



PUBLIC HEARING

DENMAN ISLAND LOCAL TRUST COMMITTEE

March 18, 2025

Denman Activity Centre, Denman Island

PROPOSED BYLAW NO. 248

(Denman Island Official Community Plan Bylaw 2008, Amendment No. 1, 2024)

AND

PROPOSED BYLAW NO. 249

(Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024)

Housing-Related Temporary Use Permit Review Project

RELEVANT BACKGROUND INFORMATION REFERENCE BINDER

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<u>ITEM</u>	<u>DESCRIPTION</u>
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Islands Trust

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8. RELEVANT MINUTES/RESOLUTIONS WITHOUT MEETING

<u>ITEM</u>	<u>DATE</u>	<u>REPORT</u>
8.1	2024-05-07	Denman Local Trust Committee (LTC) Special Meeting Minutes
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8.3	2024-10-21	Denman LTC Resolution-Without-Meeting
8.4	2024-12-10	Denman LTC Meeting Minutes
8.5	2025-01-21	Denman LTC Meeting Minutes

9. PUBLIC CORRESPONDENCE - none

10. PUBLIC HEARING SUBMISSIONS

11. COMMUNITY CONSULTATION - none

12. PREVIOUS APPLICATIONS or OTHER INFORMATION - none



Public Hearing Procedure Script

Proposed Bylaw No. 248 and 249

1. OPENING THE PUBLIC HEARING

CHAIR:

The public hearing for Proposed Bylaw Nos. 248 and 249 is now open. I wish to welcome everyone in attendance and acknowledge that we are meeting in the territory of the Coast Salish First Nations.

My name is Trustee David Maude and I am the Chair of the Denman Island Local Trust Committee.

I would like to introduce the Denman Island Local Trust Committee Trustees: Sam Borthwick and David Graham.

I would like to introduce Islands Trust Planning staff and minute taker;

- Marlis McCargar, Island Planner
- Lisa Millard, Meeting Administrator/Recorder

NOTE: In the event of a large turnout and potential high number of speakers:

CHAIR: *Considering the number of speakers and our intent to give everyone the opportunity to speak with adequate time to present their comments, we are advising that this public hearing will start today and MAY be adjourned and reconvened. An announcement will be made later in the public hearing prior to the adjournment if the hearing is to be reconvened."*

2. CHAIR'S OPENING STATEMENT

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

Proposed Bylaw No. 248 cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2024"

AND



Public Hearing Procedure Script

Proposed Bylaw No. 248 and 249

Proposed Bylaw No. 249 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024”.

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.”



Public Hearing Procedure Script

Proposed Bylaw No. 248 and 249

3. PLANNER/LEGISLATIVE CLERK REVIEW

CHAIR:

Planner McCargar will now summarize the public hearing notice, key points of the bylaw and referral agency responses.

PLANNER:

A copy of this notice was advertised in two consecutive editions of the **Islands Grapevine** on **March 6** and **March 13, 2025**. All notification requirements under the *Local Government Act* have been completed.

There is a copy of the **complete** public hearing binder available during this public hearing and it is located **on the Islands Trust Website at:**

<https://islandstrust.bc.ca/island-planning/denman/projects/>

What are Bylaw Nos. 248 and 249 about?

The bylaw amendments to Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) include:

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

Proposed Bylaw Nos. **248 and 249** were referred to:

- **5** Provincial Agencies
- **1** Regional Agencies
- **1** Non-Agencies
- **1** Adjacent Local Trust Committees, and
- **19** First Nations

The following comments and responses were received by the Local Trust Committee (*summarize comments by Agency and First Nations*).

Planner to summarize referral responses.

Note the number of public submissions received. _____ as of March 18, 2025.



Public Hearing Procedure Script

Proposed Bylaw No. 248 and 249

We have received _____ so far at _____ am, I will advise and send any others.

1. HEARING THE PUBLIC

NOTE: *(If there are many speakers, a speakers list should be made available to the public BEFORE the hearing commences. Time limits to speak can also be set by the chair AS LONG AS the Chair states that speakers will have another opportunity to be recognized after everyone has been heard a first time.)*

CHAIR:

Submissions can be made at any time during and until the close of the hearing.

If any submissions are received during the meeting the Local Trust Committee will pause prior to closing to ensure that the LTC has time to review those submissions.

I will begin with the Speakers List, after which I invite members of the public who wish to speak to line up. Please state your name prior to making comments. After your presentation to the Local Trust Committee, the Trustees may ask you questions but they are primarily here to listen and will not debate the issues with you.

I will call three times for speakers before closing the hearing at which point no further written or oral submissions can be made.

(Mid-meeting reminder)

Just a reminder for anyone who has come in late please submit any comments you may have prior to the close of the public hearing.

(When it appears there may be no more speakers - Chair or Planner to note the number of written submissions that have been received during the public hearing -if any).



Public Hearing Procedure Script

Proposed Bylaw No. 248 and 249

IF THERE ARE SUBMISSIONS - AT THIS POINT YOU SHOULD STAY IN VIEW, TURN OFF MICS AND REVIEW SUBMISSIONS SO THE PUBLIC SEES THAT YOU HAVE DONE THAT PRIOR TO CLOSING THE PUBLIC HEARING.

PROCEDURE TO CLOSE THE PUBLIC HEARING

CHAIR:

We will now proceed to close the public hearing. Please note, after the public hearing closes, the Local Trust Committee will no longer be able to receive public submissions prior to making a decision.

Asking ONCE for any more speakers. *(LONG PAUSE ~ 10 seconds)*
(If there are any more speakers at any point in the “asking for speakers” the Chair repeats the call for speakers three times.)

Asking A SECOND TIME for any more speakers. *(LONG PAUSE ~10 seconds)*

Asking A THIRD TIME for any more speakers. *(LONG PAUSE ~10 seconds)* This is now the final opportunity for you to hand in a written submission to the Local Trust Committee. Once the hearing is closed, no additional submissions will be accepted.

3. CLOSING THE PUBLIC HEARING

CHAIR:

ADDITIONAL COMMENTS BY CHAIR:

Please be advised that we are now in the ‘post public hearing’ stage of the legislative review of Proposed Bylaw Nos. 248 and 249.

The Denman Island Local Trust Committee can now no longer receive information pertaining to the proposed bylaws; however, you can still submit any outstanding questions and comments directly to the Planner.



Islands Trust

Public Hearing Procedure Script

Proposed Bylaw No. 248 and 249

The Local Trust Committee may give further readings to the bylaw or defeat the bylaw or make minor amendments that do not affect the use or density without further notice or hearings.

NOTE:

If the public hearing has a large turnout and needs to be reconvened, the Chair must state the time and place for the resumption of the hearing to those present at the time the hearing is adjourned.

Bylaw: DE-248

Trust Area: Denman Island Local Trust Committee

Type: Official Community Plan Bylaw

Bylaw No.: DE-248

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 13-Aug-2024

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web:

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: Yes

Resolution to Proceed no Further Date:

Secretary Signature Block:

Secretary's Signature: Mourao, Nadine

Date: 18-Nov-2024

File complete and ready for Public review: Yes

Public Hearings:

Location: Denman Activity Centre, 1111 Northwest Road

Proofread By: Mourao, Nadine

Legal Paper: The Island Grapevine - see Denman for details

First Publish Date: 28-Nov-2024

Second Publish Date: 05-Dec-2024

Alternate Paper: The Island Grapevine - see Denman for details

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Date Public Hearing Held:

Second Reading Date:

Third Reading Date:

Bylaw: DE-249

Trust Area: Denman Island Local Trust Committee

Type: Land Use Bylaw

Bylaw No.: DE-249

Application No.:

Trust Initiated: Yes

Proofread By:

Clerk: Yes

Technical Staff: No

Planner: Yes

First Reading Date: 13-Aug-2024

Bylaw Sent to Referrals: Yes

Date Proposed Bylaw to Web:

Resolutions:

Resolution Waiving Public Hearing: No

Resolution Authorizing Public Hearing: Yes

Resolution to Proceed no Further Date:

Secretary Signature Block:

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Alternate Paper: The Island Grapevine - see Denman for details

First Publish Date:

Second Publish Date:

Mailout Date:

Delivery Notices:

Date Public Hearing Held:

Second Reading Date:

Third Reading Date:



Denman Island Local Trust Committee
PUBLIC HEARING NOTICE
Proposed Bylaw Nos. 248 and 249
Housing-Related Temporary Use Permit Review

The Denman Island Local Trust Committee invites the public to attend a Public Hearing beginning at **10:30 am, Tuesday, December 10, 2024, Denman Activity Centre, 1111 Northwest Road, Denman Island**, to hear your views regarding **Proposed Bylaw Nos. 248 and 249**.

- **10:15 AM – Community Information Meeting** will be held before the Public Hearing for you to learn more about the bylaws and to ask questions
- **10:30 AM – Public Hearing**

What are Bylaw Nos. 248 and 249 about?

The bylaw amendments to Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) include:

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

How Do I Get More Information?

Copies of the proposed bylaw, the Public Hearing Binder and other information is available **online** from November 26, 2024 to December 9, 2024 here: <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., excluding statutory holidays.

Enquiries?

Contact the Islands Trust Northern Office, by email: northinfo@islandstrust.bc.ca, or phone: 250-247-2063.

Written submissions?

Written submissions will be accepted until 4:30 p.m., December 9, 2024 to: Islands Trust, 700 North Road, Gabriola Island, BC, V0R 1X3 or email: 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**



Denman Island Local Trust Committee
PUBLIC HEARING NOTICE
Proposed Bylaw Nos. 248 and 249
Housing-Related Temporary Use Permit Review

The Denman Island Local Trust Committee invites the public to attend a Public Hearing beginning at **10:30 am, Tuesday, March 18, 2025, Denman Activity Centre, 1111 Northwest Road, Denman Island**, to hear your views regarding **Proposed Bylaw Nos. 248 and 249**.

- **10:15 AM – Community Information Meeting** will be held before the Public Hearing for you to learn more about the bylaws and to ask questions
- **10:30 AM – Public Hearing**

What are Bylaw Nos. 248 and 249 about?

The bylaw amendments to Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) include:

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

How Do I Get More Information?

Copies of the proposed bylaw, the Public Hearing Binder and other information is available **online** from March 7, 2025 to March 17, 2025 here: <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., excluding statutory holidays.

Enquiries?

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

Written submissions?

Written submissions will be accepted until 4:30 p.m., March 17, 2025 to: Islands Trust, 700 North Road, Gabriola Island, BC, V0R 1X3 or **email:** 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. 248

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN 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 Official Community Plan, 2008, Amendment No. 1, 2024”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan 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

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____ , 202X

ADOPTED THIS _____ DAY OF _____ , 202X

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 248**

Schedule 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:
 - 1.1 Table of Contents delete “Appendix D Density Banking” in its entirety.
 - 1.2 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Housing – Objectives, Objective 3 is deleted in its entirety.
 - 1.3 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Use and Density – Policy 11 is amended by deleting “if approved by a Temporary Use Permit” after “may be permitted on a lot”.
 - 1.4 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Use and Density – Policy 12 is deleted in its entirety.
 - 1.5 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Use and Density – Policy 16 is amended by deleting “through a Temporary Use Permit” after “designations”.
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “B” is amended as follows:
 - 2.1 SCHEDULE B – PERMITS AND PLAN ADMINISTRATION, CONTENTS delete “Appendix D Density Banking” in its entirety.
 - 2.2 APPENDICES, CONTENTS delete “Appendix D Density Banking” in its entirety.
 - 2.3 APPENDIX D DENSITY BANKING delete in its entirety.

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 21ST DAY OF JANUARY , 2025

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.



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.: 248 (OCP) and 249 (LUB) Date: August 27, 2024

You are requested to comment on the attached Bylaws for potential effect on your Nation/Agency's interests. We would appreciate your response by November 21, 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. A Public Hearing to consider the Bylaws is anticipated prior to December 31, 2024.

APPLICANTS NAME / ADDRESS:

Denman Island Local Trust Committee

PURPOSE OF BYLAW:

The bylaw amendments to Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) include:

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

GENERAL LOCATION:

Island wide

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

n/a

OTHER INFORMATION:

The Denman Island Local Trust Committee gave First Reading to proposed Bylaw No. 248 and 249 on August 13, 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 Projects webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>

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 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: _____

Title: _____

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
Snaw'Naw'As Nation
Stz'uminus First Nation
Te'Mexw Treaty Association
Tsu'uubaa-asatx First Nation
Tlowitsis First Nation

Regional Agencies

Comox Valley Regional District

Provincial Agencies

Ministry of Municipal Affairs and Housing

Non-Agency Referrals

Denman Fire Department

Adjacent Local Trust Committees and Municipalities

Hornby Island Local Trust Committee

Homalco First Nation (Xwemalhkwu)
Tla'amin Nation
Nanwakolas Council
Wei Wai Kum Nation
We Wai Kai Nation
Mamalilikulla First Nation
K'ómoks 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)

248 (OCP) and 249 (LUB)
(Bylaw Number)

(Signature)

(Printed Name and Title)

(Date)

(First Nation / Agency)

Referrals: Bylaw DE-248

Agency	Sent	Received
Agricultural Land Commission <i>Rm. 133 4940 Canada Way: Gordon Bednard</i> <i>Comment:</i> ALC staff confirms that since secondary dwellings are permitted in the ALR by Regulation (within size limits) the proposed amendments are either consistent with the Regulation(s) or not relevant to the ALC (I.e. Density Bank). Martin Collins, Regional Planner	22-Oct-2024	14-Nov-2024
Comox Valley Regional District <i>600 Comox Road: Alana Mullaly</i> <i>Comment:</i>	28-Aug-2024	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment:</i> Given that the location is Denman Island, Cowichan Tribes has no comments at this time and will defer to those communities closer to the area. Natalie Anderson, BA	28-Aug-2024	29-Aug-2024
Denman Island Fire Rescue <i>Fire Chief: Rob Manering</i> <i>Comment:</i>	28-Aug-2024	
Eastbourne Community Association <i>Referrals: Referrals Coordinator</i>	01-Oct-2024	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i>	28-Aug-2024	
Hornby Island Local Trust Committee <i>700 North Road: Laura Busheikin</i> <i>Comment:</i> Interests Unaffected by Bylaw	28-Aug-2024	13-Sep-2024
K'omoks First Nation <i>3320 Comox Road: Todd Boychuk</i> <i>Comment:</i> The KFN established a new environmental referrals team in February 2025 and we were presented with the Islands Trust's Suitable Land Analysis on March 5, 2025. We have identified gaps in knowledge regarding the environmental impacts of the proposed amendments, meaning that KFN cannot at this time make informed decisions about the impacts of the proposed changes on the Nation's rights and interests. As such, we request that the LTC defer consideration of advancing the proposed bylaws until July 2025 to allow KFN the time needed to complete an environmental review, including environmental knowledge holder engagement. If the Islands Trust / Local Trust Committee's Suitable Land Analysis will be used to guide decision-making regarding suitable use of lands on Hornby and Denman Islands, we would also like the analysis to include culturally sensitive areas, archaeological sites, and areas of high archaeological potential.	28-Aug-2024	13-Mar-2025
Lyackson First Nation	28-Aug-2024	

