no comment on the zoning amendment.</p>	<p>16-Dec-2024</p>	



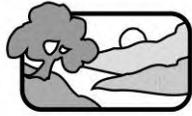
## Islands Trust

<p>Part 3 of the Ministry of Agriculture and Food's Guide to Edge Planning (2015) describes urban-side edge planning tools to promote urban/rural compatibility. Should any development be considered adjacent to the ALR, ALC staff recommend considering the setback and buffer requirements outlined in the Guide to Edge Planning to reduce the potential for future urban/agricultural conflicts.</p> <p>*****</p> <p>The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the regulations, or any decisions of the Commission. This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.</p>		
<p><b>Da'naxda'xw/Awaetlala First Nation</b>  <i>Referrals Coordinator</i>  Comments:</p>	17-Oct-2024	
<p><b>Homalco First Nation</b>  <i>Kristen Broadfoot</i>  Comments:  Your referral submission has been reviewed and Homalco has no concerns at this time. Homalco reserves the right to provide input at a later date should the need arise.</p>	17-Oct-2024	07-Nov-2024
<p><b>Komoks First Nation</b>  <i>Referrals Coordinator</i>  Comments:</p>	01-Oct-2025	
<p><b>Tsu'uubaa-asatx First Nation</b>  <i>Monty Horton</i>  Comments:  The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights</p>	17-Oct-2024	18-Oct-2024



## Islands Trust

<p>area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.</p> <p>However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuuchah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area, likely K'omoks First Nation. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.</p> <p>'Uy' Skweyul, Monty Horton</p>		
<p><b>Tlowitsis First Nation</b> <i>Referrals Coordinator</i> Comments:</p>	17-Oct-2024	
<p><b>Mamalilikulla First Nation</b> <i>Referrals Coordinator</i> Comments:</p>	17-Oct-2024	



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 m<sup>2</sup> to 186 m<sup>2</sup>). Also proposed is an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m<sup>2</sup> to 2174 m<sup>2</sup>).

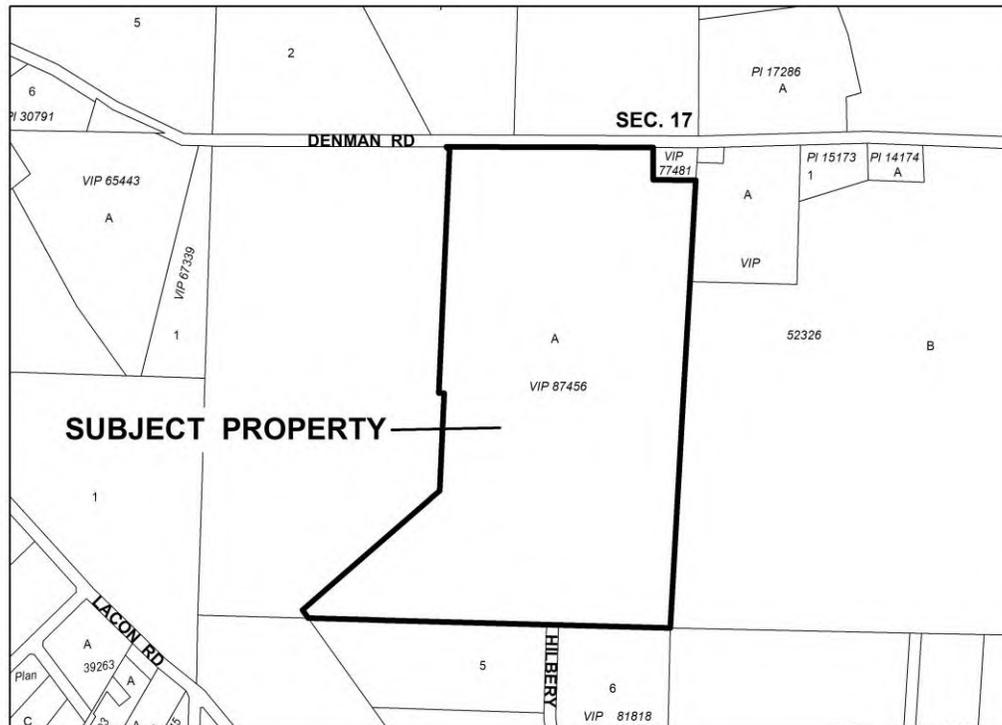
The applicant has provided a comprehensive summary document as part of the bylaw amendment application (Attachment 4). The application addresses a number of OCP policies (Attachment 3). However, information pertaining to adequate water and sewage disposal for secondary suites have not yet been submitted.

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

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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.

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#### **CARRIED**

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***Covenant:***

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***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***

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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.*

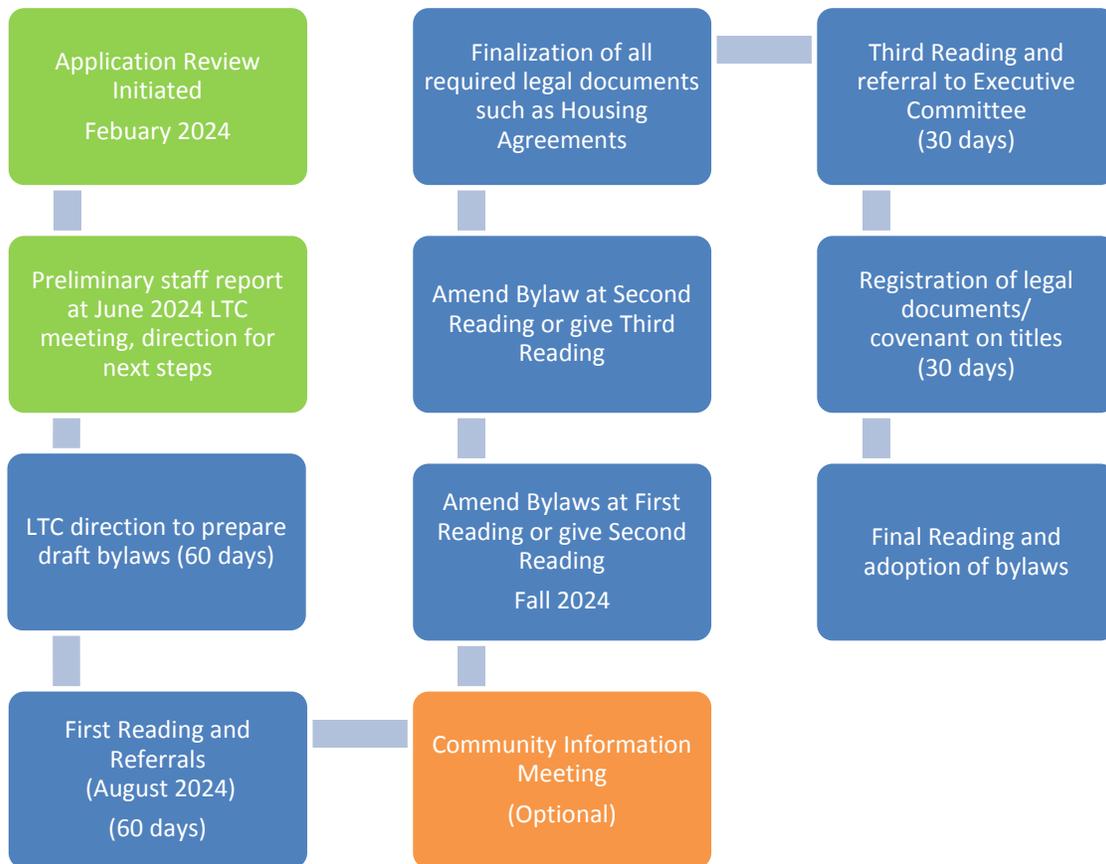
As a separate OCP amendment, staff are working on a minor project that would eliminate the need for an OCP amendment. If the minor project does not proceed, an OCP amendment would be required through the applicant and thus a Public Hearing would need to be held.

### ***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

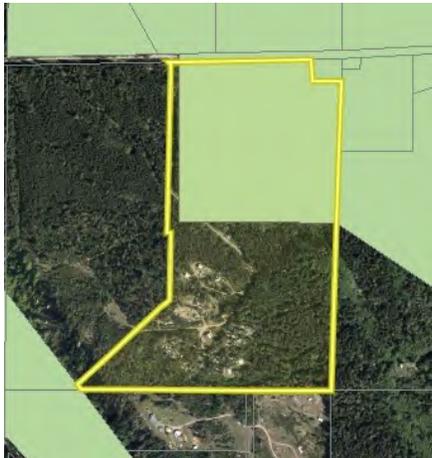
## LAND USE

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"> <li>• 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,</li> <li>• water quality is maintained, and</li> <li>• existing, anticipated and seasonal demands for water are considered and allowed for.</li> </ul>	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><b>Pending LTC direction</b></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><b>Yes and pending further application review</b></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><b>Pending LTC direction</b></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><b>Pending LTC direction</b></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"> <li>to ensure that the waste water has been cleaned before entering the sea, wetlands, lakes and other watercourses; and</li> <li>to protect adjacent properties from effluent or odours.</li> </ul>	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"> <li>that the proposal is not located in a connectivity area identified on Schedule D;</li> <li>that the proposal does not impact negatively on adjacent properties;</li> <li>that the proposal is small-scale;</li> <li>that the proposal is clustered and the siting and height are sensitive to surrounding land uses;</li> </ul>	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"> <li>• that the proposal proves an adequate supply of potable water and an adequate sewage disposal system;</li> <li>• that any environmentally sensitive areas on the lot are identified and the applicant undertakes a conservation covenant to protect such areas;</li> <li>• that the proposed development will not place a strain on existing public services and infrastructure.</li> </ul>		
<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><b>Pending further application review</b></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><b>Pending LTC direction</b></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><b>Pending LTC decision</b></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 m<sup>2</sup>, 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 m<sup>2</sup>– 186 m<sup>2</sup>) to support secondary suites
- Increased maximum floor area for outbuildings (to meet ongoing needs and to support new units) from 1275 m<sup>2</sup> to 2174 m<sup>2</sup>

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

## 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 m<sup>2</sup> to 186 m<sup>2</sup>
  - line 6, column 3 (R3) m<sup>2</sup> (maximum gross floor area of all accessory buildings and structures) changes from 1275 m<sup>2</sup> to 2174 m<sup>2</sup>

### 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 m<sup>2</sup> each
- One inhabited travel trailer (temporary)
- One common house of 209 m<sup>2</sup>
- Three electricity metering station sheds, 5.6 m<sup>2</sup> each
- Five workshop/studios, 28 – 74 m<sup>2</sup> each, personal use (art, woodworking, etc) (serviced with Hydro; no running water or plumbing; not residential)
- 16 woodsheds, approx. 167 m<sup>2</sup> combined
- Total outbuilding floor area: 866 m<sup>2</sup>

In the A3 zone (ALR):

- A fenced garden and orchard
- A garden shed, 9 m<sup>2</sup>



*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*



# FAQs

## 1. How will water, sewage, hydro, and vehicle access be provided to new units?

**Water** will be provided via water catchment only, as is currently the practice (see above for more info). The rainwater used eventually makes its way back into the aquifer after being treated in the greywater septic systems.

**Sewage** will be minimal, due to the use of composting toilets and the consistent practice of water conservation which accompanies reliance on water catchment. Each new unit will have a greywater treatment system, as per the current practice. Secondary suites will be attached to current wastewater systems, which may need expansion.

Environmental impact exists because space must be cleared for dispersal fields. However, these are small (approx. 26 m<sup>2</sup> per house) and are in areas that would likely be cleared to let in light and minimize fire risk for the houses.

**Hydro** comes up from Denman Road and is distributed through a combination of overhead and underground wires. No new utility corridor will be needed.

**Vehicle access** is already in place and no new access corridor needs to be created.

## 2. Will the secondary suites turn the TRLC into a commercial rental housing provider?

No. Secondary suites will be used only for extended family, caregivers, and cooperative members and participants (people involved in the cooperative but not members, including people interested in joining at some point). Residency will not be primarily a commercial arrangement although the resident may be asked to contribute to household costs. Suites must remain affordable, as designated by TRLC policies, by the Housing Agreement registered on title, and by the terms of the cooperative's Memorandum of Association (registered with the Corporate Registry in Victoria and governed by the BC Cooperative Act), which states that the purpose of the TRLC is the provision of affordable housing.

Openings will not be advertised. Cooperative members wanting to build a secondary suite and/or invite a new occupant in a secondary suite will need to bring an application to the cooperative in advance.



*Photos: family dwellings*

Legal and contractual arrangements for the use of secondary suites could happen in several ways: as part of an employment contract (for a paid caregiver), via a Licence to Occupy (used when occupancy is based on generosity rather than business considerations), or via the Residential Tenancy Act.

Cooperative members are required to understand and be responsible for complying with applicable regulatory requirements.

### 3. What role does the TRLC play in addressing the housing crisis on Denman Island?

The TRLC, since inception, has provided stable, secure housing with affordability situated approximately in the “community-housing” category of the Canada Housing and Mortgage Corporation’s continuum of affordability. This meets the housing needs of many people who otherwise would be unable to afford home/property ownership, but does not meet all needs on the island. This was clearly stated during the initial rezoning process and received support at the time from many community members and the LTC.

The TRLC does not receive any external funding from grants or government programs but has benefitted from various types of support from community members (a financial gift to help with the initial start-up, buying and holding land during the initial rezoning, volunteer labour).

The secondary suites will provide additional affordable housing for their occupants. As well, having an extended family member to contribute to household costs enhances affordability for cooperative members, which is a key goal for the TRLC.

#### THE HOUSING CONTINUUM



### 4. Will this proposal use up available densities in the density bank, taking away opportunity for other much-needed types of affordable housing?

This proposal will remove four densities from either the density bank or the “5%” source of densities available via OCP Policy E1-11. This would leave 43 densities available overall (adding the density bank to the remaining densities in Policy E1-11), according to [Denman LTC reporting](#) (although this reporting does not account for 20 units of affordable housing at the Denman Green project). The TRLC supports the use of these densities for a variety of types of affordable housing.

Neither Policy E1-11 nor the density bank have been reviewed in many years, and they do not reflect current housing and density realities (as, for instance, measured in the Islands Trust Housing Needs

Assessment for the Northern Region, which itself is out of date). The Denman Island LTC may want to adjust the 5% in E1-11 to reflect its own data on housing needs.

## 5. How do you choose new members?

Like all cooperatives, the TRLC has a membership intake process. Members are chosen via a year-long process that includes educating them on the cooperative, providing options for them to participate, a written application, an interview, and a trial period. The decision process looks at need, support for cooperative goals, experience with groups, contribution to diversity in the group, ability to meet financial needs, connection to Denman Island, ability to work in a consensus process. No one factor is paramount.

This process is structured differently than that of other housing organizations on the island. This is because the TRLC is a self-managed cooperative, whereas other groups are societies with charitable status managed by a board of directors. The TRLC is also unusual among cooperatives because it does not hire a management and maintenance company and did not hire a contractor for development. Rather, members do the physical and administrative work of running the cooperative. This is an essential component of affordability and group cohesion. It also allows the cooperative to customize and keep development small-scale.

For the above reasons, the membership process includes consideration of compatibility with project goals and commitment to the project.

Through fostering and putting into practice cooperative land-based practices, the TRLC is developing skills and capacity for collective, low-impact ways of living. As an example and a repository of skills, the cooperative has a positive impact on the Denman community, supporting various Official Community Plan objectives, such as Guiding Principal 6: “To acknowledge that this community finds its strength in the varied gifts and experiences of its members; and, within the framework of a limitation on population to support and encourage a diverse and self-reliant community,” and Guiding Principal #12, especially “to provide a neighbourly community.”

*Photos: Common House septic tanks (under construction); Common House*



# Denman Island OCP policies that support the rezoning

**E1 Housing—Guiding Objective:** To encourage housing that accommodates the needs of a variety of families and individuals while protecting the natural environment, the social fabric and the rural character of the community.

**Objective 1** To ensure that housing options are sensitive to ground water availability and sewage disposal capability, guard against contamination of ground water and preserve the rural nature of Denman Island

**Objective 2** To ensure housing options preserve human diversity in the community

**Objective 3** To set the maximum for the overall residential density of the Island as the residential density possible with the zoning regulations in place at the time of adoption of this Plan while providing flexibility for a range of dwelling types

**Objective 4** To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their families' homes

**E1 Housing—Policy 11** The overall residential density on Denman Island should not increase beyond that permitted by existing zoning on the date this Plan was adopted except that an increase of approximately 5 percent may be permitted to accommodate zoning amendments for special needs and affordable housing, secondary dwelling units approved by the Denman Island Local Trust Committee under a Temporary Use Permit and site-specific zoning amendment applications under Policy 29 of this Section.

**E1 Housing—Policy 16** Landowners are encouraged to cluster houses and buildings accessory to a residential use to leave areas of undeveloped space.

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.

**E1 Housing—Policy 23** Zoning regulations should establish sufficient setbacks for septic disposal systems:

- 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.

**E1 Housing— Policy 24** Setbacks from lot lines should be sensitive to the nature of the use and its potential negative impact on the neighbouring properties.

**E1 Housing— Policy 25** The Local Trust Committee should not approve a zoning amendment application that could fragment large areas of forested or agricultural land.

**E1 Housing— Policy 28** The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- 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;

- 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.

Also, as an innovative project built and managed by members on a voluntary basis, and owned and managed cooperatively, the TRLC fulfills this paragraph of the OCP vision statement:

Islanders historically have been an independent, diverse and creative people with a long history of volunteering for the benefit of the natural environment and the human community. We will be supportive, cooperative and respectful in our interactions. We will use innovative options to promote a diversity of age and financial means within the carrying capacity of the island.

The Islands Trust Policy Statement does not currently have up-to-date policies on housing. Nothing in the proposed uses is in violation with the Islands Trust Policy Statement.

## Community, neighbour, Fire Department, and Agricultural Land Commission outreach

**March 1, 2023:** Letter sent to all adjacent neighbours.

**Throughout March:** information shared on Facebook

**March 21, 2023:** Community Information Meeting

### Summary of Community Information Meeting

The meeting was advertised via a flyer and articles in local newspapers, posters, email to all neighbours and to groups involved in providing housing on Denman, and an event and postings on Facebook. Approximately 16 members of the public and 12 members of CoHo attended.

People asked about

- Oversight of who will live in secondary suites
- Where densities will come from (density bank or OCP Policy E1, 11)
- Potential to include Indigenous people
- Cost of cooperative membership
- Firefighting plans for the property
- Building permits and building timelines
- Insurance
- Will STVRs be allowed?
- What can and can't happen in the studio zone

No direct objections were raised. Questions suggested some concerns around traffic impacts and regulation of secondary suites to ensure they remain small scale and non-commercial.

Comments were generally positive.

**Note: The application has changed slightly since this outreach, based on responses. Changes are as follows:**

- No unit in the ALR
- Four more units, not five
- Clarification of use of secondary suites

## **Email Responses**

After the meeting we received one email from the owner of an adjacent property stating that (text slightly paraphrased for clarity):

“We broadly support increasing the density of your development. Our only concern...is the addition of secondary suites. [This] would be a significant change in the neighbourly dynamic that we have.

“Allowing for the provision of 20 rental units has to assume that those 20 rental units will all be occupied...They would be tenants...This would significantly change the cohousing dynamic from property sharing to property monetization...”

We also received an email from a nearby (but not adjacent) property owner, stating that:

“I don’t have any problems with you seeking to get [more] dwellings but I totally disagree with secondary dwelling[s] added to each existing and planned dwelling. This would turn your co-op into a commercial land development...It comes down to numbers...When we keep adding more spaces and houses on this Island for people, the beauty of the island that attracted people here in the first place is slowly but continually disappearing. Please try and help keep Denman’s population down.”

As a result, the original proposal has been amended to clarify the purpose of secondary suites. The TRLC will limit who can occupy secondary suites, prohibit advertising these suites, and ensure no cooperative member is using a suite in a commercial way. See FAQ #2, above, for more detail.

## **Correspondence with the Agricultural Land Commission**

In the early stages, we asked the ALC for input. At that point, our plans included one possible dwelling unit on the ALR portion of the lot. We have since decided not to pursue that. Still, the ALC response is valid because it considered the overall proposal. On Feb 17, 2023, the TRLC sent an email to the ALC outlining all the planned changes. An ALC planner responded via email on Feb 23, 2023, stating that, “The ALC would likely not have an issue with the bylaw amendment,” and also that “Prior to adoption of any proposed bylaw amendment, the LTC should forward a copy to ALC.Referrals@gov.bc.ca for official.

## **Correspondence with the Denman Island Volunteer Fire Department**

In October, 2023, we invited the Denman Fire Department to comment on the proposed rezoning. Here is the response:

“Denman Island Fire Department has conducted an assessment of the property and have moved forward with creating a "pre-plan" for the eventuality of a fire incident at Coho.

“While Denman Island does not benefit from pressurized hydrants systems, Denman Island Fire Rescue is "Superior Shuttle Accredited" and every unit at Coho benefits from the same level of service as every residence within the 8-kilometer required response distance from the firehall. In fact, Coho happens to be adjacent to the Fire Department.

“The Fire Department does not have any specific concerns with increased development. They just want to be kept abreast of new structures being built and any industrial activities/projects, so they can readjust their "pre-plan.”



3060 Lake Road, Denman Island, BC V0R 1T0  
Tel: (250) 335-1864 Fax: (250) 335-1846  
email: h2oenv@telus.net

March 18, 2023

H<sub>2</sub>O File: 23-3

Triple Rock Land Cooperative  
Denman Road  
Denman Island, BC V0R 1T0

**Re: Feasibility of Additional Wastewater Systems  
Triple Rock Land Cooperative Property**

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**Introduction**

H<sub>2</sub>O Environmental (H<sub>2</sub>O) was asked to assess whether there is adequate space and soils for additional wastewater systems at the Triple Rock Land Cooperative (COHO) property (site). H<sub>2</sub>O understands that COHO is planning for additional households that may result in up to five more wastewater systems being installed at the site.

H<sub>2</sub>O has designed all the wastewater systems that exist at the site and is familiar with the soil characteristics as they pertain to wastewater dispersal and treatment.

In the bylaws for COHO, all residential toilets must be composting toilets. With this bylaw in place, H<sub>2</sub>O can reduce the overall rated outflow from dwellings by 30%, which is the industry accepted value of the contribution to Daily Design Flow of a standard flush toilet.

**Wastewater System Design**

The general design of the greywater systems consists of a 2 chamber septic/pump tank with an in-ground dispersal field. The first chamber of the tank is used for settlement and the second is used for additional settlement and pumping to the pressurized dispersal field nearby. Tanks are sized in accordance with the BC Manual of Composting Toilet and Greywater Practice. The dispersal fields are designed consistent with the current Sewerage System Standard Practice Manual, Version 3.

The dispersal fields will range in size, depending on the soil characteristics and the daily flow from the dwelling. Generally speaking, the fields will consist of two or three PVC laterals with drilled orifices of specific diameter, placed on top of aggregate that is approximately 15 to 20 centimetres (cm) deep. These PVC lines are used to uniformly spread the effluent over the entire field area at every dose.

The systems are set to be socially controlled. That is, when a specific level of effluent is reached in the tank, a pump cycle occurs which transfers effluent from the tank to the dispersal field. The specific level in the tank is calculated for an 8 dose/day frequency, based on the Daily Design Flow. A generalized view of a wastewater system dispersal field is attached to this letter as Figure 1.

In previous work, the soils at the site were found to be loam to sandy loam with depths to bedrock varying from 80 cm to 100 cm below grade. The topographical grades vary throughout the site. These types of soil are very conducive to proper treatment and final polishing of the effluent. The moderate permeability rates, the speed with which the effluent moves through the soil, ensure that the effluent will have time to be adequately treated before moving horizontally down gradient.

### **Discussion**

The COHO bylaw that limits use to composting toilets reduces the overall use of water in the dwelling. This, in turn, reduces the size of the tanks and dispersal fields necessary to safely treat and disperse the greywater.

Additionally, using the in-ground wastewater system model, which returns the treated water to the ground, where it is polished by the soil and returned to the local aquifer, the overall impact of water use is greatly reduced.

Soils vary in all locations. Generally speaking, during a review of the designs for other dwellings on the site, the soils were fairly consistent, with depth to bedrock varying the most. While this is no guarantee of similar soils in the new areas, H<sub>2</sub>O is confident that greywater wastewater systems can be installed in the new areas of residence.

### **Conclusions**

H<sub>2</sub>O believes that the additional dwellings being proposed for the overall site can be serviced by greywater systems that will safely treat and disperse the effluent back into the environment.

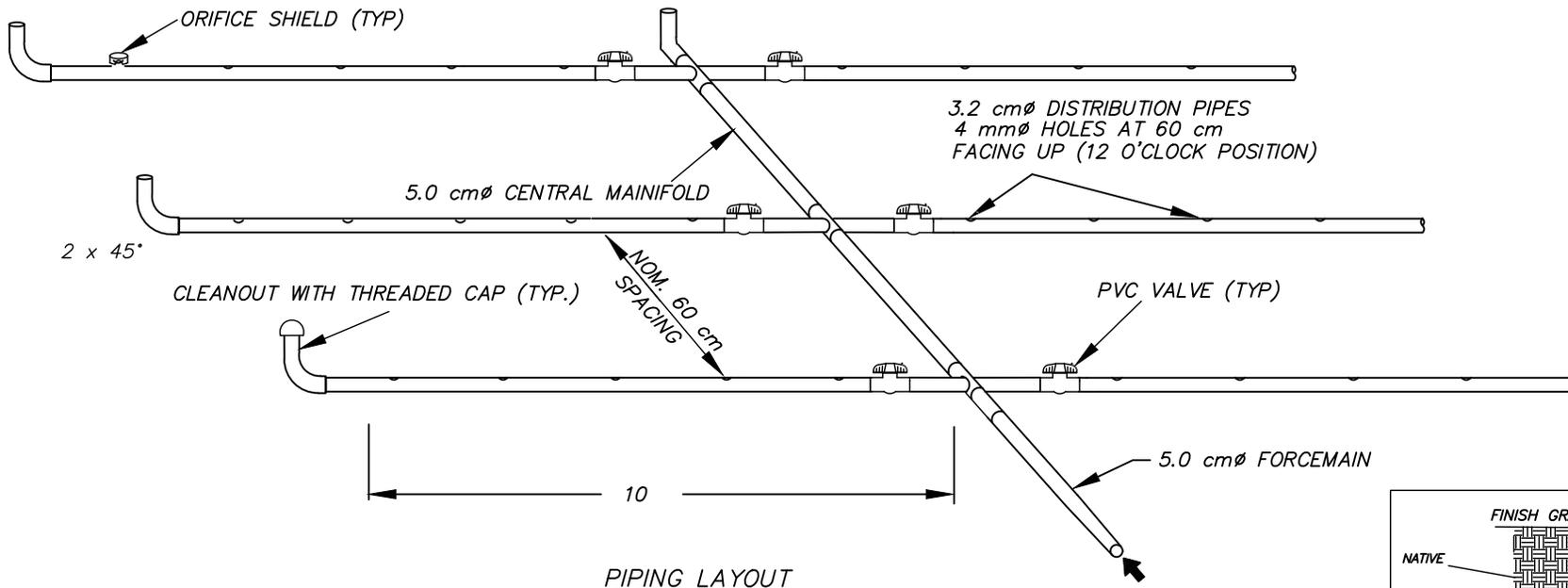
H<sub>2</sub>O recommends that a certified maintenance provider be contracted who will regularly inspect and, if necessary, repair the greywater systems on the site. Regular maintenance is critical for safe, sustainable operation of wastewater systems.

Sincerely,

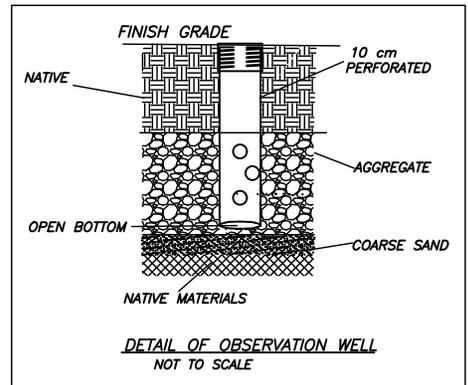
**H<sub>2</sub>O Environmental Ltd.**

Per:  

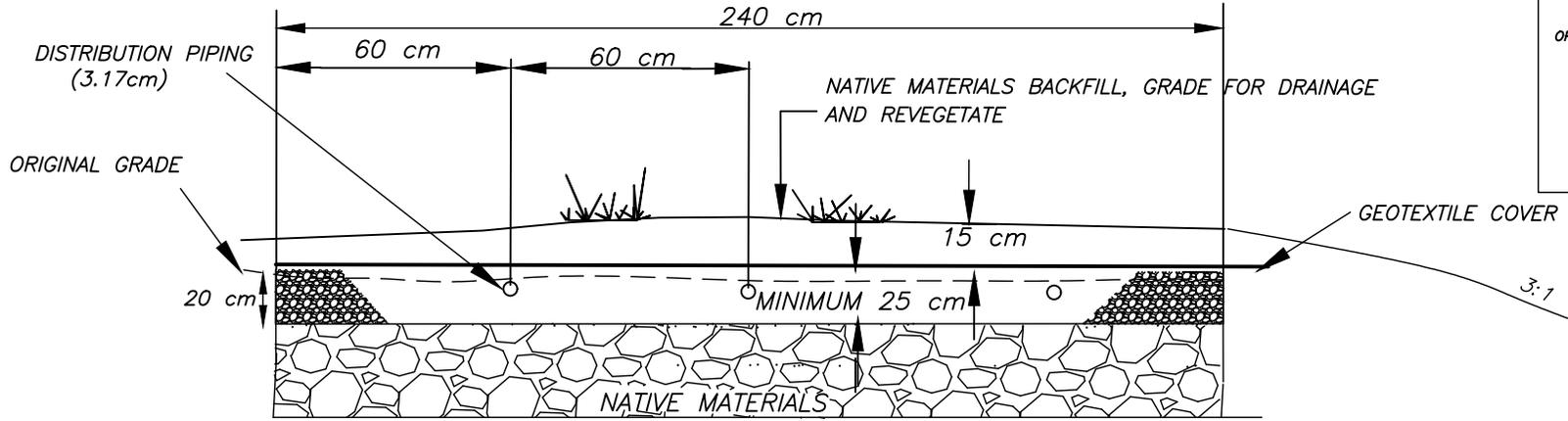
Steven M. Carballeira, P. Geo.  
Permit to practice #1001460



PIPING LAYOUT  
NOT TO SCALE



DETAIL OF OBSERVATION WELL  
NOT TO SCALE



SEEPAGE BED SECTION  
NOT TO SCALE

NOTES:  
1. In case of discrepancies between drawings and specifications, specifications will govern.  
2. All measurements in metres, except as noted.

