



File No.: 6500-20  
(Minor Project-Denman TUP Review)

DATE OF MEETING: December 10, 2024  
TO: Denman Island Local Trust Committee  
FROM: Marlis McCargar, Island Planner  
Northern Team  
SUBJECT: Denman Island TUP Review Project – Bylaw Nos. 248 (OCP) and No. 249 (LUB)  
– Post Public Hearing Report & Bylaw Readings

## RECOMMENDATION

1. That the Denman Island Local Trust Committee Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024', be read a second time.
2. That the Denman Island Local Trust Committee Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024', be read a third time.
3. That the Denman Island Local Trust Committee Bylaw No. 249, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024', be read a second time.
4. That the Denman Island Local Trust Committee Bylaw No. 249, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024', be read a third time.
5. That the Denman Island Local Trust Committee proposed Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024' and proposed Bylaw No. 249 cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024', be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
6. That the Denman Island Local Trust Committee proposed Bylaw No. 248, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2024' be forwarded to the Minister of Municipal Affairs for approval.

## REPORT SUMMARY

This is a post Public Hearing report supporting next steps to proceed with bylaw readings for proposed Bylaws No. 248 (OCP amendment) and Bylaw No.249 (LUB Amendment). These bylaws seek to:

- remove the requirement for a Temporary Use Permit (TUP) for secondary dwellings in R2 (Rural Residential), F (Forestry), and RE (Resource) zone; and
- remove the density bank.

The recommendations above 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, government agency or First Nation concerns raised with the proposed bylaws have been considered by the LTC; and,
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

## BACKGROUND

The Denman Island Local Trust Committee (LTC) is considering Bylaw Nos. 248 and 249 that would amend the Official Community Plan (OCP) and Land Use Bylaw (LUB).

**Bylaw 248 (OCP Amendment)** - amending the OCP to remove the density bank.

**Bylaw 249 (Land Use Bylaw Amendment)** – amending the LUB to allow secondary dwellings in the Rural Residential, Forestry and Resource zones with a Temporary Use Permit.

Both Bylaw Nos. 248 (OCP) and 249 (LUB) were given 1st Reading (August 2024). Referrals were sent out to agencies and First Nations in August 2024 and the deadline for referral feedback was set for October 2024.

A Public Hearing date was set for December 2024. 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 Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding OCP amendment to Ministry of Municipal Affairs for approval.
5. Final LTC consideration and adoption.

Following the close of the Public 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.

## ALTERNATIVES

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

*That the Denman Island Local Trust Committee proposed Bylaw No. 248, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2024’ be amended as follows:...*

*That the Denman Island Local Trust Committee proposed Bylaw No. 249, cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024’ be amended as follows:....*

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

The Denman Island Local Trust Committee 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. 248 and 249 will be brought forward at a subsequent meeting.

**3. Proceed no further**

*That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 248 and 249.*

If this alternative is selected, then the minor project work will proceed no further.

**NEXT STEPS**

If the recommendations are supported:

- Bylaw Nos. 248 and 249 will be forwarded to the Islands Trust Executive Committee for approvals;
- Bylaw 248 (OCP Amendment) will be forwarded to the Minister of Municipal Affairs for approval; and
- Bylaw Nos. 248 and 249 will be returned to the LTC for final adoption.

Submitted By:	Marlis McCargar, Island Planner	November 22, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	November 29, 2024