Referrals: Bylaw DE-248

Agency	Sent	Received
8017 Chemainus Road: Cristina Hoffmann <i>Comment:</i>		
Ministry of Agriculture <i>P.O. Box 9120: Bailey Reed</i> <i>Comment:</i> Upon review of the bylaws, Ministry staff have determined that our interests are largely unaffected. Theoretically, removing the requirement for obtaining a Temporary Use Permit for a secondary dwelling on properties zoned R2, F and RE may encourage more residential construction on such properties as opposed to properties in the Agricultural Land Reserve (ALR), which in turn, may preserve additional land in the ALR for agricultural production.	22-Oct-2024	15-Nov-2024
Ministry of Forests, Land, Natural Resource Operations & Rural Development - Water Authorization Sec <i>1520 Blanshard Street: Cali Melnechenko</i> <i>Comment:</i>		
Ministry of Housing <i>Legislation and Legal Services: Cimarron Corpe</i> <i>Comment:</i>	22-Oct-2024	
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	28-Aug-2024	18-Oct-2024



Referrals: Bylaw DE-248

Agency	Sent	Received
<p><i>Comment:</i> Since the bylaw changes impact housing in rural land designations, I would recommend including both the Ministry of Housing, the Ministry of Forests, the Ministry of Agriculture and Food, and the Agricultural Land Commission in your consultation process, in addition to any other agencies identified by Islands Trust staff. The First Nations identified using the Profiles of Indigenous Peoples webapp (https://apps.nrs.gov.bc.ca/int/fnp/#/organizations) identified the following nations with interests in the bylaw area: - Hul'qumi'num Nations o Cowichan Tribes o Tsu'uubaa-asatx First Nation o Halalt First Nation o Penelakut Tribe o Lyackson First Nation - Stz'uminus First Nation - We Wai Kai Nation - Wei Wai Kum First Nation - Xwemalhkwa (Homalco) First Nation - Tla'amin Nation - Qualicum First Nation - Snuneymuxw First Nation - Snaw-Naw-As Nation o Te'mexw Treaty Association - Nanwakolas Council o Mamalilikulla First Nation o Da'naxda'xw/Awaetlala First Nation o Tlowitsis First Nation o K'omoks First Nation The above list of First Nations groups should be included in the consultation process for this bylaw. Regarding the proposed amendment to Part E- FAMILIES AND INDIVIDUALS, Section E.1 - HOUSING, Subsection - Use and Density - Policy 11, the wording could be clarified to ensure that the number of dwellings permitted is clear. The first sentence of the policy says that "only one dwelling unit per lot" should be permitted in the Rural zoning designation; but the second sentence states that a secondary dwelling unit "may be permitted." If the intent of the policy change is to generally allow two dwelling units per lot, the wording could be amended to reflect that intent more distinctly. With regards to Bylaw 249 to amend the Denman Island Land Use Bylaw, the Ministry of Municipal Affairs' interests are unaffected; however, I did have one question about the amendments... In Part 3 - ZONE REGULATIONS, Section 3.4 Resource Zoning Tables - Table 1 - Permitted Uses - should secondary suites be listed as a permitted use in the (A) Agriculture zone, per the amending language introduced in Part 2 - GENERAL REGULATIONS, Section 2.1 - Uses, Buildings and Structures, Subsection 4 "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."?</p>		
Nanwakolas Council 203-2005 Eagle Drive: Referrals Coordinator <i>Comment:</i>	28-Aug-2024	
Penelakut Tribe <i>Chief and Council:</i> Denise James <i>Comment:</i>	28-Aug-2024	
Qualicum Indian Band 5850 River Road: Michael Recalma <i>Comment:</i>	28-Aug-2024	
SnawNawAs Nation (Nanoose) 209 Mallard Way: Referrals Coordinator <i>Comment:</i>	28-Aug-2024	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	28-Aug-2024	

Referrals: Bylaw DE-248

Agency	Sent	Received
<i>Comment:</i>		
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	28-Aug-2024	
<i>Comment:</i>		
Te'Mexw Treaty Association 13D Cooper Road: Eileen Charlie	28-Aug-2024	
<i>Comment:</i>		
Tla'amin First Nation RR #2, Sliammon Road: Denise Smith	28-Aug-2024	05-Sep-2024
<i>Comment:</i> Thank you for your submission. This application is for an area outside of Tla'amin Nation's core territory. As such, we will defer to the directly affected Nation(s) and support their decision making. c? ?c? ?ha??c (Thank you) Rachael Sydenham, Referrals Coordinator		
We Wai Kai Nation 690 Headstart Crescent: Chief Brian Assu	28-Aug-2024	
<i>Comment:</i>		
We Wai Kum First Nation 1400 Weiwaikum Road: Reception Referrals	28-Aug-2024	
<i>Comment:</i>		
Xwemalhwu (Homalco) First Nation 1218 Bute Crescent: Referrals Coordinator	28-Aug-2024	
<i>Comment:</i>		

Referrals: Bylaw DE-249

Agency	Sent	Received
Agricultural Land Commission <i>Rm. 133 4940 Canada Way: Gordon Bednard</i> <i>Comment:</i> ALC staff confirms that since secondary dwellings are permitted in the ALR by Regulation (within size limits) the proposed amendments are either consistent with the Regulation(s) or not relevant to the ALC (I.e. Density Bank). Martin Collins, Regional Planner	22-Oct-2024	14-Nov-2024
Comox Valley Regional District <i>600 Comox Road: Alana Mullaly</i> <i>Comment:</i>	28-Aug-2024	
Cowichan Tribes <i>Chief and Council: Candace Charlie</i> <i>Comment:</i> Given that the location is Denman Island, Cowichan Tribes has no comments at this time and will defer to those communities closer to the area. Natalie Anderson, BA	28-Aug-2024	28-Aug-2024
Denman Island Fire Rescue <i>Fire Chief: Rob Manering</i> <i>Comment:</i>	28-Aug-2024	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment:</i>	28-Aug-2024	
Hornby Island Local Trust Committee <i>700 North Road: Laura Busheikin</i> <i>Comment:</i> Interests Unaffected by Bylaw	28-Aug-2024	13-Sep-2024
K'omoks First Nation <i>3320 Comox Road: Todd Boychuk</i> <i>Comment:</i> The KFN established a new environmental referrals team in February 2025 and we were presented with the Islands Trust's Suitable Land Analysis on March 5, 2025. We have identified gaps in knowledge regarding the environmental impacts of the proposed amendments, meaning that KFN cannot at this time make informed decisions about the impacts of the proposed changes on the Nation's rights and interests. As such, we request that the LTC defer consideration of advancing the proposed bylaws until July 2025 to allow KFN the time needed to complete an environmental review, including environmental knowledge holder engagement. If the Islands Trust / Local Trust Committee's Suitable Land Analysis will be used to guide decision-making regarding suitable use of lands on Hornby and Denman Islands, we would also like the analysis to include culturally sensitive areas, archaeological sites, and areas of high archaeological potential.	28-Aug-2024	13-Mar-2025
Lyackson First Nation <i>8017 Chemainus Road: Cristina Hoffmann</i> <i>Comment:</i>	28-Aug-2024	
Ministry of Agriculture	22-Oct-2024	15-Nov-2024

Referrals: Bylaw DE-249

Agency	Sent	Received
<p><i>P.O. Box 9120:</i> Bailey Reed</p> <p><i>Comment:</i> Upon review of the bylaws, Ministry staff have determined that our interests are largely unaffected. Theoretically, removing the requirement for obtaining a Temporary Use Permit for a secondary dwelling on properties zoned R2, F and RE may encourage more residential construction on such properties as opposed to properties in the Agricultural Land Reserve (ALR), which in turn, may preserve additional land in the ALR for agricultural production.</p>		
<p>Ministry of Forests, Land, Natural Resource Operations & Rural Development - Water Authorization</p> <p>Sec</p> <p><i>1520 Blanshard Street:</i> Cali Melnechenko</p> <p><i>Comment:</i></p>	22-Oct-2024	
<p>Ministry of Housing</p> <p><i>Legislation and Legal Services:</i> Cimarron Corpe</p> <p><i>Comment:</i></p>	22-Oct-2024	
<p>Ministry of Municipal Affairs and Housing</p> <p><i>Planning and Land Use Management:</i> Kris Nichols</p>	28-Aug-2024	18-Oct-2024



Referrals: Bylaw DE-249

Agency	Sent	Received
<p><i>Comment:</i> Since the bylaw changes impact housing in rural land designations, I would recommend including both the Ministry of Housing, the Ministry of Forests, the Ministry of Agriculture and Food, and the Agricultural Land Commission in your consultation process, in addition to any other agencies identified by Islands Trust staff. The First Nations identified using the Profiles of Indigenous Peoples webapp (https://apps.nrs.gov.bc.ca/int/fnp/#/organizations) identified the following nations with interests in the bylaw area: - Hul'qumi'num Nations o Cowichan Tribes o Tsu'uubaa-asatx First Nation o Halalt First Nation o Penelakut Tribe o Lyackson First Nation - Stz'uminus First Nation - We Wai Kai Nation - Wei Wai Kum First Nation - Xwemalhkwa (Homalco) First Nation - Tla'amin Nation - Qualicum First Nation - Snuneymuxw First Nation - Snaw-Naw-As Nation o Te'mexw Treaty Association - Nanwakolas Council o Mamalilikulla First Nation o Da'naxda'xw/Awaetlala First Nation o Tlowitsis First Nation o K'omoks First Nation The above list of First Nations groups should be included in the consultation process for this bylaw. Regarding the proposed amendment to Part E- FAMILIES AND INDIVIDUALS, Section E.1 - HOUSING, Subsection - Use and Density - Policy 11, the wording could be clarified to ensure that the number of dwellings permitted is clear. The first sentence of the policy says that "only one dwelling unit per lot" should be permitted in the Rural zoning designation; but the second sentence states that a secondary dwelling unit "may be permitted." If the intent of the policy change is to generally allow two dwelling units per lot, the wording could be amended to reflect that intent more distinctly. With regards to Bylaw 249 to amend the Denman Island Land Use Bylaw, the Ministry of Municipal Affairs' interests are unaffected; however, I did have one question about the amendments... In Part 3 - ZONE REGULATIONS, Section 3.4 Resource Zoning Tables - Table 1 - Permitted Uses - should secondary suites be listed as a permitted use in the (A) Agriculture zone, per the amending language introduced in Part 2 - GENERAL REGULATIONS, Section 2.1 - Uses, Buildings and Structures, Subsection 4 "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."?</p>		
<p>Nanwakolas Council 203-2005 Eagle Drive: Referrals Coordinator <i>Comment:</i></p>	28-Aug-2024	
<p>Penelakut Tribe <i>Chief and Council:</i> Denise James <i>Comment:</i></p>	28-Aug-2024	
<p>Qualicum Indian Band 5850 River Road: Michael Recalma <i>Comment:</i></p>	28-Aug-2024	
<p>SnawNawAs Nation (Nanoose) 209 Mallard Way: Referrals Coordinator <i>Comment:</i></p>	28-Aug-2024	
<p>Snuneymuxw First Nation 668 Centre Street: Desiree Thomas</p>	28-Aug-2024	

Referrals: Bylaw DE-249

Agency	Sent	Received
<i>Comment:</i>		
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	28-Aug-2024	
<i>Comment:</i>		
Tla'amin First Nation RR #2, Sliammon Road: Denise Smith	28-Aug-2024	05-Sep-2024
<i>Comment:</i> Thank you for your submission. This application is for an area outside of Tla'amin Nation's core territory. As such, we will defer to the directly affected Nation(s) and support their decision making. c? ?c? ?ha??c (Thank you) Rachael Sydenham, Referrals Coordinator		
We Wai Kai Nation 690 Headstart Crescent: Chief Brian Assu	28-Aug-2024	
<i>Comment:</i>		
We Wai Kum First Nation 1400 Weiwaikum Road: Reception Referrals	28-Aug-2024	
<i>Comment:</i>		
Xwemalhkwu (Homalco) First Nation 1218 Bute Crescent: Referrals Coordinator	28-Aug-2024	
<i>Comment:</i>		

Referrals: Bylaw 248 and 249 continued

Agency	Sent	Received
Da'naxda'xw/Awaetlala First Nation <i>Referrals Coordinator</i> Comments:	28-Aug-2024	
Homalco First Nation <i>Kristen Broadfoot</i> Comments: Your referral submission has been reviewed and Homalco has no concerns with the proposed bylaw amendments at this time, however, Homalco reserves the right to provide input at a later date should the need arise.	28-Aug-2024	09-Oct-2024
Tsu'uubaa-asatx First Nation <i>Referrals Coordinator</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 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. 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 Nuu-chah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area, K'omoks First Nation in this case. 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. Monty Horton	28-Aug-2024	04-Sep-2024
Tlowitsis First Nation <i>Referrals Coordinator</i> Comments:	28-Aug-2024	



Islands Trust

Mamalilikulla First Nation

Referrals Coordinator

Comments:

28-Aug-2024

DATE OF MEETING: May 7, 2024
TO: Denman Island Local Trust Committee
FROM: Narissa Chadwick
Local Planning Services
COPY: Marlis McCargar, Island Planner
Renée Jamurat, Regional Planning Manager
SUBJECT: Housing Review Project – Review of Process Options

RECOMMENDATION

1. That the Denman Island Local Trust Committee endorse the Project Charter, dated May 7, 2024 for the Housing Related Temporary Use Permit Review Project as a minor project.
2. That the Denman Island Local Trust Committee endorse the Denman Island Housing Action Plan as shown in Attachment 5 of this staff report dated May 7, 2024.
3. That the Denman Island Local Trust Committee endorse the revised project charter for Phase 2 of Stage 2 of the Denman Island Housing Review Project based on the process recommended in the May 7, 2024 staff report.

REPORT SUMMARY

The purpose of this report is to:

- Provide a review on the status of the Denman Island Housing Review Project;
- Provide the Denman Island Housing Action Plan draft for review and endorsement;
- Present a recommended process for next Phase of the Housing Review Project which focusses moving forward with bylaw amendments efficiently without compromising early and effective First Nations engagement, and effective analysis of environmental and other impacts related to increasing density of residential use; and
- Provide revised project charters which support the recommended process for moving forward with bylaw amendments related to this project.

BACKGROUND

The Denman Island Housing Review Project was initiated in 2022 to address housing need, a key concern for Denman residents over two decades. Stage 1 of the project involved public engagement facilitated by a consultant and resulted in a number of recommendations which are provided in the [Denman Island Housing Review Recommendations Report](#). As identified in the Project Charter for Stage 2 (see Attachment 1), the project involves:

Phase 1 - Public engagement with a focus on identifying and prioritizing options for OCP and LUB amendments
Phase 2 - Writing, reviewing and adopting OCP and LUB amendments.

Stage 2 Phase 1

The Denman Island Housing Review Project (Stage 2 Phase 1) was initiated in July 30, 2023 and has now concluded. The purpose of this phase, as identified in the original project charter (see Attachment 1), was to engage the Denman Island Housing Advisory Planning Commission (HAPC); housing groups on Denman Island; and community members to identify options for updates to the Denman Island Official Community Plan and Land Use Bylaw that focus on addressing housing need. The entirety of the active community engagement was facilitated through the HAPC. The LTC also held an information session after receiving the “Denman Island Housing Advisory Planning Commission Final Report”.

On November 14, 2023 the Denman Island LTC received the “[Denman Island Housing Advisory Planning Commission Final Report of November 3, 2023](#)” as well as the guide to the report and requested staff schedule a special meeting to provide an analysis and recommendations. February 20, 2024 a special meeting was scheduled to discuss [staff analysis of the HAPC report](#). The following resolutions were passed at the February 20, 2023 special meeting:

DE-2024-021

That the Denman Island Local Trust Committee request staff to develop an action plan to inform draft bylaws regarding the Housing Review.