TITLE:	SHALLOW SEEPAGE BED PLAN	DATE:		
PROJECT:	GREYWATER SYSTEM DESIGN	DESIGN BY:		SMC
CLIENT:		DRAWN BY:		SMC
		SCALE:		NTS
		PROJECT NO.:	FIGURE 1	



## Triple Rock Land Cooperative—rainwater catchment information

TRLC is committed to the use of rainwater catchment for all household needs, both inside and outside the house. Also, the common house relies solely on water catchment.

### Reasons for this policy

- Protect groundwater and the health of the ecosystem
- Encourage a culture and mindset of careful resource use
- Encourage communal rather than individual activities (gardening, laundry, meals)
- Avoid the costs, environmental impacts, potential for personal conflict, and ongoing administration needs connected to building a communal water system
- Support adaptability to varying household sizes and a changing climate by adding or removing storage and catchment capacity

### Overview

The system has been functioning well for 12 years. Some members have at times bought water, but this practice is diminishing as households add cisterns and/or catchment surfaces, and as common facilities and activities increase. The TRLC project is a complex organism of interrelated parts—the water catchment system is dependent on other elements of the project being in place. The past five years has brought major garden and orchard expansion, shared laundry facilities, a flush toilet, and a functional kitchen. As a result, members are letting individual gardens rewild, doing laundry at the common house, and attending common meals several times a week, thus cutting down on private water use.

### Details

There are 98,850 gallons of rainwater catchment at the TRLC. Based on a survey of TRLC residents:

- Average water use per household: 14 gallons/day (winter)/44 (summer)
- Average water use per resident: 8 gallons/day (winter)/26 gallons/day (summer)
- Average water use per resident (average over the year): 15.5 gallons

**Provincial average per person** (average over the year): 82 gallons/day gallons

(<https://waterplanninglab.sites.olt.ubc.ca/files/2016/03/BC-Municipal-Water-Survey-2016.pdf>)

Each household is provided with one 1000-gallon cistern from the common budget, and otherwise is responsible for their whole system, including filtration and maintenance. Households use composting toilets (which they are responsible for), which cuts down household water use by approximately 1/3, according to standard estimate.



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

## 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 m<sup>2</sup> to 186 m<sup>2</sup>), and an increase in maximum floor area for outbuildings to meet ongoing needs and to support new units (from 1275m<sup>2</sup> to 2174 m<sup>2</sup>).

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.

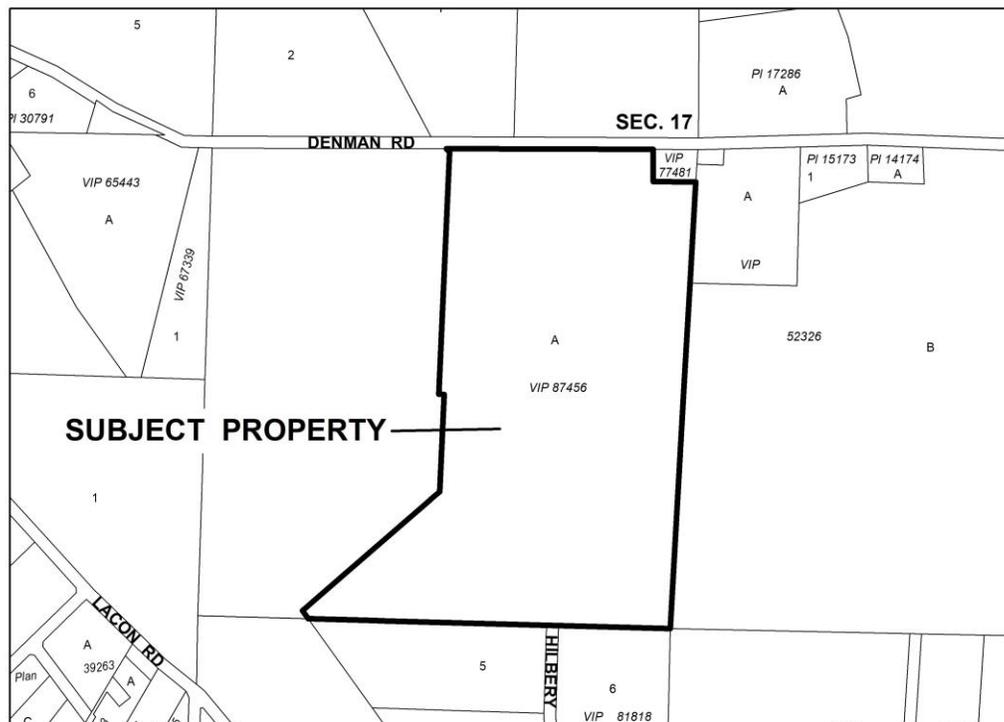
**DE-2024-051**

**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.

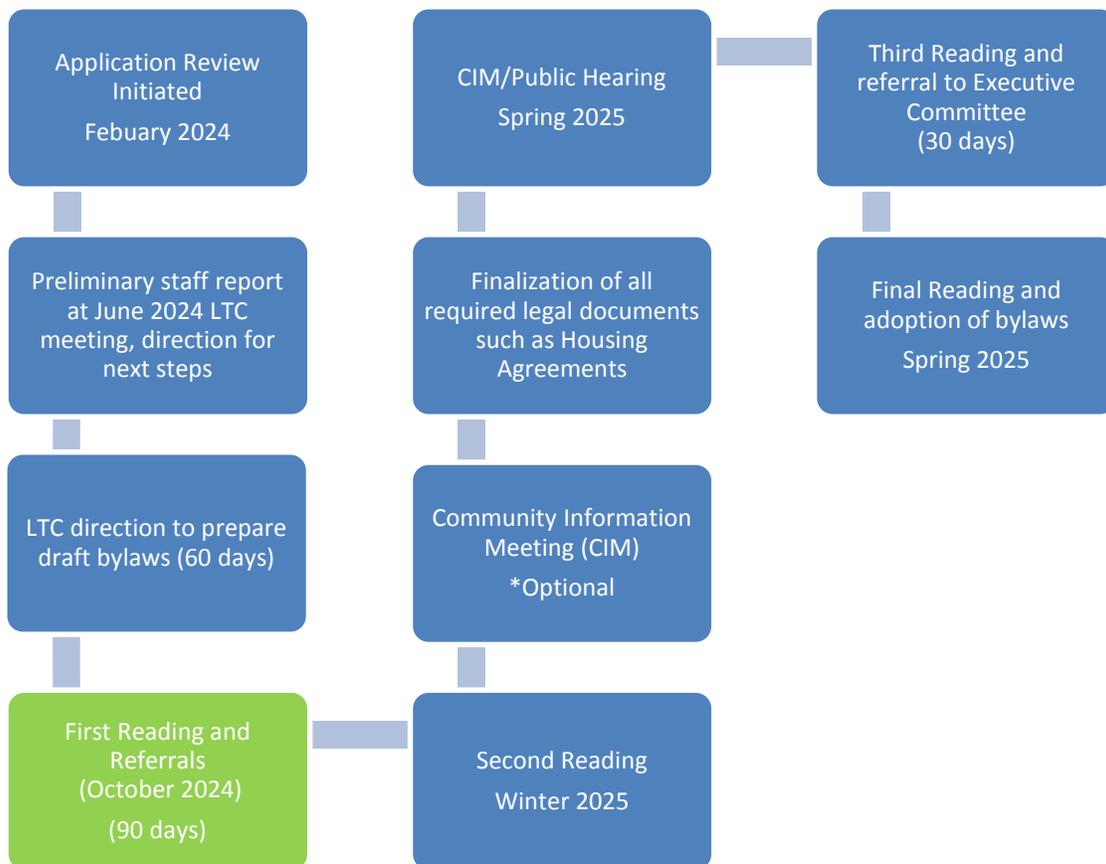
### **Consultation**

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

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

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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 m<sup>2</sup>” 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 m<sup>2</sup>” in line item 6 and replacing it with “2174 m<sup>2</sup>”.

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**From:** David Graham <[dagraham@islandstrust.bc.ca](mailto:dagraham@islandstrust.bc.ca)>  
**Sent:** Thursday, August 1, 2024 10:21 AM  
**To:** Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>  
David Maude <[dmaude@islandstrust.bc.ca](mailto:dmaude@islandstrust.bc.ca)>; Sam Borthwick <[sborthwick@islandstrust.bc.ca](mailto: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.

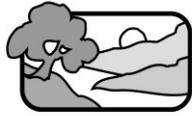
We look forward to the opportunity of working with you on the possible upgrading of the septic systems that may be needed for the future expansion of your development.

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](mailto: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.

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

CONSISTENT	No.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
N/A	<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.
N/A	<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>
N/A	<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.
✓	<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.
✓	<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.
✓	<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>
✓	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>
✓	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>



Islands Trust

# REPORT

# STAFF

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

DATE OF MEETING: May 20, 2025

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. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a first time.
2. That Denman Island Local Trust Committee Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a second time.
3. That Denman Island Local Trust Committee Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a second time.
4. That Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a first time.
5. That Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a second time.
6. That the Denman Island Local Trust Committee request staff to schedule a (virtual or in-person) community information meeting in summer 2025 for application DE-RZ-2024.1 (Triple Rock Land Cooperative) and Proposed Bylaw Nos. 250, 254 and 255.
7. That the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” to the following First Nations, Local Governments and agencies for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, 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 (Xwemalhkwa), Mamalilikulla First Nation, K'ómoks First Nation, Comox

**Valley Regional District, School District #71 (Comox Valley), Hornby Island Local Trust Committee, Agricultural Land Commission and Ministry of Housing and Municipal Affairs.**

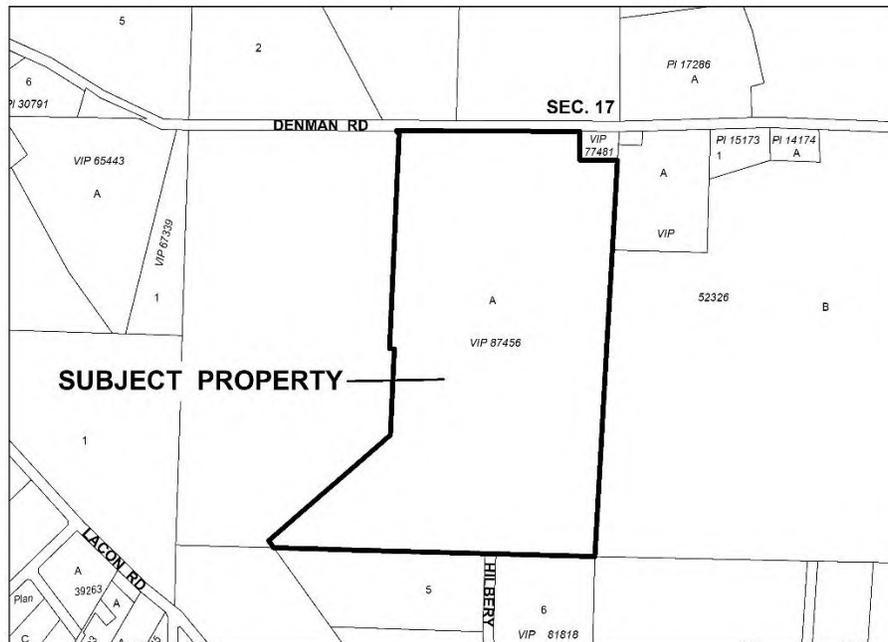
**REPORT SUMMARY**

This report introduces draft bylaws to amend the Denman Island Official Community Plan (OCP) to remove four densities from the density bank to accommodate the proposed development as well as an updated Housing Agreement to ensure it reflects the changes in zoning.

Staff is recommending that the draft bylaws Nos. 254 and 255 in Attachments 1 and 3 of this report be given First and Second Readings as presented and that Proposed Bylaw No. 250 be given Second Reading. All relevant background information is posted to the Islands Trust [current applications webpage](#).

**BACKGROUND**

The Denman Island Local Trust Committee (LTC) is considering a rezoning application from Triple Rock Land Cooperative (DE-RZ-2024.1) to permit 19 dwelling units and associated secondary suites. As part of the application, a Housing Agreement is required to secure long-term affordability and occupancy provisions.



Subject Property Map

The Denman Island LTC passed the following resolution at the June 4, 2024 regular business meeting to initiate this work:

**DE-2024-050**

**It was MOVED and SECONDED**

**that the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (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 have worked with the applicant to prepare a draft housing agreement for LTC consideration (Attachment 3).

On October 8, 2024 the Denman Island LTC gave first reading to Proposed Bylaw No. 250 (LUB) and forwarded the bylaw to agencies and First Nations for comment. A summary of referral responses received to date are included in this report. The Denman Island Local Trust Committee (LTC) passed the following resolutions were passed at that meeting:

**DE-2024-065**

**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.**

**CARRIED**

**DE-2024-066**

**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.**

**CARRIED**

At the time, it was anticipated that an OCP amendment would not be required for this application, as the LTC was advancing a separate project (Proposed Bylaw Nos. 248 and 249) that would have eliminated the density bank from the OCP altogether. However, that project did not continue and the bylaws did not proceed. As a result, the current rezoning application now requires an OCP amendment to withdraw densities from the density bank, a step that was not originally anticipated. This has contributed to a somewhat irregular process, with the Land Use Bylaw (LUB) amendment already having received first reading and referrals, while the OCP amendment is being introduced at this later stage.

To address this, the Denman Island LTC passed the following resolutions at the March 18, 2025 regular business:

**DE-2025-017**

**It was MOVED and SECONDED**

**that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 to enable application DE-RZ-2024.1 (Triple Rock Cooperative).**

**CARRIED**

A draft bylaw to amend the OCP is included as Attachment 1 for LTC Consideration.

## **ANALYSIS**

### **Issues and Opportunities**

Staff have identified the following, discussed in more detail below:

- Summary of Referral Responses for Proposed Bylaw No. 250 (LUB)
- Summary of draft Bylaw No. 255 (OCP)
- Summary of draft Bylaw No. 254 (Housing Agreement)
- Bylaws Consistent with Islands Trust Policy Statement

### Summary of Referral Responses

At the time of this report, referral responses from Ministry of Agriculture, Ministry of Housing and Municipal Affairs, Vancouver Island Health Authority, Agricultural Land Commission and Hornby Island LTC have been received. The referral response from K'omoks First Nation has been included as Attachment 5.

A summary of the referral responses that have been received are provided in Table 1:

**Table 1. Summary of Referral Responses**

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Hornby Island Local Trust Committee	<ul style="list-style-type: none"> <li>Interests Unaffected by Bylaw</li> </ul>	None.
Ministry of Agriculture and Food	<ul style="list-style-type: none"> <li>Ministry staff are pleased that no dwellings or development are proposed for the ALR-designated northern portion of the property.</li> <li>Ministry staff recommend placing the four new dwellings within the existing CoHo Landing cluster to maintain a suitable buffer from the ALR, as their exact locations haven't been provided and one existing structure appears to be very close to the ALR boundary.</li> <li>The added dwellings and increased residential density on the property are unlikely to negatively affect future farming potential on the site or nearby ALR lands.</li> </ul>	The four new dwellings will be within the existing CoHo Landing cluster.
Ministry of Housing and Municipal Affairs	<ul style="list-style-type: none"> <li>Deferred to Agricultural Land Commission and Ministry of Housing comments</li> </ul>	None.
Vancouver Island Health Authority	<ul style="list-style-type: none"> <li>Each home currently uses its own rainwater system for drinking water, which will continue with the new units and suites. However, if a shared system is introduced, it may trigger requirements under the Drinking Water Protection Act and Regulation, including permits, testing, treatment, and reporting.</li> <li>The Sewerage System Regulation applies to all onsite</li> </ul>	None.

	<p>systems, and given the property's size and composting toilet requirements, there appears to be sufficient space for new or amended septic systems and replacement fields. Existing systems must comply with regulations, and an Authorized Person should assess and update them as needed to accommodate secondary suites.</p>	
Agricultural Land Commission	<ul style="list-style-type: none"> <li>• Since the R3 zone applies only to the non-ALR portion of the property, ALC staff have no comments.</li> <li>• ALC recommends using setback and buffer guidelines from the <i>Guide to Edge Planning</i> for any development near ALR boundaries to prevent future land-use conflicts.</li> </ul>	None.
Cowichan Tribes	<ul style="list-style-type: none"> <li>• No comment. Defer to communities closer to Denman Island.</li> </ul>	None.
Ts'uubaa-asatx Nation	<ul style="list-style-type: none"> <li>• Outside Ts'uubaa-asatx Nation's core title area.</li> <li>• Defer to the First Nation(s) whose traditional territory fronts this area, likely K'omoks First Nation.</li> </ul>	None.
Tla'amin Nation	<ul style="list-style-type: none"> <li>• Outside of Tla'amin Nation's core territory.</li> </ul>	None.
K'ómoks First Nation	<ul style="list-style-type: none"> <li>• Outside KFN designated areas of high archaeological potential (AOP) and does not require any Cultural Heritage Investigation Permits (CHIP).</li> <li>• Likely no concerns over the request.</li> <li>• However, are at capacity for environmental referrals and cannot meaningfully engage at this time.</li> </ul>	None.

Homalco First Nation	<ul style="list-style-type: none"> <li>No concerns at this time.</li> </ul>	None.
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**Summary of Draft Bylaw No. 255 (OCP)**

The subject property is split designated as ‘Sustainable Resources’ and ‘Agriculture’ in the OCP and does not require an OCP re-designation. Draft Bylaw No. 255 (OCP - Attachment 1), if adopted, would remove four densities from the density bank.

**Summary of Draft Bylaw No. 254 (Housing Agreement)**

The current housing agreement for Triple Rock Cooperative, originally adopted in 2008, is being updated to reflect evolving housing needs. The proposed update is contained in draft Bylaw No. 254 (Attachment 3). If adopted, this bylaw will regulate the occupancy and affordability of 19 housing units, including their associated secondary suites, and will establish monitoring and reporting requirements to ensure compliance.

Key Updates in the Draft Housing Agreement:

- **Secondary Suites:** The agreement includes provisions governing the use and affordability of secondary suites, which were not addressed in the 2008 version.
- **Affordability Standards:** Rents for secondary suites must be at least 20% below the average market rent for comparable units on Denman Island. If Denman-specific data is unavailable, Comox Valley rents may be used, with appropriate adjustments for local differences.
- **Cooperative Rules and Policies:** The Cooperative Rules of Association and Memorandum of Association were included as attachments in the 2008 Housing Agreement, but the applicant has requested they not be included in the updated version, arguing that the agreement should focus solely on matters relevant to the LTC’s interests.

The key issue for the LTC is whether changes to these documents could affect the co-op’s obligations under the Housing Agreement.

If the LTC is not concerned about these documents changing over time without its review, they need not be attached to the agreement. If there is concern, the LTC could:

- Attach the current versions of the Cooperative Rules and Policies as schedules, as presented;
  - Define the term “Cooperative Rules and Policies” to mean those in effect at the time the Housing Agreement is signed; or
  - Require LTC consent (outside of a full HA amendment) for any future changes to those documents that could affect the co-op’s obligations under the agreement.
- **Expanded Definition of Family Member:**  
The definition now includes not only individuals related by blood, adoption, or marriage (including marriage-like relationships), but also *chosen family members*—those with a close, long-standing, family-like relationship, regardless of legal or biological ties.

These changes aim to strengthen the original agreement by improving affordability protections, acknowledging diverse family structures, and ensuring that secondary suites support long-term housing goals.

### ***Bylaw Consistency with the Islands Trust Policy Statement***

The draft bylaw amendment (No. 255) is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist are included as Attachment 4 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. 255.

The Policy Statement Directives Checklist for proposed Bylaw No. 250 (LUB) was endorsed by the LTC on October 8, 2024.

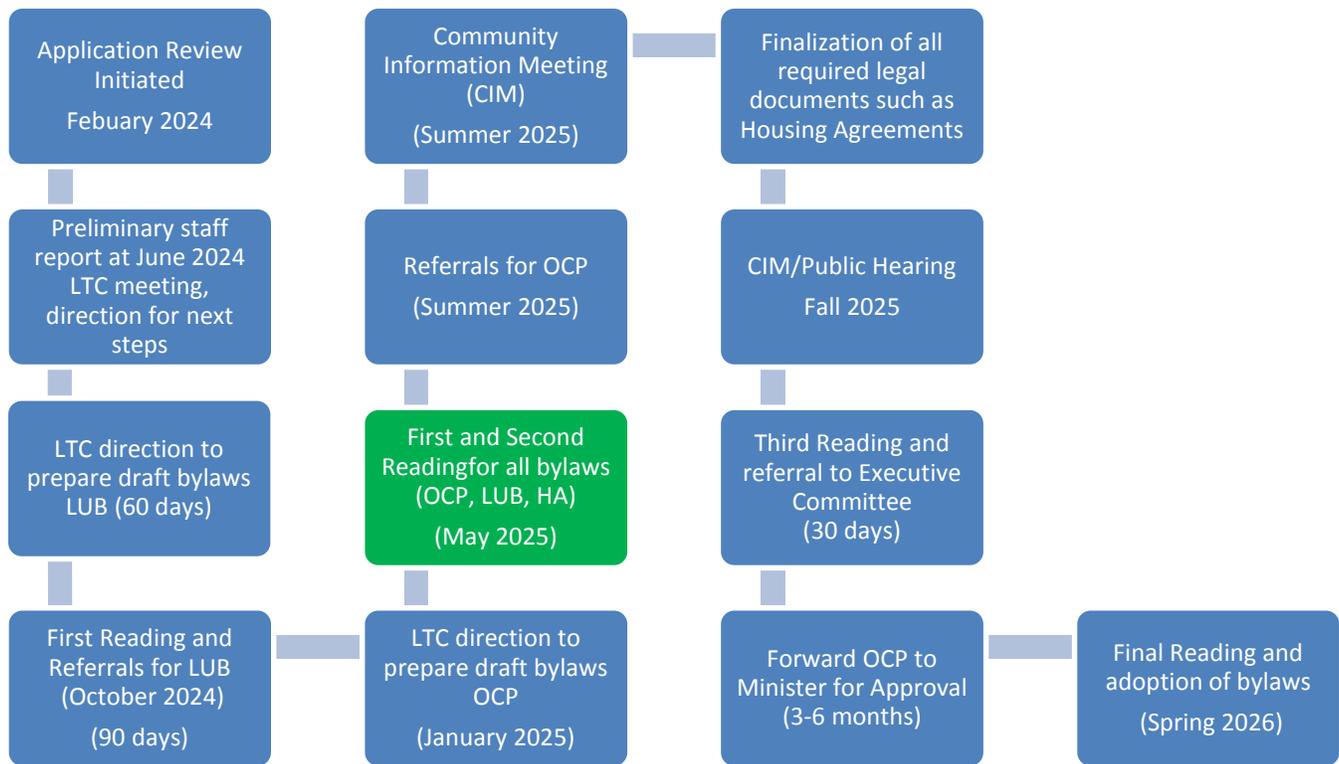
### **Consultation**

As this application proposes an amendment to the Official Community Plan, the LTC is required to conduct a consultation process involving a set of referrals that are independent of any public hearing process. Following first reading of the bylaws 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 as part of the review process, subsequent to the receipt of referral responses and in advance of a public hearing being scheduled. 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 an OCP/LUB amendment application such as this, can be processed:



## RATIONALE FOR RECOMMENDATIONS

Draft bylaws have been prepared to amend the OCP to withdraw from the density bank, and to establish a housing agreement. Staff recommend giving first and second readings to both draft Bylaw No. 255 (OCP) and draft Bylaw No. 254 (Housing Agreement) to initiate formal consultation with First Nations, agencies, and local governments.

Proposed Bylaw No. 250 (Land Use Bylaw) has already received first reading and been referred. Staff recommend proceeding with second reading of this bylaw as well, to maintain alignment with the other bylaws in the package.

The full list of staff recommendations can be 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 bylaws. Recommended wording for the resolution is as follows:

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

*That the Denman Island Local Trust Committee amend draft Bylaw No. 254, cited as the “Denman Island Housing Agreement Bylaw No. 254, 2025” by...*

*That the Denman Island Local Trust Committee amend draft Bylaw No. 255, cited as the “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2025” by...*

**2. Consider First Reading Only.**

The LTC may choose to give first reading only to all bylaws and schedule a Community Information Meeting (CIM) prior to considering second reading. This approach may be appropriate if the LTC anticipates that significant changes to the bylaws could be needed following referral responses and community feedback received through the CIM process.

**3. Proceed no further.**

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

*“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2024.1 (Triple Rock Land Cooperative) 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	May 2, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 5, 2025

**ATTACHMENTS**

1. Draft Bylaw No. 255 (OCP) – for first and second readings
2. Proposed Bylaw No. 250 (LUB) - for second reading
3. Draft Bylaw No. 254 (Housing Agreement) – for first and second readings
4. ITPS Checklist (OCP)
5. Referral Responses from K’omoks First Nation dated November 1, 2024 and March 5, 2025

# DRAFT

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 255

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### A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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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 Official Community Plan, 2008, Amendment No. 2, 2025”.

#### 2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

PUBLIC HEARING HELD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 255**

**SCHEDULE 1**

Appendix “D” of the Denman Island Official Community Plan No. 185, 2008, is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:
- 2.

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative total of residential dwelling units in the bank
255	[date of adoption]	Lot A, Section 17 Denman Island, Nanaimo District, Plan VIP87456	-4	7 – 4 = 3  (*as per standing resolution #2023-073)  (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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

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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                    8<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2024

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

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**Chair**

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**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” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” 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” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” 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 3 – Density of Uses, Buildings and Structures, line item 3 and in the R3 column, is amended by replacing the number “15” with the number “19”.
  - 1.6 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 m<sup>2</sup>” in the R3 column, and renumber accordingly.
  - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m<sup>2</sup>” in line item 6 and in the R3 column, and replacing it with “2174 m<sup>2</sup>”.

# DRAFT

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 254

### A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

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

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

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

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 254, 2025”.

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

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

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

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

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

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

\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**

## Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ is BETWEEN:

**TRIPLE ROCK LAND COOPERATIVE**, a cooperative incorporated under the laws of the province of British Columbia and having its office at 5201 Denman Rd, 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 those Lands situated on Denman Island and legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the "Lands");
- B. The Owner is an association constituted under the Cooperative Association Act, SBC 1999, c. 28 and has as its sole object the creation of a co-operatively owned and managed affordable housing community on Denman Island;
- C. The Owner applied to the Denman Island Local Trust Committee for a rezoning of the Lands by means of Denman Island Land Use Bylaw, \_\_\_\_\_ to permit the development of 19 co-operative housing units with secondary suites, accessory buildings, and a common house on the Lands;
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to ensure Cooperative Housing Units remain affordable according to the terms and conditions set out in 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 a housing agreement between the Owner and the Trust Committee under section 483 of the Local Government Act, and as a covenant under section 219 of the Land Title Act, as follows:

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

- (1) “Co-operative Housing Unit” means a Primary Housing Unit and may include a Secondary Suite;
- (2) “Co-operative member” means a member of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (3) “Co-operative Rules and policies” means the rules and policies of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (4) “CPI” means the all-items consumer price index for Victoria, British Columbia published by Statistics Canada;
- (5) “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;
- (6) “Family Member” means a person who lives with and is related to the Co-operative member by blood, adoption, marriage (including a marriage-like relationship). It also includes a chosen family member, an individual with whom the member shares a close, long-standing, family-like relationship, regardless of legal or biological ties;
- (7) “Primary Housing Unit” means a single detached Dwelling Unit occupied as a residence by at least one Co-operative member; and
- (8) “Secondary Suite” means a Dwelling Unit located within the same building as, and having a lesser floor area than, a Primary Housing Unit.

**b. Agreement over the Lands:**

1. Pursuant to section 219 of the *Land Title Act* and Section 483 of the *Local Government Act*, the Owner covenants and agrees that:
  - a. 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; and
  - b. If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.
2. The Owner covenants and agrees with the Trust Committee that, in perpetuity:
  - a. the Lands must not be used, and no building or structure may be constructed on the Lands, other than for 19 Co-operative Housing Units, a common house, and non-residential accessory buildings and structures as defined in this Agreement and the

Denman Island Land Use Bylaw, and any home-based business permitted by the Denman Island Land Use Bylaw;

- b. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any Siting and Use Permit issued by the Denman Islands Local Trust Committee; and
- c. The Lands shall not be subdivided by subdivision plan, strata plan or otherwise howsoever.

**c. Dissolution of the Co-operative** - If on the winding up or dissolution of the Owner, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property must not be paid to or distributed among the Co-operative members; and must be given or transferred to an institution:

- a. that has as its object the co-operative ownership and management of affordable housing on Denman Island; and
- b. that has been chosen by the Co-operative members and approved by the Trust Committee at or before the time of dissolution.

**d. Occupancy of Primary Housing Units**

1. No Primary Housing Unit shall be occupied by any person who is not a Co-operative member, a family member of such a member, the guest of such a member, a tenant or roommate of a Co-operative member approved by the Owner pursuant to the Co-operative Rules and policies, a caregiver of the Co-operative member, or a person whose membership in the Owner is under consideration by the Owner pursuant to the Co-operative Rules and policies.
2. Every Primary Housing Unit shall have a Co-operative member as its primary occupant, except when a Co-operative member is on a temporary leave-of-absence as permitted by the Co-operative Rules and policies.
3. Co-operative members shall have the Primary Housing Unit as their principal residence.
4. Primary Housing Units may not be used for any form of vacation rental, including short-term vacation rentals.

**e. Pricing of Co-operative membership shares and Housing Units**

1. The purchase price of a membership share in the Owner may not exceed the acquisition price of the share, plus the lesser of: any increase in the annual average CPI from the year in which the share was acquired to the year in which it is transferred, and 2% annually.
2. The purchase price of a Co-operative Housing Unit upon any sale of the Co-operative Housing Unit in connection with a transfer of shares in the Owner may not exceed the depreciated replacement cost of the Co-operative Housing Unit, as determined by a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member and furthermore may be limited to a maximum value (a cap) as determined by policies set by the Owner.

