



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

DATE OF MEETING: January 21, 2025
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Denman Island TUP Review Project

RECOMMENDATION

1. **That the Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024”, be amended as follows:**
 - i. Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.
 - ii. Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.
2. **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 as amended.**

REPORT SUMMARY

This report provides proposed amendments for the Denman Island Local Trust Committee (LTC) to consider for Proposed Bylaw No. 249, Temporary Use Permit (TUP) Review Project. The amendments focus on clarifying whether secondary dwelling units should be permitted on a per-lot basis or per primary dwelling. This clarification is recommended to address ambiguities in the current Land Use Bylaw (LUB) regarding secondary dwellings. Staff recommend adopting a per-lot approach to ensure consistency and alignment with sustainable land use practices but seek direction from the LTC to confirm their preferred approach. The revised bylaw proposal is attached for LTC review.

This report also responds to the LTC’s request in December 2024 to defer the consideration of amendments to Bylaw No. 249 to a later meeting, following the consideration of the broader Housing Review Project timelines. It is being recommended by staff that the TUP Review Project continue on its own trajectory, as a minor project, and not be integrated into the larger Housing Review Project at this time.

BACKGROUND

The Housing Review Project, aimed at addressing housing needs, has been the Denman Island Local Trust Committee’s (LTC) top priority since 2022. On April 9, 2024, the Denman Island LTC received a staff report outlining

options for a minor project. The LTC decided to advance a small yet significant aspect of the housing work ahead of the major project.

At the August 13, 2024 regular meeting the Denman Island LTC, the following resolutions were passed:

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

At the December 10, 2024 regular meeting the Denman Island LTC, the following resolution was passed:

DE-2024-074

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to return the consideration of the Denman Island Temporary Use Permit Release Review Project and amendments to Bylaw No. 249 to a later meeting following considerations of the broader housing project timelines.

CARRIED

Background information regarding the project and the Project Charter can be found on the Denman Project webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>

ANALYSIS

Consideration of Broader Housing Project Timelines

The LTC requested that staff review the implications of reintegrating the TUP Project back into the broader Housing Review Project. Based on discussions with the project lead, staff recommend that the TUP Review Project continue on its own trajectory and not be integrated into the larger Housing Review Project at this time for the following reasons:

1. **Community Need for Housing**
There is an urgent community need to move forward with certain aspects of attainable housing. Combining the TUP Review Project with the Housing Review Project could delay progress on the development of secondary dwellings, which are critical for addressing local housing needs.
2. **Ability to Revisit via the Housing Review Project**
While staff suggest the TUP review will continue on its own track, there will still be opportunities to revisit relevant aspects of the project through the larger Housing Project, if needed. This approach allows flexibility to adapt as the broader housing project evolves and further data, such as the suitable land analysis, becomes available.
3. **Completion of Major Work**
The bulk of the work on the TUP review has already been completed, meaning the project is near completion. Moving it forward independently ensures that the work will not be stalled while waiting for other components of the Housing Review Project to be finalized.
4. **Implications on Concurrent Rezoning Applications**
There are implications for concurrent rezoning applications that require timely action and decision-making, especially regarding the density bank.

In summary, staff recommend maintaining the TUP review on its current path to meet the immediate community needs and timelines. The review can be revisited as part of the broader housing project at a later stage, as necessary.

Proposed Bylaw No. 249

The proposed bylaw is attached for the LTC's consideration.

1. Removal of Temporary Use Permits for Secondary Dwellings

Per the Denman Island Land Use Bylaw (2008), secondary dwellings may be permitted by Temporary Use Permit (TUP) on R2, A, F, and RE-zoned lands, except on ALR-zoned A properties, where secondary dwellings are allowed outright. Out of the 37 eligible properties (R2, F, RE-zoned), uptake has been low, with only two TUP applications since 2008. Reports from [Vancouver Island University \(VIU\)](#) and the Denman Island [Housing Advisory Committee \(HAPC\)](#) recommend removing TUP requirements to promote long-term rental options, reduce administrative barriers, and better align with community housing objectives.

The LUB is currently unclear on whether secondary dwelling units are permitted per lot or per primary dwelling. Additionally, proposed Bylaw No. 249 does not include specific density regulations for secondary dwelling units. To address this ambiguity and ensure consistent interpretation, staff recommend amending the bylaw to explicitly state that secondary dwellings are permitted per lot rather than per primary dwelling. This approach aligns with sustainable land use goals and limits unintended increases in density that could arise on lots with multiple primary dwellings. For example, 14 properties in the R2 zone currently have more than one civic address, suggesting the potential for multiple-dwelling scenarios. A per-lot standard would provide clear development limits and ensure manageable density.

While staff recommend this approach, we are seeking direction from the LTC to ensure the bylaw aligns with their preferred strategy.

This per-lot approach for secondary dwellings is intended as a provisional solution and can be revisited as part of the larger Housing Review Project, especially with considerations for a flexible housing approach. Once the suitable land analysis is completed and further analysis takes place, this interim approach will provide a foundation for a more detailed examination of density and housing types. Individual areas can then be assessed to determine whether they can support additional density based on their context. This approach is conservative, putting limits on secondary dwelling expansion without a TUP, and addresses the existing ambiguity in the bylaw, refinements to this approach, which could allow more secondary units, can be made as the broader Housing Review Project evolves.

Rationale for Recommendation

Proposed Bylaw No. 249 currently lacks clarity regarding whether secondary dwellings are permitted on a per-lot basis or per primary residence. Staff recommend specifying that secondary dwellings be permitted on a per-lot basis to ensure consistent interpretation, predictable application, and alignment with sustainable land use practices.

ALTERNATIVES

1. Direction to amend the proposed bylaw to permit one secondary dwelling unit per primary dwelling

The LTC may wish to amend the bylaw to allow for a per-dwelling approach to secondary dwelling units. Recommended wording for the resolution is as follows:

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

Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per single family dwelling unit”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.

Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per single family dwelling unit”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.

2. Direction to amend the proposed bylaw further

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

That the Denman Island Local Trust Committee amend draft Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024” by...

3. 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 staff to provide further information on...

4. Proceed no further

The LTC may choose to make no amendments to the Denman Island OCP and LUB. The project would be removed from the Top Priority List

Submitted By:	Marlis McCargar, Island Planner	December 19, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 6, 2025

ATTACHMENTS

1. Proposed Bylaw No. 249 – track changes copy

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 249

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 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 13TH DAY OF AUGUST , 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

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 249**

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 replacing with:

Secondary dwelling units are permitted on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource), and on properties in the Agricultural Land Reserve.

Secondary suites are generally permitted within a principal dwelling within these zoning designations.
 - 1.2 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 is amended by deleting “by a Temporary Use Permit”.
 - 1.3 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 1 – Permitted Uses – Accessory Uses is amended by deleting the following asterisk in number 10: “Secondary dwelling units must be approved through a Temporary Use Permit”.
 - 1.4 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 1 – Permitted Uses – is amended by deleting the following words in item 14 “(requires approval by a Temporary Use Permit)”.
 - 1.5 Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.
 - 1.6 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.
 - 1.7 Part 5 – TEMPORARY USE PERMITS, “Area 2”, is deleted in its entirety and is renumbered accordingly.