Status: A draft Denman Island Housing Action Plan can be found in Attachment 5. This plan identifies goals, objectives and the actions the Denman Island LTC at the February 20, 2023 meeting, supported. This Action Plan will help guide the project and could be used as a public communications and engagement tool. The plan identifies options that can be implemented as part of this project as well as those that are outside the scope of this project. Additional staff resources, if not already assigned, may need to be allocated to items outside the scope of this project. The LTC can choose to add to or take away from the list of actions at any time in the project.

DE-2024-022

That the Denman Island Local Trust Committee request staff to begin drafting bylaws relating to options identified in the February 20, 2024 Special Meeting Staff Report.

Status: Staff have reviewed the list of potential bylaw options in detail. As a means of moving ahead efficiently, without compromising effective analysis of existing data and early and respectful First Nations engagement, the bylaw options have been divided into four streams. Staff are recommending that each stream advance at different times. Appendix 4 identifies the four streams. The revised project charter (Attachment 2) is based on this approach. Providing clear and specific direction related to amendment options at this stage can minimize the need to revise or abandon bylaws the LTC may later decide they no longer support once additional information is considered, ultimately increasing the ability of staff to work efficiently to move the project forward.

DE-2024-023

That the Denman Island Local Trust Committee request staff to schedule a special meeting to review the Suitable Land Analysis Mapping Tool (SLA).

Status: The suitable land analysis (SLA) mapping for Denman has not yet been completed due to staff changes. It is a priority for Planning Services. Suitable Land Analysis mapping is anticipated to be available in June for both Gabriola and Denman SLA. The special meeting related to the Suitable Land Analysis will be scheduled as soon as possible.

As described above, bylaw amendment options have been placed into four streams. The suitable land analysis mapping is connected to the “Options Requiring More Analysis” stream. This stream includes bylaw amendments related to increases in density (e.g. expansion of permission for accessory dwelling units and secondary suites).

Stage 2, Phase 2

Stage 2 of the Denman Island Housing Review project is now entering Phase 2. As identified in the revised Project Charter (Attachment 2), the focus of Phase 2 of Stage 2 is to advance policy and regulatory amendments that focus on increasing permitted number of housing units in order to address housing need while preserving and protecting the natural environment. Trust Council has approved \$15,000 for the continuation of this work in fiscal 2024/25. An additional \$16,000 from the previous fiscal year (2023/24) has been provided to the K’omoks Nations to support their engagement in the project.

Steps have been taken toward engaging with the K’omoks Nation over the past year. This has included developing a capacity agreement to help facilitate K’omoks engagement on this project. Staff will be working with the K’omoks in the coming months to identify their interests. This work is a strong step forward with respect to engaging early and respectfully. This work is anticipated to help facilitate the efficient review and approval of OCP amendments by the Province. A K’omoks engagement report is anticipated to be prepared by Spring of 2025 (timing is based on experience with other engagement processes). As the Province has indicated, they are not willing to approve Islands Trust OCP bylaws that do not demonstrate early and effective engagement with First Nations.

The Denman Islands Housing Stage 2, Phase 2 revised project charter (Attachment 2) identifies three bylaw amendment streams. A fourth bylaw amendment stream (minor projects) is supported by the project charter related to the removal of temporary use permits (TUPs) for accessory dwelling units (ADUs). The proposed project process is designed to support effective First Nations engagement, and the use of existing data to provide an analysis of areas where land is more or less suitable for an increase in density and intensity of land use without compromising the timing of amendments that may not require detailed analysis and engagement. The process streams are identified below. The bylaw amendment options associated with each of these are identified in both Attachment 4 and Attachment 5:

1. Housing Phase 2A: Land Use Amendments that Require Limited Analysis

The amendment options in this stream are land use bylaw amendment that do not require OCP amendments and may not require detailed analysis and community engagement. The LTC may identify items in this stream that require more analysis and engagement. If so, items can be moved to the Major 2C stream or be addressed through another minor project to enable the amendments to proceed efficiently. Land Use Bylaw amendments do not require provincial approval so can be approved by the LTC much sooner than OCP amendments.

2. Housing Phase 2B: OCP Amendments that Require Limited Analysis

There are a number of options for OCP amendments that are minor in nature or may not require extensive analysis. As with those identified in the “Housing Phase 2A” stream, if there are options that appear to require more detailed engagement and analysis the LTC can request that these be moved to the Major 2C stream or be addressed as a minor project.

3. Housing Phase 2C: Options that Require More Detailed Analysis

The bylaw amendment options in this stream are those that require detailed analysis of existing data, consideration of First Nations and further community engagement. Amendment options that involve increasing density on a wider scale (e.g. expansion of permissions for secondary suites and accessory dwelling units) fall into this stream. The LTC can choose to include or remove items from this stream. Staff caution that without effective analysis and engagement of First Nations the bylaws may not be fully supported by the community or approved by the Province.

If there are topics identified in the “Housing Phase 2A” or “Housing Phase 2B” stream that are identified by the K’omoks or the Denman community to require more detailed analysis, the LTC can choose to include these in the Housing Phase 2C stream. If items in this stream accumulate, the LTC may choose to have these topics addressed as a minor project. The LTC can also choose to move items in “Housing Phase 2C” into “2B” or “2A”.

4. Minor Projects

Moving elements of the larger project forward as a minor project provides an opportunity to “fast-track” focused amendments and dedicate more staff and financial resource to the project. At the moment there is only one project “Housing Related TUP Review” identified in this stream. More details about advancing focussed amendments through minor projects are provided below.

Advancing Focussed Amendments Through Minor Projects

Staff are recommending the LTC support elements of this project being “fast-tracked” through minor projects. One minor project and one major project can move forward concurrently thereby increasing staff capacity to move amendments related to housing forward at a faster pace. Minor projects are focussed. The Island Planner typically undertakes minor projects. Minor project budgets are separate from the major project budget. Up to \$5000 can be used to support a minor project without having to request funding from Trust Council. A Major project is a larger project with multiple aspects and takes longer to complete than a minor project. Members of the Regional Planning Team support major projects. Staff time and project budget for major projects need to be approved by Trust Council.

The LTC has approved the development of a project charter to support the removal of Temporary Use Permits (TUP) as a minor project. The community engagement work that was done during Stage One of the Denman Housing Review Project and the recent work by the Denman Island Housing APC has identified that there is clear support for removing the need for a Temporary Use Permit for Accessory Dwelling Units. A second project charter is contained in Attachment 3 related to the removal of the Temporary Use Permit (TUP) requirement for Accessory Dwelling Units (ADUs).

Removal of the TUP requirement may bring a number of ADUs into compliance and/or potentially encourage the development of more. Given this, as part of this minor project, the LTC will need to make a decision as to whether they want to remove or revise the Residential Density Bank policies. Revising the Density Bank would

require analysis of options. However, if the residential density bank is removed as part of the minor project, the development of an alternative density bank option could be addressed as a minor project following the TUP project or be included in the Major 2C stream. The reason for this is that the development of an alternative density bank option will required analysis and identification of options.

As Stage 2, Phase 2 of the Denman Housing Review Project moves forward, and depending on how fast the first associated minor project is completed, as previously identified, other focussed amendments could be completed as minor projects.

Draft Project Implementation Timeline

The draft timeline below, while subject to change, is provided to give a sense of time of each element of the project. This timing is reflected in the project charters (Attachments 2 and 3). Timing related to First Nations engagement and Provincial Approval cannot be exactly determined.

Spring 2024	Summer 2024	Fall 2024	Winter 2024/25	Spring 2025	Summer 2025	Fall 2025
Minor Project : Options to Advance Immediately as Minor Project						
Project Charter (TUP)	Draft Bylaws	Bylaw readings EC Approval	Provincial referrals??			
Housing Phase 2A: Land Use Bylaw Amendments Requiring Limited Analysis						
Project Charter	LUB reformat Issues Exploration Engage Community?	Draft Bylaws Referrals	Bylaw readings LTC Approval			
Housing Phase 2B: OCP Amendments Requiring Limited Analysis						
Project Charter	Issues Exploration Engage Community? Legal review		Draft Bylaws Bylaw readings EC Approval Referrals	Provincial referral		
Housing Phase 2C: Options Requiring More Detailed Analysis and Engagement						
Project Charter	Suitable Land Analysis Issues Exploration Draft Options (e.g. flexible housing/ density bonus)	Detailed First Nations Engagement (estimated understanding of interest by Spring 2025) Identify areas suitable for additional density Community Engagement where needed Provincial Referrals				

Rationale for Recommendation

Re: That the Denman Island Local Trust Committee endorse the Project Charter, dated May 7, 2024 for the Housing Related Temporary Use Permit Review Project as a minor project.

- This topic has been identified in Stage 1 of this project as well as in the HAPC's report as being of significant interest to the community.
- Given the volume of other bylaw amendments and the potential need for further analysis and public engagement anticipated as part of this project, having the TUP requirements for ADUs move forward as a minor project will advance the related bylaw changes at a faster rate.

Re: That the Denman Island Local Trust Committee endorse the Denman Island Housing Action Plan.

- The Denman Island Housing Action Plan draft provides a framework for implementing the options and measures.
- Endorsing the Action Plan provides clear direction to staff.

- The Action Plan can serve as a communication tool for the community, non-profit housing groups, Comox Valley Regional District (CVRD), and senior government identifying focal points of housing related actions for Denman Island.

Re: That the Denman Island Local Trust Committee endorse the revised project charter for Phase 2 of Stage 2 of the Denman Island Housing Review Project based on the process recommended in the May 7, 2024 staff report.

- Endorsement of the revised project charter for the Denman Island Housing Review Project is required in order for staff to move forward with the proposed change in process.
- The revised project charter reflects staffs analysis of the most efficient way to move forward with the project in a way that considers First Nations input and analysis of existing data informing the suitability of land as it relates to increases in density and intensity of land use.

ALTERNATIVES

1. Combine the removal of the TUPs for ADU project with the elements of Stream 2A (Land Use Amendments the Require Limited Engagement)

This would enable some additional land use bylaw amendments to advance with the removal of the TUP for ADUs project. If choosing this option staff encourage the LTC to consider if there are options that they may want to remove as they may require additional analysis or community engagement. For example, legalizing existing housing on a site specific basis will require individuals to identify their interests in being included. The communications related to this will take time. There may also be property owners that want to be included at the last minute which could delay the other amendments. Establishing floor area maximums, if controversial, is also a topic that may require more time. These could be considered as separate minor projects of be added to Stream 2C.

2. Request staff to gather community feedback on the Draft Housing Action Plan.

Staff could design a public process to collect community feedback on the Draft Housing Action Plan. This process could be facilitated online through the Imagine Comox Valley website or through other means. The purpose of this process would be to provide information to the community and gather information that may not already have been shared. This process can happen in parallel to the minor project, major project stream 2A and 2B as well as the scoping, analysis and First Nations engagement involved with stream 2D. Information gathered may help identify additional options to be considered or identify options that the community have issue with that may require targeted engagement.

3. Request staff advance the writing of all bylaws without suitable land analysis and First Nations engagement

Staff could move forward with writing the bylaws without the suitable land analysis mapping tool and without engaging the K'omoks in a comprehensive way. Staff caution that the lack of detailed analysis related to substantial increases in density could be challenged by the First Nations. This kind of challenge can hold back a project by months to years. The suitable land analysis, which brings together all the data on Denman Island that is currently available within the Islands Trust, it provides a focus for discussions with the K'omoks Nation in addition to providing the LTC with the opportunity for data informed discussions related to trade-offs.

NEXT STEPS

If the staff recommendations are endorsed by the LTC, staff will:

- Continue working with the K'omoks Nation;
- Begin to draft amendments related to the removal of the TUP requirement for ADUs as a minor project;
- Identify where items in stream 2A and 2B require further input from the LTC;
- Begin to draft bylaws related to stream 2A and 2B;
- Schedule a workshop with the LTC to review the suitable land analysis mapping once available; and
- Begin analysis of items in stream 2C.

Submitted By:	Narissa Chadwick RPP, Island Planner	April 25, 2024
Concurrence:	Renee Jamurat, Regional Planning Manager	April 25, 2024

ATTACHMENTS

1. Denman Housing Review Project (Stage 2 Phase 1 & 2) Project Charter (Original)
2. Denman Housing Review Project (Stage 2 Phase 2 Revised) Project Charter
3. Housing Related TUP Review Project Charter
4. Denman Housing Review Project Options Charts
5. Denman Housing Review Project Housing Action Plan (Draft)

Denman Island Housing Review Project (Stage 2 Phase 1&2)- Charter v1

Denman Island Local Trust Committee (LTC)

Date: July 30, 2023 (update)

Purpose: **Phase 1** – Engaging the Denman Island Housing Advisory Planning Commission (HAPC), housing groups on Denman Island and community members to identify updates to the Denman Island Official Community Plan and Land Use Bylaw to increase housing options that address housing need **Phase 2**- Advancing policy and regulatory amendments that focus on increasing permitted number of housing units to address housing need while preserving and protecting the natural environment .

Background: Low diversity of housing types on Denman Island and low rental vacancy are the prominent housing challenges on Denman Island. The Denman Island LTC initiated a budget request to Trust Council for 2023/24 funding and allocation of staff time to address housing needs through amendments to the OCP and LUB. A budget of \$18,000 and Regional Planning Team time was allocated to this project for fiscal 2023/24. Of this, \$6,000 has been allocated to legal review and \$12,000 to the development of communication and educational information/community information meeting(s) and public hearing.

Objectives

Amending to the Official Community Plan and Land Use Bylaw to increase the number of permitted housing units to address housing needs of current residents of Denman Island.

In Scope

- Public engagement to identify housing options;
- Consideration of the environmental implications of housing options; and
- Amendments to the OCP and the LUB to increase housing number of permitted housing units to address housing need.
- Identify advocacy policies and other Action Plan items

Out of Scope

- Review of Development Permit Areas.
- Amendment of policies outside of the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Phase 1	
Project initiation	July 2023
First Nations engagement	June – Dec. 2023
Review and prioritization of housing options by HAPC	July – Nov. 2023
Public engagement	Oct. – Dec. 2023
Suitable Land and Build Out Analysis	June – August 2023
Phase 2	
Housing Action Plan/ Bylaw Drafting	Jan. – June 2024
Public Engagement/ First Nations Consultation	Jan.- June 2024
Legal Review/ CIM	June – Sept. 2024
First Reading/referrals	Oct. 2024
Second Reading/Public Hearing/Third Reading/EC review	Oct. – Dec. 2024
Ministry Approval of bylaws	TBD
Bylaw approval	TBD

Project Team

Regional Planning Manager	Renée Jamurat
Regional Planning Team Member	Narissa Chadwick
Planning Team Assistant	Chloë Straw
GIS Tech	Jackie O'Neil
Housing Advisory Planning Commission	As Appointed

Budget

Budget Sources:		
2023/24	Engagement/Comm	\$12,000
	Legal Review	\$6,000
	Total	\$18,000

ATTACHMENT 2

Denman Island Housing Review Project (Stage 2 Phase 2)- Charter v1

Denman Island Local Trust Committee (LTC)

Date: May 2024, 2024 (update)

Purpose: Advancing policy and regulatory amendments that focus on increasing permitted number of housing units to address housing need while preserving and protecting the natural environment .

Background: Denman Island is experiencing a crisis of housing affordability and availability. The Denman Island LTC initiated a budget request to Trust Council for 2024/25 funding and allocation of staff time to continue the Denman Islands Housing Review Project. A budget of \$15,000 and Regional Planning Team time was allocated to this project for fiscal 2024/25.

Objectives

Amending to the Official Community Plan and Land Use Bylaw to increase the number of permitted housing units to address housing needs of current residents of Denman Island.