**f. Occupancy and Affordability of Secondary Suites**

1. Occupancy of Secondary Suites is limited to caregivers and family members of the Co-operative member who is the main occupant of the Primary Housing Unit to which the Suite is attached, Co-operative members, people applying for Co-operative membership, and people volunteering for or otherwise actively involved with and committed to the Co-operative. Occupants of Secondary Suites must be approved by the Owner.
  2. The amount of rent charged for Secondary Suites must be at least 20% less than the average comparable market rent charged for a similar unit or rental arrangement on Denman Island, or, in the absence of Denman Island data, in the Comox Valley in which case any comparables should be adjusted to reflect the likely discount or increase for Denman as compared to the Comox Valley.
  3. Secondary Suites may not be used for any form of vacation rental, including short-term vacation rentals.
- g. Monitoring and Reporting to the Local Trust Committee** - The Owner must deliver to the Trust Committee within six weeks of the transfer of any shares in the Owner and the closing of any sale of a Co-operative Housing Unit a completed statutory declaration, substantially in the form attached as Schedule A, sworn by a director of the Owner and the Co-operative member transferring shares and attaching a copy of the share transfer agreement, the agreement of purchase and sale for the Co-operative Housing Unit, and the certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member, as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than 15 months prior to the date of the purchase and sale of the Co-operative Housing Unit.
- h. Order to Comply** - If the Owner is in default of the performance or observation of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with the 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 in any Notice of Default provided to the Owner by the Trust Committee.
- i. Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and shared infrastructure 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 with reasonable notice to the Owner, subject to the notice provisions of the *Residential Tenancy Act*.
- j. No Transfer** - The Owner must not transfer the Lands, other than to an association constituted under the *Cooperative Association Act* or other non-profit association incorporated under the *Societies Act*, having as its object the co-operative ownership and management of affordable housing on Denman Island.
- k. Cooperative Standing** – The Owner must maintain its standing as a co-operative under the *Cooperative Act* or as a society under the *Societies Act*, as applicable, to ensure the ongoing occupancy and affordability objectives set out in this Agreement, and must not amend its memorandum of association, co-operative rules of association, constitution, or bylaws, as applicable, in any manner that would prevent, or adversely affect, the ability of the Owner to

perform its obligations under this Agreement.

- l. 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 Co-operative Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Denman Island Land Use Bylaw, as amended from time to time.
- m. 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.
- n. 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.

This clause will survive the termination of this Agreement.

- o. 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.

This clause will survive the termination of this Agreement.

- p. 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.
- q. 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.
- r. 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.

- 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"**  
**Memorandum Of Association**  
**Triple Rock Land Cooperative**

1. The name of the Association is: Triple Rock Land Cooperative
2. The purpose of the association is:  
*To create a cooperatively owned and managed affordable housing community on Denman Island.*
3. Authorized Share Capital:  
  
The capital of the Cooperative consists of an unlimited number of membership shares, divided into shares of the following denomination: \$1000.00
4. The liability of a member of the Association is limited in accordance with the Cooperative Association Act.

DRAFT

**SCHEDULE "B"**  
**Rules of the Association**  
**Triple Rock Land Cooperative**

***Preliminary***

1. In these rules, unless the context otherwise requires, words importing the singular include the plural, and vice versa.
2. "They" and "their" can be used to mean "he/she" and "his/her" respectively.
3. "Act" means the *Cooperative Association Act*; and "call", "director", "special resolution", "Memorandum", "officer" and "Rules" have the meanings assigned to them by the Act.
4. "The Cooperative" and the "The Coop" mean "TRIPLE ROCK LAND COOPERATIVE".

***Membership***

5. Any person who supports the goals and objectives of the Triple Rock Land Cooperative may apply to become a member.
6. Potential members may make an application for membership in writing to the directors. The directors may require a trial period of residence or other type of participation, and may accept, postpone or refuse it.
7. Once an individual's application for membership is accepted by the directors, and upon purchasing a minimum of two shares, the individual becomes a member and is entitled to full privileges and responsibilities.
8. All members' financial responsibilities and liabilities are established according to the following guideline:  
total costs to the Cooperative of land purchase, and of all common expenses for permanent structures and changes to the shape and status of the land, including infrastructure, buildings, administration costs for legal help, consultants, professionals, rezoning, and other fees, divided by the number of members  
plus  
any amounts borrowed by the Cooperative for the member's residential dwelling or portion of residential dwelling  
plus  
total costs to the Cooperation of maintenance, short-term coverage of members' outstanding payments to the Coop, reserve fund, and other unforeseen expenses, divided by the number of members.

**SCHEDULE “C”**

DENMAN ISLAND LOCAL TRUST COMMITTEE

FORM OF STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT with the Denman Island
PROVINCE OF BRITISH COLUMBIA	)	Local Trust Committee (“Housing
	)	Agreement”)

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia, do solemnly declare:

1. That I am a member of the Triple Rock Land Co-operative or its successor in title to land legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the “Lands”), and make this declaration to the best of my personal knowledge.
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement registered against the Lands.
3. This declaration is made pursuant to the Housing Agreement in respect of the Co-operative Housing Unit with the address \_\_\_\_\_
4. On the \_\_\_\_\_ day of, 20\_\_\_\_ I entered into an agreement to transfer one or more shares in the owner of the Land’s Co-operative Housing Unit, a true copy of which is attached to this declaration, to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
5. Pursuant to an agreement of purchase and sale that will close on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ of which a true copy is attached to this declaration, I intend to transfer all of my right and title in the Co-operative Housing Unit to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
6. 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*.

SWORN BEFORE ME at _____, in	)
the Province of British Columbia, this _____	)
day of _____ 20_____.	)
	)
	)
	)
_____	) Signature of person making declaration
A Commissioner for Taking Affidavits for	)
British Columbia	)

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia do solemnly declare:

1. That I am a director of Triple Rock Land Co-operative or its successor in title to land legally described as the South West ¼ of Section 17, Denman Island, Nanaimo District, except that Part in Plan 14174 and Plan VIP77481, and make this declaration to the best of my personal knowledge.
2. That Paragraphs 5 and 6 of the Statutory Declaration of \_\_\_\_\_ set out above correctly disclose the amount of consideration in respect of the share transfer and ownership transfers described in those paragraphs.
3. 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*.

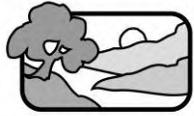
SWORN BEFORE ME at \_\_\_\_\_, in \_\_\_\_\_ )  
The Province of British Columbia, this \_\_\_\_\_ )  
Day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
A Commissioner for Taking Affidavits for  
British Columbia

\_\_\_\_\_  
) Signature of person making declaration

Attached:

- Share transfer agreement
- Agreement of purchase and sale for the Co-operative Housing Unit
- A certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than one year prior to the date of the purchase and sale of the Unit



**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>
N/A	<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.
N/A	<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>
N/A	<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.
✓	<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.
✓	<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.
✓	<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>
✓	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>
✓	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>

**From:** Raini Bevilacqua <raini.bevilacqua@komoks.ca>  
**Sent:** Friday, November 1, 2024 3:51 PM  
**To:** Nadine Mourao; Lia Tarle  
**Cc:** Carol McColl; Marlis McCargar; Reconciliation  
**Subject:** Re: Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Hi Nadine,

This property is outside the KFN AOP and does not require any CHIPs. I do not believe we have any concerns over the request. But if you would like to set up a meeting please let me know and we can schedule it in.

?imot  
Raini



Raini Bevilacqua, M.A.  
Archaeologist & Project Coordinator  
Archaeology & Referrals Department  
[K'ómoks First Nation](#)  
3330 Comox Rd, Courtenay, BC  
P: (250) 339-4545 ext. 120  
C: (778) 835-4288  
Follow us on [Facebook](#) and [Instagram](#)

tuwa ak<sup>w</sup>s xoxol ?a x<sup>w</sup> yixmetet (?a) k<sup>w</sup>oms hēhaw toms gūḡe  
"Care takers of the 'land of plenty' since time immemorial", ?aḡaḡuθəm (eye-uhh-juu-eth-  
em Island Comox)

### About K'ómoks First Nation

K'ómoks First Nation's history begins with the arrival of their ancestors to this territory at the end of the last Ice Age. Descent from these First Ancestors tie the **K'ómoks** (Sathloot, Sasitla, Ieeksen, and Xa'xe) and **Pentlatch** tribes to their respective territories. For thousands of years, KFN ancestors occupied the extent of their territories, and harvested and managed the rich natural resources therein. These lands and waters supported thousands of people who developed a rich and sophisticated culture. The disease and warfare that accompanied contact with Europeans in the late 18th century decimated KFN ancestors, just before an onslaught of settlers came to their territories. From this time, KFN has struggled against colonial policies that tried to alienate KFN people from their territories, resources, and culture. Despite all of this, KFN's ancestors persevered, and current generations of KFN people continue to assert their rights and title to the whole of their territory.

### Disclaimer

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**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>  
**Sent:** 17 October 2024 15:39  
**To:** Raini Bevilacqua <[raini.bevilacqua@komoks.ca](mailto:rains.bevilacqua@komoks.ca)>; Lia Tarle <[lia.tarle@komoks.ca](mailto:lia.tarle@komoks.ca)>  
**Cc:** Carol McColl <[carol.mccoll@komoks.ca](mailto:carol.mccoll@komoks.ca)>; Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>; Reconciliation <[Reconciliation@islandstrust.bc.ca](mailto:Reconciliation@islandstrust.bc.ca)>  
**Subject:** Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Dear Raini and Lia,

As a follow-up to your work with Sonja Zupanec and Narissa Chadwick on Denman and Hornby Islands, we are sending you a referral of Bylaw No. 250 (LUB) (attached), regarding a rezoning amendment for 5201 Denman Rd, Denman Island.

Narissa is available to discuss this during your next scheduled meeting, or alternatively, we can arrange a separate time. Please let us know which option works best to ensure your K'omoks First Nation's concerns are considered.

The intent of Bylaw No. 250 is to amend the Land Use Bylaw (LUB) for the R4 zone, including:

- Adding four residential units.
- Allowing secondary suites in all units.
- Increasing the maximum gross floor area for single-family dwellings from 139.4 m<sup>2</sup> to 186 m<sup>2</sup>.
- Increasing the maximum floor area for outbuildings from 1275 m<sup>2</sup> to 2174 m<sup>2</sup>.

We are also engaging First Nations as part of the broader housing review project, which will be referred to you separately in 2024/25.

Please contact Marlis McCargar, Island Planner at [mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca) or 250.247.2210 if you have any questions, or if you wish for staff to bring forward your concerns or comments to the Denman Island Local Trust Committee for their consideration of next steps.

Additional background, including the preliminary Staff Report and Proposed Bylaw No. 250 are located <https://islandstrust.bc.ca/island-planning/denman/current-applications/> as GB-RZ-2024.1: Land Use Bylaw Amendment: Triple Rock Land Cooperative.

A reply is respectfully requested by **January 20, 2024**.

Referral responses should be addressed to myself at [nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca) or by mail to: Islands Trust, 700 North Road, Gabriola, B.C. V0R 1X3.

Thank you for your time and attention to this referral,

## **Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

## **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səilwətaʃ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, †aʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x<sup>m</sup>məθk<sup>w</sup>əyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

**From:** Marlis McCargar  
**Sent:** Wednesday, March 5, 2025 10:46 AM  
**To:** Nadine Mourao  
**Subject:** FW: KFN's Referrals Process

Can you add this to the referral response from KFN for Bylaw No. 250?

**Marlis McCargar** (she, her, hers)  
Island Planner  
Islands Trust | T 250-247-2210

**From:** Lia Tarle <[lia.tarle@komoks.ca](mailto:lia.tarle@komoks.ca)>  
**Sent:** Monday, November 25, 2024 3:20 PM  
**To:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>; Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>; Reconciliation <[Reconciliation@islandstrust.bc.ca](mailto:Reconciliation@islandstrust.bc.ca)>  
**Cc:** Sonja Zupanec <[szupanec@islandstrust.bc.ca](mailto:szupanec@islandstrust.bc.ca)>; Narissa Chadwick <[nchadwick@islandstrust.bc.ca](mailto:nchadwick@islandstrust.bc.ca)>; Renee Jamurat <[rjamurat@islandstrust.bc.ca](mailto:rjamurat@islandstrust.bc.ca)>; Raini Bevilacqua <[raini.bevilacqua@komoks.ca](mailto:raini.bevilacqua@komoks.ca)>; Sheriden Barnett <[sheriden.barnett@komoks.ca](mailto:sheriden.barnett@komoks.ca)>  
**Subject:** KFN's Referrals Process

Hello all,

As discussed in our last standing meeting, I'd like to clarify our roles and referrals process at KFN.

My role is to manage the preparation of reports highlighting KFN's requirements for archaeological, cultural and environmental site protection.

Raini's role is to address KFN's archaeological interests via SUP referrals and the KFN CHIP system. Please continue to send land use referrals to Raini for archaeological analysis.

**However, we are at capacity for environmental referrals and cannot meaningfully engage at this time.**

**Please note that even if KFN does not respond to a referral within a given deadline, we may choose to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts, or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites, or environmental impacts are identified when work is carried out or if we discover impacts on our rights or interest that we had not foreseen.**

Thank you,

FW: KFN's Referrals Process



Lia Tarle, Ph.D.

Archaeologist & Repatriation Coordinator

[K'ómoks First Nation](#)

3330 Comox Rd, Courtenay, BC

Tel: 1.250.339.4545 ext. 129

[Lia Tarle, Ph.D. | LinkedIn](#)

<https://orcid.org/0000-0003-3949-4063>

tuwa akʔs ʔoʔoʔ ʔa xʔ yiʔmʔtʔt (ʔa) kʔʔms hʔhaw tʔms gʔjʔ

"Care takers of the 'land of plenty' since time immemorial", ʔayʔajʔuʔʔm (Ayajuthem / Island Comox)

#### About K'ómoks First Nation

The K'ómoks First Nation is located in the heart of the Comox Valley on Vancouver Island. Membership is currently just over 300 members within four clans: Sahtloot, Säsistla, Eiksan and Pentlatch. Two cultures are identified in our community: Coast Salish (Island-Comox speaking peoples) and Kwakwaka'wakw (Kwakʔ wala speaking peoples). K'ómoks originally occupied sites in Kelsey Bay, Quinsum, Campbell River, Quadra Island, Kye Bay and along the Pentlatch Estuary.

#### Disclaimer

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**From:** Nadine Mourao <[nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca)>

**Sent:** October 17, 2024 3:40 PM

**To:** Raini Bevilacqua <[raini.bevilacqua@komoks.ca](mailto:raini.bevilacqua@komoks.ca)>; Lia Tarle <[lia.tarle@komoks.ca](mailto:lia.tarle@komoks.ca)>

**Cc:** Carol McColl <[carol.mccoll@komoks.ca](mailto:carol.mccoll@komoks.ca)>; Marlis McCargar <[mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca)>; Reconciliation <[Reconciliation@islandstrust.bc.ca](mailto:Reconciliation@islandstrust.bc.ca)>

**Subject:** Denman Island Local Trust Committee Proposed Bylaw No. 250 Referral - For Response

Dear Raini and Lia,

As a follow-up to your work with Sonja Zupanec and Narissa Chadwick on Denman and Hornby Islands, we are sending you a referral of Bylaw No. 250 (LUB) (attached), regarding a rezoning amendment for 5201 Denman Rd, Denman Island.

Narissa is available to discuss this during your next scheduled meeting, or alternatively, we can arrange a separate time. Please let us know which option works best to ensure your K'ómoks First Nation's concerns are considered.

FW: KFN's Referrals Process

The intent of Bylaw No. 250 is to amend the Land Use Bylaw (LUB) for the R4 zone, including:

- Adding four residential units.
- Allowing secondary suites in all units.
- Increasing the maximum gross floor area for single-family dwellings from 139.4 m<sup>2</sup> to 186 m<sup>2</sup>.
- Increasing the maximum floor area for outbuildings from 1275 m<sup>2</sup> to 2174 m<sup>2</sup>.

We are also engaging First Nations as part of the broader housing review project, which will be referred to you separately in 2024/25.

Please contact Marlis McCargar, Island Planner at [mmccargar@islandstrust.bc.ca](mailto:mmccargar@islandstrust.bc.ca) or 250.247.2210 if you have any questions, or if you wish for staff to bring forward your concerns or comments to the Denman Island Local Trust Committee for their consideration of next steps.

Additional background, including the preliminary Staff Report and Proposed Bylaw No. 250 are located <https://islandstrust.bc.ca/island-planning/denman/current-applications/> as GB-RZ-2024.1: Land Use Bylaw Amendment: Triple Rock Land Cooperative.

A reply is respectfully requested by **January 20, 2024**.

Referral responses should be addressed to myself at [nmourao@islandstrust.bc.ca](mailto:nmourao@islandstrust.bc.ca) or by mail to: Islands Trust, 700 North Road, Gabriola, B.C. V0R 1X3.

Thank you for your time and attention to this referral,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

**Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətəʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṠÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláitxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*



Islands Trust

# REPORT

# STAFF

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

DATE OF MEETING: October 21, 2025

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. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a second time, as amended.

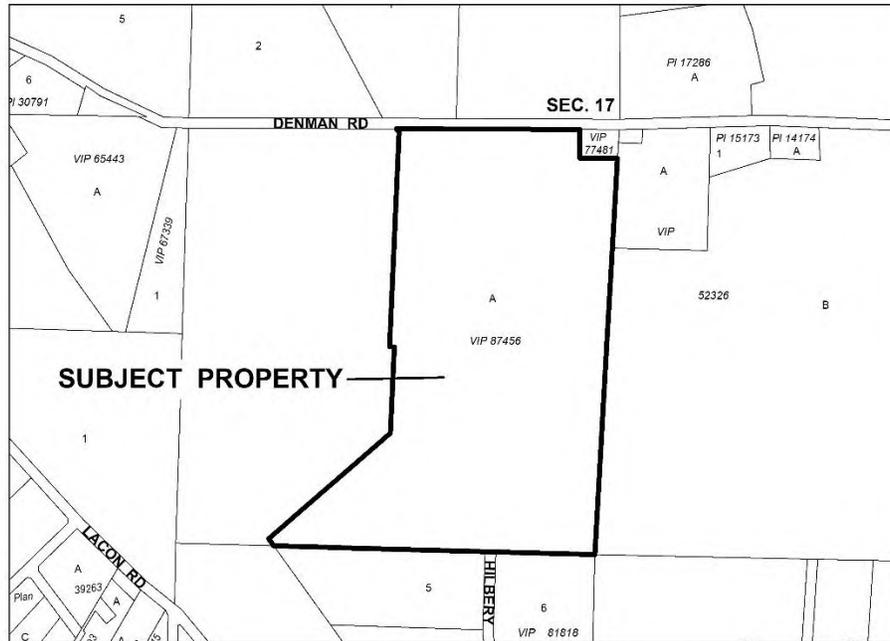
## REPORT SUMMARY

This report summarizes referral responses for application DE-RZ-2024.1. Staff recommend that amendments to Bylaw No. 254 (Housing Agreement) be considered as summarized in this report. All relevant background information is posted to the Islands Trust [current applications webpage](#).

## BACKGROUND

On May 20, 2025, the Denman Island Local Trust Committee (LTC) gave first and second readings to Proposed Bylaw Nos. 255 (OCP) and 254 (Housing Agreement), and second reading to Proposed Bylaw No. 250 (LUB). Bylaw Nos. 254 and 255 were subsequently forwarded to agencies and First Nations for comment. Proposed Bylaw No. 250 had previously been forwarded to agencies and First Nations in October 2024.

The LTC is considering a rezoning application (DE-RZ-2024.1) from Triple Rock Land Cooperative to permit 19 dwelling units and associated secondary suites. As part of the application, a Housing Agreement is required to secure provisions for long-term affordability and occupancy.



**Subject Property Map**

The Denman Island LTC passed the following resolution at the May 20, 2025 regular business meeting to initiate this work:

**DE-2025-028**

**that the Denman Island Local Trust Committee request staff to schedule a community information meeting prior to the Public Hearing for application DE-RZ-2024.1 (Triple Rock Land Cooperative) and Proposed Bylaw Nos. 250, 254 and 255.**

**CARRIED**

Staff are proposing an electronic Community Information Meeting and Public Hearing be scheduled in November/early December based on LTC and staff availability.

**DE-2025-029**

**that the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” to the following First Nations, Local Governments and agencies for comment as presented in the May 20, 2025 staff report.**

**CARRIED**

The Denman Island LTC gave first and second readings to Proposed Bylaw No. 255 (OCP) and forwarded the bylaw to agencies and First Nations for comment. A summary of referral responses received to-date are included in this report.

**DE-2025-030**

**that Denman Island Local Trust Committee request staff to amend draft Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” by removing schedules A and B.**

**CARRIED**

Staff have removed the schedules as requested (Attachment 3).

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

## ANALYSIS

### Issues and Opportunities

Staff have identified the following, discussed in more detail below:

- Summary of Referral Responses for Proposed Bylaw Nos. 255 (OCP) and 250 (LUB)
- Recommended amendments to Bylaw No. 254 (Housing Agreement) (Attachment 3)
- Public Hearing options

### Summary of Referral Responses

A Community Information Meeting (CIM) has not yet been held. Public input on the proposed bylaws will be accepted until the close of the Public Hearing (date to be determined).

Initially, it was anticipated that an OCP amendment would not be required for this application, as the LTC was advancing a separate project (Proposed Bylaw Nos. 248 and 249) aimed at eliminating the density bank from the OCP altogether. However, that project did not proceed, and the bylaws were not adopted. As a result, the current rezoning application now requires an OCP amendment to withdraw densities from the density bank. This has contributed to an irregular process, with the Land Use Bylaw (LUB) amendment already having received first reading and referral responses, while the OCP amendment was introduced at a later stage. Consequently, the bylaws were sent for referrals at different times.

The LTC already received referral responses for the LUB amendment in May 2025. This report reviews the referral responses for both the LUB and OCP amendments.

A summary of the referral responses that have been received are provided in Table 1:

**Table 1. Summary of Referral Responses**

First Nation/ Agency / Group	Summary Response to Bylaw No. 255 (OCP) Referral	Summary Response to Bylaw No. 250 (LUB) Referral  Provided in May 2025	Staff Comments
Hornby Island Local Trust Committee	HO LTC passed the following resolution at their July 4 regular meeting: <b>HO-2025-028 It was MOVED and SECONDED</b> <i>that the Hornby Island Local Trust Committee defer comment on Denman Island Bylaw No. 255 until K'omoks First Nation has responded to any concerns.</i> <b><u>CARRIED</u></b>	Interests Unaffected by Bylaw	The HO LTC has deferred comment on Bylaw No. 255 pending a response from KFN regarding any concerns. Staff will continue to monitor interagency referrals and First Nation correspondence, and will provide updates to the LTC as new

			information becomes available.
Ministry of Agriculture and Food	<p>Interests are unaffected noting that Bylaw No. 255 is merely an OCP amendment that is now required in conjunction with Bylaw No. 250 to which the Ministry previously provided comments on November 20, 2024.</p> <p>With regards to Bylaw No. 250, Ministry staff are pleased to note that four new dwellings will be located within the existing CoHo Landing cluster.</p>	<p>Ministry staff are pleased that no dwellings or development are proposed for the ALR-designated northern portion of the property.</p> <p>Ministry staff recommend placing the four new dwellings within the existing CoHo Landing cluster to maintain a suitable buffer from the ALR, as their exact locations haven't been provided and one existing structure appears to be very close to the ALR boundary.</p> <p>The added dwellings and increased residential density on the property are unlikely to negatively affect future farming potential on the site or nearby ALR lands.</p>	The four new dwellings will be within the existing CoHo Landing cluster.
Ministry of Housing and Municipal Affairs	<ul style="list-style-type: none"> <li>Staff have reviewed the submission and do not have any comments on the contents of the bylaw.</li> </ul>	Deferred to Agricultural Land Commission and Ministry of Housing comments	None.
Vancouver Island Health Authority	<ul style="list-style-type: none"> <li>No response</li> </ul>	Each home currently uses its own rainwater system for drinking water, which will continue with the new units and suites. However, if a shared system is introduced, it may trigger requirements under the Drinking Water Protection Act and Regulation, including permits, testing, treatment, and reporting.	None.

		<p>The Sewerage System Regulation applies to all onsite systems, and given the property's size and composting toilet requirements, there appears to be sufficient space for new or amended septic systems and replacement fields. Existing systems must comply with regulations, and an Authorized Person should assess and update them as needed to accommodate secondary suites.</p>	
<p>Agricultural Land Commission</p>	<ul style="list-style-type: none"> <li>• ALC staff reiterate that R3 zoning is not appropriate for lands within ALR due to its inconsistency with the ALC Act and potential to create unrealistic expectations for residential development.</li> <li>• The draft Housing Agreement currently includes ALR land, which is problematic: <ul style="list-style-type: none"> <li>○ It allows density beyond what's permitted in the ALR.</li> <li>○ It prohibits buildings/structures other than those defined, which may unintentionally restrict farm use.</li> <li>○ It should apply only to non-ALR lands to avoid confusion and must not prohibit permitted farm structures unless authorized by the Commission.</li> </ul> </li> </ul>	<p>Since the R3 zone applies only to the non-ALR portion of the property, ALC staff have no comments.</p> <p>ALC recommends using setback and buffer guidelines from the <i>Guide to Edge Planning</i> for any development near ALR boundaries to prevent future land-use conflicts.</p>	<p>Staff note that the subject property is already split-zoned, with the portion located within the ALR zoned A(5), which explicitly prohibits residential use. No change to the zoning within the ALR is being proposed; it will remain zoned A(5).</p> <p>The proposed Housing Agreement does not override or enable residential development within the ALR. However, to provide clarity and avoid potential misinterpretation, staff have recommended amendments to the Housing Agreement to explicitly exclude the ALR-designated portion of the property.</p>

	<ul style="list-style-type: none"> <li>ALC recommends applying edge planning tools to minimize conflict between urban and agricultural uses, including appropriate setbacks and buffers adjacent to ALR lands.</li> </ul>		
Cowichan Tribes	<ul style="list-style-type: none"> <li>No response.</li> </ul>	No comment. Defer to communities closer to Denman Island.	None.
Ts'uubaa-asatx Nation	<ul style="list-style-type: none"> <li>Defer to the First Nation(s) whose traditional territory fronts this area.</li> </ul>	<p>Outside Ts'uubaa-asatx Nation's core title area.</p> <p>Defer to the First Nation(s) whose traditional territory fronts this area, likely K'omoks First Nation.</p>	None.
Tla'amin Nation	<ul style="list-style-type: none"> <li>Outside of Tla'amin Nation's core territory.</li> </ul>	Outside of Tla'amin Nation's core territory.	None.
K'omoks First Nation	<ul style="list-style-type: none"> <li>No response has been received to the OCP referral sent in June 2025. Follow-up efforts have not resulted in an estimated timeframe for a response.</li> </ul>	<p>Outside KFN designated areas of high archaeological potential (AOP) and does not require any Cultural Heritage Investigation Permits (CHIP).</p> <p>Likely no concerns over the request.</p> <p>However, are at capacity for environmental referrals and cannot meaningfully engage at this time.</p>	None.
Homalco First Nation	<ul style="list-style-type: none"> <li>No response.</li> </ul>	No concerns at this time.	None.
Snuneymuxw First Nation	<ul style="list-style-type: none"> <li>Defers comment on the referral.</li> </ul>		None.
Nanwakolas Council	<ul style="list-style-type: none"> <li>Please contact the nations directly regarding this referral as we only deal with Provincial Crown Land referrals.</li> </ul>		None.

Mamalilikulla First Nation	<ul style="list-style-type: none"> <li>Denman Island is not located within the territory of the Mamalilikulla First Nation. No further information sharing or consultation is needed.</li> </ul>		None.
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**Recommended Amendments to Proposed Bylaw No. 254 (Housing Agreement)**

While a Housing Agreement cannot authorize development that is not otherwise permitted by zoning, staff have prepared a revised version of the agreement that includes suggested wording changes to reinforce this point, should it provide additional clarity or comfort to the ALC.

Specifically, staff propose a revision to Recital C to emphasize that the agreement does not confer development rights beyond what is permitted in the zoning. In addition, staff suggest a revision to Clause 2(a), which currently prohibits any other development on the entire parcel, including within the ALR-designated portion. As written, this clause could unintentionally restrict farming activities or the construction of permitted farm buildings.

Staff note that the subject property is already split-zoned, with the ALR portion zoned A(5), which explicitly prohibits residential use. Therefore, the Housing Agreement does not override or alter zoning provisions within the ALR.

**Public Hearing**

At its May 2025 meeting, the LTC provided direction to staff to schedule a Public Hearing as part of the bylaw amendment process. Now that the referral period has concluded, staff are seeking further direction on the format and logistics of public engagement leading up to the hearing.

Specifically, staff are requesting LTC input on the following:

1. Combined Community Information Meeting (CIM) and Public Hearing

Does the LTC prefer to hold a combined CIM and Public Hearing, or would it prefer a standalone CIM held in advance? A combined session may streamline the process and reduce scheduling demands, while a standalone CIM may allow for more in-depth public education and discussion prior to the formal hearing.

2. Electronic Format

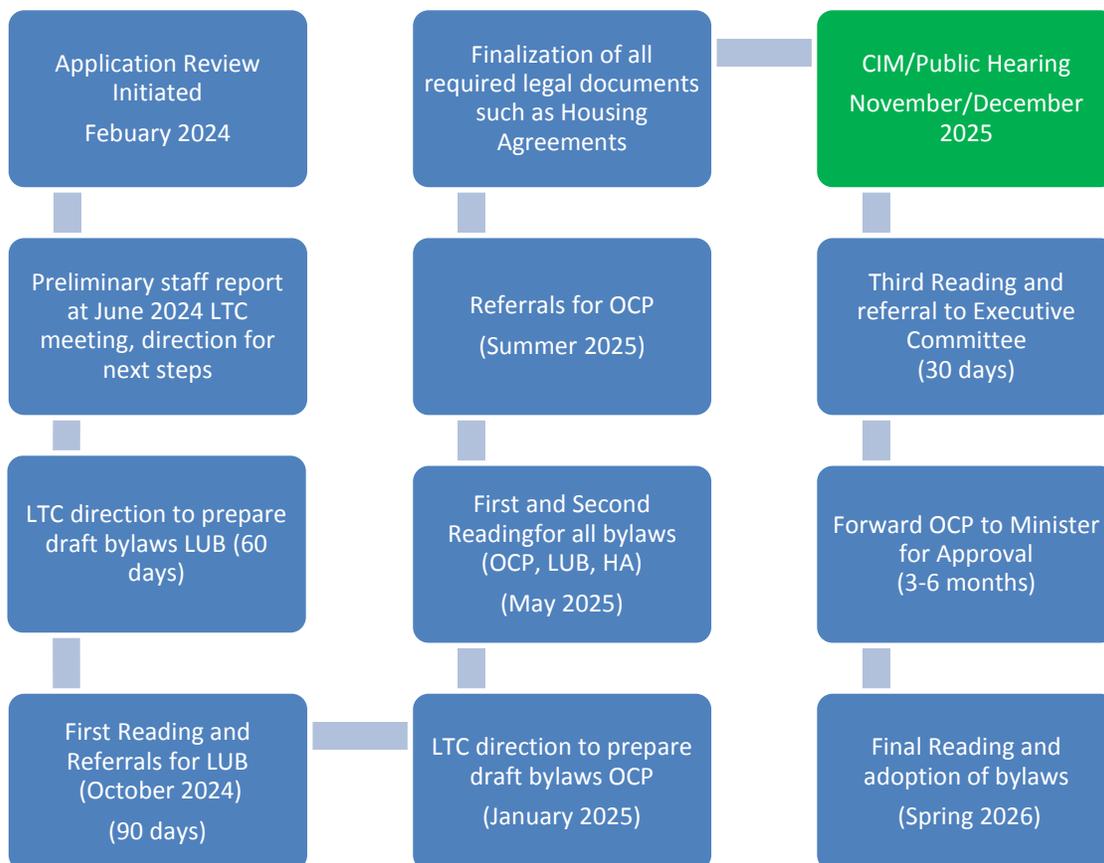
Would the LTC consider holding the Public Hearing and CIM electronically? This option may improve accessibility for participants and provide flexibility to hold sessions outside regular working hours.

3. Preferred Timing

Staff also request LTC direction on preferred timing for the Public Hearing and/or CIM, whether it should be held during the day or evening hours, taking into account anticipated public interest and accessibility. Or whether the LTC would prefer to have the CIM/public hearing scheduled as part of their regular business meeting on December 16, 2025.

## Application Process Steps and Timing

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



### ALTERNATIVES:

#### 1. Direction to amend the proposed bylaws

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

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

*That the Denman Island Local Trust Committee amend draft Bylaw No. 254, cited as the “Denman Island Housing Agreement Bylaw No. 254, 2025” by...*

*That the Denman Island Local Trust Committee amend draft Bylaw No. 255, cited as the “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2025” by...*

#### 2. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

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

**Next Steps**

Should the LTC concur with the staff recommendations, staff will update Proposed Bylaw No. 254 and schedule the CIM and public hearing based on LTC feedback.

Submitted By:	Marlis McCargar, Island Planner	October 2, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	October 2, 2025

**ATTACHMENTS**

1. Proposed Bylaw No. 255 (OCP) – for reference
2. Proposed Bylaw No. 250 (LUB) – for reference
3. Draft Bylaw No. 254 (Housing Agreement) – for second reading, as amended

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 255

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### A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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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 Official Community Plan, 2008, Amendment No. 2, 2025”.

#### 2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	20	DAY OF	MAY	, 2025
PUBLIC HEARING HELD THIS	20	DAY OF	MAY	, 2025
READ A SECOND TIME THIS	_____	DAY OF	_____	, 20__
READ A THIRD TIME THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	, 20__
ADOPTED THIS	_____	DAY OF	_____	, 20__

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 255**

**SCHEDULE 1**

Appendix “D” of the Denman Island Official Community Plan No. 185, 2008, is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:
- 2.

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative total of residential dwelling units in the bank
255	[date of adoption]	Lot A, Section 17 Denman Island, Nanaimo District, Plan VIP87456	-4	$7 - 4 = 3$ (*as per standing resolution #2023-073)  (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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

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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                      8<sup>TH</sup>                      DAY OF                      OCTOBER                      , 2024

READ A SECOND TIME THIS                      20<sup>TH</sup>                      DAY OF                      MAY                      , 2025

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

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**Chair**

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**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” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” 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” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” 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 3 – Density of Uses, Buildings and Structures, line item 3 and in the R3 column, is amended by replacing the number “15” with the number “19”.
  - 1.6 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 m<sup>2</sup>” in the R3 column, and renumber accordingly.
  - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m<sup>2</sup>” in line item 6 and in the R3 column, and replacing it with “2174 m<sup>2</sup>”.



## Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ is BETWEEN:

**TRIPLE ROCK LAND COOPERATIVE**, a cooperative incorporated under the laws of the province of British Columbia and having its office at 5201 Denman Rd, 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 those Lands situated on Denman Island and legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the “Lands”);
- B. The Owner is an association constituted under the Cooperative Association Act, SBC 1999, c. 28 and has as its sole object the creation of a co-operatively owned and managed affordable housing community on Denman Island;
- C. The Owner applied to the Denman Island Local Trust Committee for a rezoning of the Lands by means of Denman Island Land Use Bylaw, \_\_\_\_\_ to permit the development of 19 co-operative housing units with secondary suites, accessory buildings, and a common house on the [area of the Lands that is zoned R3 pursuant to the Denman Island Land Use Bylaw \(the “R3 Land”\) and, for certainty, this Agreement does not contemplate or authorize residential development on any other part of the Lands;](#)
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to ensure Cooperative Housing Units remain affordable according to the terms and conditions set out in 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 a housing agreement between the Owner and the Trust Committee under section 483 of the Local Government Act, and as a covenant under section 219 of the Land Title Act, as follows:

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

- (1) “Co-operative Housing Unit” means a Primary Housing Unit and may include a Secondary Suite;
- (2) “Co-operative member” means a member of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (3) “Co-operative Rules and policies” means the rules and policies of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (4) “CPI” means the all-items consumer price index for Victoria, British Columbia published by Statistics Canada;
- (5) “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;
- (6) “Family Member” means a person who lives with and is related to the Co-operative member by blood, adoption, marriage (including a marriage-like relationship). It also includes a chosen family member, an individual with whom the member shares a close, long-standing, family-like relationship, regardless of legal or biological ties;
- (7) “Primary Housing Unit” means a single detached Dwelling Unit occupied as a residence by at least one Co-operative member; and
- (8) “Secondary Suite” means a Dwelling Unit located within the same building as, and having a lesser floor area than, a Primary Housing Unit.

**b. Agreement over the Lands:**

1. Pursuant to section 219 of the *Land Title Act* and Section 483 of the *Local Government Act*, the Owner covenants and agrees that:
  - a. 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; and
  - b. If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.
2. The Owner covenants and agrees with the Trust Committee that, in perpetuity:

- a. the **R3 Lands** must not be used, and no building or structure may be constructed on the Lands, other than for 19 Co-operative Housing Units, a common house, and non-residential accessory buildings and structures as defined in this Agreement and the Denman Island Land Use Bylaw, and any home-based business permitted by the Denman Island Land Use Bylaw;
  - b. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any Siting and Use Permit issued by the Denman Islands Local Trust Committee; and
  - c. **The Lands shall not be subdivided by subdivision plan, strata plan or otherwise howsoever.**
- c. Dissolution of the Co-operative** - If on the winding up or dissolution of the Owner, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property must not be paid to or distributed among the Co-operative members; and must be given or transferred to an institution:
- a. that has as its object the co-operative ownership and management of affordable housing on Denman Island; and
  - b. that has been chosen by the Co-operative members and approved by the Trust Committee at or before the time of dissolution.
- d. Occupancy of Primary Housing Units**
1. No Primary Housing Unit shall be occupied by any person who is not a Co-operative member, a family member of such a member, the guest of such a member, a tenant or roommate of a Co-operative member approved by the Owner pursuant to the Co-operative Rules and policies, a caregiver of the Co-operative member, or a person whose membership in the Owner is under consideration by the Owner pursuant to the Co-operative Rules and policies.
  2. Every Primary Housing Unit shall have a Co-operative member as its primary occupant, except when a Co-operative member is on a temporary leave-of-absence as permitted by the Co-operative Rules and policies.
  3. Co-operative members shall have the Primary Housing Unit as their principal residence.
  4. Primary Housing Units may not be used for any form of vacation rental, including short-term vacation rentals.
- e. Pricing of Co-operative membership shares and Housing Units**
1. The purchase price of a membership share in the Owner may not exceed the acquisition price of the share, plus the lesser of: any increase in the annual average CPI from the year in which the share was acquired to the year in which it is transferred, and 2% annually.
  2. The purchase price of a Co-operative Housing Unit upon any sale of the Co-operative Housing Unit in connection with a transfer of shares in the Owner may not exceed the depreciated replacement cost of the Co-operative Housing Unit, as determined by a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative

member and furthermore may be limited to a maximum value (a cap) as determined by policies set by the Owner.

**f. Occupancy and Affordability of Secondary Suites**

1. Occupancy of Secondary Suites is limited to caregivers and family members of the Co-operative member who is the main occupant of the Primary Housing Unit to which the Suite is attached, Co-operative members, people applying for Co-operative membership, and people volunteering for or otherwise actively involved with and committed to the Co-operative. Occupants of Secondary Suites must be approved by the Owner.
2. The amount of rent charged for Secondary Suites must be at least 20% less than the average comparable market rent charged for a similar unit or rental arrangement on Denman Island, or, in the absence of Denman Island data, in the Comox Valley in which case any comparables should be adjusted to reflect the likely discount or increase for Denman as compared to the Comox Valley.
3. Secondary Suites may not be used for any form of vacation rental, including short-term vacation rentals.

**g. Monitoring and Reporting to the Local Trust Committee** - The Owner must deliver to the Trust Committee within six weeks of the transfer of any shares in the Owner and the closing of any sale of a Co-operative Housing Unit a completed statutory declaration, substantially in the form attached as Schedule A, sworn by a director of the Owner and the Co-operative member transferring shares and attaching a copy of the share transfer agreement, the agreement of purchase and sale for the Co-operative Housing Unit, and the certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member, as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than 15 months prior to the date of the purchase and sale of the Co-operative Housing Unit.

**h. Order to Comply** - If the Owner is in default of the performance or observation of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with the 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 in any Notice of Default provided to the Owner by the Trust Committee.

**i. Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and shared infrastructure 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 with reasonable notice to the Owner, subject to the notice provisions of the *Residential Tenancy Act*.

**j. No Transfer** - The Owner must not transfer the Lands, other than to an association constituted under the *Cooperative Association Act* or other non-profit association incorporated under the *Societies Act*, having as its object the co-operative ownership and management of affordable housing on Denman Island.

**k. Cooperative Standing** – The Owner must maintain its standing as a co-operative under the

*Cooperative Act* or as a society under the *Societies Act*, as applicable, to ensure the ongoing occupancy and affordability objectives set out in this Agreement, and must not amend its memorandum of association, co-operative rules of association, constitution, or bylaws, as applicable, in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.

- l. 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 Co-operative Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Denman Island Land Use Bylaw, as amended from time to time.
- m. 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.
- n. 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.

This clause will survive the termination of this Agreement.

- o. 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.

This clause will survive the termination of this Agreement.

- p. 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.
- q. 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.
- r. 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.

- 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.



I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia do solemnly declare:

1. That I am a director of Triple Rock Land Co-operative or its successor in title to land legally described as the South West ¼ of Section 17, Denman Island, Nanaimo District, except that Part in Plan 14174 and Plan VIP77481, and make this declaration to the best of my personal knowledge.
2. That Paragraphs 5 and 6 of the Statutory Declaration of \_\_\_\_\_ set out above correctly disclose the amount of consideration in respect of the share transfer and ownership transfers described in those paragraphs.
3. 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*.

SWORN BEFORE ME at \_\_\_\_\_, in \_\_\_\_\_ )  
The Province of British Columbia, this \_\_\_\_\_ )  
Day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
A Commissioner for Taking Affidavits for  
British Columbia

)  
)  
)  
) \_\_\_\_\_  
) Signature of person making declaration

Attached:

- Share transfer agreement
- Agreement of purchase and sale for the Co-operative Housing Unit
- A certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than one year prior to the date of the purchase and sale of the Unit



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

DATE OF MEETING: February 17, 2026

TO: Denman Island Local Trust Committee

FROM: Marlis McCargar, Island Planner  
Northern Office

SUBJECT: Post-Public Hearing Report - OCP & LUB Amendment Bylaws No. 255 and 250, Housing Agreement Bylaw No. 254, DE-RZ-2024.1 (Triple Rock Land Cooperative)  
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 proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be read a third time.
2. That Denman Island Local Trust Committee proposed Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be read a third time.
3. That Denman Island Local Trust Committee proposed Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a third time.
4. That the Denman Island Local Trust Committee proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be forwarded to the Minister of Housing and Municipal Affairs for approval.
5. That the Denman Island Local Trust Committee proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025,” proposed Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” and proposed Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

## REPORT SUMMARY

This is a post-public hearing report supporting next steps for proposed Bylaw Nos. 255 (OCP amendment), 250 (LUB amendment) and 254 (Housing Agreement). These bylaws propose to increase the number of units on the subject property by four units, withdraw four densities from the OCP density bank, permit secondary suites in all units, and increase the maximum permitted floor area for outbuildings to support additional units.

Staff are recommending the LTC give Third Reading to Bylaw Nos. 255, 254 and 250, forward Bylaw No. 255 to the Minister of Housing and Municipal Affairs for approval, and forward the Bylaw No. 255, 254 and 250 to Executive Committee for approval.

## **BACKGROUND**

The LTC is considering a bylaw to amend the Denman Island Official Community Plan No. 185 and a bylaw to amend the Denman Island Land Use Bylaw No. 186 to rezone 5201 Denman Road. The bylaws will permit four additional dwellings and secondary suites in all units, which will be regulated by a Housing Agreement.

The LTC gave Bylaw No. 250 First Reading on October 8, 2024 and Second Reading on May 20, 2025. The LTC gave Bylaw No. 255 First and Second Readings on May 20, 2025. The bylaws were referred to First Nations, agencies and organizations in October 2024 and June 2025 with a 90-day referral period.

A Public Hearing is scheduled for February 17, 2026. A Public Hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading (this may include amendments to alter the bylaws).
2. Send the OCP Bylaw to the Minister for approval.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Final LTC consideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

If the Minister and Executive Committee approve the bylaws, the next step for the LTC would be to adopt the bylaws.

### **Rationale for Recommendation:**

Staff are recommending the LTC give Third Reading, and that the Bylaws be forwarded to Executive Committee for approval. The recommendations are supported because:

- All statutory requirements have been completed including the required notification and holding of a Public Hearing consistent with the *Local Government Act*;

- Public and government agency concerns raised with the proposed bylaws have been considered by the LTC;
- Referrals have been sent to First Nations (a formal response from K’omoks First Nation has not been received at the time of writing this report); and
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

**ALTERNATIVES**

**1. Amend the Bylaw(s)**

The LTC may amend the bylaw provided the amendments would not alter use or increase density.

*That the Denman Island Local Trust Committee proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” be amended as follows:...*

*That the Denman Island Local Trust Committee proposed Bylaw No. 250 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024” be amended as follows:....*

**2. Defer Third Reading to a future LTC Meeting**

The LTC may choose to defer consideration of third reading to a future LTC meeting. If the LTC chooses this option, no resolution is needed and Bylaw Nos. 255, 254 and 250 will be brought forward at a subsequent meeting.

**3. Hold Final Adoption Pending K’omoks First Nation Input**

If new information or concerns are received from First Nations following third reading, staff would report back to the LTC with an update. The LTC would be required to hold another public hearing, as required when new information is considered, prior to final adoption.

**4. Proceed no further**

*That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 255, 254 and 250.*

**NEXT STEPS**

If the recommendations are supported:

- Bylaw No. 250 will be sent to the Ministry of Municipal affairs for approval;
- Bylaw No. 250, Bylaw No. 254 and Bylaw No. 255 will be sent to Executive Committee for approval; and
- Pending approval from the Minister and EC, Bylaw No. 250, Bylaw No. 254 and Bylaw No. 255 will be presented to the LTC for adoption.

Submitted By:	Marlis McCargar, Island Planner	January 30, 2026
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 5, 2026

## **ATTACHMENTS**

1. Bylaw No. 255
2. Bylaw No. 254
3. Bylaw No. 250

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 255

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### A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 185, 2008

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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 Official Community Plan, 2008, Amendment No. 2, 2025”.

#### 2. SCHEDULES

Denman Island Official Community Plan Bylaw No. 185, 2008 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

#### 3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	20	DAY OF	MAY	, 2025
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	, 20__
READ A SECOND TIME THIS	20	DAY OF	MAY	, 2025
READ A THIRD TIME THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	, 20__
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	, 20__
ADOPTED THIS	_____	DAY OF	_____	, 20__

---

CHAIR

---

SECRETARY

**DENMAN ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 255**

**SCHEDULE 1**

Appendix “D” of the Denman Island Official Community Plan No. 185, 2008, is amended as follows:

1. That the Residential Density Bank table of Appendix D, “Density Banking” be amended by the addition of a new entry, in sequential order, which reads as follows:
- 2.

Authorising Bylaw	Date Added to or transferred from the Bank	Legal Description	Number of residential dwelling units added or deleted	Cumulative total of residential dwelling units in the bank
255	[date of adoption]	Lot A, Section 17 Denman Island, Nanaimo District, Plan VIP87456	-4	7 – 4 = 3  (*as per standing resolution #2023-073)  (* Final cumulative totals will be reconciled upon adoption of all relevant bylaws.)

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 254

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### A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

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

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

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

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Housing Agreement Bylaw No. 254, 2025”.

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

READ A FIRST TIME THIS                    20                    DAY OF                    MAY                    , 2025

READ A SECOND TIME THIS                    16                    DAY OF                    DECEMBER                    , 2025

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

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

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

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

---

**Chair**

---

**Secretary**

## Housing Agreement

THIS AGREEMENT DATED FOR REFERENCE THE \_\_\_\_ DAY OF \_\_\_\_, 20\_\_ is BETWEEN:

**TRIPLE ROCK LAND COOPERATIVE**, a cooperative incorporated under the laws of the province of British Columbia and having its office at 5201 Denman Rd, 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 those Lands situated on Denman Island and legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the "Lands");
- B. The Owner is an association constituted under the Cooperative Association Act, SBC 1999, c. 28 and has as its sole object the creation of a co-operatively owned and managed affordable housing community on Denman Island;
- C. The Owner applied to the Denman Island Local Trust Committee for a rezoning of the Lands by means of Denman Island Land Use Bylaw, \_\_\_\_\_ to permit the development of 19 co-operative housing units with secondary suites, accessory buildings, and a common house on the area of the Lands that is zoned R3 pursuant to the Denman Island Land Use Bylaw (the "R3 Land") and, for certainty, this Agreement does not contemplate or authorize residential development on any other part of the Lands;
- D. The Trust Committee may, pursuant to Section 29 of the Islands Trust Act and Section 483 of the Local Government Act, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on those lands;
- E. Section 219 of the Land Title Act permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;
- F. The Owner and the Trust Committee wish to enter into this Agreement to ensure Cooperative Housing Units remain affordable according to the terms and conditions set out in 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 a housing agreement between the Owner and the Trust Committee under section 483 of the Local Government Act, and as a covenant under section 219 of the Land Title Act, as follows:

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

- (1) “Co-operative Housing Unit” means a Primary Housing Unit and may include a Secondary Suite;
- (2) “Co-operative member” means a member of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (3) “Co-operative Rules and policies” means the rules and policies of the Triple Rock Land Cooperative or another cooperative approved by the Denman Island Local Trust Committee;
- (4) “CPI” means the all-items consumer price index for Victoria, British Columbia published by Statistics Canada;
- (5) “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;
- (6) “Family Member” means a person who lives with and is related to the Co-operative member by blood, adoption, marriage (including a marriage-like relationship). It also includes a chosen family member, an individual with whom the member shares a close, long-standing, family-like relationship, regardless of legal or biological ties;
- (7) “Primary Housing Unit” means a single detached Dwelling Unit occupied as a residence by at least one Co-operative member; and
- (8) “Secondary Suite” means a Dwelling Unit located within the same building as, and having a lesser floor area than, a Primary Housing Unit.

**b. Agreement over the Lands:**

1. Pursuant to section 219 of the *Land Title Act* and Section 483 of the *Local Government Act*, the Owner covenants and agrees that:
  - a. 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; and
  - b. If a building is demolished or is otherwise replaced, this Agreement shall continue to apply to the Lands and the construction on the Lands shall be subject to the requirements of this Agreement.
2. The Owner covenants and agrees with the Trust Committee that, in perpetuity:

- a. the R3 Land must not be used, and no building or structure may be constructed on the Lands, other than for 19 Co-operative Housing Units, a common house, and non-residential accessory buildings and structures as defined in this Agreement and the Denman Island Land Use Bylaw, and any home-based business permitted by the Denman Island Land Use Bylaw;
  - b. the Lands must not be used and no building or structure may be constructed on the Lands except in accordance with any Siting and Use Permit issued by the Denman Islands Local Trust Committee; and
  - c. the Lands shall not be subdivided by subdivision plan, strata plan or otherwise howsoever.
- c. Dissolution of the Co-operative** - If on the winding up or dissolution of the Owner, any property remains after the satisfaction of all its debts and liabilities and the costs, expenses and charges of the winding up, that property must not be paid to or distributed among the Co-operative members; and must be given or transferred to an institution:
- a. that has as its object the co-operative ownership and management of affordable housing on Denman Island; and
  - b. that has been chosen by the Co-operative members and approved by the Trust Committee at or before the time of dissolution.
- d. Occupancy of Primary Housing Units**
1. No Primary Housing Unit shall be occupied by any person who is not a Co-operative member, a family member of such a member, the guest of such a member, a tenant or roommate of a Co-operative member approved by the Owner pursuant to the Co-operative Rules and policies, a caregiver of the Co-operative member, or a person whose membership in the Owner is under consideration by the Owner pursuant to the Co-operative Rules and policies.
  2. Every Primary Housing Unit shall have a Co-operative member as its primary occupant, except when a Co-operative member is on a temporary leave-of-absence as permitted by the Co-operative Rules and policies.
  3. Co-operative members shall have the Primary Housing Unit as their principal residence.
  4. Primary Housing Units may not be used for any form of vacation rental, including short-term vacation rentals.
- e. Pricing of Co-operative membership shares and Housing Units**
1. The purchase price of a membership share in the Owner may not exceed the acquisition price of the share, plus the lesser of: any increase in the annual average CPI from the year in which the share was acquired to the year in which it is transferred, and 2% annually.
  2. The purchase price of a Co-operative Housing Unit upon any sale of the Co-operative Housing Unit in connection with a transfer of shares in the Owner may not exceed the depreciated replacement cost of the Co-operative Housing Unit, as determined by a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative

member and furthermore may be limited to a maximum value (a cap) as determined by policies set by the Owner.

**f. Occupancy and Affordability of Secondary Suites**

1. Occupancy of Secondary Suites is limited to caregivers and family members of the Co-operative member who is the main occupant of the Primary Housing Unit to which the Suite is attached, Co-operative members, people applying for Co-operative membership, and people volunteering for or otherwise actively involved with and committed to the Co-operative. Occupants of Secondary Suites must be approved by the Owner.
2. The amount of rent charged for Secondary Suites must be at least 20% less than the average comparable market rent charged for a similar unit or rental arrangement on Denman Island, or, in the absence of Denman Island data, in the Comox Valley in which case any comparables should be adjusted to reflect the likely discount or increase for Denman as compared to the Comox Valley.
3. Secondary Suites may not be used for any form of vacation rental, including short-term vacation rentals.

**g. Monitoring and Reporting to the Local Trust Committee** - The Owner must deliver to the Trust Committee within six weeks of the transfer of any shares in the Owner and the closing of any sale of a Co-operative Housing Unit a completed statutory declaration, substantially in the form attached as Schedule A, sworn by a director of the Owner and the Co-operative member transferring shares and attaching a copy of the share transfer agreement, the agreement of purchase and sale for the Co-operative Housing Unit, and the certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member, as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than 15 months prior to the date of the purchase and sale of the Co-operative Housing Unit.

**h. Order to Comply** - If the Owner is in default of the performance or observation of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with the 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 in any Notice of Default provided to the Owner by the Trust Committee.

**i. Management** – The Owner covenants and agrees to furnish good and efficient management of the Lands and shared infrastructure 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 with reasonable notice to the Owner, subject to the notice provisions of the *Residential Tenancy Act*.

**j. No Transfer** - The Owner must not transfer the Lands, other than to an association constituted under the *Cooperative Association Act* or other non-profit association incorporated under the *Societies Act*, having as its object the co-operative ownership and management of affordable housing on Denman Island.

**k. Cooperative Standing** – The Owner must maintain its standing as a co-operative under the

*Cooperative Act* or as a society under the *Societies Act*, as applicable, to ensure the ongoing occupancy and affordability objectives set out in this Agreement, and must not amend its memorandum of association, co-operative rules of association, constitution, or bylaws, as applicable, in any manner that would prevent, or adversely affect, the ability of the Owner to perform its obligations under this Agreement.

- l. 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 Co-operative Housing Units. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Denman Island Land Use Bylaw, as amended from time to time.
- m. 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.
- n. 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.

This clause will survive the termination of this Agreement.

- o. 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.

This clause will survive the termination of this Agreement.

- p. 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.
- q. 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.
- r. 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.

- 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"**

DENMAN ISLAND LOCAL TRUST COMMITTEE

FORM OF STATUTORY DECLARATION

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT with the Denman Island
PROVINCE OF BRITISH COLUMBIA	)	Local Trust Committee ("Housing
	)	Agreement")

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia, do solemnly declare:

1. That I am a member of the Triple Rock Land Co-operative or its successor in title to land legally described as PID: 028-101-677, Lot A Section 17 Denman Island Nanaimo District Plan VIP87456 (the "Lands"), and make this declaration to the best of my personal knowledge.
2. The terms in this declaration have the same meaning as those defined in the Housing Agreement registered against the Lands.
3. This declaration is made pursuant to the Housing Agreement in respect of the Co-operative Housing Unit with the address \_\_\_\_\_
4. On the \_\_\_\_\_ day of, 20\_\_\_\_ I entered into an agreement to transfer one or more shares in the owner of the Land's Co-operative Housing Unit, a true copy of which is attached to this declaration, to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
5. Pursuant to an agreement of purchase and sale that will close on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ of which a true copy is attached to this declaration, I intend to transfer all of my right and title in the Co-operative Housing Unit to \_\_\_\_\_ for a total purchase price of \$\_\_\_\_\_ and no other consideration whatsoever.
6. 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*.

SWORN BEFORE ME at _____, in	)
the Province of British Columbia, this _____	)
day of _____ 20_____.	)
	)
	)
	)
	)
_____	) Signature of person making declaration
A Commissioner for Taking Affidavits for	)
British Columbia	)

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia do solemnly declare:

1. That I am a director of Triple Rock Land Co-operative or its successor in title to land legally described as the South West ¼ of Section 17, Denman Island, Nanaimo District, except that Part in Plan 14174 and Plan VIP77481, and make this declaration to the best of my personal knowledge.
2. That Paragraphs 5 and 6 of the Statutory Declaration of \_\_\_\_\_ set out above correctly disclose the amount of consideration in respect of the share transfer and ownership transfers described in those paragraphs.
3. 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*.

SWORN BEFORE ME at \_\_\_\_\_, in \_\_\_\_\_ )  
The Province of British Columbia, this \_\_\_\_\_ )  
Day of \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
A Commissioner for Taking Affidavits for  
British Columbia

)  
)  
)  
) \_\_\_\_\_  
) Signature of person making declaration

Attached:

- Share transfer agreement
- Agreement of purchase and sale for the Co-operative Housing Unit
- A certification of a member of the Appraisal Institute of Canada who is at arm's length from each Co-operative member as to the depreciated replacement cost of the Co-operative Housing Unit, assessed no more than one year prior to the date of the purchase and sale of the Unit

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 250

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

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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                      8<sup>TH</sup>                      DAY OF                      OCTOBER                      , 2024

READ A SECOND TIME THIS                      20<sup>TH</sup>                      DAY OF                      MAY                      , 2025

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

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**Chair**

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**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” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” 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” and the note “Secondary dwelling units must be approved through a Temporary Use Permit” 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 3 – Density of Uses, Buildings and Structures, line item 3 and in the R3 column, is amended by replacing the number “15” with the number “19”.
  - 1.6 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 m<sup>2</sup>” in the R3 column, and renumber accordingly.
  - 1.7 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 6 – Floor Area is amended by deleting “1275 m<sup>2</sup>” in line item 6 and in the R3 column, and replacing it with “2174 m<sup>2</sup>”.



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** June 4, 2024  
**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

**Members Present:** David Maude, Chair  
David Graham, Trustee  
Sam Borthwick, Trustee

**Staff Present:** Renée Jamurat, Regional Planning Manager  
Marlis McCargar, Island Planner  
Margot Thomaidis, Planner 2  
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)  
Daniel Schneider, Bylaw Enforcement Officer (electronic)  
Lisa Millard, Recorder (electronic)

**Others Present:** There were approximately 6 (six) members of the public and 1 (one) member of the media in attendance.

#### 1. CALL TO ORDER

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

Chair Maude called the meeting to order at 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

The following additions and changes to the agenda were presented for consideration:

- The regular meeting will close to the public and go in-camera following Item 7.1; and
- The order of Items 8.1 and 8.2 will be reversed so that:  
Item 8.1 will now be DE-RZ-2023.1 - Komax Ranch Ltd. - Staff Report  
Item 8.2 will now be DE-RZ-2024.1 - Triple Rock Land Cooperative - Staff Report

**By general consent**, the agenda was approved as amended.

#### 3. REPORTS

**3.1 Trustee Reports**

Trustee Graham reported the following:

- Attended the committee of the whole meeting for discussion on the Islands Trust Draft Policy Statement; and
- Attended a meeting with Comox Valley Regional District, the Denman Island Local Trust Committee, and the Hornby Island Local Trust Committee to discuss topics of mutual interest and concern.

Trustee Borthwick reported the following:

- Attended the committee of the whole meeting for discussion on the Islands Trust Draft Policy Statement;
- Attended the protocol meeting with the Comox Valley Regional District; and
- Attended a meeting with representatives of the K'omoks First Nation.

**3.2 Chair's Report**

Chair Maude reported the following:

- Noted that June 5, 2024 is the 50<sup>th</sup> Anniversary of Islands Trust;
- There will be a Trust Council meeting June 18-20, 2024 being held on Salt Spring Island; and
- Attended the committee of the whole meeting for discussion on the Islands Trust Draft Policy Statement and a period of public engagement is being planned.

**3.3 Electoral Area Director's Report - none**

**4. PUBLIC COMMENTS**

- A member of the public stated that they heard that there is a policy that Trustees are not allowed to say anything negative about Islands Trust, in general, including their personal experiences.
  - Trustee Borthwick referred to a recent Denman Island community Facebook discussion about the draft code of conduct and he clarified that it was a draft policy and not finalized yet. He noted that the intent of the policy is not to silence Trustees and they have freedom to express their views. He referred to Roberts Rules of Order that states once a motion has been made by a government body, regardless of one's personal vote for or against, the individual is required to represent it, as the motion carried by the body.
  - Chair Maude stated that if a motion was carried forward and agreed on by the Trustees, but he did not support it, he would be obligated to carry the motion forward with Trust Council.
  - Trustee Graham noted that, at times, the Denman Island Facebook group perpetuates inaccurate information.

**5. DELEGATIONS - none**

**6. MINUTES**

**6.1 Local Trust Committee Special Minutes dated February 20, 2024 - for adoption**

**By general consent**, the Local Trust Committee meeting minutes of February 20, 2024 were adopted.

**6.2 Local Trust Committee Minutes dated April 9, 2024 - for adoption**

**By general consent**, the Local Trust Committee meeting minutes of April 9, 2024 were adopted.

**6.3 Local Trust Committee Special Meeting Minutes dated May 7, 2024 - for adoption**

**By general consent**, the Local Trust Committee special meeting minutes of May 7, 2024 were adopted.

**6.4 Section 26 Resolutions-Without-Meeting Report - none**

**6.5 Advisory Planning Commission Minutes - none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated May 24, 2024**

A Trustee questioned why the status of February 20, 2024 Activity 1 'preparation of a suitable land analysis draft' was marked as complete. The Planner stated that the status should be "in progress."