In Scope

- First Nations engagement
- Public engagement to identify housing options;
- Amendments to the OCP and the LUB to increase housing number of permitted housing units to address housing need while considering environmental impact
- Identify advocacy policies

Out of Scope

- Development of educational materials
- Engagement in advocacy
- Amendment of policies outside of the OCP and LUB

Workplan Overview

Deliverable/Milestone	Date
Phase 2A – Land Use Bylaw Amendments Requiring Limited Analysis	
First Nations Engagement	Jan 2024 – April 2025
Draft Bylaws/ Community Engagement where required	May 2024- July 2024
Bylaw Referral/Readings	July -Oct 2024
LTC Approval	December 2024
Phase 2B – OCP Amendments Requiring Limited Analysis	
First Nations Engagement	Jan 2024 – April 2025
Draft Bylaws/ Community Engagement where required	May –Sept. 2024
Legal Review/ CIM	October/November 2024
Bylaw Reading/ EC Approval	Dec 2024 – Jan. 2025
Provincial Referral	February 2025
Phase 2C – Options Requiring More Detailed Analysis and Engagement	
First Nations Engagement	Oct. – Dec. 2024
Suitable Land Analysis	June 2024
Draft Options/Community Engagement where required	June 2024 – November 2024
Draft Bylaws	February 2025
Understanding of FN Interests/Bylaw readings/ CIM	March- May 2025
Provincial Referral	May 2025

Project Team

Regional Planning Manager	Renée Jamurat
Regional Planning Team Member	Narissa Chadwick
Planning Team Assistant	Chloë Straw
Denman Island Planner	Marlis McCargar
GIS Tech	TBD

Budget

Budget Sources:		
2023/24	FN Engagement	\$16,000
2024/25	Legal Review	\$7,000
2024/25	Community Engage	\$3,000
2024/25	TBD	\$5,000
	Total	\$32,000

Housing Related TUP Review – Project Charter v1

Denman Island LTC

Date: May 7, 2024

Purpose: The purpose of this project is to remove Denman Island's Temporary Use Permit policies and regulations related to accessory dwelling units (ADUs). This project will also explore eliminating the residential density bank as removing the TUP requirement for ADUs will potentially draw more housing units than are available in the bank.

Background: A Housing Review Project to address housing need has been Denman Island LTC's Top Priority project since 2022. On April 9, 2024, the Denman Island LTC was provided with a staff report identifying options for a minor project; the LTC chose to advance a small and important piece of the housing work ahead of the major project. This Project Charter is based on the recommendation to support a limited review with no public engagement process.

Objectives

- *To review options to remove the existing TUP regulations and policies for accessory dwelling units (ADUs).*
- *Amend the Denman OCP and LUB with regards to the TUP requirement for ADUs.*
- *Consider options to remove the residential density bank to accommodate additional ADUs*

In Scope

- Amendments to the OCP and LUB that include:
 - Removal of TUP regulations for secondary dwellings
 - Elimination of residential density bank

Out of Scope

- *OCP and LUB amendments not related to the use of TUPs for secondary dwellings.*
- *Revising the residential density bank*

Workplan Overview

Deliverable/Milestone	Date
Project initiation	April 9, 2024
LTC endorses project charter	May 7, 2024
Staff to prepare two draft bylaws (1 OCP; 1 LUB)	Summer 2024
Draft bylaws presented to LTC for consideration of 1 st and 2 nd reading	Summer 2024
Referrals	Summer 2024
CIM/Public Hearing, 3rd reading and forward to EC and Ministry	Fall 2024
Bylaw adoption	Fall/Winter 2024
Bylaw consolidation, post bylaw adoption communications	Winter 2024

Project Team

Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Island Planner – Regional Planning Team	Planning & Technical Support (limited)
OAA, PTA, LC	Admin Support
RPM Approval: <i>Name of RPM</i> Date: xxx	LTC Endorsement: Resolution #: _____ Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2024-25	CIM/Public Hearing	\$1000
2024-25	Legal Review	\$1500
	Total	\$2500

ATTACHMENT 4: Bylaw Amendment Process Categories and Related Options

Table 1 - Housing Phase 2A: Land Use Amendments that Require Limited Analysis and Engagement

Topic	Considerations
Reformatting Land Use Bylaw Zoning Regulations	<ul style="list-style-type: none"> - Current format is very difficult to update in current state - Current format challenged legal interpretation in past - Need consistency Trust Wide
Permit dwelling units in community service zone	<ul style="list-style-type: none"> - Consider which areas (e.g. school zone for a school board/PAC supported teacher's residence)
Explicitly permit alternative forms of housing as ADUs	<ul style="list-style-type: none"> - To include RVs, yurts, etc. - Review existing travel trailer regulations
Legalize existing dwellings on a site specific basis	<ul style="list-style-type: none"> - Properties would need to be identified. - A process for identifying to be developed.
Consistency with ALR Regulations	<ul style="list-style-type: none"> - Review to ensure that recent changes are consistent
Ensure that vacation rental permissions are restricted to Bed and Breakfast type accommodation	<ul style="list-style-type: none"> - Relates to previous legal review
Permit secondary suites in all zones where residential use is permitted	<ul style="list-style-type: none"> - Limit to lots in water service areas as part of this phase - Further expansion as part of Major 2C (table 3)
Cistern requirements for new builds	<ul style="list-style-type: none"> - Can look at other LTCs for models - Will involve some analysis
Review definitions to ensure consistency with OCP and LUB	<ul style="list-style-type: none"> - Can be done throughout the process
Review existing site specific exemptions in light of other changes (e.g. TUP)	<ul style="list-style-type: none"> - There are a number of site specific zones in the Denman LUB. Some of these may be redundant if ADUs are permitted outright.
Floor Area maximums for dwellings	<ul style="list-style-type: none"> - Can advance if not controversial - May require public consultation
Impervious surface maximums	<ul style="list-style-type: none"> - Can advance if not controversial - May require public consultation
Make existing multi-family zoning more flexible	<ul style="list-style-type: none"> - Denman Green, Pepper Lane ?, CoHo (currently going through rezoning)

Table 2 – Housing Phase 2B: OCP Amendments that Require Limited Analysis and Engagement

Topic	Comments
Include policies related to ALR exclusion in the OCP	<ul style="list-style-type: none"> - Exclusions must be initiated by the LTC. The OCP can include guidelines. - The LTC may want to include the farming community in identifying guidelines
Expand subdivision permission if land is being donated to not-for profit/gov/FN for housing	<ul style="list-style-type: none"> - Can focus on zone type or multiple
Allow subdivision only if a portion of land is being donated to not-for profit/gov/FN for affordable housing	<ul style="list-style-type: none"> - This may be controversial - Community Engagement

Permit development variances for proof of water for cooperatives (like Coho) if community is collecting rainwater*	<ul style="list-style-type: none"> - Coho has demonstrated a co-operative approach to collecting and sharing alternative water supply. - OCP policies can include flexibility and guidance supporting this type of approach.
Ensure OCP Policies support home-based assisted living and tiny home villages	<ul style="list-style-type: none"> - Minor language amendment
Allow variations in housing that support shared facilities	<ul style="list-style-type: none"> - May include new definition
Changing references to “the Village” to “Downtown Denman”	<ul style="list-style-type: none"> - Technical amendment
Minor updates	<ul style="list-style-type: none"> - Includes outdated references

*This topic has been recently added by staff

Major C: Options Requiring More Detailed Analysis and Engagement

Topic	Comments
Expand Permissions for ADUs to include: <ul style="list-style-type: none"> - Expanding ADU as a permitted use beyond A, F, RE, R2 zones - Including options for additional units within a limited combined floor area (flexible housing) - Density bonus option re: conservation of land and housing agreement potential 	<ul style="list-style-type: none"> - Suitable Land Analysis (SLA) recommended - Detailed First Nations engagement recommended - Work related to the SLA and FN engagement can be done concurrent to the development of options. Timing will depend on the pace of the other phases of the project.
Expanding permission for secondary suites beyond existing an water service areas	<ul style="list-style-type: none"> - SLA recommended - Detailed First Nations engagement recommended

Minor Projects

Topic	Considerations
Removal of TUPs for ADUs	<ul style="list-style-type: none"> - There is much public support - Would advance ahead of other housing work - Removing the density bank can be part of the work related to the TUP project - If LTC choses to revise the density bank this work is recommended to be done as a separate minor project which would follow the TUP project. The density bank could be removed and then revised or revised without removing first.

Denman Island Housing Action Plan (Draft) - May 2024

Introduction

Denman Island is experiencing a crisis of housing affordability and availability that has already caused many residents to leave the community. Over the decades, land use regulations on Denman Island created housing stock that is almost exclusively composed of single family dwellings. With limited rental stock and rising purchase prices, accessing housing on Denman Island has become less accessible for those who do not already own property.

The limited housing options on Denman Island have been a prominent topic of discussion for over 20 years. In that time, numerous studies have been undertaken to understand housing need. Work undertaken by the Housing Advisory Planning Commission (HAPC) in Winter 2024 as a part of the Denman Island's Housing Review Project identified a suite of land use planning measures, tools, and advocacy opportunities geared toward increasing housing options and legalizing existing living situations where appropriate while preserving and protecting the natural environment.

This Action Plan identifies objectives and provides corresponding policy, regulatory, and strategic measures aligned with eight overarching goals emerging from the Denman Island HAPC 2024 report and other input provided to and supported by the Denman Local Trust Committee (LTC) to date. The Draft Housing Action Implementation List, a key part of the Housing Action Plan, provides a framework for monitoring implementation progress on options that the LTC has identified support for, with the flexibility for updates as needed. The land use-focused actions identified in this plan are the main focus of the Denman Island Housing Review Project.

This Action Plan serves as a plan for implementing measures and strategies to address the housing challenge on Denman Island within the framework of the Denman Island Housing Review Stage 2, Phase 2 (2023-2025). It also offers a comprehensive tracking and monitoring mechanism and serves as a succinct representation for community members, non-profit housing groups, Comox Valley Regional District (CVRD) and senior government, illustrating the focal points of housing-related actions providing insights into potential areas of involvement and collaboration.

Goals

Goal 1: Update Information to Inform Housing Projects

The collection of information that may inform housing projects on Denman Island now and into the future are in process. The extent to which this information is used to inform housing projects on the Island is a Local Trust Committee (LTC) decision. Related objectives are as follows:

Update Housing Needs Information: Updating housing needs assessments every five years is now a requirement of the Provincial Government. The Province provided the Islands Trust with funding to do this work in 2024. This work will begin once the Province has provided direction on the required content of housing needs assessments. This work will be managed by a member of the Islands Trust Regional Planning team and will not impact the timing of Denman's Housing Review Project.

Use Suitable Land Analysis: Integrating diverse data sources, this mapping tool aids the LTC in making informed decisions regarding density increases, considering factors such as environmental protection, fire safety, water recharge, saltwater intrusion and terrain suitability. Water Balance assessment data and other data can be added to the suitable land analysis, when available. The LTC can determine the existing data they would like to use and the weight of that data to inform decision making related to increasing the density and intensity of land use.

Goal 2: Incorporate First Nations Interests in Land Use Decision Making

Working with the K'omoks, and other First Nations, on all projects related to increasing density and intensity of land use is an important step forward with respect to reconciliation. This work is also anticipated to help facilitate efficient review and approval of OCP amendments by the Province. One key objective related to this goal is to:

Foster Early and Respectful First Nations Engagement: Proactive engagement with First Nations is essential for effective collaboration and reconciliation. Initiated by staff and supported by the LTC's approval of funding and a capacity agreement, this engagement process aims to produce a comprehensive report by Spring 2025, aligning with provincial expectations for meaningful Indigenous consultation.

Goal 3: Diversify Housing Options – Land-Use

Increasing housing options has been identified by the Denman HAPC and the LTC as a key focus for increasing housing access and affordability on Denman Island. This is a key focus of Denman Island's Housing Review process. Related objectives include:

Streamline Land-Use Regulations : Actions related to this objective include removing temporary use permit (TUP) requirements for accessory dwelling units (ADUs) and making changes to OCP policy and land use regulations to increase flexibility in type of house. As well as facilitate easier access to donated land for not for profit and government organizations.

Expand Housing Options: Actions related to this objective include a variety of options such as permitting alternative dwelling types and expanding permission for secondary suites and accessory dwelling units. Expanding permissions for multiple accessory dwelling units within a maximum floor area or in exchange for land preserve is also include in the list of actions.

Goal 4: Minimize Environmental Impact on Land – Land-Use

The preservation and protection of the environment is a core value of the Islands Trust and something that is well respected by the Denman Island community. The Housing Action Plan includes actions identified by the HAPC that support environmental interests. The use of suitable land analysis to identify areas where development may have higher impact on environmental protection will also help inform decisions related to minimizing environmental impact. Related objectives include:

Utilize Available Data for Informed Decision Making: Suitable land analysis provides the opportunity to use all available data related to environmental interests to identify areas that are more or less suitable for additional density from an environmental impacts perspective. This analysis can be complemented by/complement local knowledge.

Protect and Preserve Ecosystems and Freshwater Resources: Cistern requirements for new builds are one option identified to reduce the draw on freshwater resources. Reducing lot coverage and considering the suitability of land from an ecological and freshwater sustainability perspective will help contribute to protecting groundwater recharge as well as protecting other ecological values.

Goal 5: Implement Affordability Measures – Affordability Controls

"Ensuring affordability" is a key interest of the APC. Given that the Local Trust Committee's jurisdiction is limited to land use, ensuring affordability is a challenging task for the LTC. Housing agreements are one land use planning tool available to ensure affordability over time. In the Islands Trust Area, this tool is primarily used to ensure affordability with multi-family developments owned by not-for-profit organizations. Expanding the use of housing agreements to single units

owned by private property owners will require the Islands Trust and/or the Comox Valley Regional District (CVRD) to consider administrative support needs. Related advocacy policies can be included in the OCP. A related objective identified by the HAPC is:

Allow Additional Units in Exchange for a Community Amenity (Affordable Housing of Conservation of Land): Denman Island has already used a “density bonus” approach in 2008 where 505.3 hectares of land was protected in exchange for 31 units. This approach could be explored for smaller lots. Policies can be created to allow additional units if they are rented affordably. However, administrative support is required to ensure that the units are rented affordably over time.

Goal 6: Address Bylaw Enforcement Issues Related to Housing

Islands Trust Council has directed the Regional Planning Committee to review the recommendations of the Ombudsperson’s Report on Bylaw Enforcement Policies and Practices and recommend amendments to policies. For specific local issues, the LTC could meet with bylaw staff to discuss options. Related objective:

Bylaw Enforcement on Housing Related Matters is Appropriate: In addition to the work being done at the Islands Trust Wide level, the Denman LTC, at their November 14, 2023 LTC meeting, requested regular reporting from the Bylaw Compliance & Enforcement Manager so that the Local Trust Committee can review and prioritize enforcement and enforcement resources.

Goal 7: Provide Education and Engagement on Building Costs/Options/Environmental Alternatives

Education and engagement actions are outside the scope of land use project work. However, they have been included in Denman Island’s Housing Action Plan as they could be addressed at the LTC level as a minor project, or at the Trust Wide level and/or in cooperation with the CVRD. Related advocacy policies can be added to the OCP. Related Objective:

Educational Resources Related to Housing Costs and Alternatives Available to Community: The kind of information identified by the HAPC to be useful to the community include: information on building costs, water capture, and alternative building options.

Goal 8: Advocate for Support for Infrastructure Needs

This goal recognizes that the housing needs on Denman Island cannot be fully supported through land use changes only. Affordability of housing is tied to the cost of water access (wells and rainwater catchment) and sewage disposal (septic system) in addition to the costs to build. The OCP can include advocacy policies to support the following objectives:

Secure Financial and Policy Support for Water Access and Septic System Development – This includes financial support for cistern purchase and septic installation or expansion of regional water and sewage services as well as policy support for alternative systems such as greywater recycling and small water system sharing.

Secure Financial Support to Build Housing: Advocacy related to this can be directed to the Islands Trust to take on a broader advocacy role. Advocacy can also be directed to the agencies that have sources of funding that could be directed toward the supporting housing for Denman Island.

Attachment 4: Draft Denman Island Housing Action Implementation Plan

Blue – Items Part of Denman Housing Review Stage 2, Phase 2

Green – Items being done at Trust Wide level or require collaboration with CVRD or Province

I – Information

M – Minor Project

P – Phase 2

IT – Islands Trust Responsibility

BL – Bylaw Enforcement

ED – Education

ACTION		Status	Anticipated Timing
Goal 1: Update information to Inform housing project - INFORMATION			
I1	Update Housing Needs Assessment	To be done as part of IT project	TBD once Provincial direction is provided
I2	Water Balance Assessment	Waiting for funding allocation	2025/26 fiscal
I3	Workshop with LTC on Suitable Land Analysis (SLA)	To be Scheduled	June – August 2024
Goal 2: Incorporate First Nations Interests in Land use Decision Making – RECONCILIATION			
P2A,P2B, P2C	Identify FN Interests with respect to housing options and impacts	Capacity Agreement and funding in place	ongoing
Goal 3: Diversifying Housing Options – LAND-USE			
M1	Remove TUP requirement for ADUs	Minor Project	Bylaws fall 2024
M1?	Eliminate or update Density Bank	Minor Project (?)	TBD
P2A	Reformatting Land Use Bylaw Regulations	Required	Summer 2024
P2A	Review LUB definitions to ensure consistency with OCP	IT standards being created	Summer 2024 – primary work (exploring questions that might arise, public engagement as required, FN engagement, bylaw drafting)
P2A	Review existing site specific exemptions in light of TUP changes	Technical change	
P2A	Permit Dwelling units in community service zone	Explore options	
P2A	Consistency with ALC regulations	Technical change	
P2A	Permit Alternative Types of units (RVs, Yurts etc.)	Technical change	
P2A	Legalize housing on a site specific basis	Communications required for voluntary identification	
P2A	Make existing multi-family zoning more flexible	Technical change	
P2A	Limiting Vacation Rental Permission to BnB	Tech change related to legal review	
P2A	Expand secondary suite permissions into water service areas	Requiring connecting with CVRD	
P2B	Include policies related to ALR exclusion for affordable housing	Technical change, engagement related to conditions recommended	
P2B	Permit reduction of min parcel size to facilitate land for donation to NGO/Govt	Size of parcel TBD	
P2B	Permit subdivision (where not currently permitted) in exchange for donation	Type of property/zones TBD	
P2B	Allow subdivision only if land is donated for affordable housing	Community engagement?	
P2B	Add policies to support development variance for proof of water for cooperatives	Dependent on review of existing	
P2B	OCP Policies to support home based assisted living and tiny home villages	Technical change	
P2B	Allow for variations in housing that support shared facilities (e.g. podhouse)	Technical change to support existing?	
P2C	Expansion of Accessory Dwellings Unit permission	SLA and early FN engagement recommended	Summer 2024 -SLA
P2C	Expansion of Secondary Suite Permission (SLA) beyond water service areas	SLA and early FN engagement recommended	Fall/winter 2024 – preliminary work ,

P2C	Allow Multiple Dwelling Units with Max Combined floor area (Flexible Housing)	SLA and early FN engagement recommended;	amendment option can be drafted before locations identified
P2C	Additional dwelling units if land is conserved/housing agreement is in place	SLA and early FN engagement recommended;	FN engagement ongoing Bylaws 2025
IT1	Expedite Approvals for multi –unit housing rezoning applications	To be done at Trust Wide level as part of Trust Wide Housing Action Plan Implementation	TBD
Goal 4- Minimize the Environmental Impact on Land –LAND-USE			
P2C	Use suitable land analysis to identify areas more suitable for additional density	Suitable land analysis if in process	Summer/Fall 2024
P2C	Implement maximum combined floor area for multiple dwellings	Maximum combined floor area (MCFA) to be discussed, staff to provide options	Fall 2024 – MCFA to be identified
P2A	Reduce lot coverage (to include floor area and impervious surfaces)	Maximum combined floor area to be discussed.	Summer/Fall – draft bylaws
P2A	Cistern requirement for new builds	Cistern size to be discussed, staff to provide options	
Goal 5 – Implement Affordability Measures – AFFORDABILITY CONTROLS			
IT2	Allow additional units if they are being rented affordably	The only way to guarantee affordability into the long-term is through housing agreement. Requires increasing administration of HAs by the Islands Trust or CVRD developing administrative function.	TBD Fall 2024 -Can be included as advocacy policy
Goal 6 – Address Bylaw Enforcement Issues Related to Housing –BYLAW ENFORCEMENT			
BL1	Identify challenges and options to address	Trust Council Bylaw Enforcement Review currently underway	TBD
Goal 7 – Provide Education and Engagement on costs/options/environmental alternatives -EDUCATION			
ED1	Education re: costs to build, water capture and other alternatives	This could be done on a Trust Wide basis, CVRD or as a LTC minor project.	Fall 2024- Can be included as advocacy policy
ED2	Identify opportunities for CVRD to develop education materials	Meet with the CVRD to advance action plan	Fall 2024- Can be included as advocacy policy, meeting with CVRD
Goal 8 – Advocate for Support for Infrastructure Needs – ADVOCACY			
ED1	CVRD expansion of water and sewage services	Meetings with CVRD required	Fall 2024- Can be included as advocacy policy, meeting with CVRD
ED2	Advocate for support for Cistern purchase	Meeting with CVRD and Province required	Fall 2024- Can be included as advocacy policy, meeting with CVRD
ED3	Advocate for Municipal and Regional District Tax (MRDT) to be collected to support affordable housing development	Meeting with CVRD required	
ED4	Advocate to province for additional revenue to support housing	Item in Trust wide Housing Action Plan	Fall 2024- Can be included as advocacy policy
ED5	Advocate to Island Health to support waste disposal alternatives	Item in Trust wide Housing Action Plan	
ED6	Advocate to Province re: small water system sharing	Could be included in Trust wide Housing Strategy Action Plan	TBD re: advancing action

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

DATE OF MEETING: August 13, 2024
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. 248, cited as the “Denman Island Official Community Plan, 2008, Amendment No. 1, 2024”, be read a first time.
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.
3. 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.
4. 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:

<ul style="list-style-type: none"> • 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 (Xwemalhwu) 	<ul style="list-style-type: none"> • Tla'amin Nation • Nanwakolas Council • Wei Wai Kum Nation • We Wai Kai Nation • Mamalilikulla First Nation • K'ómoks First Nation • Comox Valley Regional District • School District #71 (Comox Valley) • Hornby Island Local Trust Committee • Ministry of Municipal Affairs and Housing • Denman Fire Department
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5. 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).

REPORT SUMMARY

The purpose of this report is to provide draft bylaws for the Denman Island Local Trust Committee (LTC) to consider in order to amend the Temporary Use Permit (TUP) guidelines for secondary dwellings and density bank as part of the LTC Top Priority Major Project – Housing Review. The draft bylaws are attached (Attachments 1 and 2) for the LTC's consideration, and the Islands Trust Policy Statement Checklist is attached (Attachments 3 and 4) for the LTC's review.

Staff are recommending the LTC give the draft bylaws first reading to allow time for amendments based on public input and referral feedback.

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 May 7, 2024 regular meeting the Denman Island LTC, the following resolution was passed:

DE-2024-031

that the Denman Island Local Trust Committee endorse the Project Charter, dated May 7, 2024 for the Housing Related Temporary Use Permit Review Project as a minor project.

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

Draft Bylaw Nos. 248 and 249

The draft bylaws are attached for the LTC's consideration and the following two topics are included in the bylaw.

1. Removal of Temporary Use Permits for Secondary Dwellings

As per the Denman Island Land Use Bylaw, 2008, Section 2.1.4, secondary dwelling units may be permitted by Temporary Use Permit (TUP) on lands zoned as R2 (Rural Residential), A (Agriculture), F (Forestry), and RE (Resource). There are a total of 37 properties with R2, F and RE zoning. Adhering to Agricultural Land Commission (ALC) regulations, secondary dwellings are permitted outright on Agricultural Land Reserve (ALR) properties zoned A without the need for a TUP. There are a total of 30 properties with A zoning in the ALR. Secondary suites are generally allowed within these zones without the need for a TUP.

Both the [Vancouver Island University \(VIU\) report](#) and [Housing Advisory Committee \(HAPC\) report](#) recommended removing TUP regulations related to secondary dwelling units. TUPs are temporary and do not provide long-term housing solutions. The temporary nature of TUPs and the length of time for the application process may discourage property owners from developing secondary housing, even where the zoning allows for it.

In a community survey regarding the effectiveness of TUPs in addressing housing objectives, over three quarters of the respondents found TUPs ineffective in addressing housing objectives as defined in the OCP.

Since 2008, when the TUP process for secondary dwellings was adopted, there have been only two TUP applications for a secondary dwelling, highlighting the limited uptake in this tool. Removing the need for TUPs for secondary dwellings can increase the available rental housing stock, support long-term housing solutions, simplify and reduce barriers in the administrative processes, and better align with the housing objectives outlined in the OCP as well as the community needs.

Draft Bylaw Nos. 248 and 249 remove all references and regulations related to the TUP process for secondary dwellings.

Removal of Density Bank

The residential density bank in the Denman Island Official Community Plan (OCP) was designed to control residential development by accumulating, storing, and allocating density. However, it has proved administratively complex and requires careful tracking and regulation.

Additionally, the density bank has become obsolete. The Denman Island Farm Regulation Review Project has eliminated the need for Temporary Use Permits (TUPs) for secondary dwellings on Agricultural Land Reserve land, potentially already exceeding the available density in the bank. Permitting ADUs without TUPs would also expand outright density potential.

Draft Bylaw No. 248 removes all references to the residential density bank, simplifying the administrative process and eliminating the need for complex tracking mechanisms.

Islands Trust Policy Statement:

The draft bylaw amendments are consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist are included as Attachments 3 and 4 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaws. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaw No. 248.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. Staff have identified the following agencies and First Nations for referrals:

- | | |
|---|---|
| <ul style="list-style-type: none">• Cowichan Tribes• Halalt First Nation• Da'naxda'xw/Awaetlala First Nation• Qualicum First Nation | <ul style="list-style-type: none">• Tla'amin Nation• Nanwakolas Council• Wei Wai Kum Nation• We Wai Kai Nation |
| <ul style="list-style-type: none">• Lyackson First Nation• Penelakut Tribe• Snuneymuxw First Nation• Snaw'Naw'As Nation• Stz'uminus First Nation• Te'Mexw Treaty Association | <ul style="list-style-type: none">• 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 |

- Tsu'uubaa-asatx First Nation
- Tlowitsis First Nation
- Homalco First Nation (Xwemalhkwu)
- Ministry of Municipal Affairs and Housing

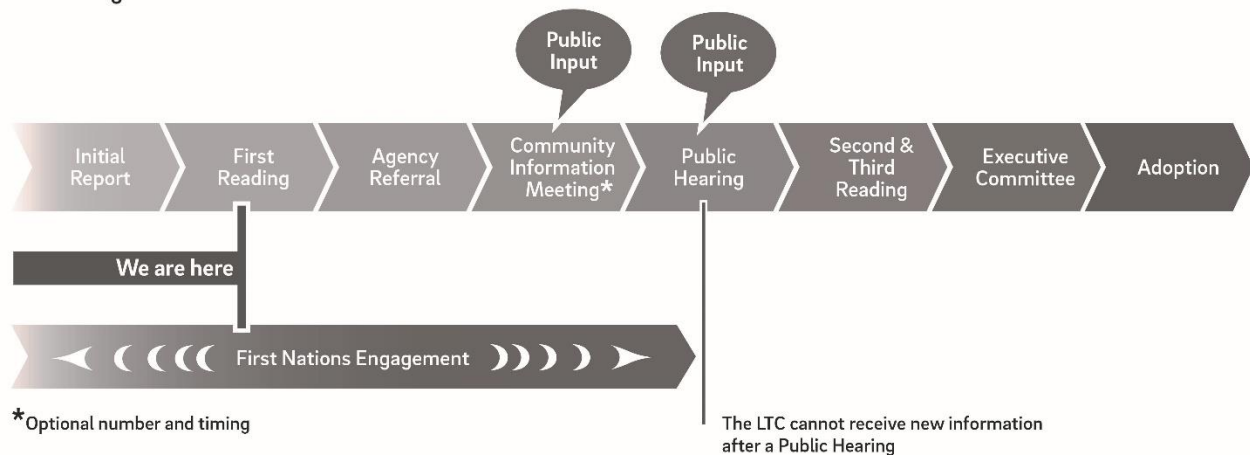
The LTC should consider whether to undertake additional consultation beyond those identified above and direct staff accordingly. The LTC is actively recruiting for the Advisory Planning Commission (APC); however, there is currently no active APC on Denman Island. Once the APC is formed, the LTC may choose to refer draft bylaws.

Statutory Requirements

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment involving an OCP. It is standard Islands Trust practice to hold a Community Information Meeting (CIM) prior to the Public Hearing. Staff recommend scheduling a CIM immediately before the Public Hearing. However, the LTC can also choose to hold a CIM as a standalone meeting, separate from the Public Hearing.

Based on the project charter work plan, a Public Hearing would be tentatively scheduled for late Fall 2024.

Timeline



Rationale for Recommendation

The LTC gave direction to staff to proceed with the minor project based on recommendations made in the April 9, 2024 and May 7, 2024 staff reports. Staff have presented draft bylaws for the LTC's consideration based on their recommendations and the project charter.

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 draft Bylaw No. 248, cited as the "Denman Island Official Community Plan, 2008, Amendment No. 1, 2024" by...

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...

2. Give First and Second Readings together

The LTC may wish to give first and second readings of the draft bylaws simultaneously. If selecting this alternative, the LTC should be confident that the bylaws will not require significant changes following public feedback and referrals. Recommended wording for the resolution is as follows:

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 second time.

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 second time.

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

NEXT STEPS

Based on direction from the LTC, staff will:

- Proceed with bylaw referrals to First Nations and government agencies.
- Schedule CIM/Public Hearing after the close of the referral response period.

Submitted By:	Marlis McCargar, Island Planner	July 24, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	July 25, 2024

ATTACHMENTS

1. Draft Bylaw No. 248
2. Draft Bylaw No. 249
3. Islands Trust Policy Statement Directive Only Checklist – Bylaw No. 248
4. Islands Trust Policy Statement Directive Only Checklist – Bylaw No. 249

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 248

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN 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 Official Community Plan, 2008, Amendment No. 1, 2024”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan 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

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS _____ DAY OF _____, 202X

ADOPTED THIS _____ DAY OF _____, 202X

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 248**

Schedule 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:
 - 1.1 Table of Contents delete “Appendix D Density Banking” in its entirety.
 - 1.2 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Housing – Objectives, Objective 3 is deleted in its entirety.
 - 1.3 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Use and Density – Policy 11 is amended by deleting “if approved by a Temporary Use Permit” after “may be permitted on a lot”.
 - 1.4 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Use and Density – Policy 12 is deleted in its entirety.
 - 1.5 Part E– FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection – Use and Density – Policy 16 is amended by deleting “through a Temporary Use Permit” after “designations”.
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “B” is amended as follows:
 - 2.1 SCHEDULE B – PERMITS AND PLAN ADMINISTRATION, CONTENTS delete “Appendix D Density Banking” in its entirety.
 - 2.2 APPENDICES, CONTENTS delete “Appendix D Density Banking” in its entirety.
 - 2.3 APPENDIX D DENSITY BANKING delete in its entirety.