**DE-2024-034**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(2)(k) for the purpose of considering:

- (k)negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

and that the Recorder, Staff and representatives of the K'omoks First Nation attend the meeting.

**CARRIED**

The regular meeting was recessed at 10:27 a.m. and recalled to order at 11:20 a.m.

**8. APPLICATIONS AND REFERRALS**

**8.1 DE-RZ-2023.1 - Komas Ranch Ltd. - Staff Report**

The Planner summarized the staff report and highlighted the following:

- A Land Use Contract (LUC) was entered into in 1977 and it terminates on June 30, 2024;

- The application proposes to increase the number of allowable single family dwellings on two lots from 9 units up to 20 units with each of the permitted dwellings allowed one accessory guest dwelling no larger than 400 square feet;
- The application also requests a portion of one of the lots be rezoned from Rural to Conservation/Recreation; and
- There is an opportunity for the Local Trust Committee to update zoning as required and to protect cultural heritage sites and areas of sensitive environmental concern.

The Applicant and one of the property owners were present and made the following comments during discussion with the Trustees:

- The original Land Use Contract (LUC) did not have a public trail; however, Komas Ranch has allowed day use public access to the adjacent marine park and boating areas, Morning Beach Park, and Longbeak Point;
- If a trail is established, it would cross private property;
- There is a public park with vehicle parking at Morning Beach Park and access to Longbeak Point is provided from the same public area;
- The Komas Ranch property does not have parkland because the LUC specified that 150 acres remain as undisturbed forest;
- They have not had an opportunity to explore the Natural Area Protection Tax Exemption Program (NAPTEC) as they have just heard about it and do not have sufficient information to comment;
- Komas Ranch was originally an operating farm and the building on the Agricultural Land Reserve portion of the property was housing used for the farm owner and staff and it is currently being used as a low-cost rental housing unit;
- This is being treated as rezoning a piece of land, but it is a hand over from one level of government to another level of government and the owners are seeking a continuation of the use that has already been in place;
- They have complied with the request to do a survey of the land;
- They are being asked to categorize water and septic field capacity and, while they are willing to confirm that each of the properties has a functioning septic system, doing studies on existing properties seems onerous;
- The Province put legislation into place that specified that local governments would take over the administration of LUCs and put rezoning into place by June, 2022 and that property owners were to be notified in writing of the expiry of the contract; however, neither of these requirements have been met; and
- The Local Government Act is clear that the local government was to put rezoning in place, but Islands Trust has put the onus on the property owners to do this;
  - The Planner noted that zoning has been in place on these lots since 2008 and that the language in the local Government Act states that zoning has to be in place by the expiry of the Land Use Contract.

Discussion ensued.

**DE-2024-035**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008 (OCP), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).

**CARRIED**

**DE-2024-036**

**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Land Use Bylaw, 2008 (LUB), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).

**CARRIED**

**DE-2024-037**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of part of the Northern parcel and part of the Eastern parcel (PIDs 000-211-338 and 023-096-438) as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB.

**CARRIED**

**DE-2024-038**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of Site Specific Rural Residential zones in the LUB to permit the existing residential density on each of the subject properties.

**CARRIED**

**DE-2024-039**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding sewerage waste disposal on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320):

- a) Sewage disposal filings for each sewage disposal system on the subject properties; and
- b) A comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.

**CARRIED**

**DE-2024-040**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding the existing water quality and quantity on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320):

- a) Source of potable water for each building site;
- b) Distribution of potable water to each building site;
- c) Any historic or current water quality tests for existing potable water sources supplying the building sites;
- d) Any additional sources of water for irrigation (non-potable); and

that this information be forwarded to the Islands Trust Freshwater Specialist for comment.

**CARRIED**

**DE-2024-041**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.

**CARRIED**

**DE-2024-042**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program (NAPTEP) covenant to protect an environmentally sensitive portion of the Northern parcel.

**CARRIED**

**DE-2024-043**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to engage with K'ómoks First Nation regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.

**CARRIED**

**DE-2024-044**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the Heritage Conservation Act.

**CARRIED**

**DE-2024-045**

**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks First Nation.

**CARRIED**

**DE-2024-046**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee direct staff to send an early referral of the preliminary staff report and application DE-RZ-2023.1 (Komas Ranch Ltd.) to the following groups for comment: K'ómoks First Nation; Qualicum First Nation; Tla'amin Nation; Homalco First Nation (Xwemalhkwa); Wei Wai Kum Nation; We Wai Kai Nation; Nanwakolas Council; Te'Mexw Treaty Association; Snaw'Naw'As Nation; Snuneymuxw First Nation; Halalt First Nation; Stz'uminus First Nation; Tsu'uubaa-asatx First Nation; Lyackson First Nation; Penelakut Tribe; Cowichan Tribes; Comox Valley Regional District; BC Archaeology Branch; Islands Trust Conservancy; and the Islands Trust Senior Intergovernmental Policy Advisor.

**CARRIED**

**DE-2024-047**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to initiate the creation of an Advisory Planning Commission through expressions of interest for the Denman Island Local Trust Committee.

**CARRIED**

The meeting recessed for a break at 12:15 p.m. and reconvened at 12:45 p.m.

**8.2 DE-RZ-2024.1 - Triple Rock Land Cooperative - Staff Report**

The Planner summarized the staff report and highlighted the following:

- The current zoning allows for fifteen units and the application seeks to increase the number of units to nineteen and allow secondary suites in all units;
- In 2008, the property was rezoned from Forestry to a new site-specific zone, Co-housing (R3), which permitted 15 (fifteen) affordable units regulated by a housing agreement;
- In 2008, 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;
- This application would create four new units of affordable housing, as well as potential for up to nineteen affordable secondary suites;

- The applicant plans to use rainwater harvesting;
- There is confirmation the property will support septic use for five additional residences, but information is required regarding septic suitability and capacity for the secondary suites if all were built out; and
- The current minor project is to remove the density bank so this application will not affect density bank calculations.

Discussion ensued and Trustees made the following comments;

- Affordable secondary suites are needed by the community;
- The existing development is already successfully using rainwater catchment and onsite potable water storage; and
- The integrity and history of the development is exemplary.

**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**

**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**

**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**

**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.

**9. LOCAL TRUST COMMITTEE PROJECTS**

**9.1 Minor Project - Housing Related Temporary Use Permit Review- verbal update**

The Planner noted further information will be available at the next meeting.

**10. CORRESPONDENCE - none**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**11. NEW BUSINESS**

**11.1 Annual Reporting Excerpt for Denman Local Trust Area – Memorandum**

Add the word “many” before First Nations in the second sentence.

**DE-2024-052**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee approves the attached amended text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

**12. STAFF REPORTS**

**12.1 Bylaw Compliance and Enforcement Policy - Staff Report**

The Bylaw Compliance and Enforcement Manager summarized the staff report as follows:

- The report provides details of site visits that occurred in January 2024;
- A complaint was received about tree cutting and soil removal within the riparian area around Graham Lake; however, a specific address was not provided;
- The Bylaw Officer attended a few properties and had contact with some residents;
- It was determined that one compromised tree was removed, that there was not a bylaw infraction, and the file was closed;
- Bylaw staff currently follow adopted Trust Council policies for compliance and enforcement, and they receive direction from Local Trust Committees in the form of standing resolutions regarding specific bylaw contraventions;
- The report proposed that a policy document be created for the Denman Local Trust Committee that would direct bylaw staff on specific issues not addressed within the Trust Council policies, including notice of site inspections, time to comply, frivolous complaints, definition of minor contraventions, and the use of discretion; and
- Through the policy document, each Local Trust Committee will be able to establish policy on how bylaw staff are to conduct themselves and when files are to be closed.

Discussion ensued.

**DE-2024-053**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee adopt the proposed bylaw compliance and enforcement policy as presented.

**CARRIED**

- 12.2 Trust Conservancy Report March, 2024**  
Received for information.
- 12.3 Trust Conservancy The Heron - Spring Edition**  
Received for information.
- 12.4 Applications Report dated May 24, 2024**  
Received for information.
- 12.5 Trustee and Local Expense Report dated March, 2024**  
Received for information.
- 12.6 Adopted Policies and Standing Resolutions**  
Received for information.
- 12.7 First Nations Relationship Building Update**  
  
The Regional Planning Manager provided a general update and noted that a leadership meeting occurred between the Denman Island Local Trust Committee and Komoks First Nation and that staff-to-staff conversations are ongoing.
- 12.8 Local Trust Committee Webpage**  
No updates at this time.
- 13. WORK PROGRAM**
  - 13.1 Active Projects Report dated May 24, 2024**  
Received for information.
  - 13.2 Future Projects Report dated May 24, 2024**  
Received for information.
- 14. UPCOMING MEETINGS**
  - 14.1 Next Regular Meeting Scheduled for Tuesday, August 13, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**
- 15. CLOSED MEETING**
  - 15.1 Motion to Close the Meeting**

**DE-2024-54**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(2)(b)&(f) for the purpose of considering:

- (b)the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- (f)law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the Recorder and Staff attend the meeting.

**CARRIED**

The regular meeting recessed at 1:35 p.m.

**15.2 Recall to Order**

The meeting was recalled to order at 2:01 p.m.

**16. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 2:02 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** August 13, 2024  
**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

**Members Present:** David Graham, Trustee  
Sam Borthwick, Trustee

**Members Regrets:** David Maude, Chair

**Staff Present:** Marlis McCargar, Island Planner  
Lisa Millard, Meeting Administrator/Recorder (electronic)

**Others Present:** There were approximately 6 members and 1 member of the media in attendance.

#### 1. CALL TO ORDER

**By general consent,** Trustee Graham will act as Chair of the August 13, 2024 meeting.

Acting Chair Graham called the meeting to order at 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

**By general consent,** the agenda was approved as presented.

#### 3. REPORTS

##### 3.1 Trustee Reports

Trustee Graham reported the following:

- Acknowledged recent site visit with members of K'omoks First Nation.

Trustee Borthwick reported the following:

- Attended Trust Council in July; and
- Honoured to be invited by members of K'omoks First Nation to accompany them for a site visit on culturally important lands.

##### 3.2 Chair's Report - none

##### 3.3 Electoral Area Director's Report - none

**4. PUBLIC COMMENTS**

- Member of the public asked if Islands Trust staff are equivalent to municipal government staff, why there are no public garbage cans, and if Islands Trust can put garbage cans in public places and take responsibility for emptying them.
  - Trustees replied Islands Trust is a land use authority and not the same as a municipality and garbage removal service is within the jurisdiction of the Comox Valley Regional District.
- Member of the public stated Sue Big Oil is a movement calling on local governments to fund a class action lawsuit against big oil companies by contributing \$1.00 per resident and asked Islands Trust to endorse the campaign and work with other local communities who have committed funds.
  - Trustees noted a delegation from Sue Big Oil presented at the June, 2024 Trust Council meeting and potential for participation is being discussed at Trust Council level.

**5. DELEGATIONS - none**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated June 4, 2024 - for adoption**

**By general consent**, the Local Trust Committee meeting minutes of June 4, 2024 were adopted.

**6.2 Section 26 Resolutions-Without-Meeting Report - none**

**6.3 Advisory Planning Commission Minutes - none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated August 2, 2024**

Planner provided the following update:

- Bylaw Nos. 228 and 229 have been consolidated and will be uploaded to website;
- Received one expression of interest to join Advisory Planning Commission; and
- Additional development approval information for the Komax Ranch application has been received including water information for each of the building sites, early referral of the application to First Nations and the Comox Valley Regional District has commenced, and staff are in the process of researching Local Trust Committee options for shoreline and cultural heritage preservation.

**DE-2024-055**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to suspend the solicitation of expression of interest for the Advisory Planning Commission until October, 2024.

**CARRIED**

**8. APPLICATIONS AND REFERRALS**

**8.1 DE-RZ-2024.1 - Proof of Sewage Treatment Capacity for the Triple Rock Land Cooperative/CoHo Landing Rezoning - Verbal Discussion**

Speaking on behalf of Triple Rock Land Cooperative, Laura Busheikin stated the Cooperative engaged a wastewater engineer who verified that adequate sewage treatment can be created on the site and she enquired if an email from the engineer is sufficient at this time.

Discussion ensued and Trustees noted the following:

- It was not a requirement to provide proof that a wastewater system could handle the sewerage of a secondary suite when the Local Trust Committee created the ability for property owners to build a suite within R2 (Rural Residential) zone;
- Email provided is a professional opinion that the site has the capability of handling additional sewerage from suites;
- Many of the Cooperative property owners may never build a secondary suite; and
- The intention was that sewerage capacity will be demonstrated as the builds are planned.

Planner noted the following:

- Application is part of a rezoning process which is different than an individual homeowner adding a suite;
- Triple Rock Land Cooperative is requesting nineteen units of additional density and, while all units might not be realized, the Local Trust Committee may want to consider the implications of creating a zone that cannot be implemented if the land is unsuitable for septic systems;
- If septic systems are not feasible, owners may face substantial unexpected costs for alternative systems which could affect the viability of the project;
- The Local Trust Committee could consider requiring proof of septic capability at the time of build and this could be built in to the zoning requirement; and
- Once the zone has been drafted, it will come back to the Local Trust Committee and there will be opportunity to review conditions of use and wording for the specific zone and make amendments at that time.

**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**

**9. LOCAL TRUST COMMITTEE PROJECTS**

**9.1 Minor Project: Housing Related Temporary Use Permits Review - Staff Report**

Planner summarized the Staff Report and highlighted the following:

- Draft bylaws are to remove the requirement of a Temporary Use Permit for secondary dwellings on lands zoned R2 (Rural Residential), A (Agriculture), F (Forestry) and RE (Resource);
- Currently 37 properties in the specified zones;
- Reports from Vancouver Island University and Housing Advisory Planning Commission, as well as community input recommended removing Temporary Use Permit requirement for secondary dwellings; and
- Bylaw also proposed removal of the density bank as it is administratively complex, requires careful tracking and regulation, and has become obsolete.

Trustees had no questions for the Planner and noted that the removal of the density bank and removal of the requirement for a Temporary Use Permit for secondary dwellings allows for the creation of more housing.

**DE-2024-057**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee Bylaw No. 248, cited as the “Denman Island Official Community Plan, 2008, Amendment No. 1, 2024,” be read a first time.

**CARRIED**

**DE-2024-058**

**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024,” be read a first time.

**CARRIED**

**DE-2024-059**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 248, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2024,” is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**DE-2024-060**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to refer Bylaw No. 248 and Bylaw No. 249 to the following agencies and First Nations for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, 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), Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, Mamalilikulla First Nation, K'omoks First Nation, Comox Valley Regional District, School District #71 (Comox Valley), Hornby Island Local Trust Committee, Denman Island Fire Department, and Ministry of Municipal Affairs and Housing.

**CARRIED**

**DE-2024-061**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 248 (OCP) and 249 (LUB).

**CARRIED**

**9.2 Major Project: Denman Housing Review Project - Stage 2 – Memorandum**

Planner noted that work was being done and draft bylaws would be coming forward for consideration by the Local Trust Committee in late fall.

Trustees reaffirmed commitment to have the project move forward in a timely manner and get draft bylaws to the public for debate and discussion.

**10. CORRESPONDENCE**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**10.1 Email dated July 28, 2024 from S. Griffin regarding Denman Island Heritage Designation Bylaw Proposal**

Planner noted that the following options were available for consideration:

- Denman Island Community Heritage Register provides heritage recognition but does not constitute formal protection and the property might be eligible for inclusion on the Register; and
- A Heritage Designation Bylaw would provide long-term protection ensuring property preservation and would include registration with BC Government Heritage Branch, and if the Local Trust Committee were interested in this option, it would be considered a minor project.

Discussion ensued and Trustees indicated the building has significant colonial history and while they would consider adding the property to the Denman Island Community Heritage Register, they are not interested in adding a Heritage Designation Bylaw to the minor projects list.

Staff indicated they will send information on how to nominate the building to the Denman Island Heritage Register to the letter writer.

**11. NEW BUSINESS - none**

**12. STAFF REPORTS**

**12.1 Trust Conservancy Report - none**

**12.2 Applications Report - none**

**12.3 Trustee and Local Expense Report dated June, 2024**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

Trustees noted that Standing Resolution No. 10 DE-2023-080 has been brought forward into the Bylaw Enforcement Policy and is no longer required as a Standing Resolution.

**DE-2024-062**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to remove Standing Resolution No. 10 DE-2023-080 from the Denman Island Local Trust Committee Policies and Standing Resolutions.

**CARRIED**

**12.5 First Nations Relationship Building Update – none**

**12.6 Local Trust Committee Webpage**

No updates at this time.

**13. WORK PROGRAM**

**13.1 Active Projects Report dated August 2, 2024**

Received for information.

**13.2 Future Projects Report dated August 2, 2024**

Received for information.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Tuesday, October 8, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

The meeting was recessed for a break at 11:40 a.m. and reconvened at 12:30 p.m.

**15. CLOSED MEETING**

**15.1 Motion to Close the Meeting**

**DE-2024-063**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(b)&(f) for the purpose of considering:

- (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial

government or the federal government or both, or between a provincial government or the federal government or both and a third party;

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the Recorder and Staff attend the meeting.

**CARRIED**

The meeting was recessed at 12:32 p.m.

**15.2 Recall to Order**

The meeting was recalled to order at 1:21 p.m.

**16. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 1:22 p.m.

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David Graham, Acting Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** October 8, 2024  
**Location:** Denman Activity Centre  
 1111 Northwest Rd, Denman Island, BC

**Members Present:** David Maude, Chair  
 David Graham, Trustee  
 Sam Borthwick, Trustee

**Staff Present:** Renée Jamurat, Regional Planning Manager (electronic)  
 Marlis McCargar, Island Planner  
 Narissa Chadwick, Island Planner (electronic)  
 Margot Thomaidis, Planner 2 (electronic)  
 Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)  
 Lisa Millard, Meeting Administrator/Recorder

**Others Present:** There were approximately four members of the public in attendance.

#### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

#### 3. REPORTS

##### 3.1 Trustee Reports

Trustee Graham reported attendance at recent Committee of the Whole meeting to discuss amendments to the draft Policy Statement.

Trustee Borthwick reported attendance at Trust Council.

##### 3.2 Chair's Report

Chair Maude reported the following:

- Attended Trust Council and noted letter being sent to the Province requesting a governance review;
- Attended Union of BC Municipalities conference; and
- Chief Administrative Officer Hiring Committee will be announcing decision soon.

##### 3.3 Electoral Area Director's Report - none

**4. PUBLIC COMMENTS**

A member of the public, representing the community housing society, noted support received to advance their housing project to the Comox Regional District.

**5. MINUTES**

**5.1 Local Trust Committee Minutes dated August 13, 2024 - for adoption**

The following amendments were presented for consideration:

Page 2 of the minutes, second bullet point in Public Comments section, change “July, 2024” to “June, 2024”.

**By general consent**, the minutes were adopted as amended.

**5.2 Section 26 Resolutions-Without-Meeting Report dated October 1, 2024**

Received for information.

**5.3 Advisory Planning Commission Minutes - none**

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated October 1, 2024**

Planner noted call for expressions of interest to join the Advisory Planning Commission had been sent out again.

**7. DELEGATIONS - none**

**8. APPLICATIONS AND REFERRALS**

**8.1 DE-RZ-2024.1 (Triple Rock Land Co-op) - Staff Report**

Planner stated the application was to amend the Land Use Bylaw to allow for additional density by increasing the number of units on the subject property and to permit secondary suites in all units.

Discussion ensued and it was clarified that when a suite is built, the property owner is required to submit a ‘septic filing’ from a Registered Onsite Wastewater Practitioner (ROWP) or a Professional Engineer prior to construction. Island Health is responsible for the approval and oversight of onsite sewage disposal systems on Denman Island and plays a regulatory role in ensuring septic systems are designed, installed, and maintained according to the Sewerage System Regulation.

It was noted that the applicant was in attendance.

**DE-2024-064**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee Bylaw draft No. 250, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024”, be amended to add “Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by replacing the number “15” with the number “19” after Section 1.4 in Schedule 1.

**CARRIED**

**DE-2024-065**

**It was MOVED and SECONDED**

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.

**CARRIED**

**DE-2024-066**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 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.

**CARRIED**

**DE-2024-067**

**It was MOVED and SECONDED**

that Proposed Bylaw No. 250 be referred to the following First Nations, Local Governments and agencies for comment: Cowichan Tribes, Halalt First Nation, Da'naxda'xw/Awaetlala First Nation, Qualicum First Nation, Tla'amin Nation, Nanwakolas Council, Wei Wai Kum Nation, We Wai Kai Nation, 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), Mamalilikulla First Nation, K'ómoks First Nation, Comox Valley Regional District, School District #71 (Comox Valley), Hornby Island Local Trust Committee, Denman Fire Department, and Island Health.

**CARRIED**

**8.2 DE-RZ-2023.1 (Komas Ranch) - Staff Verbal Update**

The Planner provided a verbal update and highlighted the following:

- Early referrals had gone out;
- Engagement with K'ómoks First Nation is ongoing;
- Staff are planning to meet with archeology staff to discuss terms of reference for specific requirements of preliminary field reconnaissance;
- Water and septic information has been provided by owners and applicants;
- Owners are exploring Natural Area Protection Tax Exemption Program (NAPTEC) covenant options;
- Staff are working on draft information package regarding possibility of a heritage conservation area and an information package for development permit for potential shoreline protection options; and
- Official Community Plan and Land Use Bylaws are being drafted.

Discussion ensued and Trustees requested staff follow up on the following points:

- Confirm accessory dwelling units have complied with the 400 square foot allowance provided in the original land contract with the regional district; and

- Confirm that a cultural heritage investigation permit (CHIP) is not required as per applicant's assertion that it is not necessary because new construction is not being undertaken.

## 9. LOCAL TRUST COMMITTEE PROJECTS

### 9.1 Minor Project: Housing Related Temporary Use Permit Review - Verbal Update

The Planner provided a verbal update and indicated that referrals had been sent out.

Trustees requested a community information meeting and public hearing be scheduled at the same time as the regularly scheduled business meeting in December, 2024.

### 9.2 Major Project: Denman Housing Project Update - Staff Report

The Planner provided a verbal update and highlighted the following:

- Project charter timelines have been updated for target completion within the current term; and
- Budget has been changed to reflect recommendation to provide K'ómoks First Nation with additional funds for continued engagement.

Discussion ensued and the following comments and clarifications were noted:

- Higher budget amount allocated for First Nations engagement has allowed K'ómoks First Nation to have their archaeologist explore and document heritage sites on the island; hire a biologist to work with cultural knowledge holders to document information, and create a baseline of foundational information for Islands Trust staff to better understand how to effectively engage with First Nations;
- Map has been provided by K'ómoks First Nation showing four areas of particular interest, additional areas may be identified, and staff can put this information into the framework of suitable land analysis components to indicate areas that are better, or less, suited for potential increased density or areas for exclusion;
- The Land Use Bylaw will be reformatted to improve readability, facilitate ease of amendments, ensure consistency with other documents, simplify zoning language, and incorporate cross-referencing for effective presentation at the community information meeting and public hearing; Working towards improving housing language definitions to encourage consistency between Islands Trust and provincial definitions;
- Staff to look into the benefits of permitting dwelling units in institutional zone as examples of funding becoming available since not having zoning in place has resulted in lost funding opportunities in the past;
- Regulations have been proposed to ensure vacation rentals are attached to a bed and breakfast operation to address bylaw enforcement issues and for clarity; however, it was noted that the Local Trust Committee should engage with community members to ensure that currently accepted practices are not inadvertently curtailed;
- Staff have provided bylaw examples of permissible alternative types of dwelling units and Trustees noted that as long as septic is dealt with appropriately then most alternative units would be acceptable;
- Bylaws should reflect that domestic water supply can be derived from cisterns;

- Secondary suite permissions can be expanded where there are existing water systems;
- Local Trust Committee would like to allow both secondary suites and accessory dwelling units on a property;
- Staff can have conversations with water suppliers to determine if a suite or an accessory dwelling unit could be served by a cistern;
- Siting and use permits would not be issued for new builds unless a cistern is installed;
- Clarity is required around allowance for cistern only versus water system or community water system;
- Local Trust Committee agrees with 18000 litres (5000 gallons) water storage requirement;
- Preferred choice to determine floor area maximum is the total combined floor area of all dwelling units versus lot coverage allowance; and
- Local Trust Committee encourages flexible housing options and opportunity to have them on larger lots.

Staff noted that the Local Trust Committee requested staff explore domestic water requirements.

**DE-2024-068**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee approve the revised Denman Island Housing Review Project (Stage 2, Phase 2) Project Charter.

**CARRIED**

**DE-2024-069**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff provide the K'ómoks First Nations with an additional \$5,000 out of the existing project budget (2024-25) to support continued engagement on this project.

**CARRIED**

**DE-2024-070**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee approve the next steps for completing Denman Island Housing Review Project (Stage 2, Phase 2A).

**CARRIED**

The meeting was recessed for a break at 12:20 p.m. and reconvened 12:55 p.m.

**10. CORRESPONDENCE - none**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**11. NEW BUSINESS**

**11.1 K'ómoks First Nations Presentation on Cultural Heritage Investigation Permits (CHIPs)**

K'ómoks First Nation Archaeologist and Project Coordinator, Raini Bevilacqua, provided a presentation and highlighted the following:

- Cultural Heritage Investigation Permits (CHIPs) are a reconciliation tool;
- Impacts to K'ómoks First Nation cultural heritage can be managed and mitigated through CHIP system;
- Archaeology sites on public and private land are protected under the Heritage Conservation Act;
- Archaeology Branch only requires permits within registered and known site boundary;
- Archaeology sites are kept confidential in BC, resulting in a lack of awareness of registered sites on properties which creates potential for site destruction;
- CHIP allows K'ómoks First Nation to make informed decisions about irreversible impacts to their cultural heritage;
- CHIP required before project begins, within areas of high archeology potential or registered sites, and within 200 metres of registered arch sites and major waterbodies; and
- K'ómoks First Nation works with municipal, provincial, and federal agencies to streamline the process from permitting to protection.

Trustees thanked the presenter and had no further questions.

**11.2 Dark Sky Principles Adoption Advocacy – Briefing**

Received for information.

**12. STAFF REPORTS**

**12.1 Trust Conservancy Report - none**

**12.2 Applications Report - none**

**12.3 Trustee and Local Expense Report dated July, 2024**

Received for information.

**12.4 Adopted Policies and Standing Resolutions**

Received for information.

**12.5 First Nations Relationship Building Update**

**12.5.1 Interest in Meeting with K'ómoks First Nations Chief and Council - Verbal Update**

Regional Planning Manager Jamurat provided a verbal update.

**DE-2024-071**

**It was MOVED and SECONDED**

that Denman Island Local Trust Committee request staff to coordinate an update meeting between the Local Trust Committee and K'ómoks First Nation Chief and Council and that the Denman Island Local Trust Committee use up to \$1000 for arrangements to host a meeting if so desired.

**CARRIED**

**12.6 Local Trust Committee Webpage**

No changes at this time.

**13. WORK PROGRAM**

**13.1 Active Projects Report dated October 1, 2024**  
Received for information.

**13.2 Future Projects Report dated October 1, 2024**  
Received for information.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Tuesday, December 10, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

**15. CLOSED MEETING**

**15.1 Motion to Close the Meeting**

**DE-2024-072**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f)(g) for the purpose of considering:

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;

and that the Recorder and Staff attend the meeting.

**CARRIED**

The meeting was closed to the public at 1:42 p.m.

**15.2 Recall to Order**

The meeting was recalled to order at 2:10 p.m.

**15.3 Rise and Report - none**

**16. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 2:11 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

- Date:** May 20, 2025
- Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC
- Members Present:** David Maude, Chair  
David Graham, Trustee  
Sam Borthwick, Trustee
- Staff Present:** Marlis McCargar, Island Planner  
Narissa Chadwick, Island Planner (electronic)  
Stephen Baugh, Island Planner (electronic)  
Margot Thomaidis, Planner 2 (electronic)  
Lisa Millard, Meeting Administrator/Recorder (electronic)
- Others Present:** There were approximately 7 members of the public in attendance.

#### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 am.

#### 2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 3. APPROVAL OF AGENDA

The agenda was reordered and Item 10.1 will be discussed following Item 8.

**By general consent**, the agenda was approved as presented.

#### 4. REPORTS

##### 4.1 Trustee Reports

Trustee Borthwick reported the summer surge in ferry traffic had commenced and noted disappointment in the dissolution of the Ferry Advisory Committees and resultant lack of ability to meaningfully engage with BC Ferries.

Trustee Graham reported attendance at recent Committee meetings and upcoming attendance at the June Trust Council meeting.

##### 4.2 Chair's Report

Chair Maude reported the following:

- The Minister of Housing and Municipal Affairs has replied to Trust Council's request for a governance review and stated a review will not be undertaken at this time; and
- The June Trust Council meeting will be held on Salt Spring Island.

#### **4.3 Electoral Area Director's Report - none**

### **5. PUBLIC COMMENTS**

A member of the public stated the Denman Conservancy Association Board asked them to request that the Local Trust Committee give first and second readings to the rezoning application today to shorten the timeframe required to get the rezoning completed.

### **6. MINUTES**

#### **6.1 Local Trust Committee Minutes dated March 18, 2025 - for adoption**

**By general consent**, the Local Trust Committee meeting minutes of March 18, 2025 were adopted.

#### **6.2 Section 26 Resolutions-Without-Meeting Report - none**

#### **6.3 Advisory Planning Commission Minutes - none**

### **7. BUSINESS ARISING FROM MINUTES**

#### **7.1 Follow-up Action List dated May 13, 2025**

Received for information

### **8. DELEGATIONS – none**

Item 10.1 was reordered and discussed prior to Item 9.

### **9. APPLICATIONS AND REFERRALS**

#### **9.1 DE-SUP-2020.3 - Covenant Request**

The Planner summarized the staff report and highlighted the following:

- The application seeks a Siting and Use Permit to construct a dwelling, workshop, accessory building, boathouse, septic system, garden beds, driveway, and retaining walls;
- The request has been made pursuant to a covenant that is registered on title which prohibits the proposed development unless there is prior written consent of the Local Trust Committee;
- The property owner has obtained a Heritage Conservation Permit and Site Alteration Permit from the Province and two Cultural Heritage Investigation Permits from K'omoks First Nation; and
- The Siting and Use Permit will ensure that the development complies with the Denman Island Land Use Bylaw.