DRAFT

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 _____ 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. 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 5 – TEMPORARY USE PERMITS, “Area 2”, is deleted in its entirety and is renumbered accordingly.



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: TUP Review Project

Bylaw No. 248

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
	3.1	Ecosystems
N/A	3.1.3	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	3.1.4	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	3.1.5	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.
	3.2	Forest Ecosystems
N/A	3.2.2	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	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.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	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
	4.1	Agricultural Land
N/A	4.1.4	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.
N/A	4.1.5	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.
N/A	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.
	4.2	Forests
N/A	4.1.7	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	4.1.8	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	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	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	4.2.7	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	4.2.8	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.
	4.2	Forests

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

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

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

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



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: TUP Review Project

Bylaw No. 249

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.

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CONSISTENT	No.	DIRECTIVE POLICY

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CONSISTENT	No.	DIRECTIVE POLICY
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N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

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

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

File No.: 6500-20
(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

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. 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 ahead of the Public Hearing.

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

C:\Program Files\eSCRIBE\TEMP\3b8d9de9-f995-4845-a199-785072d9399d\16451266345DE-LTC_2024-12-10_TUP-REVIEW-PRJ_STAFF-RPT_FINAL.docx

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

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

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 residence. 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.

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 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...

2. 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...

3. 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	November 22, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	November 29, 2024

ATTACHMENTS

- 1. Proposed Bylaw No. 249 – track changes copy
- 2. Proposed Bylaw No. 249 – clean 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 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.

1.21.4 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".

1.5 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)".

1.6 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.

1.41.7 Part 5 – TEMPORARY USE PERMITS, "Area 2", is deleted in its entirety and is renumbered accordingly.

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 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.
 - 1.4 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".
 - 1.5 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)".
 - 1.6 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.

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.

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

DATE OF MEETING: March 18, 2025
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

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 by inserting new sections 1.3 and 1.4 and re-numbering the following sections accordingly as follows:
 - 1.3 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 b) is amended by deleting the words “unless otherwise approved by the Local Trust Committee as a condition of the permit” after residence.
 - 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 d) is amended by deleting the words “unless otherwise approved by the Local Trust Committee as a condition of the permit” after gallons.
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 second time.
3. 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.
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 second time as amended.
5. 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.

REPORT SUMMARY

This is a post Public Hearing report supporting next steps 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.

Staff are recommending the LTC amend Proposed Bylaw No. 249 to remove two references to a temporary use permit in the regulations.

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.

Bylaw Nos. 248 (OCP) and 249 (LUB) were given First Reading in August 2024. Bylaw No. 249 was given First Reading again in January 2025, as amended, to clarify that secondary dwelling units should be permitted on a per-lot basis, rather than per primary dwelling. Referrals were sent to agencies and First Nations in August 2024, with a deadline for feedback set for October 2024.

A Public Hearing was originally scheduled for December 2024 but was postponed due to the Canada Post strike. It has since been rescheduled for March 18, 2025. A Public Hearing is a quasi-judicial process, and specific procedures must be followed during and after the hearing.

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. Consider Second Reading (which may include amendments to the bylaw).
2. Consider Third Reading.
3. Forward the bylaws to Executive Committee for approval.
4. Forward the OCP amendment to the Ministry of Municipal Affairs for approval.
5. Provide final LTC consideration and adoption.

Following the close of the Public Hearing, the LTC may not hear further submissions without holding a new hearing. If new information is considered by the LTC, all interested parties must be given the opportunity to review and comment on this new material. However, the courts have clarified that this does not mean 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.

REFERRAL FROM K'OMOKS FIRST NATION

As of the time of writing, staff have been informed that K'omoks First Nation will be submitting a referral response regarding Proposed Bylaws Nos. 248 and 249. It is anticipated that K'omoks First Nation will request additional time to review the bylaws, incorporating their consideration of the Suitable Land Analysis data and a comprehensive review by their newly established environmental referrals team. Additionally, they may request that the LTC defer consideration of the proposed bylaws until their referral response is reviewed.

As the K'omoks First Nation referral response is likely to be received after the Public Hearing has closed, staff will review the response and inform the LTC if it contains relevant information that should be considered prior to bylaw adoption. This may result in the need for a second public hearing. If the referral response is deemed not to impact the bylaws, staff will recommend proceeding without the LTC considering the referral response. It is also possible that the K'omoks First Nation referral response could be incorporated into the next phase of the Housing Review Project.

SUGGESTED AMENDMENTS TO BYLAW NO. 249 (LUB)

Staff are proposing a minor edit to correct an error in referencing the temporary use permits in the regulations for Secondary Suites and Dwelling Units.

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. Forward Bylaw(s) to Executive Committee and the Minister of Municipal Affairs and Housing for approval

The Denman Island Local Trust Committee may choose to forward the bylaws without a referral response from K'omoks First Nation. If the LTC selects this option, K'omoks First Nation's referral response could be incorporated into the next phase of the Housing Review Project.

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.

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 and Housing for approval.

3. 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.

4. Proceed no further

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

NEXT STEPS

If the recommendations are supported:

- Bylaw Nos. 248 and 249 will be given Second and Third Readings;
- Once the K’omoks First Nation referral response is received, Bylaw Nos. 248 and 249 will be returned to the LTC with a recommendation to forward them to the Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing for approval; and
- Bylaw Nos. 248 and 249 will be returned to the LTC for final adoption.

ATTACHMENTS

1. Bylaw 249 (LUB) – track changes copy

Submitted By:	Marlis McCargar, Island Planner	March 4, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 5, 2025

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 21ST DAY OF JANUARY , 2025

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 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 b) is amended by deleting the words "unless otherwise approved by the Local Trust Committee as a condition of the permit" after residence.

1.21.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 6 d) is amended by deleting the words "unless otherwise approved by the Local Trust Committee as a condition of the permit" after gallons.

1.31.5 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".

1.41.6 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)".

1.51.7 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.

1.61.8 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.

1.71.9 Part 5 – TEMPORARY USE PERMITS, "Area 2", is deleted in its entirety and is renumbered accordingly.



Denman Island Local Trust Committee

Minutes of Special Meeting

Date: May 7, 2024
Location: Electronic Meeting

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

Staff Present: Renée Jamurat, Regional Planning Manager
Marlis McCargar, Island Planner
Lisa Millard, Meeting Administrator / Recorder

Others Present: There was 1 member of the public 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 2:00 pm. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

A Town Hall was added to the agenda as Item 3 and subsequent agenda items were renumbered.

By general consent the agenda was approved as amended.

3. TOWN HALL

No members of the public spoke during the Town Hall.

4. BUSINESS ITEMS

4.1 Bylaw Nos. 228 (OCP) and 229 (LUB) Adoption - Staff Report

Planner McCargar stated that the bylaws have proceeded through public hearing, third reading, Executive Committee approval, and approval from the Minister of Municipal Affairs, and that the next step is for the Local Trust Committee to grant final adoption.

DE-2024-29

It was MOVED and SECONDED

that the Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018”, be adopted.

CARRIED

DE-2024-30

It was MOVED and SECONDED

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be adopted.

CARRIED

3.2 Major Project: Denman Housing Review Project - Review of Process Options - Staff Report

Planner Chadwick noted the following:

- The revised project charter and action plan reflect previous direction from the Local Trust Committee; and
- Staff have proposed a process to help move the project forward with consideration of fair and respectful engagement with the K’ómoks First Nation and have identified areas where a more detailed engagement process might be required, as well as areas that will require limited analysis.

Planner McCargar summarized the Housing Project Temporary Use Permit Review aspect of the project charter and noted that there will be a community information meeting followed by a public hearing on the same day.

Discussion ensued and Trustees confirmed that the amendment to remove the Temporary Use Permit was supported by the community. They also noted that this will result in the removal of the density bank; however, the reasons that the bank was created in the first place are no longer relevant to community discussions and concerns.

Planner Chadwick, then, reviewed the revised project charter for the Housing Review project and the Trustees commented as follows:

- They are not interested in densities being applied to parkland;
- They do not think there is interest in allowing housing on properties zoned institutional;
- They can look at legalizing housing on a site specific basis;
- If they are going to allow alternative dwelling units on residential lots it is important to capture the properties that have already been providing housing;
- If a land owner has been supplying housing and they get missed in the changes there should be opportunity for them to request the Local Trust Committee to create a site specific zone;

- An agricultural land reserve exclusion would require a Local Trust Committee decision and there is opportunity to create guidelines around that;
- Subdivision and reduction of parcel size are not a direction they want to go;
- They would not necessarily agree to facilitating a land donation for the development of affordable housing;
- Remove the reduction of parcel size aspect and permit subdivision in exchange for donation of land;
- Remove the suggestion to only allow subdivision if the land is donated;
- It is important to let the K'ómoks Nation know that the Local Trust Committee will not be considering changes that would negatively impact the environment;
- Tiny homes on wheels can be looked at in more detail; and
- They want to maintain the siting and use permitting tool.

DE-2024-031

It was MOVED and SECONDED

that the Denman Island Local Trust Committee endorse the Project Charter, dated May 7, 2024 for the Housing Related Temporary Use Permit Review Project as a minor project.

CARRIED

DE-2024-032

It was MOVED and SECONDED

that the Denman Island Local Trust Committee endorse the Denman Island Housing Action Plan As amended and as shown in Attachment 5 of this staff report dated May 7, 2024.

CARRIED

DE-2024-033

It was MOVED and SECONDED

that the Denman Island Local Trust Committee endorse the revised project charter for Phase 2 of Stage 2 of the Denman Island Housing Review Project based on the process recommended in the May 7, 2024 staff report.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:18 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, 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 (Xwemalhkwa), 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.

David Graham, Acting Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Resolutions Without Meetings Log

Denman Island

Resolution Number	Action	Date
2024-002	Carried	21-Oct-2024

Additional referrals for Bylaw No. 248 and Bylaw No. 249

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:

- Ministry of Housing
- Ministry of Forests
- Ministry of Agriculture and Food
- Agricultural Land Commission



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: December 10, 2024
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)
Nadine Mourao, Legislative Clerk
Jason Youmans, Senior Policy Advisor (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately five 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

Trustees noted that legislative public notification requirements regarding the Public Hearing had been met; however, many community members were not aware that it was to take place today because the local newspaper, in which the hearing was advertised, had not been delivered to homes due to the postal strike.

The following amendments to the agenda were presented for consideration:

- Defer Item No. 5 “Community Information Meeting,” No. 6 “Public Hearing,” and No. 13.1 “Minor Project Post Public Hearing Staff Report” to a future meeting.

By general consent, the agenda was approved as amended.

DE-2024-073

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to postpone the Community Information Meeting and Public Hearing regarding proposed Bylaw Nos. 248 and 249.

CARRIED

4. PROJECTS

Trustee Graham declared a conflict of interest and left the meeting at 10:08 a.m.

4.1 Denman Island Temporary Use Permit Review Project- Staff Report

The Planner summarized the staff report and highlighted the following:

- Proposed amendments to Bylaw No. 249 are for the purpose of clarifying whether secondary dwellings are permitted per lot or per primary dwelling;
- Intention is to permit secondary dwelling units on a per lot basis;
- Limiting number of units to one per lot ensures density remains manageable and avoids risk of overdevelopment on larger lots; and
- There are fourteen properties with more than one civic address and these properties could potentially be impacted by the bylaw.

A member of the public stated they live on one of the fourteen properties identified and if the proposal goes forward it will result in only one of the three homes located within the R2 zone being eligible to have a secondary dwelling. They stated a preference that one secondary dwelling unit be allowed per primary dwelling versus per lot.

Discussion ensued and the following comments were noted:

- The Planner clarified that site-specific regulations could be looked at within the context of the larger Housing Review Project.

The meeting was recessed for a break at 10:22 a.m. reconvened at 10:34 a.m.

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

Trustee Graham returned to the meeting at 10:45 a.m.

5. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 248 and 249 - Housing-Related Temporary Use Permit Review Project – deferred

6. PUBLIC HEARING - deferred

7. REPORTS

7.1 Trustee Reports

Trustee Graham reported electronic attendance at Trust Council and noted the arrival of new Chief Administrative Officer Rueben Bronee.

Trustee Borthwick reported the following:

- Attended Trust Council and met the new Chief Administrative Officer;
- Acknowledged the work of Interim Chief Administrative Officer Mobbs;

- Attended semi-annual meeting of the Baynes Sound Marine Ecosystem Forum and highlighted discussion on ship breaking activity; and
- Attended government to government meeting with K’omoks First Nation.

7.2 Chair's Report

Chair Maude reported the following:

- Welcomed Chief Administrative Officer Rueben Bronee to Islands Trust; and
- Continued attendance at Committee of the Whole meetings to move draft Trust Policy Statement work forward to First Reading in anticipation of commencing the public engagement process.

7.3 Electoral Area Director's Report - none

8. PUBLIC COMMENTS

A member of the public stated affordable housing is an emergency, safe housing is needed, and they hope the Local Trust Committee treats the project with urgency.

9. MINUTES

9.1 Local Trust Committee Minutes dated October 8, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of October 8, 2024 were adopted.

9.2 Section 26 Resolutions-Without-Meeting Report dated December 3, 2024

Received for information.

9.3 Advisory Planning Commission Minutes - none

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-up Action List dated December 3, 2024

The Planner noted the affordable housing project is complex but remains on track to complete before the end of the Trustee’s term.

11. DELEGATIONS – none

Item 12 was re-ordered and heard after Item 13.2.

12. APPLICATIONS AND REFERRALS

12.1 PLRZ20240055 (Denman Conservancy) - Preliminary Staff Report

The Planner summarized the staff report and highlighted the following:

- Application to rezone four parcels of land from forestry to conservation;
- The parcels of land are owned and managed by the Denman Conservancy Association;
- One of the parcels is split-zoned between forestry and agriculture and located within the Agricultural Land Reserve; and
- Suggestion to amend bylaws to facilitate the rezoning process to enhance conservation efforts and support protection and preservation of the parcels.

Discussion ensued and the following comments and clarifications were noted:

- There is opportunity for extending the existing conservation covenant to all of the parcels or placing a new conservation covenant on the parcels without;
- Owner had intention to donate residential densities to the density bank and this should proceed regardless of the status of the TUP Review Project which is seeking to remove the density bank; and
- The Agricultural Land Commission in the past has permitted land in the Agricultural Land Reserve to have a conservation covenant placed on it.

DE-2024-075

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 PLRZ20240055 (Denman Conservancy Association).

CARRIED

DE-2024-76

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 PLRZ20240055 (Denman Conservancy Association).

CARRIED

DE-2024-077

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to send an early referral of PLRZ20240055 (Denman Conservancy Association) to the Islands Trust Conservancy and Agricultural Land Commission for comment.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Minor Project: Housing-Related Temporary Use Permit Review - Post Public Hearing Staff Report - deferred

13.2 Major Project: Denman Housing Review Project Update - Staff Report

The Planner summarized the staff report.

Discussion ensued on Phase 2A and the following comments were noted:

- A Trustee asked if Action 7 “Expand Secondary Suites Permissions in water service areas” should be undertaken as a minor project. The Planner clarified the intention is for planners to work through the major project items together and it would not be necessary to separate this item from the major project; however, there is opportunity for a new minor project to be undertaken.

DE-2024-078

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to come back with options for a minor project to the Local Trust Committee.