The Local Trust Committee had no questions concerning the application

**DE-2025-022****It was MOVED and SECONDED**

that the Denman Island Local Trust Committee gives written consent pursuant to Section 2 of Covenant CA7485176 for the development proposed in application DE-SUP-2020.3.

**CARRIED****9.2 DE-RZ-2024.1 (Triple Rock Land Cooperative) - Staff Report**

The Planner summarized the staff report and highlighted the following:

- The rezoning application seeks to develop 4 additional dwelling units, to bring the total to 19 dwelling units with associated secondary suites, while encouraging long-term affordability through an updated housing agreement;
- The Local Trust Committee gave First Reading to proposed Bylaw No. 250 in October, 2024 and referral responses are included in the staff report;
- The application requires an amendment to the Official Community Plan to remove 4 densities from the density bank; and
- Bylaw No. 254 represents an updated housing agreement to replace the original 2008 agreement which regulates the affordability and occupancy for the dwelling units and secondary suites.

The applicant was in attendance and spoke to the reasoning for the request to not include the Cooperative's rules and governance documents as part of the updated agreement stating that, if included, any changes to said rules could precipitate a need for consultation and amendments which are otherwise unnecessary.

Trustees had no questions for the Planner or applicant and stated agreement that it would not be necessary to include the schedules in the housing agreement.

**DE-2025-023****It was MOVED and SECONDED.**

that Denman Island Local Trust Committee Bylaw No. 255 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2025" be read a first time.

**CARRIED****DE-2025-024****It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 255 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2025" be read a second time.

**CARRIED****DE-2025-025****It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 250 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024" be read a second time.

ADOPTED

**CARRIED**

**DE-2025-026**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a first time.

**CARRIED**

**DE-2025-027**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a second time.

**CARRIED**

**DE-2025-028**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a community information meeting prior to the Public Hearing for application DE-RZ-2024.1 (Triple Rock Land Cooperative) and Proposed Bylaw Nos. 250, 254 and 255.

**CARRIED**

**DE-2025-029**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025” to the following First Nations, Local Governments and agencies for comment as presented in the May 20, 2025 staff report.

**CARRIED**

**DE-2025-030**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee request staff to amend draft Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” by removing schedules A and B.

**CARRIED**

**DE-2025-031**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 255 cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2025”, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**9.3 PL-RZ-2024-0055 (Denman Conservancy) - Staff Report**

The Planner summarized the staff report and highlighted the following:

- The goal of the application is to formalize the applicant’s current conservation focused land use which prioritizes environmental protection;
- One of the parcels is split zoned and includes land in the Agricultural Land Reserve;
- The Official Community Plan amendment would change the designation from Sustainable Resource to Conservation Recreation for 3 parcels of land with the Agricultural designation on the parcel within the Agricultural Land Reserve remaining unchanged as per the recommendation received from the Agricultural Land Commission;
- The application proposes the addition of 4 residential densities to the Official Community Plan density bank which permits unused densities to be added under specific conditions;
- Staff recommend the Local Trust Committee either consider a broad interpretation of the density bank donation policy, as the conservancy is voluntarily giving up development rights and the land will be permanently protected through rezoning, or amend the draft bylaw to explicitly include these densities; and
- Islands Trust Conservancy provided referral feedback which indicated that they are currently prioritizing unprotected lands for covenant work over covenants on already protected lands.

Discussion ensued and the following comments were noted:

- If amendments to the density bank policy in Official Community Plan for the density transfer are required, they would be included as part of the current amendment project; and
- The density bank policy was not to restrict it to parcels that are rezoned or donated and the density donation would fall within the intent of the policy.

**DE-2025-032**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025” be read a first time.

**CARRIED**

**DE-2025-033**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025” be read a second time.

**CARRIED**

**DE-2025-034**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 257 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025” be read a first time.

ADOPTED

**CARRIED**

**DE-2025-035**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 257 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025” be read a second time.

**CARRIED**

**DE-2025-036**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to refer proposed Bylaw No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025” and proposed Bylaw No. 257 to cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025” the following First Nations, Local Governments and agencies for comment as presented in the May 20, 2025 Staff Report.

**CARRIED**

**DE-2025-037**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a community information meeting prior to a public hearing after the close of the referral period, for application PL-RZ2024-0055 (Denman Conservation Association) and Proposed Bylaw Nos. 256 and 257.

**CARRIED**

**DE-2025-038**

**It was MOVED and SECONDED.**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that No. 256 cited as “Denman Island Official Community Plan, 2008, Amendment No. 3, 2025”, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**DE-2025-039**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 257 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2025”, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**9.4 DE-RZ-2023.1 (Komas Ranch Ltd.) – Application Status Update – Memorandum**

The Planner summarized the memorandum and highlighted the following:

- The applicant has confirmed the application can continue to be processed;

- The Chief Councillor of K'omoks First Nation has requested a Preliminary Field Reconnaissance as noted in the public statement attached to the memorandum detailing rationale for support of the Preliminary Field Reconnaissance; and
- An update on the progress of the file was provided and staff will continue to process the application as per previous direction provided by the Local Trust Committee.

Discussion ensued and the following comments were noted:

- It is presumed that Komas Ranch Ltd. are prepared to consider that the Preliminary Field Reconnaissance will proceed;
- The original Land Use Contract was specific about the permitted size of secondary dwellings and some of the secondary cottages are over the size allowance; and
- The application seeks rezoning to permit what was allowed in the Land Use Contract; therefore, when draft bylaws are brought forward, the Local Trust Committee can address site specific zoning for the secondary cottages that are oversize.

## 10. LOCAL TRUST COMMITTEE PROJECTS

### 10.1 Major Project: Denman Housing (Official Community Plan and Land Use Bylaw) Review Project: Engagement Plan - Staff Report

The Planner summarized the staff report and highlighted the following:

- Options for moving the project forward were informed by public input received in March and the key themes for engagement that emerged include the density bank, increasing permissions for secondary dwellings, proactively zoning for multi-unit cluster housing, and floor area and lot coverage limits;
- The objectives of the engagement plan are to inform the community of the scope of the project, provide background information on the key areas, and receive feedback to inform policy development;
- The Local Trust Committee has already endorsed a number of changes related to the project and staff will use that information to prepare draft bylaw amendments; and
- Engagement options include Trustees providing information at summer markets, an online community meeting to provide an overview of the process, a dedicated webpage, and a means of receiving online communication.

Discussion ensued and the following comments were noted:

- There is support to focus community engagement on items that are being proposed to address Official Community Plan policies that support housing options;
- There has been a lot of broad engagement and it will be helpful to focus the discussion;
- One trustee will attend some of the summer markets to provide information and gather feedback; and
- There is support for electronic and in-person sessions leading up to a public hearing.

**DE-2025-040****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the draft Community Engagement Plan as presented in Attachment 1 of the May 16, 2025, staff report.

**CARRIED****DE-2025-041****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule an electronic special meeting for the Local Trust Committee to review policy options that will be proposed for community feedback.

**CARRIED****11. CORRESPONDENCE**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**12. NEW BUSINESS****12.1 Bylaw to Remove the Temporary Use Permit from Accessory Dwelling Unit in the R2, A and F, while not Removing the Density Bank - Trustee Graham - for Discussion**

Trustee Graham noted the following:

- The bylaw to remove the Temporary Use Permit from accessory dwelling units while not removing the density bank will be discussed as part of the overall housing review;
- The density bank was created for affordable housing;
- The densities have financial value and should be used as affordable housing tools and not for general densities;
- The Official Community Plan currently does not support multi-housing options which are specific to affordable housing; and
- The ability for the Local Trust Committee to administer housing agreements should be looked into.

Staff indicated they can bring back options as part of the density bank discussion.

**13. STAFF REPORTS****13.1 2024/25 Annual Report - Approval of Denman Island's LTC Section - Request for Decision****DE-2025-042****It was MOVED and SECONDED,**

that the Denman Island LTC approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

**CARRIED**

**13.2 Highlights of Trust Conservancy March 18, 2025 Board Meeting**  
Received for information.

**13.3 Applications Report dated May 13, 2025**  
Received for information.

**13.4 Trustee and Local Expense Report dated February, 2025**  
Received for information.

**13.5 Adopted Policies and Standing Resolutions**  
Received for information.

**13.6 First Nations Relationship Building Update - none**

**13.7 Local Trust Committee Webpage**  
No changes requested.

**14. WORK PROGRAM**

**14.1 Active Projects Report dated May 13, 2025**  
Received for information.

**14.2 Future Projects Report dated May 13, 2025**  
Received for information.

The meeting was recessed for a break at 11:38 a.m. and reconvened at 11:44 a.m.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Tuesday, July 15, 2025 at 10:00 a.m. at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

**16. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 11:45 a.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** March 18, 2025

**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

**Members Present:** David Maude, Chair  
David Graham, Trustee  
Sam Borthwick, Trustee

**Staff Present:** Marlis McCargar, Island Planner  
Narissa Chadwick, Island Planner  
Nadine Mourao, Legislative Clerk  
Lisa Millard, Meeting Administrator/Recorder (electronic attendance)

**Others Present:** There were approximately 43 members of the public in attendance.

#### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m.

#### 2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

15.1 Opt into Provincial Bill 44 Short Term Vacation Rental - Discussion

**By general consent**, the agenda was approved as amended.

#### 4. REPORTS

##### 4.1 Trustee Reports

Trustee Graham reported attendance at the March Trust Council meeting and noted that the 2025/26 budget was approved and will result in a tax increase for residents within the Local Trust Area.

Trustee Borthwick reported attendance at Trust Council and noted Trustee Laura Patrick was elected as Chair of Trust Council and he was elected to the Governance Committee.

##### 4.2 Chair's Report

Chair Maude reported attendance at Trust Council during which the strategic plan was prioritized and noted that work on the draft Trust Policy Statement continues.

#### 4.3 Electoral Area Director's Report - none

### 5. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review Project

A Trustee stated a letter from K'omoks First Nation had recently been received in which the Nation requested the Local Trust Committee defer consideration of advancing the bylaws until July 2025 in order to provide further opportunity and time to complete a thorough environmental review.

Discussion ensued about the Public Hearing process and the following points were noted:

- Once the public hearing closes the Local Trust Committee cannot hear any further information from the public;
- If new and relevant information is brought forward to the Planner, the Local Trust Committee will be informed, and another Public Hearing may need to be scheduled so that the public can also hear the new information;
- Late comments received from a referral might, or might not, provide new information; and
- The referral period closed in November, 2024 and it is common that comments are not received from all of the agencies and First Nations that the matter was referred to.

#### 5.1 Planner Presentation

The Planner provided a presentation and highlighted the following:

- A Community Information Meeting is held to provide information and allow the public to determine if their interests are affected by the proposed bylaws;
- When making decisions, the Local Trust Committee factors in relevant legislation, the Islands Trust Policy Statement, legal considerations, First Nation's perspective, public input, professional input, and referral responses;
- Proposed Bylaw No. 248 will amend to the Official Community Plan to remove the density bank;
- The density bank was originally established to manage residential development through density accumulation, storage, and allocation and it is administratively complex and requires extensive tracking and regulation;
- Proposed Bylaw No. 249 will amend the Land Use Bylaw to allow secondary dwellings in the rural residential, forestry, and resource zones without the requirement of a Temporary Use Permit;
- Current regulations allow secondary dwellings by Temporary Use Permit in the Rural Residential(R2), Forestry (F), and Resource (RE) zones and properties zoned Agriculture (A) and within Agricultural Land Reserve can have secondary dwellings without a Temporary Use Permit;
- Issues with Temporary Use Permits include the temporary nature that does not provide long term housing solutions and limited uptake evidenced by only two permit applications being processed in the past eleven years;
- There are approximately 292 properties in the R2, F and RE zones and a total of 869 parcels on Denman Island that have capacity for residential development; and
- The processes, timelines, and next steps were outlined.

#### 5.2 Question and Answer Period

How did the density bank get off track?

Any project that proposes to remove densities from the bank would require an amendment to the Official Community Plan and this was not always done. There are currently seven densities in the density bank and the number that is reflected in the Official Community Plan is not correct.

Are the density bank and density cap the same thing?

A member of the public stated that when the density bank was created, the policy in the Official Community Plan set the maximum density for overall residential development as the total number of densities plus 5%. This 5% was intended to address affordable housing, social housing, and secondary dwelling units, and the related bylaw was adopted in 2008.

Can you give an accurate accounting of how many densities have been used to build affordable housing out of the density bank?

Sixteen.

Does the density take into account that properties can be subdivided in the future?

The 869 properties represent the total number of parcels on Denman Island that have the capacity for residential development and were counted as one density each and subdivision was not taken into account.

A member of the public noted the 5% increase of density is no longer relevant as it didn't take into account all of the additional houses allowed under the zoning or subdivision implications, and the absolute number of houses that could exist today should be identified.

A Trustee indicated the Local Trust Committee is looking at redefining density and that this project is part of the larger Housing Review project which will look at ways of capping density.

Has the net effect of these two proposed changes been modeled in relation to density and population? What is the maximum build out?

A build out analysis has been completed, but looking at existing covenants and specific restrictions needs to be done before the information can be finalized and presented to the public.

The density bank was set to a maximum density, what will replace it and how can we better achieve affordable and social housing through secondary dwelling units?

A member of the public indicated that the Housing Advisory Planning Commission provided a full history of what happened with the density bank in its final report and they encourage residents to review the final report and recommendations. It was noted that copies of the report are available at the library and on the Islands Trust website.

What happened with the four densities from the Denman Conservancy rezoning that were to go into the bank?

The application related to the density donation is currently in stream and being processed. Should the density bank not be removed those four densities would be added to the seven in the bank.

How many densities have been transferred from conservancy since 2013?

The number is not readily available but can be looked up.

There is an assumption that the Temporary Use Permit was an obstacle but one can not make that assumption as there are other factors that are prohibitive. If the Temporary Use Permit is removed will there be tracking to determine if removal was effective?

A Trustee noted they have heard from the community that accessory dwellings are being built without permits, although data on this is not available. Residents have been building accessory dwelling units without a permit prior to the requirement of a Temporary Use Permit; however, building a permanent dwelling on permit that only lasts three years is considered risky.

Does every Temporary Use Permit granted for secondary dwellings result in a density being removed from the density bank?

Yes.

Is there a possibility of creating an additional zone? Is there a process the community can go through to analyze what properties could be appropriate for affordable housing that won't be an administrative burden and then zone those lots for that possibility?

Mayne Island introduced flexible housing and then looked at options to allow additional units, and once identified the Local Trust Committee created flex zoning regulations through analysis using all available data to identify an area that would be most suitable to housing. A separate zone would be an option.

A Trustee noted that removal of the Temporary Use Permit and density bank is a minor aspect of the larger Housing Review Project. The Local Trust Committee considered the removal as an administrative step. Based on a report and recommendations from the Housing Advisory Planning Commission, removing the Temporary Use Permit was seen as a way to immediately address housing needs., It is believed that many units have been built without a Temporary Use Permit. Removing the Temporary Use Permit and density bank would help legalize many of these units that already exist.

Can you describe the Suitable Land Analysis?

There are a variety of maps that are used when rezoning work is being done and the Suitable Land Analysis is a tool that brings all of the available data and information together and overlays it onto a map with ability to weight the maps based on identified priorities.

What controls, other than water and sewage requirements, does Islands Trust have regarding subdivision?

Islands Trust establishes minimum lot size requirements and zoning that allows or disallows subdivision, and the Ministry of Transportation and Transit processes subdivision applications and has specific requirements.

A member of the public read a letter written by a resident who was not available to attend. The letter requested the Local Trust Committee consider the following points:

- Reconsider the elimination of the density bank;
- Maintain two Land Use Bylaw regulations that are notable barriers to overdevelopment; and

- Increase the percentage in the density cap policy for affordable and social housing and if a limit is desired then set it to correspond with the housing needs assessment. A member of the public spoke to the Temporary Use Permit and density bank being linked together and the need to de-link them while maintaining the qualities of the density bank that tie densities to affordable housing and the prevention of overdevelopment.

There are currently thirty properties zoned Agriculture which could have a secondary dwelling without any regulations and other properties that can legally build three to four dwellings resulting in an underutilized potential for secondary units. Why are we contemplating opening up additional zones instead of encouraging current property owners that are allowed to build them?

A member of the public replied that while some property owners have potential to have more dwellings and choose not to and not everyone that might be permitted to build a secondary unit under new regulations would do so; therefore, the community should not assume the change will result in a significant number of secondary dwellings being built.

The housing needs assessment done in 2018 showed 80 more homes were required to meet housing needs, is there an accurate number of what the need is now?

A consultant is working on a housing needs assessment for the entire Trust area and when that data is received it will be included in the Denman Housing Project.

A member of the public spoke to the need to house residents living in unsafe homes and that this could not be done on the basis of having seven densities in the density bank.

A member of the public noted it seems to be emerging wisdom that only government can provide affordable housing because only government is going to invest in below market value housing and private ownership is not going to invest in below market housing.

How is the housing needs assessment being conducted? Where does the data come from?

Specifics on how the consultant is collecting data were not provided.

A member of the public spoke to the current housing emergency and detailed two examples that would require political capital to address the issue including taxing, or banning, vacant homes and only allowing people below a certain wealth to purchase new properties.

A member of the public noted low-income housing, which is different than affordable housing, is needed and incentives to build secondary dwellings should be considered.

A member of the public commented the Local Trust Committee decided not to opt into the empty home tax, the short-term vacation rental market has been driving rental prices up, and in conjunction with affordable housing there is need to address short-term vacation rentals that are taking up vacancies that might be available for long-term rentals.

Does Islands Trust help with providing better infrastructure such as better roads and ferry services that will be required by the increased population that results from increased dwellings?

The effort is to address existing issues and provide better housing opportunities not build more housing and bring more people to the island.

Can we consider not removing the density bank and look at different way of rezoning and reallocating densities that might not be used to solve the problem of people not living in suitable housing? Is there an application process to make non-conforming housing legal without removing the density bank?

Under the current regulations, if someone has a property and they would like to add an additional unit that is not permitted they would require rezoning and the new density would come out of the density bank.

Are there other densities that can be removed from other properties and reallocated through a community process?

Density transfers can currently only occur through conservancy.

A Trustee noted there are fewer opportunities to take densities from conservation lands and put them into the density bank and there are not enough densities in the bank to make the community resilient.

A member of the public spoke to the possibility of private land owners that are permitted a secondary dwelling relinquishing the density to the density bank if they do not want a secondary dwelling.

A member of the public spoke to challenges of legalizing non-conforming dwellings as they would require significant expenditure to bring the dwelling up to building code standards and suggested amnesty on non-conforming dwellings or incentivizing the process of upgrading non-conforming dwellings to code.

A member of the public spoke to the needs of addressing gentrification and consideration of placing a moratorium on high end development approval until the number of requisite affordable housing units are built.

The meeting was recessed for a break at 12:45 and reconvened at 12:50 p.m.

## **6. PUBLIC HEARING**

### **6.1 Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review**

The Local Trust Committee cancelled the public hearing.

## **7. CLOSED MEETING**

### **7.1 Motion to Close the Meeting**

**DE-2025-011**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (g) for the purpose of considering:

- (g) litigation or potential litigation affecting the municipality;

and that the recorder and staff attend the meeting.

The regular meeting was recessed at 12:50 p.m.

**7.2 Recall to Order**

The meeting was recalled to order at 1:11 p.m.

**7.3 Rise and Report**

Chair Maude rose and reported that the *in-camera* minutes of October 8, 2024 were adopted and that legal advice was received.

**8. PUBLIC COMMENTS**

A member of the public spoke to a Siting and Use application being reviewed by staff to allow an in-ground pool and they requested a bylaw be written that regulates pools by requiring pool owners to have a cistern or catchment system that holds a quantity of water necessary to fill the pool, ground water not be allowed for pool use, and the Local Trust Committee not allow this specific application to proceed due to the proposed pool location being built within an area of sea level rise.

**9. MINUTES**

**9.1 Local Trust Committee Minutes dated January 21, 2025 - for adoption**

**By general consent**, the Local Trust Committee meeting minutes of January 21, 2025 were adopted.

**9.2 Section 26 Resolutions-Without-Meeting Report - none**

**9.3 Advisory Planning Commission Minutes - none**

**10. BUSINESS ARISING FROM MINUTES**

**10.1 Follow-up Action List dated March 11, 2025**

The Planner provided updates on the status of items on the Follow-Up Action List.

**11. DELEGATIONS - none**

**12. APPLICATIONS AND REFERRALS - none**

**13. LOCAL TRUST COMMITTEE PROJECTS**

**13.1 Minor Project: Housing-Related Temporary Use Permit Review - Post Public Hearing Staff Report**

The Planner noted that at the time the report was being written the K'omoks First Nation requested the Local Trust Committee defer consideration of the bylaws to allow an extended referral response period.

Discussion ensued and the following comments were noted:

- It is important to advance the work in the context of the larger project whereby all amendments of the Official Community Plan and Land Use Bylaw amendments are considered together; and

- Providing an alternative to the existing density bank at time of the removal of the current structure should have been undertaken.

**DE-2025-012**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to include analysis of density bank alternatives and permitting Accessory Dwelling Units on Denman Island into Phase 2C of the Housing Project

**CARRIED**

**DE-2025-013**

**It was MOVED and SECONDED**

That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 248 and 249.

**CARRIED**

It was noted that staff will advise K’omoks First Nation that a referral response on Bylaw Nos. 248 and 249 is no longer required.

**13.2 Major Project: Denman Housing (Official Community Plan and Land Use Bylaw) Review Project - Staff Report**

The Planner noted the staff report provides an update on housing actions identified in the Denman Island Housing Action Plan.

Discussion ensued and the following comments were noted:

- The Suitable Land Analysis is a decision-making tool which the Local Trust Committee can choose to use in the context of secondary dwelling units;
- Use of Suitable Land Analysis might be better suited when considering multi-family development;
- There needs to be a broader conversation about the use of Temporary Use Permits for secondary dwellings;
- All aspects of the changes to be made need to come forward together and done in relation to corresponding components;
- The Suitable Land Analysis data that is being used is not effective and there are concerns about accuracy and the process of how weighting is being established, and there is not confidence to use it as a tool at this time;
- Denman Conservancy data and K’omoks First Nation mapping of cultural heritage areas are available to use to inform the project; and
- Planner time and funding dedicated to the Denman Local Trust Committee Housing project should not be used to work on the Suitable Land Analysis mapping.

**DE-2025-014**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff

- i. engage with local environmental conservation groups to incorporate additional environmental data sets; and
- ii. engage with First Nations on incorporating restricted access data such as archaeology sites, culturally significant sites, areas of

potential, and including any relevant public access data to support analysis of First Nations priorities.

**CARRIED**

Discussion ensued on the project actions identified in the Staff Report and the following direction was provided:

- Additional oversight on domestic water use is not required as Vancouver Island Health Authority is the regulating authority;
- If density is to be increased the affect on the natural environment needs to be addressed;
- A reduction of lot coverage percentages shows the community that while the residential impact of a lot might be increased through a secondary dwelling the amount of property that can not be covered by buildings has been expanded;
- There is value in making reductions to the maximum floor area permitted as a tool to address gentrification;
- There is value in reducing the percentage of overall combined lot coverage as a flexible housing tool.
- There would not be a need to consider accessory building size if an overall combined lot coverage percentage is put in place;
- Staff will look at suitable lot coverage percentages per zone and maximum floor coverages to curtail sprawl and gentrification;
- In situations whereby lots have been donated for housing it was suggested to remove the multi-family aspect but keep the affordability requirement to reduce the need for a not-for-profit organization to apply for rezoning;
- Remove Item 17 in its entirety as the community has already determined no subdivision allowed at that location;
- Nothing in bylaw provides an opportunity to disallow a pool and discussion about ground-water fed pools should be undertaken;
- There are arguments for having pools
- Above ground pools do not disturb culturally sensitive areas but still require water;
- The Planner can review the San Juan Island system of a permit lottery in context of a density cap;
- The Planner will check if the Capital Regional District has advanced any work on development and management of housing agreements; and
- Pre-zoning land for housing projects would be part of the larger Housing Review project.

**DE-2025-015**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee endorse next steps for Phase 2A and 2B of the Denman Housing Review as discussed.

**CARRIED**

**DE-2025-016**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to schedule a special meeting prior to the May LTC meeting to discuss Denman Housing Review Phase 2C actions, and other related items.

**CARRIED**

**14. CORRESPONDENCE - none**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**15. NEW BUSINESS**

**15.1 Opt into Provincial Bill 44 Short Term Vacation Rental - Discussion**

- Local Trust Committees were advised not to opt into the primary residence requirement for short-term vacation rentals in the first year of regulation;
- Provincial regulations for short-term vacation rentals have a registration requirement and principal residence requirement;
- Current Land Use Bylaw requires someone live onsite but not necessarily in the principal residence;
- The Local Trust Committee can put a principal residence requirement into their bylaw or opt in to the province's regulation;
- There are a limited number of provincial enforcement inspectors;
- Islands Trust Bylaw Officers would no longer have jurisdiction and the Local Trust Committee would not have ability to direct non-enforcement; and
- The Planner will send the Local Trust Committee a report issued the previous year.

**16. STAFF REPORTS**

**16.1 Trust Conservancy Highlights of January 21, 2025 Board Meeting**

Received for information.

**16.2 Applications Report dated March 11, 2025**

The Local Trust Committee previously amended the Land Use Bylaw to facilitate the Triple Rock housing project; however, by not proceeding with Bylaws No. 248 and 249 a specific amendment to the Official Community Plan will be required to rezone the property.

**DE-2025-017**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456 to enable application DE-RZ-2024.1 (Triple Rock Cooperative).

**CARRIED**

**16.3 Trustee and Local Expense Report dated January, 2025**

Received for information.

**16.4 Adopted Policies and Standing Resolutions**

Received for information.

**16.5 First Nations Relationship Building Update - none**

**16.6 Local Trust Committee Webpage**  
No updates required at this time.

**17. WORK PROGRAM**

**17.1 Active Projects Report dated March 11, 2025**  
Received for information.

**17.2 Future Projects Report dated March 11, 2025**  
Received for information.

**18. UPCOMING MEETINGS**

**18.1 Next Regular Meeting Scheduled for Tuesday, May 20, 2025 at 10:00 a.m. at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

**19. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 2:00 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** December 16, 2025

**Location:** Denman Activity Centre  
1111 Northwest Rd, Denman Island, BC

**Members Present:** David Maude, Chair  
David Graham, Trustee  
Sam Borthwick, Trustee

**Staff Present:** Clare Frater, Director, Trust Area Services (electronic)  
Marlis McCargar, Island Planner (electronic)  
Narissa Chadwick, Island Planner (electronic)  
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)  
Rob Pingle, Planning Technician (electronic)  
Nadine Mourao, Legislative Clerk (electronic)  
Lisa Millard, Meeting Administrator/Recorder (electronic)

**Others Present:** There were approximately 12 members of the public in attendance.

#### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:03 am.

#### 2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

#### 3. APPROVAL OF AGENDA

**By general consent**, the agenda was approved as presented.

#### 4. REPORTS

##### 4.1 Trustee Reports

Trustee Borthwick reported attendance at the December Trust Council meeting and highlighted budget discussions and the presentation given by Brody Guy, Chief Administrative Officer of the Islands Coastal Economic Trust.

Trustee Graham reported attendance at Trust Council and noted work will continue to be done through Financial Planning Committee to address the anticipated budget increase prior to adoption in March.

##### 4.2 Chair's Report

Chair Maude reported the following:

- Trust Council approved financial sponsorship of the rezoning application fee for PLRZ20250368 (Denman Community Housing Society) in the amount of \$1592;
- Attended Trust Council and highlighted budget discussions and the presentation by Hannah Rabinovitch, Director of the BC Housing Policy Branch about opting-in to the principal residence requirements of the *Short-Term Rental Act*;
- The draft Trust Policy Statement is in the referral process and members of the public can continue to provide feedback through the survey or public comments sessions during Local Trust Committee meetings.

#### 4.3 Electoral Area Director's Report - none

### 5. PUBLIC COMMENTS

Four members member of the public spoke to a letter sent to local Trustees regarding the Apartheid Free Community (AFC) campaign and noted the campaign is province-wide and asks local councils and municipalities to take a stand on ongoing genocide in Palestine. They requested that the Local Trust Committee align with other BC municipalities and sign the Apartheid Free Communities Pledge declaring the Denman Island Local Trust Area an apartheid-free community, support the call on the Government of Canada to enact a two-way arms embargo with Israel, support reforms to the Gaza Temporary Resident Visa Program, support the boycott concerning contracting policies to exclude corporations complicit in human rights violations, and recognize and address anti-Palestinian racism as a distinct form of racism.

A Trustee noted support of anti-apartheid movements and indicated that there is a point in the agenda during which they will respond to the request for support.

**By general consent** correspondence regarding the Apartheid Free Community campaign was added to the agenda as item 10.8.

### 6. MINUTES

#### 6.1 Local Trust Committee Minutes dated July 15, 2025 - for adoption

The following amendments to the minutes were presented for consideration:

On page 5 of the minutes in resolutions DE-2025-047, 049, 050, and 051 change all references to Lasqueti Island to Denman Island, correct the bylaw number to Bylaw 258, and the cited bylaw number to Bylaw No. 258, 2025.

**By general consent**, the Denman Island Local Trust Committee meeting minutes of July 15, 2025 were adopted as amended.

#### 6.2 Section 26 Resolutions-Without-Meeting Report dated December 4, 2025

Received for information.

#### 6.3 Advisory Planning Commission Minutes – none

A Trustee asked when the Advisory Planning Commission (APC) selection process was changed and the Planner replied the new APC Bylaw for Denman was adopted in 2019.

## 7. BUSINESS ARISING FROM MINUTES

### 7.1 Follow-up Action List dated December 4, 2025

Received for information.

## 8. DELEGATIONS

### 8.1 Rezoning 15.2-acre R2 Property to a New Affordable Housing Zone

The delegation spoke to an application they have put forward to rezone their 15-acre property to an affordable housing zone for eight dwelling units regulated by a Housing Agreement held with the Islands Trust. They read a letter from 3Ravens to the Local Trust Committee that was included as part of the agenda.

### 8.2 Denman Community Housing Society regarding an Official Community Plan Amendment for a Future Affordable Housing Site

The delegation provided a presentation regarding rezoning the Emcon works yard, noted the works yard is leased to Mainroad until 2033 and rezoning would set aside a location for affordable housing in the future, and the offer from Emcon will allow the community to secure a parcel for future affordable housing through an amendment to the Official Community Plan.

### 8.3 Association for Denman Island Marine Stewards regarding Encroachment on the Marine Conservation Area on Denman Point

The delegation spoke to concerns about an application made to the Provincial Government to expand an aquaculture operation which currently encroaches on the Marine Conservation Area at Denman Point and the following comments were noted:

- Aquaculture rafts would impact the marine conservation zone;
- The province will be making a referral to the Local Trust Committee;
- There was a bylaw enforcement action initiated on January 21, 2020 and they would like to know the results of the investigation;
- The expansion is outside of the current lease area, has already happened, and the operator is retroactively asking for the expansion to be approved;
- A complaint has also been made to the Department of Fisheries and Oceans.

The Planner advised that a Crown lease referral would be sent to staff for response and if the area encroaches into the Marine Conservation zone, staff would note that a rezoning would be required to permit the use.

The Chair stated the delegate should not assume the Province will send a referral prior to approving the application, asked the Planner to inform the Local Trust Committee if a referral comes forward, and suggested the delegate consider making a bylaw complaint to enable a bylaw compliance and enforcement investigation.

**By general consent** Aquaculture Expansion in Marine Conservation Zone was added to the agenda as new business at item 11.1.

## 9. APPLICATIONS AND REFERRALS

### 9.1 PL-RZ-2024-0055 (Denman Conservancy) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The Local Trust Committee gave first and second reading to proposed Bylaw Nos. 256 and 257 to amend the Official Community Plan and Land Use Bylaw to rezone the subject parcels from Forestry and Resource Extraction to Conservation and Environmental Protection;
- Referral responses have been received and have been summarized in the report;
- K'omoks First Nation expect the referral to go before their Council in the near future.

The applicant was in attendance and noted preference for an electronic Community Information Meeting combined with a Public Hearing.

Discussion ensued and the Planner stated the Local Trust Committee had already passed a resolution to schedule a Community Information Meeting and Public Hearing and staff will proceed to do so.

### 9.2 DE-RZ-2024.1 (Triple Rock Land Cooperative) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The rezoning application seeks an additional four dwelling units to permit a total of 19 dwelling units and associated secondary suites regulated by a Housing Agreement;
- The Local Trust Committee has given first and second readings to proposed Bylaw Nos. 250, 255 and 254;
- A withdrawal from the density bank is required to permit the additional four dwelling units;
- The report summarizes referral responses received and K'omoks First Nation will be considering the referral during their January 29 meeting;
- Amendments to Bylaw No. 254 (Housing Agreement), as outlined in the staff report, should be considered.

Discussion ensued and the following comments were noted:

- It is necessary to have a Public Hearing for the Official Community Plan amendment and Density Bank extraction components of the project;
- The provincial message is that a public hearing is not to be held for affordable housing projects that align with the Official Community Plan; however, an amendment to the Official Community Plan requires a one to be held;
- There are two different mechanisms to use for adding density including the Density Bank and Policy 12 in which there are 7 densities remaining;
- Some revisions to the proposed housing agreement have been identified based on the referral response from the Agricultural Land Commission;
- The Local Trust Committee had already passed a resolution to schedule a Community Information Meeting and Public Hearing.

**DE-2025-051**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee Bylaw No. 254 cited as “Denman Island Housing Agreement Bylaw No. 254, 2025” be read a second time, as amended.

**CARRIED****9.3 PL-ALR-2025-0304 (Pawlowski) - Staff Report**

The Planning Technician spoke to the staff report and highlighted the following:

- The application seeks to include land that is currently zoned Rural Residential (R2) in the Agricultural Land Reserve (ALR);
- The subject property is 4.6 hectares in size and was removed from the ALR in 2009 through subdivision that resulted in no loss of ALR land and no increase in density;
- Returning the property into the ALR would increase the total ALR land on the island and not impact the total density;
- The applicant is operating a cidery on the subject property and including the land in the ALR would allow ability to provide agri-tourism in the form of a tasting room under the applicable zoning;
- The Local Trust Committee is to decide if it wishes to forward the inclusion application to the Agricultural Land Commission for consideration with, or without, additional comments or recommendations.

Discussion ensued and the following comments were noted:

- Moving land back into the Agricultural Land Reserve is the most expedient method of moving this application forward;
- Permitting a tasting room within a home-based business model was considered but did not meet all requirements of a home-based business.

**DE-2025-052****It was MOVED and SECONDED**

that the Denman Island Local Trust Committee supports application PLALR20240304 for inclusion of land in the Agricultural Land Reserve and directs staff to forward the application to Agricultural Land Commission for further consideration.

**CARRIED****9.4 PL-RZ-2025-0368 (Denman Community Housing Society) - Staff Report**

The Planner summarized the staff report and highlighted the following:

- The application proposes amendments to the Official Community Plan and Land Use Bylaw to rezone a portion of the subject property from Institutional to R4 Community Housing to permit the development of up to eight units of affordable housing near Denman Village;
- The units would be owned and managed by the Denman Community Housing Society which has signed a Memorandum of Understanding with the property owner, Emcon.
- Under the Memorandum of Understanding the Denman Community Housing Society would acquire a portion of the property from the current owner (Emcon)

for the purpose of developing the housing units with the transfer of title contingent upon completion of the required Official Community Plan and Land Use Bylaw amendments;

- Key considerations of the development project are outlined in the staff report;
- The proposal would use both the Density Bank and Policy 12 to provide the 8 densities required;
- Adequate ground water supply to support the development is available from the Emcon well located off the subject property and an easement will be required;
- The adjacent lot that has been zoned to permit 20 affordable housing units is owned by the same applicant and could also be a water source;
- Two concurrent applications are necessary to achieve the intended result of permitting affordable housing including a Development Variance Permit application to vary the minimum lot size for the remainder parcel and a Subdivision Referral application to allow the parcel to be subdivided enabling 0.3 hectares portion of the property to be transferred to the Housing Society.

The applicant was in attendance and provided a presentation which highlighted the following:

- Subdivision, rezoning, and water licence applications are in progress;
- The subdivision application was submitted to the Ministry of Transportation and Transit in summer 2025;
- They have a joint water use agreement with Emcon;
- An environmental assessment has been completed;
- They anticipate financing the project through community donations and a commercial mortgage;
- They will be conducting their own community information meeting in late January;

Trustees had no questions for the Planner or applicant.

**DE-2025-053**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008, to enable application PL-RZ-2025-0368 (Denman Community Housing Society).

**CARRIED**

**DE-2025-054**

**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 enable application PL-RZ-2025-0368 (Denman Community Housing Society).

**CARRIED**

**DE-2025-055**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request the applicant for PL-RZ-2025-0368 (Denman Community Housing Society) to submit the

following to the Local Trust Committee prior to a public hearing being considered/scheduled:

- a. Confirmation from a qualified professional that the subject property PID 000-252-069, have adequate conditions to support community sewage treatment or other approved systems, compliant with the BC Sewerage System Regulation under the *Health Act* for the proposed increase in density;
- b. A copy of the provincial water license intended to supply water to the 8 units of affordable rental housing;
- c. A water management plan based to address:
  - i. peak and expected water demand calculations;
  - ii. water conservation commitments to exceed BC Building Code requirements;
  - iii. minimum onsite storage capacity for potable, non-potable and fire suppression and types of storage being considered;
  - iv. emergency considerations should temporary demand be greater than designed storage or well capacity;
  - v. proposed plan for irrigation and grey-water re-use;
  - vi. proposed groundwater monitoring and reporting; and
  - vii. proposed stormwater management.

**CARRIED**

**DE-2025-056**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request the applicant for PL-RZ-2025-0368 (Denman Community Housing Society) enter into a cost recovery agreement with the Islands Trust for the purposes of drafting:

- a. A housing agreement for 8 units of affordable rental housing; and
- b. A restrictive covenant for water conservation, groundwater monitoring and to ensure all buildings meet BC Energy Step Code Level 2, or other energy-efficiency measures identified.

**CARRIED**

**DE-2025-057**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to send an early referral of PL-RZ- 2025-0368 (Denman Community Housing Society) to K'omoks First Nation.

**CARRIED**

**DE-2025-058**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff to send an early referral of PL-RZ-2025-0368 (Denman Community Housing Society) to the Denman Island Fire Department and Islands Trust Freshwater Specialist for comment.

**CARRIED**

**9.5 Trust Council Bylaw 183 - Policy Statement Referral – Briefing**

The briefing noted the initial referral response deadline of October 10 had been extended to February 5 to accommodate scheduled community engagement sessions.

**9.6 Trust Council Bylaw No. 183 - Policy Statement Referral – Memorandum**

Trustees had no questions or comments.

**DE-2025-059**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee respond to the Islands Trust Council that interests are unaffected by Bylaw No. 183.

**CARRIED**

**9.7 Referral Response to Comox Valley Regional District regarding Proposed Regional Growth Strategy Minor Amendment**

Received for information.

The meeting was recessed for a break at 12:10 p.m. and reconvened at 12:40 p.m.

**10. CORRESPONDENCE**

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

**10.1 Email dated July 11, 2025 from E. Johnston regarding Pre-Zoning Request for Housing Co-op at 5400 Northwest Road**

Received for information.

**10.2 Email dated July 17, 2025 from P. Deschenes regarding The Snag Rezoning**

Received for information.

**10.3 Email dated August 6, 2025 from B. Branfireun regarding Denman Island Siting and Use Concern**

The correspondence was received for information and a Trustee noted the Bylaw Compliance and Enforcement Manager responded to the correspondent.

**10.4 Email dated August 6, 2025 from R. Day regarding Snag Housing Co-op Proposal Update and Statement of Support**

Received for information.

**10.5 Email dated August 18, 2025 from L. Gardner regarding In Support of the Snag!**

Received for information.

**10.6 Letter dated August 29, 2025 from Denman Community Housing Society regarding Rezoning of Works Yard**

Received for information.

**10.7 Email dated November 25, 2025 from P. Weyer regarding The Snag Housing Co-op Proposal – Support**

Received for information.

**10.8 Correspondence submitted to the Local Trust Committee regarding the Apartheid Free Community Campaign.**

The Local Trust Committee received staff advice on the subject and it was noted that Trustees can individually support causes; however, the Local Trust Committee has a limited legislative role to preserve and protect using the authority granted to it but does not have a role in advocating international issues. Trustees thanked the speakers for bringing the issue forward.

**11. NEW BUSINESS – none**

**11.1 Aquaculture Expansion in Marine Conservation Zone**

The Bylaw Compliance and Enforcement Manager provided the Local Trust Committee background information on why the previous bylaw enforcement file had been put into abeyance and noted if further clarity on jurisdiction to proceed with enforcement was needed then the Local Trust Committee should consider requesting a legal opinion.

**DE-2025-060**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee request staff prepare a report on the bounds of our jurisdiction regarding Marine Aquaculture Zones, and their enforceability.

**CARRIED**

**12. STAFF REPORTS**

**12.1 Draft 2026/27 Denman Island Local Trust Committee Annual Meeting Schedule - Request for Decision**

Due to the large number of meetings scheduled following swearing in at Trust Council, the November 16, 2026 meeting will be held electronically.

**DE-2025-061**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee approve their April, 2026 to March, 2027 Meeting Schedule as amended.

**CARRIED**

**12.2 Denman Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 258 Final Adoption - Request for Decision**

The Local Trust Committee Meeting Procedures Bylaw No. 197 has been given first, second, and third reading and is coming back to the Local Trust Committee for adoption.

**DE-2025-062**

that the Denman Island Local Trust Committee Bylaw 258, cited as “Denman Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 258, 2025” be adopted.

**CARRIED**

### 12.3 Public Notification Bylaw - Request for Decision

The Request for Decision was summarized and the following points highlighted:

- The Community Charter establishes the requirements for publishing public notice where public notices are required by the *Local Government Act* and includes a default requirement and an option to adopt an alternative means of bylaw;
- The default public notification is by publication in two editions of a newspaper once each week for two consecutive weeks;
- A draft bylaw has been prepared for Public Notification that is based on the model approved by Trust Council which includes publication on the Islands Trust website and social media account;
- Should the Local Trust Committee choose to adopt their own bylaw they must consider that the means of publication are reliable, suitable, and accessible.

Discussion ensued and the following comments were noted:

- There are a number of local publications and only one publishes weekly;
- The language can be broad such as using a print newspaper without indicating a specific publication;
- It is the intention of the Local Trust Committee to add a third means of notification to the bylaw.

#### **DE-2025-063**

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

that public notification draft Bylaw No. 259 to be amended by adding a third bullet to read “in publications locally produced and distributed on Denman Island”.

**CARRIED**

#### **DE-2025-064**

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

that the Denman Local Trust Committee considers that the notification methods in draft Bylaw No. 259 as amended are reliable, suitable and accessible for the Denman Local Trust Area.

**CARRIED**

#### **DE-2025-065**

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

that the Denman Local Trust Committee give Bylaw No. 259, cited as “Denman Local Trust Committee Public Notification Bylaw No. 259, 2025”, First Reading.

**CARRIED**

**DE-2025-066****It was MOVED and SECONDED**

that the Denman Local Trust Committee give Bylaw No. 259, cited as “Denman Local Trust Committee Public Notification Bylaw No. 259, 2025”, Second Reading.

**CARRIED****DE-2025-067****It was MOVED and SECONDED**

that the Denman Local Trust Committee give Bylaw No. 259 cited as “Denman Local Trust Committee Public Notification Bylaw No. 259, 2025”, Third Reading.

**CARRIED****DE-2025-068****It was MOVED and SECONDED**

that the Denman Local Trust Committee forward Bylaw No. 259 cited as “Denman Local Trust Committee Public Notification Bylaw No 259, 2025” to the Islands Trust Executive Committee for consideration of approval.

**CARRIED**

**12.4 Trust Conservancy Report - none**

**12.5 Applications Report dated December 9, 2025**

Received for information.

**12.6 Trustee and Local Expense Report dated October, 2025**

Received for information.

**12.7 Adopted Policies and Standing Resolutions**

Received for information.

**12.8 First Nations Relationship Building Update - none**

**12.9 Local Trust Committee Webpage - none**

**13. WORK PROGRAM**

**13.1 Active Projects Report dated December 4, 2025**

Received for information.

**13.2 Future Projects Report dated December 4, 2025**

Received for information.

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Major Project: Denman Housing (Official Community Plan and Land Use Bylaw)  
Review Project: Business Case for 2026/27 Fiscal Year - Staff Report**

The Planner summarized the staff report and noted that the project is scheduled to complete during the current term and the business case reflects potential budget required for engagement.

**DE-2025-069**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee endorse the attached 2026 – 2027 Business Case and that staff forward the business case to the relevant committees and to Trust Council.

**CARRIED**

**14.2 Major Project: Denman Housing (Official Community Plan and Land Use Bylaw) Review Project - Staff Report**

The Planner summarized the staff report and indicated a more comprehensive report would be coming forward at the January meeting.

A Trustee noted they would like to focus the January discussion on the following suggestions:

- Pending endorsement from the K’omoks First Nation regarding a 200-metre setback from the ocean, allowing subdivision outside of that 200-metre range and prohibiting further densification of the shoreline;
- Reviewing the current lot coverage allowance of 25%, with consideration given to reducing coverage and scaling it to property size;
- Suggestion to limit maximum floor area to 300 square metres;
- Not requiring cluster housing a condition for approval of additional density;
- Considering additional dwellings on a case-by-case basis, according to the needs of the applicant, site geography, and potential environmental impacts;
- Considering the use of spot zoning based on a checklist of minimum requirements and specific criteria, rather than pre-zoning;
- Creating an application process to legalize existing non-conforming dwellings while ensuring there is not an undue environmental impact;
- Discontinuing the use of Temporary Use Permits;
- Requiring rainwater catchment systems for all new dwellings;
- Permitting accessory dwelling units, including tiny homes, yurts, and trailers;
- Allowing secondary suites in all zones, with further details to be provided regarding requirement for water licensing;
- Allowing room rentals in all zones except Conservation, Park, R4 Community Housing, and Water zones;
- Eliminating the Resource (RE) zone and rezoning those properties to zones more appropriate for their current use.

**DE-2025-070**

**It was MOVED and SECONDED**

that the Denman Island Local Trust Committee endorse the revised project charter.

**CARRIED**

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Tuesday, January 20, 2026 at 10:00 a.m. at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

**16. CLOSED MEETING**

**16.1 Motion to Close the Meeting**

**DE-2025-071**

**It was MOVED and SECONDED**

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(f) for the purpose of considering:

- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the recorder and staff attend the meeting.

**CARRIED**

The meeting was closed to the public at 1:58 p.m.

**16.2 Recall to Order**

The meeting was recalled to order at 2:15 p.m.

**16.3 Rise and Report**

Chair Maude will rise and report adoption of the March, 2025 in-camera meeting minutes at the next regular business meeting.

**17. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 2:16 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



**PUBLIC HEARING**  
**DENMAN ISLAND LOCAL TRUST COMMITTEE**

**February 17, 2026**  
**Electronic Meeting**

**PROPOSED BYLAW NO. 255**  
(Denman Island Official Community Plan, 2008, Amendment No. 2, 2025)  
**AND**

**PROPOSED BYLAW NO. 250**  
(Denman Island Land Use Bylaw, 2008, Amendment No. 2, 2024)  
**AND**

**PROPOSED BYLAW NO. 254**  
(Denman Island Housing Agreement Bylaw No. 254, 2025)

**DE-RZ-2024.1 Triple Rock Land Cooperative**

**Public Hearing Submissions Placeholder**

**From:** Daniel Terry [REDACTED]  
**Sent:** Monday, February 9, 2026 11:45 AM  
**To:** northphsub  
**Subject:** Proposed bylaws 255, 254, 250

**Note: please reply by return email to confirm that this email has been received and will be attached to the files of the proposed bylaws.**

My name is Daniel Terry and I am the owner of the lot to the west of the Denman Cohousing property. I have owned this property since 2005 and recently my wife Anika and I built a house on it. When I purchased the property it was a quarter section (160 acres) which I acquired specifically for the purpose of subdividing part of it to provide a suitable home for cohousing on Denman Island. I was successful in the rezoning and subdivision process and was able to sell 90 acres to cohousing at below market price.

When discussing with the cohousing group about how best to craft the rezoning application, I was in favour of applying for a total of 20 residential units in their development. My reason for this was that it seemed like a good number for purposes of mapping out a housing cluster on their property and that obviously 20 units would provide more owner housing than 15. They decided in the end that they were more comfortable with 15 units and that was the number that ended up being used for the successful rezoning application.

There were various modifications to the rezoning and subdivision plan. The lot line at the southwest corner of the cohousing property was specifically designed so that the cohousing cluster was adequately set back from adjacent properties and to ensure that members would have access to the ridge overlooking Baynes Sound and Vancouver Island. The lot line at the northwest corner was moved to accommodate the necessary driveway which ALC prohibited on the ALR portion of the property. I did everything I could to ensure that the subdivision and rezoning process was successful and fulfilled cohousing's stated needs. And I was proud to have had a hand in making this happen on Denman Island.

I am deeply concerned about the ramifications of (most of) the proposed bylaws.

I'll address bylaw 255 first. I have no objection to using 4 densities from the bank to facilitate the addition of 4 more densities to the cohousing parcel. As stated above, I was initially in favour of building out cohousing to 20 units in total, so 19 units is obviously within this parameter. Owner occupied housing fits the cohousing model of members having a vested, recognized, and long term interest in the smooth running of cooperative housing, allowing all stakeholders in the co-op a voice in its dealings, both

prosaic and more impactful. I am obviously in favour of the parts of bylaws 250 and 254 that refer to the addition of 4 new densities. I am also in favour of the amendments that propose adding square footage to both individual dwellings and outbuildings. These are reasonable and would also allow members to build an extra bedroom or bathroom to accommodate caregivers, family, friends and others interested in the cohousing life.

I am NOT in favour of permitting secondary suites in any residential units. This would completely change the nature of cohousing. And cohousing was the reason that this development was initially proposed and approved 20 years ago. I understand that current and future cohousing members may well need more space to house friends and family. Specifically, that is what cohousing is, people living together. The proposed bylaw lists criteria for people who would be allowed to rent secondary suites: caregivers, family, people "significantly" involved in cohousing (whatever "significantly" means), prospective members, etc. Each one of these people would just as easily be housed in a room in one of the expanded units that would be accommodated with the increased floor space sought with these bylaw proposals. Cohousing is, once again, living together. It is sharing space and sharing facilities. All of the categories of prospective tenants in the proposed bylaw are clearly not arm's length relationships with cohousing members. Sharing use of kitchen or living room or even bathroom (if there is only one) with someone like this is clearly not problematic within the principles of cohousing. And if it is problematic then that might indicate that the person is not cut out for cohousing. A member sharing residence with one of these people - something which, incidentally, already happens - fits nicely with cohousing principles and bylaws. Building and renting secondary suites does not.

There are two problems with allowing secondary suites on the cohousing property. The first is that it creates a de facto two tier class of residents in what is meant to be a cooperative structure. Members become the only residents with both a voice and a responsibility in how things are run. That's two markers of hierarchy in what was designed (and given preferential zoning) as a cooperative community. Renting a suite is a completely different thing than renting a room in one's house. Lack of shared facilities means that renters can be more or less ignored and less and less involved with the cohousing process as their tenure continues and they are left to their own devices. No common space eventually means no common values. This is not what cohousing is supposed to be about. Members become landlords whose concern is does the rent get paid.

Furthermore the proposed bylaw states that the owner (cohousing) will monitor secondary suites for compliance in terms of who they are being rented to and what the rent amount is. This provision is at best wildly optimistic and at worst disingenuous. The

notion that the membership of cohousing will somehow continuously and objectively vet renters and ensure ongoing compliance is unworkable. They all lead busy lives with bigger and more pressing concerns and there is no mechanism in place to ensure that such oversight would be prioritized. There is no way cohousing members, already burdened with the intricacies of collective living, are going to enthusiastically take on issues of tenant management as well.

The other problem with allowing secondary suites is density. Taken together, these bylaw proposals would amount to a 150% increase in residential density. My wife and I are not averse to having neighbours. In fact the property we have built our house on currently has, counting heads, more neighbours than any other property on Denman Island. This is not always convenient. There have been issues with animals (both pets and livestock), campfires, cutting of and damage to trees, littering, etc. But over the years we have managed to both defuse and avoid conflict with neighbours while at the same time allowing and encouraging reasonable access to the beautiful trails, meadows, viewpoints, etc that we have created on the property. We are happy to say that we feel we have a respectful and mutually beneficial relationship with all of our neighbours. Adding 4 cohousing units to the neighbours is manageable. Piling on another 19 secondary suites to that number is not. That's a lot of tenants who will have de facto less accountability and will be less likely to respect neighbours' boundaries, both physical and personal. This will completely change our relationship with cohousing and negatively impact our enjoyment of this property.

I assume here also that IT planners have fully researched and approved water and septic issues regarding these proposed bylaws. There is no mention of this in the proposals. But obviously 38 units, by far the largest number of units on any lot on Denman Island, would expect to have significant infrastructure needs for water in and waste out, particularly considering that the hydrogeology of the site directs flow towards the northern ALR portion of the property . I hope that these concerns have been thoroughly addressed.

In sum:

Yes to 4 more cohousing units

No to 19 secondary suites, for 2 reasons:

- it would run counter to the principles of cohousing, FOR WHICH THE COHOUSING PROPERTY WAS ORIGINALLY ZONED
- it is an unacceptable increase in density.

Regards,

Daniel Terry



**From:** Paul Weyer <[REDACTED]>  
**Sent:** Sunday, February 8, 2026 12:58 PM  
**To:** northinfo; Marlis McCargar; Narissa Chadwick; David Maude; Sam Borthwick; David Graham  
**Subject:** Triple Rock - Coho Landing Housing Rezoning Proposal - Full Support

Good afternoon Denman Island Planners and Trustees,

We wanted to email our support for Triple Rock/Coho Landing Rezoning Proposal (DE-RZ-2024.1) at 5201 Denman Rd. Coho has been part of the Denman Island for many years, and has dramatically enhanced the island diversity. We have read and understood their application, and the need for the rezoning.

This rezoning application will add more affordable housing options to Coho Landing, and to the greater community on Denman Island. These new housing options are urgently and sorely needed. Coho Landing's land share co-operative, and its Members, should be thanked and supported for helping Denman. Their long rezoning process should be approved. Coho Landing's rezoning application has our full support.

Thank you,

Tara Parkinson and Paul Weyer

[REDACTED]  
Denman Island, [REDACTED]  
Home T. (no cell): [REDACTED]

**From:** Tyler Manson <[REDACTED]>  
**Sent:** Saturday, February 7, 2026 4:49 PM  
**To:** northinfo  
**Subject:** Feb 17 public hearing

I am confused and concerned that you are holding a public hearing via electronic hearing on day that has a planned power outage. Will you be rescheduling this meeting?

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**From:** Des and Sandy Kennedy <[REDACTED]>  
**Sent:** Wednesday, February 11, 2026 8:45 AM  
**To:** northphsub  
**Subject:** CoHo Landing

I wish to express to the Denman Island Local Trust Committee my support for the CoHo Landing rezoning application currently before the Committee.

I urge the trustees to approve the application in its current form.

Des Kennedy

[REDACTED]

Denman Island

[dagraham@islandstrust.bc.ca](mailto:dagraham@islandstrust.bc.ca)  
[sborthwick@islandstrust.bc.ca](mailto:sborthwick@islandstrust.bc.ca)  
[dmaude@islandstrust.bc.ca](mailto:dmaude@islandstrust.bc.ca)

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**From:** Erin Ewing <[REDACTED]>  
**Sent:** Tuesday, February 10, 2026 2:26 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Input on CoHo Landing rezoning application

Hi there,

I am writing to express my support for CoHo Landing's rezoning application. I am CoHo's newest member, having been blessed to live here for close to two years now, and this housing co-op has changed my life.

Before I joined CoHo, I lived nine places in the preceding two years. Those places included a tent outdoors, couchsurfing, a moldy trailer with part of the roof missing and a toilet that flooded frequently, places that I left due to violence, and paying rent for the privilege of house-sitting while the owners vacationed in Mexico. As a person with a disability, I could not afford market rent, and I was unable to secure stable housing within my very low budget. Since finding stable permanent housing at CoHo Landing, my health has greatly improved and I have been able to establish a local micro-business and work part-time offering accessible yoga classes to support the wellness of the Denman community.

One of the closest friends I have made on Denman is a single parent of a young child, surviving on very low income. and presently at the mercy of the fickle, outrageously over-priced, and nearly impossible-to-find rental market. This friend is also interested in joining CoHo - in fact, they applied for the same unit at the same time as I did (as did numerous other Denman residents), but CoHo only had space to accept one. Meanwhile, my parents are aging and have lost a great deal of their mobility, and I worry that they will not be able to manage independently for much longer.

We all have stories like this. We all know people, probably many people, who are struggling to have their most basic survival needs met in today's dual housing crisis and overall affordability crisis. I know elders on Denman who are living in vehicles, who don't have running water or electricity, and families who have been homeless with young children or while expecting the birth of a new baby. More than one family on Denman has lost their home to fire in the last while, finding themselves abruptly without a roof over their head.

CoHo Landing has proven itself a successful housing solution, offering a sustainable and community-oriented way to live with minimal environmental impact and far below market rates. Opening up more space at CoHo, within the established housing cluster, using only rainwater catchment and composting toilets, can offer more families and individuals the opportunity for stable affordable housing with very little additional impact on the land or water.

If I had a secondary suite in my home, I would be able to offer it to my single-parent friend and their child who want to be part of the co-op, or to my aging parents when they can no longer safely live on their own. The purpose of the secondary suites is for precisely these situations - for family members of existing residents, for caregivers (because who among us will not need care as we age?), and for people who are interested in actively participating in co-op life.

Stable affordable housing is the foundation upon which every other aspect of our lives are built. Our health, our employment, our education, how we show up to our relationships, our community contributions - all of these are dependent upon having a safe and consistent home base where our basic needs are met. Housing is worth investing in, and CoHo Landing is providing leadership and solutions where the government and the private market have both failed us. Please allow us to support our community through supporting this rezoning application.

Thank you very much.

## Opposition to Bylaw 250, 254 & 255

**I am opposed to Bylaw 250, 254 and 255** until such time as the Denman Island Local Trust Committee has completed a **Growth Limits Study** to determine how many people our island can support and still protect the values for which the Islands Trust was created. The initial first step would be to conduct a **Build-out Study** to determine how many homes (or residences) are now allowed on Denman under current zoning. This includes lots that are not yet built on and properties that are zoned to be divided. Multiplying the number of allowed residences by the capacity of each dwelling will provide an estimate of the likely number of people to be living here when all lots are developed. Although, determining when a population is "too many" for a given area is not defined by a fixed number, but rather by the **carrying capacity**—the point at which the environment can no longer sustainably support the population with necessary resources (food, water, energy) and infrastructure.

Even though the increase from residential units at this R4 zoned property is only 4, the proposed increases in floor area, outbuildings and the permitting of secondary suites in all residential units could have a huge impact on the number of total occupants. More occupants equals more resources needed and even though the impact is lessened by rainwater catchment, composting toilets etc. there is always a negative carbon footprint created, resulting in loss of biodiversity, and deforestation.

The rural aspect of island geography is a valued and integral part of the islands' life and communities which also helps to protect the rare and fragile ecosystems found on the gulf islands, which are becoming all the more valuable as development pressures eradicate similar ecosystems in surrounding areas on the mainland and Vancouver Island. Local infrastructure such as our parks, roads, schools, community halls, garbage collection, recycling center, medical clinic, fire and rescue service and ambulance are all at risk of becoming overtaxed if we don't heed our **carrying capacity**.

Bill 44 requires all municipalities to update zoning bylaws putting pressure on our nearby communities that we rely on for hospitals, police, ferries, colleges, universities, transit etc. Based on recent data, infrastructure in British Columbia is **not currently adequate** to handle the rapid population growth, resulting in a significant, recognized infrastructure deficit.

For our LTC to rubber stamp these significant changes for 5201 Denman Road sets a precedent and could potentially mean that other land cooperatives, cluster housing etc. would also receive the same approval, but without knowing **Denman's Carrying Capacity**, we're setting ourselves up for failure.

**It's hard to “preserve and protect” once you've opened the flood gates!**

Edina Johnston

Denman Island, BC

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**From:** John Kirk <[REDACTED]>  
**Sent:** Tuesday, February 10, 2026 9:30 PM  
**To:** northphsub; northinfo  
**Cc:** Sam Borthwick  
**Subject:** DILTC Public Hearing proposed bylaws Nos.255,254,& 250

Please reply by return email that this email was received and will be attached to files of the proposed bylaws.

My name is John Kirk and with my wife, Mel, own property near the Triple Rock Land Cooperative (the applicants) property. I have been a resident of Denman all my life of 72 years and my wife has been here for 34 years.

We are writing you as we are both deeply concerned about the ramifications of parts of proposed bylaw 250 and parts of 254.

We both have no problem with the first line of proposed bylaw 250 where four additional dwelling will be allowed to be build on the property.