CARRIED

Discussion ensued on Phase 2B and the following comments were noted:

- Action 1
 - Agricultural Land Commission requires local governments to apply for exclusions;
 - Policy allowing exclusion from the Agricultural Land Reserve for affordable and special needs housing can be added to the Official Community Plan;
 - Definitions for terms such ‘affordable’, ‘rental’, and ‘market housing’ will be included; and
 - Affordability can only be maintained over time if there is a housing agreement.
- Action 2
 - Subdivision bylaw already identifies exceptions to minimum parcel sizes for multifamily affordable housing and there is agreement to expand this exception to affordable housing in general; and
 - Suggestion to tie availability of providing single unit affordable housing to a housing agreement.
- Action 3
 - Adding policies to support development variance for proof of water for cooperatives requires input from a freshwater specialist.
- Action 4
 - Agreement to add policies to support home-based assisted living as a permitted home occupation;
 - Only allowing assisted living in a primary residence might be too restrictive; and
 - Consider specifying number of clients versus where the occupation occurs.
- Action 5
 - Tiny home village is a number of small units located within a concentrated area;
 - Flexible housing provides an opportunity for units in addition to a principle and secondary dwellings; and
 - Support for rezoning for clustered small unit affordable housing on larger lots.
- Action 6
 - Trustees expressed interest in allowing variations in housing that support shared facilities provided they are not vacation units;
 - This type of housing should be restricted to an affordable housing development operating with a housing agreement.

Discussion ensued on Phase 2B “Additional Actions” and the following comments were noted:

- Address affordable housing options in a way that indicates there is not interest in unrestricted growth;
- Planner can provide language focussed on low environmental impact and supporting density that is focussed on providing affordable, special needs housing;
- Community input will help identify areas for zoning to allow increased housing; and
- Changing the reference for “the Village” to “Downtown Denman” in the Official Community Plan is problematic due to the number of times the term “the Village” is used and the need for consistency across bylaws.

DE-2024-079

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 2B).

CARRIED

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

14. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

- 14.1 Letter dated November 26, 2024 from Denman Conservancy Association regarding ALR Land Development on Denman Island**
Received for information.

15. NEW BUSINESS - none

16. STAFF REPORTS

16.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project - Staff Report

The Senior Policy Advisor summarized the staff report and outlined the options for community engagement following First Reading of the draft Policy Statement.

DE-2024-080

It was MOVED and SECONDED

that Denman Island Local Trust Committee select Engagement Option No. 1 for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

CARRIED

16.2 Draft 2025/2026 Denman Island Local Trust Committee Meeting Schedule - Request for Decision

The Local Trust Committee would like all of their regular meetings to be scheduled to be held in-person.

DE-2024-081

It was MOVED and SECONDED

that Denman Island Local Trust Committee approve their January, 2025 to March, 2025 Meeting Schedule.

CARRIED

16.3 Highlights of the Trust Conservancy November 19th, 2024 Board Meeting
Received for information.

16.4 Trust Conservancy - The Heron - Fall Edition
Received for information.

16.5 Applications Report dated December 5, 2024
Received for information.

16.6 Trustee and Local Expense Report - October, 2024

Received for information.

16.7 Adopted Policies and Standing Resolutions

Received for information.

16.8 First Nations Relationship Building Update

DE-2024-082

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to be ready to draft a letter of congratulations and introduction from the Denman Island Local Trust Committee to K'omoks First Nation following their January, 2025 election and reach out to schedule a meeting between the Local Trust Committee and the Chief and Council at their convenience.

CARRIED

16.9 Local Trust Committee Webpage

No updates are required at this time.

17. WORK PROGRAM

17.1 Active Projects Report dated December 3, 2024

Received for information.

17.2 Future Projects Report dated December 3, 2024

Received for information.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled

The next regular meeting will be held January 21, 2025 at 10:00 a.m. at the Denman Activity Centre, 1111 Northwest Road, Denman BC.

19. ADJOURNMENT

By general consent, the meeting was adjourned 1:15 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: January 21, 2025

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
Narissa Chadwick, Island Planner (electronic)
Marlis McCargar, Island Planner
Sonja Zupanec, Island Planner (electronic)
Margot Thomaidis, Planner 2 (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately 7 members of the public and 3 representatives of K'ómoks First Nation present.

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

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Graham reported the following:

- Attended Committee of the Whole meeting to work on draft Policy Statement;
- Attended Regional Planning meeting to review Bylaw Enforcement Handbook; and
- Will be attending Financial Planning Committee meeting to discuss upcoming budget.

Trustee Borthwick reported the following:

- Attended Committee of the Whole and Regional Planning Committee meetings.

4.2 Chair's Report

Chair Maude reported the following:

- Attended Trust Council quarterly meeting in December; and
- Ongoing attendance at Committee of the Whole meetings to work on draft Policy Statement in preparation for public consultation stage.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

A member of the public spoke to the importance of addressing issues of affordable housing quickly as many residents are living in substandard conditions.

A member of the public noted that it is their understanding the purpose of allowing a second residence on a property is to create affordable housing and asked if there was a mechanism in place to ensure that a second residence will actually be affordable.

Trustees replied that affordability could be accomplished through a housing agreement; however, resources to administer a high number of agreements are not in place. They confirmed there will not be opportunity to subdivide a property with a second residence and short-term vacation rentals are not allowed.

6. MINUTES

6.1 Local Trust Committee Minutes dated December 10, 2024 - for adoption

The following amendments to the minutes were presented for consideration:

- Page 3 of the minutes, second bullet point from the bottom, change word “once” to “one”.

By general consent, the minutes were adopted as amended.

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 January 14, 2025

A letter of congratulations to K'ómoks First Nation regarding their recent elections has been drafted by Islands Trust Senior Indigenous Advisor and will be forwarded to Chair Maude for signature. The Chair requested staff provide a copy of the letter to Trustees for their information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 DE-DVP-2024.1 (Nielsen) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Application seeks retroactive approval for multiple setback variances for existing structures;

- Public notification was sent out in December, 2024 and there have been no responses to date; and
- Encroachments are relatively minor.

A member of the public provided a written submission and stated the following:

- They participate in a group that is planning to open up, and mark, as many road allowance beach access points as possible;
- They asked the Local Trust Committee not to approve a variance that reduces the road setback as the reduction makes the road harder to maintain and less safe to drive on; and
- Granting the permit will send a message that it is okay to build on a public right of way and ask for permission to do so only after a complaint is made.

The applicant was in attendance and made the following comments:

- An encroachment permit from the Ministry of Transportation and Infrastructure had been received;
- Encroachment onto the right of way was approximately .18 metres and resulted from an improperly marked survey line; and
- They were asked to rectify the situation by applying for a development variance permit.

Trustees confirmed that the applicant had received an encroachment permit.

DE-2025-001

It was MOVED and SECONDED

that Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2024.1 (Nielsen).

CARRIED

9.2 DE- RZ-2023.1 (Komas Ranch Ltd.) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The report provides an update on previous requests related to the environmental, archaeological, and cultural heritage protection of the Komas Ranch properties;
- The Local Trust Committee had requested a preliminary field reconnaissance report and the applicant required further details prior to hiring an archaeological consultant to perform the work;
- Draft terms of reference and detailed preliminary field reconnaissance requirements have been informed by ongoing engagement with K'ómoks First Nation archaeology staff;
- The preliminary field reconnaissance seeks to address gaps in cultural and archaeological heritage information and help to inform the creation of a heritage conservation area for the properties;
- Recorded, and unrecorded, archaeological sites are protected through the *BC Heritage Conservation Act*; however, unrecorded sites are likely to be overlooked and damaged, resulting in a need to account for all existing cultural heritage sites prior to any future development; and

- The applicant is in support of protecting the cultural heritage values on the properties but they question the necessity of conducting preliminary field reconnaissance.

A Komas Ranch property owner, representing the ownership group, was in attendance and the following comments were noted:

- The BC Archeology Branch has information about culturally sensitive materials on Long Beak Point and the other properties;
- There have been three extensive archeological digs on the property;
- Land owners are not permitted access to information on file at the Archaeology Branch;
- The preliminary field reconnaissance would not be as extensive as the three digs previously conducted and would not add new information;
- The rezoning is the result of a transfer of authority and property owners should not be responsible for costs associated with providing further archaeological information on the property.

A K'ómoks First Nation Archeologist made the following comments:

- As an archeologist, they have access to the information held at the BC Archeology Branch;
- There have been no significant or extensive excavations done on the property and the Owner's have misunderstood the BC Archaeology Branch's information;
- Information held at the Branch indicates archaeologists were present on site in 1952, hydro pole replacement work was done along the road, and K'ómoks First Nation attended the site to rebury ancestral remains.
- One of the reasons K'ómoks First Nation has recommended a preliminary field reconnaissance is because they identified extensive archaeological material outside of the currently registered site boundary; and
- Some of the development that has occurred on the site has been completed without permits, which have been required since 1994, resulting in infractions to the standards of the *Heritage Conservation Act*.

The Planner provided information about a Section 219 Covenant and noted it is a different tool than the Heritage Conservation Area and would mimic the protection that was provided through the historic land use contract. The covenant would be implemented in addition to zoning and for the purpose of environmental protection. A K'ómoks First Nation Staff Archaeologist provided the following input:

- They are working with the BC Archaeology Branch to increase the registered site boundaries on the properties;
- The property is private and archaeologists have not been able to document the site in the past; and
- A preliminary field reconnaissance will provide an opportunity to thoroughly document the information that is available on the surface and the unpermitted work that has taken place since the *Heritage Conservation Act* came into effect.

Discussion ensued and the following comments were noted:

- A preliminary field reconnaissance is not designed to be intrusive, but applied at the surface level to identify where there may be areas of higher, or lower, sensitivity;
- Many of the early archeological surveys were done by boat and therefore not complete or accurate; and
- K'ómoks First Nations is requesting an opportunity to get a more thorough and broad sense of the cultural heritage values on the site; and
- There are identified gaps in the archeological information on the site and a preliminary field reconnaissance would address those gaps and potentially inform the wording and mapping of heritage conservation protections.

The meeting was recessed for a break at 10:54 a.m. and reconvened at 11:00 a.m.

DE-2025-002

It was MOVED and SECONDED

that Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend the Denman Island Official Community Plan, 2008 (OCP), to introduce a new site-specific Heritage Conservation Area for the subject properties at PIDs 000-211-338, 000-211-320, and 023-096-438, application DE-RZ-2023.1 (Komas Ranch Ltd.) including draft objectives, exemptions, and guidelines.

CARRIED

DE-2025-003

It was MOVED and SECONDED

that Denman Island Local Trust Committee endorse the draft Terms of Reference letter and direct staff to forward it to the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.), with a final deadline of December 31, 2025 to provide additional information requested in support of the application.

CARRIED

DE-2025-004

It was MOVED and SECONDED

that Denman Island Local Trust Committee request staff to develop a draft restrictive covenant in consultation with the applicant for application DE-RZ-2023.1 (Komas Ranch Ltd.) for Local Trust Committee consideration.

CARRIED

DE-2025-005

It was MOVED and SECONDED

that Denman Island Local Trust Committee enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant for application DE-RZ-2023.1 (Komas Ranch Ltd.).

CARRIED

9.3 Hornby LTC Bylaw No. 176 and 177 Referral Form

DE-2025-006

It was MOVED and SECONDED,

that Denman Island Local Trust Committee interests are unaffected by the Hornby Island Local Trust Committee Draft Bylaw No. 176 and 177.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Temporary Use Permit Review Project - Staff Report

The Planner summarized the staff report and highlighted the following:

- Proposed Bylaw No. 249 considers the removal of Temporary Use Permit requirements for secondary dwellings;
- Amendments focus on clarifying whether secondary dwelling units should be permitted on a per lot basis or per primary dwelling;
- The per lot approach limits unintended density increases particularly with lots with multiple dwellings; and
- The Temporary Use Permit Review project addresses immediate housing needs and staff recommend it continue independently from the broader Housing Review project as combining them could delay progress on the development of secondary dwellings.

Discussion ensued and the following comments were noted:

- Trustee Graham stated he would not comment as he lives on a property that contains multiple dwellings;
- The Planner clarified further analysis could be done on properties that might require site-specific zoning, and information would be sent to property owners once any additional areas allowing secondary suites were identified.

DE-2024-007

It was MOVED and SECONDED

that 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.

CARRIED

DE-2024-008

It was MOVED and SECONDED

that 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.

CARRIED

10.2 Minor Project Prioritization - Staff Report

The Planner indicated the staff report summarizes four potential minor projects currently listed on the Local Trust Committee’s Future Projects list as well as a proposed new minor project that aligns with the major housing review project already underway.

The potential new project would seek to accomplish the following:

- Update the Official Community Plan to better reflect community needs and integrate First Nation perspectives;
- Collaborate with K’ómoks First Nation to incorporate their values, history, and priorities into the Official Community Plan preamble;
- Update the Official Community Plan with the most recent demographic and housing needs data; and
- Coordinate outreach with the ongoing Housing Review project to align efforts to educate the community of First Nation land use priorities.

Trustees noted it is a timely project that aligns with the Housing Review project.

DE-2025-009

It was MOVED and SECONDED

that Denman Island Local Trust Committee request staff prepare a project charter for the OCP Technical and First Nations Updates minor project, with scope and objectives as defined by the Local Trust Committee.

CARRIED

10.3 Major Project: Denman Housing Official Community Plan and Land Use Bylaw Review Project - verbal update

The Planner stated bylaws were being drafted and would be ready for review in March, 2025 and the Suitable Land Analysis, which will inform areas where expansion of accessory dwellings could be permitted, will be completed at the end of January.

DE-2025-010

It was MOVED and SECONDED

that Denman Island Local Trust Committee schedule an electronic special meeting in February to review the suitable land analysis.

CARRIED

11. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

12. NEW BUSINESS - none

13. STAFF REPORTS

13.1 Trust Conservancy Report - none

13.2 Applications Report dated January 14, 2025
Received for information.

13.3 Trustee and Local Expense Report dated November, 2024
Received for information.

13.4 Adopted Policies and Standing Resolutions
Received for information.

13.5 First Nations Relationship Building Update - none

13.6 Local Trust Committee Webpage
No updates requested.

14. WORK PROGRAM

14.1 Active Projects Report dated January 14, 2025
Received for information.

14.2 Future Projects Report dated January 14, 2025
Received for information.

15. UPCOMING MEETINGS

**15.1 Next Regular Meeting Scheduled for Tuesday, March 18, 2025 at 10:00 am at
Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

16. ADJOURNMENT

By general consent, the meeting was adjourned at 11:45 a.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Islands Trust

PUBLIC HEARING

DENMAN ISLAND LOCAL TRUST COMMITTEE

March 18, 2025

Denman Activity Centre, Denman Island

Public Hearing Submissions Placeholder

Patricia Willis

Denman Island

BC CANADA

December 6, 2024

Denman Island Local Trust Committee

Re: Public Hearing – Dec. 10, 2024 - Bylaw 248

I am writing in my own capacity. I continue to be perplexed about the LTC's intention to remove the Density Bank from the OCP. As you are aware, Denman Conservancy Association (DCA) is making application to rezone 4 parcels to Conservation, and we had alerted the LTC that DCA wished to see the 4 densities transferred to the Density Bank in support affordable housing.

Related to this application, a Staff Report, dated December 10, 2024 - File No: PLRZ20240055 (Denman Conservancy) states: "The minimum lot area permitted by subdivision in the CN zone is 64 hectares, meaning none of the subject properties will have any subdivision potential under this zoning. Additionally, with the transition to the Conservation Zone, **density will be lost, as there is no longer a density bank.**" This, of course, is not the case. The purpose of the Public Hearing on December 10 "... is to hear comments regarding Proposed Bylaw No. 248 and 249," meaning the Density Bank remains in the OCP at this time.