However, we strongly disagree with the second line about permitting secondary suites to the planned new total of nineteen dwelling. This would, not could, bring the total of thirty eight family units on the property that was originally zoned for fifteen family units.

Regardless of what the applicants claim about managing the additional nineteen suites, as years slip by so will the monitoring. The effect on the environment of having thirty eight cluster family units can not go un-noticed. Septic systems issues, more vehicles, water shortages.

Lastly, this would completely go against the principals for which the Triple Rock Land Cooperative was originally zoned.

We don't have any problem if the applicants want to increase the floor area of their dwelling or out buildings. Just don't turn the extra space into a secondary suites.

Regarding proposed bylaw 254, we fail to see over time how the applicants, if allowed to have secondary suites, plan to regulate a renter once they become occupants as there is Provincial rental regulation that will supersede the applicants intention.

To sum this up;

We are in favour of the applicants being allowed to add four more dwellings to their property.

We are NOT in favour of the applicants being allowed to add a secondary suite to all the dwellings on their property.

Regards,  
John and Mel Kirk

---

**From:** Vali Majd <[REDACTED]>  
**Sent:** Wednesday, February 11, 2026 6:26 AM  
**To:** northphsub; David Graham; Sam Borthwick; David Maude  
**Subject:** Coho rezoning support

Trustees et al.,

As an island resident and a coho member I wanted to add a voice of reason and support in relation to our rezoning application.

I believe that coho has proven that our model works- in fact it is an exemplary model that balances people's needs with deep environmental consideration.

As you are aware of all the various element factored in our housing agreement, our project is extremely low impact, yet creates long term homing solutions in a socio economic environment that very much needs it.

Many of us have felt that given how much land we have, and how low impact we are, we owe it to the island to create some more housing. There is no gain for us to do so (I like our project as it is!) but it is the responsible thing to do.

At the same time, some of our individual conditions have changed; I live in a 240 sq ft. cabin, and would like to have my grown daughter or my sister come and stay with me- without making my cabin any bigger. Maybe down the road, an island friend of mine who lives in a bus could move in for some foreseeable future.

A secondary suite would be an ideal solution.

And by the time I am done with it, the combination of both would still be smaller than most people garages:-)

I don't know if, and how much opposition this application will see, however, I trust you will see that the value of this rezoning far outweighs any drawbacks, creates solutions both for our coho community, but also for our island, all while staying true to Island trust's mandate and coho's original vision.

Best regards,

Vali Majd  
Director,  
JTFSecurity & JTFAcademy

[REDACTED]  
[REDACTED]  
[REDACTED]



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**From:** John Kirk <[REDACTED]>  
**Sent:** Friday, February 13, 2026 10:42 AM  
**To:** northphsub  
**Cc:** Sam Borthwick  
**Subject:** Triple Rock Land Cooperative Public Hearing

Please, by return email, let me know you have received this email

For the record;

I meant to add this thought to an earlier mail I sent you regarding proposed Bylaw 250 and 254 which are addressed at the coming Public Hearing.

We feel that if the Islands Trust allows the part of proposed Bylaw 250 that would allow Secondary Suites to all dwellings on the Triple Rock Land Cooperative (the Applicant), you will be setting a very dangerous precedent that could allow others groups to do the same.

If the Komas Ranch or the Lake Farm requested to add a secondary suite to every dwelling with the same housing agreement as in proposed Bylaw 254, how could the Islands Trust say NO when you have already granted it to one group of land owners and if you did say No, chance are the Islands Trust could be litigated.

Allowing this blanket allowance of secondary suite will really open up a can of worms.

Again, my wife Mel and I, strongly oppose the allowance of secondary suites to all dwellings by the Applicant.

Regards,  
John and Mel Kirk

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**From:** Joni Daniels <[REDACTED]>  
**Sent:** Tuesday, February 10, 2026 1:07 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** CoHo Landing

I am writing to register my strong support for the rezoning of the CoHo Landing property, to accommodate the additional homes and especially the secondary suites. Co-housing and multi-generational housing is the future in these times when the purchase of a home, and even the rental of one, is prohibitive for many people. Please help make Denman homes accessible for all levels of financial ability.

best regards,

Joni Daniels  
[REDACTED]

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**From:** Lee Andra Jacobs <[REDACTED]>  
**Sent:** Thursday, February 12, 2026 9:48 AM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Re zoning application for Coho

Dear Gentlepeople:

I wish to add a voice in favour of the proposed expansion of the Co-housing cooperative presently on the table before you. This group has worked hard and long to create housing and community that is affordable and accessible. After attending many events at their common house and having observed their commitment to the cooperative process I feel these people have something very special to share.

I hope Islands Trust will give their stamp of approval.

Respectfully,

Lee Andra Jacobs

Denman Island, BC

Sent from my iPad

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**From:** David Maude  
**Sent:** Wednesday, February 11, 2026 11:48 AM  
**To:** northinfo  
**Subject:** Fwd: letter of support sent to local trust committee, cc-ed to me

Mayne Island Trustee  
Islands Trust Council Vice Chair  
Wi'la'mola - We are all travelling together

Begin forwarded message:

**From:** Laura Busheikin <[REDACTED]>  
**Date:** February 11, 2026 at 9:25:25 AM PST  
**To:** Wendy Pope <[REDACTED]>  
**Cc:** David Graham <dagraham@islandstrust.bc.ca>, Sam Borthwick <sborthwick@islandstrust.bc.ca>, David Maude <dmaude@islandstrust.bc.ca>  
**Subject:** Re: letter of support sent to local trust committee, cc-ed to me

On Tue, Feb 10, 2026 at 11:49 AM Wendy Pope <[REDACTED]> wrote:  
Dear Trustees

I'm writing to express my full support for CoHo Landing's rezoning application allowing four more units plus expansion of homes and secondary suites.

CoHo is an inspiration and I have huge respect for their responsible action and follow thru.

We have been neighbours from the beginning and I trust their integrity and commitment to the larger community based on two decades of experience.

Thank you for your trustee work on behalf of our precious evolving community

Wendy Pope

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*I live and work in the unceded and treaty territories of the K'ómoks, Homalco, Klahoose, Qualicum, Shishálh, Tla'amin, We Wai Kai, and Wei Wai Kum. I recognize that I have benefitted from the colonization of these lands which was so devastating to its original inhabitants and to the land itself. With humility, I am committed to ongoing learning and action to support decolonization, healing, and justice.*

---

**From:** Liticia Gardner <[REDACTED]>  
**Sent:** Wednesday, February 11, 2026 9:30 PM  
**To:** northphsub; David Graham; Sam Borthwick; David Maude  
**Subject:** Support for Coho's Rezoning Process

Hello,

I would like to write in to provide some supportive words of encouragement for Coho's rezoning process. I believe Coho's rezoning application is much needed, I fully support the addition of 4 new spots and secondary affordable suites as well.

As a precariously housed person myself, I would absolutely love to apply to join Coho in one of the four spots. This rezoning application will create more stable and affordable rentals in the immediate future, something that is desperately needed in order to keep many of the vibrant, interesting and community minded people who I know who are actively looking for housing right now.

Please proceed with this application! Denman truly needs this, and this application going through will make a huge difference to our little family.

Thanks,

Liticia Gardner (and Nick Montgomery and Ziggy Gardner)

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**From:** Megan Adams <[REDACTED]>  
**Sent:** Thursday, February 12, 2026 2:22 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Support for the creation of more housing at CoHo Landing

Good afternoon,

I am writing as a resident of Denman Island to express my whole-hearted support for the potential rezoning at CoHo Landing to support four more units.

CoHo is a cornerstone of our community. Every household up there is a part of our dynamic and multi-generational community in their own way. In the past few years, we have seen a new surge of young people and their new children come to Denman, some of whom live up at CoHo. I want these young amazing people to be supported and housed. They bring volunteerism, economic opportunities, art, and food security initiatives to our community and I want to continue to see them housed.

I spend a lot of time on different properties throughout Denman. Of all of those properties, CoHo has a very low ecological impact. I do not think that the expansion would create any environmental risk; if anything it will help keep our land on Denman less impacted overall to see new units built within an area that is already developed and in use. In particular, as I understand it the secondary suites will be regulated to not be commercial units, but instead provide important housing to extended families and caregivers. As in the spirit of CoHo, I trust these suites will remain small and low impact.

Housing is a huge need in our community. The expansion and secondary suites at CoHo are a smart move that benefits a place we love that gives so much to our community already. When you invest in CoHo, you invest in Denman Island in general. My thanks for your consideration,

Megan

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[Megan Adams](#), PhD (she/her)  
Adjunct Professor, Faculty of Forestry and Ecosystem Stewardship  
University of British Columbia  
[REDACTED]

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**From:** Roxanna Mandryk <[REDACTED]>  
**Sent:** Wednesday, February 11, 2026 3:12 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** CoHo Landing rezoning

Dear Denman Island Trustees,

I would like to go on the record as being in full support of the rezoning of the CoHo Landing property to provide four additional units along with other changes.

We all know CoHo Landing is a well proven success and is ready to move along. They have provided housing for some key members of our society and I am grateful that they are here. Without CoHo Landing, who knows if they could be here?

CoHo Landing has been a shining example of "good stuff" such as affordable housing for long term Denman residents, green considerations such as rainwater catchment and so on. We need more of the same.

Please pass this rezoning and help our community continue to grow in a sustainable way while supporting young families, workers and outstanding residents on our island.

Sincerely,  
Roxanna Mandryk  
[REDACTED]  
Denman Island, BC  
[REDACTED]

(Former Islands Trustee, 1992-96)

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**From:** Ron <[REDACTED]>  
**Sent:** Wednesday, February 11, 2026 1:37 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Triple Rock Land Cooperative Rezoning Application

Triple Rock Land Cooperative rezoning application

Submission Re Bylaws 255, 250 and 254

As an original founding board member of DCLTA and a longtime advocate for more affordable housing on Denman in the context of shared cooperative values, I would like to give my wholehearted support to Bylaws No. 255, 250, and 254 proposed in relation to the CO-HO Landing Rezoning proposal. Of great importance to me is that the co-housing model is not based on commercial or charitable foundations, but has flourished on Denman by drawing upon a combination of self-determination and communitarian values. Building on its successes in that regard, the proposed bylaw revisions would allow CO-HO to expand upon that model to include new less-than-market-rate housing units for Denman residents and to allow secondary dwellings for caregivers, family and others seeking affordability as part of a land project that offers the opportunity for an active participation in communitarian life. At a time when inflated housing markets, top-down developer-sponsored gentrification plans, predatory housing speculation schemes, and fast-buck entrepreneurial models like Airbnb are the order of the day, while new affordable rental housing initiatives on Denman remain indefinitely stalled; the proposed expansion and diversification of the CO-HO model is a breath of fresh air. By approving these bylaws, we as a community can affirm our commitment to the organic bottom-up model of mid-range affordable green growth that has been demonstrated by CO-HO since its inception.

Ron Sakolsky

[REDACTED]  
[REDACTED]  
Denman Island, BC  
[REDACTED]

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**From:** S. Ganga <[REDACTED]>  
**Sent:** Thursday, February 12, 2026 8:37 AM  
**To:** northphsub; David Graham; Sam Borthwick; David Maude  
**Subject:** Support for CoHo landing rezoning application

Dear trustees and other involved decision makers,

I am writing to express my support for the Coho Landing rezoning application which is scheduled for public input on February 17th.

As a Denman Island resident of 15 years, I urge the Local Trust Committee to move ahead with the rezoning application as quickly as possible with no changes or further demands on Coho Landing.

I fully support the proposed secondary suites, which are clearly regulated by the housing agreement to disallow commercial rentals. The secondary suites will assist Coho Landing in remaining a vibrant hub of community activity by providing places for aging parents, adult children, and caregivers. Due to the restrictions on maximum square footage of the secondary suites, along with other environmental practices used in all buildings on Coho Landing, they will be small in scale and continue to have the minimal environmental impact which Coho takes great pride in.

Coho Landing has been a very successful project for Denman in creating affordable housing for people who may otherwise have not been able to live, or remain, on Denman. It contributes to the local Island health and culture with first responders, artists, caregivers, and young children in our community (amongst other things).

The proposed expansion is a low-impact, environmentally sound proposal which will allow more Denmanites to find affordable housing on the Island.

Sincerely,

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**Seva Ganga**

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**From:** Tamias <[REDACTED]>  
**Sent:** Friday, February 13, 2026 11:31 AM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** In support of CoHo Landing rezoning

Hi

I'm writing in support of the proposed rezoning to allow Coho Landing to establish four more units, slightly increase building size and allow secondary suites. To me the most important point is that the secondary suites will be affordable housing for people who have a reason to be there, and not vacation rentals.

There's something horrible that happens to a community when housing becomes unaffordable, as it has on the Gulf Islands and all over BC since 2020. We invest less energy into friendships when friends keep disappearing for lack of housing. We feel less connected with neighbours when they keep disappearing, to be replaced by higher-income neighbours. As a low-income non-landowner myself, I hesitate to get involved in community projects or organizations, because I know that I could disappear from the community any time and never be able to come back. Secondary suites at CoHo Landing could provide much-needed housing for people who do the underpaid and underappreciated work that holds a community together, like caregiving, childcare, volunteering at events, non-profit work, environmental advocacy, citizen science and trail maintenance and picking up garbage off the beach.

Remember that CoHo Landing works by consensus, and that the only people really impacted by the proposed increase in density will be the people who already live there. They have already agreed to it, otherwise this process wouldn't be happening. It takes a lot of time, attention, care, communication skills and emotional maturity for that many people to reach consensus on anything at all!

The request to create four more units is not just, "Hey, we want to sell four lots and make a bunch of money," it's more like, "We're going to choose four households of community-minded people who care about the land they live on, and set them up with a safe enough place to live so they can engage in human life without being haunted by the fear of being displaced."

With all that in mind, please let the rezoning move forward without any unnecessary complications.

Sincerely,  
Tamias Nettle

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** John Millen <[REDACTED]>  
**Sent:** Friday, February 13, 2026 2:35 PM  
**To:** northphsub; David Graham  
**Subject:** Denman Island Public Hearing February 17 2025

3811 Denman Road,

Denman Island BC

VOR 1T0

13 February 2026

Denman Island Proposed Bylaws 255, 254, 250

Denman Island Local Trust Committee:

I support the increase of four to the number of homes allowed at the Tripple Rock Land Cooperative (Coho), to a total of 19.

During the original establishment of the Cooperative it was recognised that 15 units was at the low end of the desirable size for such a housing development.

I recommend not allowing the addition of secondary suites to houses of the cooperative for the following reasons:

1. Renting secondary suites will create two classes of residents: owners and renters. The two classes have differing interests in the maintenance of the common facilities and long-term success of the Cooperative. The end result is likely to be that much more of the operation and maintenance of the common facilities will have to be done by paid labour. This will much reduce the possibility of affordable housing being available to new (owner) entrants to the cooperative.

2. The addition of a secondary suite to any residence will substantially add to the base cost (and value) of that unit. When a new owner is to purchase that unit the cost will include the cost of the rental unit not required for their housing needs. It is in the nature of an investment with a return of rent. The need to find capital to cover this investment will be a burden on new entrants, and will likely disqualify many aspirants.

3. The Denman community's interest in the long term continued success of Coho is reflected in and enforced by the Housing Agreement. The provision of rental housing would be a major addition to the purposes of the Cooperative, a change that I foresee would substantially alter its nature, not for the better. There is plenty of scope for Islands Trust to make zoning changes to allow secondary suites elsewhere on the Island if it considers this to be desirable.

John Millen

**From:** Jared Crape <[REDACTED]>  
**Sent:** Monday, February 16, 2026 9:58 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Support for CoHo Landing Rezoning Application

Hi there,

I am a Denman Island resident who is writing to show my support for Islands Trust moving ahead with the CoHo Landing rezoning application.

CoHo Landing provides essential affordable housing for families and community members on Denman Island. They have created an amazing model for effective land use in terms of housing density and low environmental impact.

To see the expansion go ahead as quickly as possible would be a huge win for our community. We need working people who may not be able to afford market rates to have long term secure housing here, and projects like this allow it.

Thank you for your time!  
All the best,

Jared Crape

**From:** Maya Rytz <[REDACTED]>  
**Sent:** Monday, February 16, 2026 9:28 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Letter of support for CoHo

To Whom it may concern,

With this email my husband Christopher Mainella and myself who are both Denman residents would like to strongly support CoHo in their rezoning application for additional lots and secondary suites. They are rising up to a rampant need for affordable housing on Denman. We have been to CoHo activities and stayed there for a 2 weeks when landing back on Denman, they are an inspiring group of people, trying to provide solutions to an ongoing issue, stable and affordable housing for locals and families.

Thank you

Chris and Maya

**From:** Graham Hayman <[REDACTED]>  
**Sent:** Monday, February 16, 2026 3:23 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Please Allow CoHo Landing Rezoning

Hello Local Trustees,

I'm writing in support of the rezoning of the CoHo landing.

The landing has proven very successful for providing much needed housing for Denman residents by providing mid-range affordable housing that is so urgently needed by many Denmanites. The years of various attempts by various organizations (thus far without success) to get affordable housing on Denman can attest to this urgent need.

My understanding is that the rezoning will have no significant environmental impacts and will be within the existing area of land already cleared and developed for dwellings.

Regarding the secondary suites:

Over the years, I've seen several situations arise where commercial rentals have been built by private individuals for personal financial gain, so don't understand why a cooperative of responsible people who have successfully managed / regulated their living space should be denied the ability of providing space for caregivers and extended family. The units will remain small in scale and impact due to restrictions on maximum square footage.

So I request that the Islands Trust allow this rezoning to happen.

Thanks,

Graham Hayman

Denman Resident

Writer and Editor

<<handmade messages>>

[REDACTED]

Denman Island, BC  
Canada V0R 1T0

[REDACTED]

Mobile [REDACTED]

LL



**From:** [REDACTED]  
**Sent:** Monday, February 16, 2026 2:40 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; dmaude@islandstrust.bc.c  
**Subject:** Support for CoHo Landing

Dear Local Trust Committee,

Please move head with the rezoning application for CoHo Landing, I feel it is a positive thing for our community. Off the top of my head I can list at least a half a dozen to a dozen existing community members who would benefit. The community would benefit too, as these individuals are providing services and support in our community, often while living in unstable housing.

That is why it is important to move this project forward as quickly as possible, we have community members unable to make long term commitments due to the uncertainty of their housing situations.

I support the secondary suite aspect, as the past Administrator for the Hornby Denman community health care society, I saw a need for alternative caregiver arrangements and see housing for care as a good option for many individuals. Given the housing market and succession planing/ care planing, families sharing homes just makes sense.

CoHo has been a working model for our community for over 20 years now.

As a new resident to Denman, over 20 years ago now, I experienced the challenges of renting at the whims of landlords. I was keen to be a part of this small community serving roles in the Denman Women's Outreach Society, and Hornby Denman Community Health Care Society. I now contribute to food security for the island as a local farmer. Choosing to sharing land is why I am still here and was/am able to fill these roles.

Thanks

Tracy Horovatin (CoHo Neighbour)

[REDACTED] Denman Island, BC

[REDACTED]

**From:** Dylan Gale <[REDACTED]>  
**Sent:** Monday, February 16, 2026 11:34 AM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Support for COHO Rezoning

Dear Islands Trust Trustees and Planners,

I am writing to urge that you approve and speedily implement the rezoning proposal by CoHo to add more units and allow for secondary suites. This affordable housing is desperately needed and CoHo has a proven track record of creating housing on Denman that is affordable and has a light ecological footprint.

This is a great opportunity to see affordable housing created in a relatively simple manner as CoHo already has a structure, a guiding philosophy and a community that is able to implement and manage the creation of more affordable homes. In my 13 years on Denman I have seen enormous effort put into creating more affordable housing on Denman with zero results. While this rezoning application won't solve all of Denman's housing needs it is certainly an important piece of creating housing for everyone on Denman and in our society at large.

Thank-you,  
Dylan Gale

[REDACTED]  
Denman Island, BC  
V0R 1T0

**From:** Kathleen Holden <[REDACTED]>  
**Sent:** Monday, February 16, 2026 10:51 AM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** CoHo Landing Rezoning

Hello Islands Trustees,

I'm writing in support of the rezoning of the CoHo landing.

The landing has proven very successful for providing much needed housing for Denman residents by providing mid-range affordable housing that is so urgently needed by many Denmanites. The years of various attempts by various organizations (thus far without success) to get affordable housing on Denman can attest to this urgent need. My understanding is that the rezoning will have no significant environmental impacts and will place within the existing area of land already cleared and developed for dwellings.

**Regarding the secondary suites:**

Over the years, I've seen several situations arise where commercial rentals have been built by private individuals for personal financial gain, so don't understand why a cooperative of responsible people who have successfully managed / regulated their living space should be denied the ability of providing space for caregivers and extended family. The units will remain small in scale and impact due to restrictions on maximum square footage.

So I request that the Islands Trust allow this rezoning to happen.

Regards,

Kathleen Holden

Denman Resident

**From:** CoHo Landing <[REDACTED]>  
**Sent:** Monday, February 16, 2026 10:17 AM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Triple Rock Land Cooperative public hearing submission

Dear Denman Island Local Trust Committee,

Thank you for all your work so far on this application and in pursuit of affordable housing on Denman.

As we head into the public hearing for the Triple Rock Land Cooperative (CoHo Landing) rezoning, I'd like **underline the significance of our official community plan**, the policy document that, according to tradition and law, is meant to guide all land use planning decisions on Denman.

**Section E1, Housing, Object 4, tells the LTC:**

"To support the establishment of affordable housing, rental opportunities and special needs housing and provide the opportunity for Island seniors to remain in the community, especially in their own or their family's homes."

**Section E, Policy 28 is more specific:**

The Local Trust Committee should consider zoning amendment applications for affordable housing projects provided:

- 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 siting and height are sensitive to surrounding land uses;
- 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.

The numerous other OCP policies supporting this rezoning are included in the original rezoning application supporting document (on pages 11 and 12).

The OCP has, since the above policies were created, been reviewed several times with a focus on housing, and is currently in the midst of another such a review. These guiding policies have not been called into question whatsoever during any of these reviews. They clearly express the community's needs and wishes, which are currently more urgent than ever.

**These policies speak in favour of voting “yes” to this rezoning application.** The four main units and the suites will all be regulated to ensure affordability. The suites will provide flexibility for extended households and aging at home, whether by housing an older family member, a caregiver, or adult children who can support their parents.

**The OPC Section E1, Housing, preamble, wisely states that “limits on [affordable and special needs housing] are designed to address the possible negative impact of locally increased density.”** We urge you to take an evidence-based approach to this and look at measurable and predictable impacts.

In our approximately 15 years of existence, we have not heard of any ongoing negative impacts of the current 15 homes. The few times neighbours have contacted us with issues—a loose dog, a visitor who went astray on a forest walk—were resolved smoothly through communication and action. These sorts of things happen everywhere, and there is no indication that they have been happening more often around CoHo Landing, even with our 15 households. In fact, the collective nature of the project means we are more careful, because we impact each other long before we impact neighbours.

Four more units is not a huge amount of growth and there is nothing to indicate that this will change the impact of the project.

Please consider that **secondary suites have been permitted on Denman on R2, A, F, and RE zones for over 10 years.** Secondary dwelling units with a Temporary Use Permit (TUP) have been allowed on those zones for the same amount of time and have been allowed on ALR lots for about three years with no need for a TUP. The community has not seen notable problems with negative impacts. This evidence suggests the suites at CoHo also will not create negative impacts.

**Unlike secondary suites elsewhere on Denman, the CoHo Landing suites have strict limits on occupancy, on rental amount, and on size (2000 square feet maximum for house and suite combined).** This, along with the requirement that the cooperative

board of directors approve all occupants, adds up to a significantly restrictive framework that will support the cooperative nature of the project and ensure suites are not used as standard commercial rentals.

**These restrictions were developed by the cooperative over several months**, taking into account feedback from neighbours and planning staff, but most of all with the goal of ensuring the suites will enhance rather than compromise the cooperative, egalitarian, and non-commercial values of our project.

The project already has provisions in place to mitigate environmental impacts: a 30-metre buffer zone protecting the forest along property lines, extensive rainwater catchment, and the clustering of development in one area (thus fulfilling OCP Policy E1 16). Also, the limits on floor area for homes, outbuildings, and the common house, even when adjusted as per this rezoning application, will continue to keep the footprint in check.

**To summarize, there is no valid reason to hesitate in moving these draft bylaws forward as quickly as possible, thus modestly increasing housing opportunities on Denman Island.** This will complement the work of the LTC housing review, which will help remove barriers and provide pathways to a wider, more diverse range of housing options.

Regards,

The directors of the Triple Rock Land Cooperative, aka CoHo Landing

Laura, Tomas, Grzegorz, Miho, Rafal, Erin, Rosie, Yolande, Seva, Ian, Vali, Sheelagh, Brad, Kevin, Meli, Elizabeth, Micah, Philippa, Rose

**From:** Emily Guinane <[REDACTED]>  
**Sent:** Sunday, February 15, 2026 10:12 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** CoHo Landing

Dear Islands Trust,

I am writing to urge you to move ahead on the rezoning for CoHo landing, both the new membership spots and the secondary suits. Affordable housing is so hard to come by on Denman and finally CoHo is offering this opportunity to make below market value rentals available. When this project is approved it will make a real difference for the folks on Denman who can access housing.

Personally I know several people who would like to stay on Denman but who's housing situation are precarious. These are individuals who contribute greatly to the community both through their work and in volunteer capacities and if we continue to fail to make housing available it will effect not only those individuals and families but the whole community negatively.

Thank you for ensuring that this project moves forward.

Warmly,  
Emily

she/her

I live on the traditional territories of the Pentlatch, Qualicum, K'ómoks and Tla'amin First Nations.

I am grateful to be here and horrified at the colonial past and present that make it possible.

**From:** Kelsey Lavoie <[REDACTED]>  
**Sent:** Sunday, February 15, 2026 3:46 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** In Support of 'CoHo Landing' rezoning application

To all whom it concerns,

My name is Kelsey Lavoie and I live at 3305 Kirk Rd, Denman Island, BC. It is my understanding that the CoHo Landing rezoning application is reaching the decision point. I plan to attend the public hearing, and also wanted to express my support in writing.

As a neighbour, I am in support of CoHo Landing as an incredible model of sustainable and accountable community. I am regularly inspired by what CoHo folks are creating/building, and especially given the various challenges facing our social systems at this time (ie. scarcity of housing, strained healthcare systems, social isolation, and unstable climate).

An example of a specific benefit of the proposed CoHo expansion: it will enable families to support each other as members need additional healthcare support and care. This is good for the family/community relationships and will likely also decrease stress on our healthcare system.

Thank you for your consideration of this matter and for your care in the challenging work you do.

with gratitude,  
Kelsey Lavoie  
[REDACTED]

**From:** Richard Day <[REDACTED]>  
**Sent:** Sunday, February 15, 2026 1:07 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** In support of COHO rezoning

To the members of the Denman Local Trust Committee:

I am writing regarding the rezoning application by COHO. Not only am I comfortable with their plans for expansion, I believe Denman urgently needs more affordable housing options, as soon as possible, with as little friction as possible, and despite opposition from those who want to maintain the status quo on the island. As a professional sociologist, I reject the usually unspoken, but ever-present claim that affordable housing leads to a decline in community well being. Decades of research, in North America and around the world, show the opposite. Modern communities thrive when they are as diverse as possible -- economically, culturally, politically, racially, spiritually, and in every other imaginable way.

Today, on Denman Island, there is only one project that provides the stability of the not-for-profit housing co-op model, by taking the property off the market in perpetuity. That project is COHO. The co-op as a whole, and its members as individuals, have shown themselves to be caring and supportive members of the Denman community in so many ways, for so many years, that they should not be forced to prove, once again, the viability of this model. They should be allowed to do what is needed to secure their project for the future, by strengthening the base of the co-operative and preparing for a generational transition.

I therefore urge the members of the Denman LTC to reject NIMBYism and class anxiety about property values, and to embrace a future that preserves what attracted so many of us to Denman Island: a spirit that is open to novelty, experimentation, community, and mutual acceptance.

Yours,  
Richard Day

[REDACTED]  
Denman Island

**From:** megan rose <[REDACTED]>  
**Sent:** Sunday, February 15, 2026 11:27 AM  
**To:** northphsub  
**Cc:** Liticia Gardner  
**Subject:** Letter of Support for Denman Island Cohousing Expansion  
**Attachments:** Letter of Support for Coho Expansion.pdf

To Denman Island Local Trust Committee,

I am writing as a neighbor directly adjacent to Coho Landing Housing Cooperative, to show my support for their proposed rezoning application.

In a climate of a current housing crisis, inflation and economic uncertainty now more than ever, I feel that it is important to support affordable and non-market housing options. The people who live at Coho landing are respectful neighbors and valued community members fulfilling key roles in our island community. The people living there are healthcare workers, volunteer firefighters, ambulance staff, artisans, writers, builders, families, parents and children. Coho is filled with wonderful neighbors.

The proposed secondary suites a would be a boon to the cooperative, allowing aging dependants an opportunity to be close to their families.

I hope that the decision to expand is approved.

Sincerely,

Megan Babb and Eli Hason

████████████████████

Denman Island BC

V0R 1T0

**From:** Sheila <[REDACTED]>  
**Sent:** Saturday, February 14, 2026 8:10 PM  
**To:** northphsub  
**Cc:** David Graham; Sam Borthwick; David Maude  
**Subject:** Triple Rock Land Cooperative Rezoning Application

I support the Triple Rock Co-Housing rezoning application.

The members of the CoHo cooperative have consistently acted responsibly and have demonstrated their sincerity, flexibility and accountability with regard to addressing the requirements of the Islands Trust and the concerns of their neighbours as well as other island residents while maintaining the integrity of their innovative co-housing vision.

The cluster housing—and comon house—is intentionally designed to minimize the ecological footprint of its members while building community through an egalitarian approach that offers both self-reliance and mutual aid. They have created a viable mid-range affordable housing alternative and their current rezoning application is a reasonable request that will enable them to sustain a vibrant intergenerational community for decades to come.

Their unwavering perseverance is admirable and worthy of our support. They certainly have mine.

**Sheila Nopper**

[REDACTED]

Denman Island, BC

**From:** Carly Woolner <[REDACTED]>  
**Sent:** Saturday, February 14, 2026 2:22 PM  
**To:** Sam Borthwick; David Maude; David Graham; northphsub  
**Subject:** Support for Coho

Carly Woolner  
[REDACTED]

Denman Island, BC  
February 14, 2026

Good day Sam, David, David and Islands Trust representatives,

I am writing to you all to show my support of Coho Landing's rezoning application. They have a good reputation in the community for being responsible citizens and stewarding the land.

As part of a young family, I see co-housing projects like Coho as one of the few viable options for housing security in today's economy for myself and others. I really hope this is approved!

Sincerely,  
Carly Woolner