The implication of the Staff Report is that the donation of these densities to support affordable housing will simply disappear into thin air, contrary to the goals of the Housing Project and DCA's intentions.

Following links, I have read all the documents related to the Housing Project. Justification for the OCP amendment to remove the Density Bank (bylaw 248) remains scanty.

There are a few comments about the Density Bank in some documents, for example:

1. "Denman Island Housing Review – Recommendations Report" (March 2023) "2.8 Adjust the density bank baseline to reflect reality or pull the ALR from the density bank entirely."
2. Staff Report of June 6, 2023 (File No.: 12-02-6500-20-2022) states: "The density bank is unique to Denman and can be a useful tool in limiting and redirecting density. The Residential Density Bank Chart in OCP needs to be updated with numbers in standing resolution. It may be useful to identify an alternative way to record changes in density bank beyond standing resolutions that do not require OCP amendment. Density allocations specifically for affordable, First Nations and other specific needs could be considered. Currently secondary suites are not

deemed to contribute to density extending this to smaller secondary dwellings could be considered.”

3. Staff Report of May 7, 2024 “Removal of the TUP requirement may bring a number of ADUs into compliance and/or potentially encourage the development of more. Given this, as part of this minor project, the LTC will need to make a decision as to whether they want to remove or revise the Residential Density Bank policies. Revising the Density Bank would require analysis of options. However, if the residential density bank is removed as part of the minor project, the development of an alternative density bank option could be addressed as a minor project.”

4. Staff comments August 13, 2024 (File No.: 6500-20) “The residential density bank in the Denman Island Official Community Plan (OCP) was designed to control residential development by accumulating, storing, and allocating density. However, it has proved administratively complex and requires careful tracking and regulation.

Additionally, the density bank has become obsolete. The Denman Island Farm Regulation Review Project has eliminated the need for Temporary Use Permits (TUPs) for secondary dwellings on Agricultural Land Reserve land, potentially already exceeding the available density in the bank. Permitting ADUs without TUPs would also expand outright density potential.”

I could not find any evidence that the LTC and/or Staff investigated possible revisions to the Density Bank such as streamlining the administrative process, revising the current Density Bank section in the OCP, updating the Residential Density Bank Chart in the OCP with numbers that reflect “reality,” identifying an alternative method to record changes in the density bank beyond standing resolutions that do not require OCP amendment, developing an alternative density bank option etc. It appears that Staff comments may have been overlooked in terms of identifying and assessing options.

In other words, will there be means for community-minded landowners to donate what are financially valuable assets (densities) to support affordable housing?

As you know, I am a supporter of the Islands Trust, having lived on Denman before its creation and I am always appreciative of your work.

Sincerely,

Patti Willis

From: HHolm [REDACTED]
Sent: Monday, December 9, 2024 3:47 PM
To: northphsub; Denman Island Local Trust Committee
Subject: Dec.9, 2024 objection to Denman LTC Public Hearing when the mail strike severely limits public access to information

Islands Trust Office and Local Trust Committee,

A Public Hearing is meant to hear from the public in matters of direct concern to the community. When was the Community Information meeting scheduled and completed?

What efforts have been made during the postal strike to reach members of the Denman Community? Many Denman residents (such as myself) are not on Facebook or similar platforms. Our two local papers have not been mailed since the beginning of the postal strike. I only heard of the Public Hearing today via a fellow islander sounding the alarm.

Critical decisions regarding the Community Plan and the Land Use Bylaw should not be shrouded in silence.

If this Public Hearing is not postponed and provision made for community engagement prior to advancing any proposed changes. I will pursue the matter via an appeal to the Office of the Ombudsperson.

Pease formally acknowledge receipt of this email.

Harlene Holm
[REDACTED], Denman Island, BC

From: Marlis McCargar
Sent: Tuesday, March 4, 2025 3:10 PM
To: Nadine Mourao; Michelle Backe
Subject: FW: Jan. Trustee Notebook and Proposed Bylaws 248/249

Please add to website under public correspondence and to the PH binder.

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

From: HHolm [REDACTED]
Sent: Monday, January 20, 2025 3:19 PM
To: David Graham <dgraham@islandstrust.bc.ca>; Sam Borthwick <sborthwick@islandstrust.bc.ca>;
Denman Island Local Trust Committee <DenmanIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Jan. Trustee Notebook and Proposed Bylaws 248/249

Hello Trustee David,

I've reread your Notebook contribution to the January *Flagstone* and would like to offer some suggestions for your March turn to write the Notebook segment, especially as that article should help inform islanders of the process and issues involved in consideration of proposed Bylaws 248 and 249.

Please

1) Provide readers with context and description for the impacted zones: R2, A, and F. For many, the letters may not convey meaning.

2) Include a reference link to the Trust website wherein housing studies reside:
<https://islandstrust.bc.ca/programs/housing-affordability/> Note that the 2008 study is not posted, the 2018 study does not seem to exist and the 2021 Census simply reports data.

3. Articulate the build out potential of Bylaw 248 and 249.

4. Disconnect the TUP failure (which is a bureaucratic reach into the Density Bank) from the existing success and potential of the Density Bank. For example, the Density Bank could support co-op housing or a co-op farm whereas doubling density per Bylaws 248/249 would solely double density on a property within the seller's market.


I cannot attend tomorrow's LTC and must urge via this email: Bylaw 248 and 249 warrant a separate Community Information Meeting in advance of a Public Hearing. Please invite community engagement to weigh the proposed changes to build out via these proposed Bylaws.

FW: Jan. Trustee Notebook and Proposed Bylaws 248/249

I have included Trustee Sam and the LTC in my email given that the LTC and Trust staff are all part of Denman residents' right to inclusion and engagement.

Thanks.

Harlene Holm



From: e muirhead [REDACTED]
Sent: Saturday, March 1, 2025 5:41 PM
To: northinfo <northinfo@islandstrust.bc.ca>
Subject: Bylaws 248 and 249

Hello Local Islands Trust Committee:

I am needing more information about the proposed Bylaws 248/249 before attending the March 18th public hearing. I understand that there will be a 30 minute presentation on March 18th before the vote. I know that 30 minutes will not be enough time for me to understand all the issues.

I insist that you organize a Denman Island community information meeting very soon.

There are too many questions surrounding the implications of these proposals; abolishing the Density Bank being one of them.

Please let me know when you can make it to Denman and I will help spread the word.

Many thanks,

Eartha Muirhead

From: Jane Fawkes [REDACTED]
Sent: Saturday, March 1, 2025 7:53 PM
To: northinfo
Subject: Denman Island

Follow Up Flag: Follow up
Flag Status: Flagged

re Bylaws 248/249.

We have been landowners on Denman since 1994. We are very concerned with the proposal to double the densities of R2 land, as we believe that in time this would increase both the value and the taxes on our land. Also we do not believe that this would be beneficial for “affordable” housing, as building costs are so high. The proposed new bylaws would only be of benefit to developers.

This is a very serious matter and should only be considered after a Community Information Meeting, when everyone has a chance to really learn how this would affect the community.

We are all aware of the present need for affordable housing, but gutting the Preserve & Protect mandate for our Island is a dangerous decision, that seems all too hasty.

Respectfully,
Jane & Patrick Fawkes.

From: John Millen [REDACTED]
Sent: Friday, March 7, 2025 4:12 PM
To: northphsub
Subject: Proposed Denman Island Bylaws 248 and 249
Attachments: Graham Lake watershed.docx

Denman Island Trustees:
please find attached my submission on the proposed Bylaws re the Public Hearing
March 18

John Millen

John Millen

Denman Island, BC

Re Proposed Denman Island Bylaws 248 and 249

The Denman Island Local Trust Cttee
northphsub@islandstrust.bc.ca

Dear Trustees,

the proposed addition of secondary housing permitted by these Bylaws on all R2 lots should not be approved without amendment as there are many Denman Island R2 lots which are clearly unsuitable for the addition of another dwelling.

1. There is a section of East Road with about 20 R2 lots, most of which are too small to support an additional residence. These lots are generally of size much less than one hectare, the minimum size for an R1 lot. There are other 'small' R2 (and 'A') lots scattered around the Island that would also seem to be too small, if the one hectare minimum size for an R1 lot is considered.

2. The proposed addition of secondary housing permitted by these Bylaws on R2 lots that are within the watershed of Graham Lake is inappropriate and should not be allowed to proceed.

Graham Lake is the source of treated, piped drinking water for 67 households along East Road. The peak demand for this water occurs in August. Maintaining the quality and quantity of this water supply should be a major concern in planning the land use in this watershed area.

Our forestry mentor Herb Hammond reminds us that "Water for human use (domestic and agriculture) comes from forests" (1)

At present, development for housing in the Graham Lake watershed has largely been respectful of the forest and watershed wetlands. However the additional driveways, land clearance and septic systems which would be inevitable if permitted housing density were to be doubled (as proposed) would inevitably degrade the state of the watershed. It might be noted that cities such as Vancouver and Victoria preclude all development of their water supply areas including prohibiting any access by the public to these areas.

Island Trust planners have started work on a 'Land Suitability for Housing' map of Denman Island. This map system needs significantly more work. Without some such guidance and the identification of R2 areas with suitable lots, these bylaws should not be passed.

Yours faithfully,



John Millen

(1) Herb Hammond, "Seeing the Forest among the Trees" 1991 Page 120

From: Wendy Boothroyd [REDACTED]
Sent: Sunday, March 9, 2025 11:59 AM
To: northphsub
Subject: Comments on Bylaws 248 and 249 for Mar 18 public meeting

March 9, 2025

Statement submitted to the March 18, 2025 Public Hearing to consider proposed Bylaws 248 and 249:

Firstly I disagree with getting rid of the Density Bank. Your predecessors spent a lot of time and thought coming up this strategy for allowing for affordable housing and the people of Denman Island continue to contribute to it. I'm thinking about Denman Conservancy's recent effort to donate an added 4 densities to the Density Bank.

With respect to the plan to allow second homes on many properties, I do not share Trustee Graham's confidence that people will not build very large homes. I think there needs to be a footprint limit and I suggest no home should exceed 1000 sq ft.

Water is always a concern on Denman and increased housing with attendant population increase will make this worse. New buildings are "less bad" if they are not surrounded by concrete and asphalt. I suggest not allowing impervious surfaces outside the house, so that rain can soak into the ground, wherever it falls.

Please address my concerns in the proposed bylaws.

Thank you
Wendy Boothroyd
[REDACTED] Denman Island

Wendy Boothroyd
www.birdyear.blogspot.com - a relic

From: Ken Madsen [REDACTED]
Sent: Monday, March 10, 2025 1:40 PM
To: northphsub
Subject: comments on bylaws 248 and 249

March 10, 2025

Statement submitted to the March 18, 2025 Public Hearing to consider proposed Bylaws 248 and 249:

I do not agree with the idea of getting rid of the Density Bank.

With respect to the plan to allow second homes on many properties, I do not share Trustee Graham's confidence that people will not build monster homes. There should be a footprint limit. No home should exceed 1000 sq ft.

Water is always a concern on Denman and increased housing with attendant population increase will make this worse. New buildings are "less bad" if they are not surrounded by concrete and asphalt. I suggest not allowing impervious surfaces outside the house, so that rain can soak into the ground, wherever it falls.

Please address my concerns in the proposed bylaws.

Thank you
Ken Madsen

[REDACTED] Denman Island
[REDACTED]

Ken Madsen
email: [REDACTED]

Bylaws 248 and 249

The Density Bank

Using the density bank to try and offset some of the increased density anticipated with the doubling of densities on about half of Denman properties is putting densities earmarked for non-market housing back into the for profit market system. The intention of the density bank was to allow for increased density only for co-op or cohousing or social housing proposals. Assuming that they will end up creating affordable rental housing is wishful thinking.

Doubling the allowable density on R2, A, F, and ALR Lands

This will simply increase the value of these properties and make property even less affordable for buyers than it is now. Expecting owners to now build a second dwelling and rent it at a price that someone on social assistance or part time minimum wage jobs can afford is unlikely. Most will be built for family members or friends or be rented seasonally or even short term outside of airbnb like platforms. It is the supply side trickle down approach that has been tried for decades in Vancouver and elsewhere. Increasing supply does not result in affordability in a market driven system when the market is far bigger than Denman Island. As long as Denman is a desirable place to live there will be pressure for more housing from both those who can afford it and those who can't. The problem is the wealth gap and poverty. Land needs to be taken off the market and social housing or co-op housing or any form of non market housing needs to be build to provide for all ranges of incomes. Or incomes at the low end increased. All of this is outside the powers and resources of local government to address.

The trust is reacting to pressure to do something, so is hoping for the best with these bylaws but the consequences are the eroding of the commitment to preserve and protect the unique natural environment. More people means more pressure on water resources, forests, and habitat.

One sure fire way to lower housing costs is to make a place unattractive, less and more expensive ferry service, fewer services, no doctors, more crime, bad weather, downzoning. I am not suggesting that this be the plan but making it more attractive to buyers and investors will not make it more affordable for owners or renters.

And down zoning is very difficult once the change is made. In fact I could foresee down the road a decade or two, there being pressure to split those lots in two. The argument would be that there are already two houses so the density isn't increased and it would make it a lot easier for two land partners or family members to go their separate ways.

This is bad legislation that will not address the problem in any significant way.

Barry Landeen

Denman Island

From: desandsandydi [REDACTED]
Date: March 14, 2025 at 9:17:14 AM PDT
To: David Maude <dmaude@islandstrust.bc.ca>
Subject: March 18 public hearing

Submission to a public hearing of the Denman Island Local Trust Committee

March 18, 2025

Re: Bylaws #185 and #186.

Submitted by Des Kennedy, [REDACTED] Denman Island

Dear LTC members,

I regret that a medical appointment prevents my attending the March 18 public hearing in person.

Firstly, the LTC deserves full credit for tackling this difficult issue and you have my thanks for that. Similarly, I appreciate the extensive and excellent work done by your Advisory Committee.

The establishment of affordable housing on Denman Island is something I wholeheartedly endorse. My partner and I have generated thousands of dollars in support of this cause.

But, regrettably, I consider the proposed revisions to Bylaws #185 and #186 seriously flawed and do not support their passage.

In my opinion, affordable housing can be reliably sustained in the long term only by having designated properties permanently removed from the real estate market. Widespread establishment of second dwellings will diminish that initiative and, by enhancing the value of subject properties, ultimately promote a gentrification of the island quite possibly indifferent to secure affordable housing.

Islanders have every good reason for apprehension about the negative consequences of a markedly increased population, as ultimately made possible by these proposed bylaw amendments. I believe they put the island's limited carrying capacity, and its rural character, at serious risk.

I firmly support the Islands Trust Policy Statement that "The overall residential density on Denman Island should generally not increase beyond that permitted by

existing zoning.....except that an increase of approximately 5% may be permitted to accommodate zoning amendments for special needs and affordable housing....”

The Islands Trust Policy Statement also includes the stipulation that “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.”

And again, “When considering zoning changes, the LTC should ensure that the proposed zoning change supports non-automotive transportation.” To now facilitate a wholesale increase in density throughout the island, thereby encouraging more vehicles travelling more miles more often, runs entirely contrary to these principles.

I do not support elimination of the residential density bank, as I believe it helps facilitate creative solutions to housing and land use patterns, as convincingly demonstrated by the CoHo Housing development.

Lastly, I maintain that any proposed increase in density should first include serious consideration of local First Nations’ historic right of occupation and the possibilities of redress for their exclusion.

Thank you.